



Interoffice Memorandum

September 19, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Andres Salcedo, P.E., Acting Director *Andres*
Planning, Environmental, and Development Services Department

CONTACT PERSON: **Alberto A. Vargas, MArch., Manager, Planning Division**
(407) 836-5802

SUBJECT: Adoption Public Hearing – October 10, 2023, Small-Scale Future
Land Use Map Amendment and Concurrent Rezoning Request
Applicant: Jordan Strasberg
SS-23-07-039 and RZ-23-08-069

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request scheduled for a Board adoption public hearing on October 10, 2023. A community meeting was not required for this request.

The subject property is located at 5308 Davisson Avenue; generally bounded by Beatrice Drive to the north, Eggleston Avenue to the west; Van Ness Street to the south, and Davisson Avenue to the east. The request is to amend the Future Land Use designation from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) and rezoning (RZ-23-08-069) from R-2 (Residential District) to R-2 Restricted (Residential District) to allow for a duplex on a 0.30-gross acre site.

The adoption public hearing for Small-Scale Development Amendment SS-23-07-039 and RZ-23-008-069 was conducted before the Planning and Zoning Commission / Local Planning Agency on August 18, 2023, where the request was recommended for approval.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or Jason.Sorensen@ocfl.net.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the proposed Low- Medium Density Residential (LMDR) Future Land Use Designation, and**

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to the restriction under the PZC Recommendation in the staff report. District 2

TB/JHS/sw
Attachment

C: Jon V. Weiss, P.E., Deputy County Administrator
 Joel D. Prinsell, Deputy County Attorney
 Whitney Evers, Senior Assistant County Attorney
 Roberta Alfonso, Assistant County Attorney
 Jason Sorensen, AICP, Chief Planner, Planning Division
 Olan D. Hill, AICP, Assistant Manager, Planning Division
 Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

CASE # SS-23-07-039
RZ-23-08-069

Commission District: #2

GENERAL INFORMATION

APPLICANT: Jordan S. Strasberg

OWNER: Santos & Bernardi Investment, LLC

HEARING TYPE: Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning

FLUM REQUEST: **Low Density Residential (LDR) to Low-Medium Density Residential (LMDR)**

ZONING REQUEST: **R-2 (Residential District) to R-2 Restricted (Residential District)**

LOCATION: 5308 Davisson Avenue; generally bounded by Beatrice Drive to the north, Eggleston Avenue to the west; Van Ness Street to the south, and Davisson Avenue to the east.

PARCEL ID NUMBER: 03-22-29-5844-00-221

TRACT SIZE: 0.30-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy-four (174) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this request.

PROPOSED USE: Up to two (2) dwelling units (duplex)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the proposed Low- Medium Density Residential (LMDR) Future Land Use Designation and

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to the following restriction:

1. Development shall be restricted to a maximum two (2) dwelling units.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to change the future land use designation of 0.3-gross acre from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) to allow for the construction of one (1) duplex. The subject property was zoned R-2 in 1964, the current zoning district permits a duplex or triplex, however the future land use designation needs to be amended to allow an increase in density. The current future land use allows only a maximum one (1) dwelling unit.

The subject property currently vacant. The dwelling unit was demolished in 2019 and in 2022 a building permit for a triplex was applied for. Prior to the approval of any development permits for residential homes a Future Land Use Amendment and Concurrent Rezoning are required to be approved.

The surrounding area of the subject property consists of single-family homes and duplexes. The property located south of the subject property is developed with a duplex on a 65-foot-wide lot. Since the zoning of R-2 would allow for a triplex and there are no triplexes in the area, staff determined that in order to achieve compatibility, staff is recommending approval of the proposed Low-Medium Density Residential (LMDR) Future Land Use Designation and R-2 Restricted (Residential District) zoning, subject to the restriction of allowing only the development of up to two dwelling units.

Land Use Compatibility

The Low-Medium Density Residential (LMDR) Future Land Use would allow for development and proposed R-2 Restricted zoning is consistent with the proposed Future Land Use.

Site Analysis

Rural Settlement

The subject property is not located in a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not in a JPA.

Overlay District Ordinance

The subject property is not in an overlay district.

Airport Noise Zone

The subject property is not in an Airport Noise Zone.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential). The proposed Low-Medium Density Residential (LMDR)

zoning is consistent with R-2 (Residential District) zoning. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use

Vacant Residential

Adjacent Zoning

N: Low Density Residential (LDR)

E: Low Density Residential (LDR)

W: Low Density Residential (LDR)

S: Low Density Residential (LDR)

Adjacent Land Uses N: Single-Family Residence
 E: Single-Family Residence
 W: Single-Family Residence
 S: Duplex

R-2 (Residential District) Development Standards

One-Family Dwelling

Min. Lot Area: 4,500 sq. ft.
Min. Lot Width: 45 ft.
Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.
Building Setbacks:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 ft.

Two Dwelling Units

Min. Lot Area: 8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width: 80 ft. / 90 ft.
Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. / 1,000 sq. ft.
Building Setbacks:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 85 ft. (attached units only)
Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit
Building Setbacks:
 Front: 20 ft.
 Rear: 30 ft.
 Side: 10 ft.
 Side Street: 15 ft.

Four or More Dwelling Units

Min. Lot Area: 15,000 sq. ft.
Min. Lot Width: 85 ft.
Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit
Building Setbacks:
 Front: 20 ft.

Rear: 30 ft.
Side: 10 ft. (30 ft. where adjacent to single-family)
Side Street: 15 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Intent, Purpose, and Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

Environmental

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for individual determination and details of this advanced septic treatment system requirement.

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

Two homes is de minimus.

Schools

Two homes is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Winter Park

Wastewater: Winter Park

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within City of Winter Park Water and Wastewater Service Area.

City of Winter Park Utilities Review Comments:

This location is currently on septic. Connection to City of Winter Park wastewater lines is not required.

This property is within Orange County Utilities Reclaimed Water Service Area. In accordance with Orange County Code Chapter 37:

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

**Planning and Zoning Commission (PZC) / Local Planning Agency (LPA)
Recommendation – August 17, 2023**

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the proposed Low- Medium Density Residential (LMDR) Future Land Use Designation and

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to the following restriction:

1. Development shall be restricted to a maximum two (2) dwelling units.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the proposed Low- Medium Density Residential (LMDR) Future Land Use Designation and make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to one restriction.

The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that one hundred seventy-four (174) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Spears and seconded by Commissioner Arrington to recommend ADOPTION of the proposed Low-Medium Density Residential (LMDR) and APPROVAL of the requested R-2 Restricted (Single-Family Dwelling District), subject to the restriction of maximum two (2) dwelling units on the subject property. The motion carried unanimously.

Motion / Second

Gordon Spears / Michael Arrington

Voting in Favor

Gordon Spears, Michael Arrington, David Boers, Eduardo Fernandez, Nelson Pena, Evelyn Cardenas, Camille Evans

Absent

George Wiggins, Walter Pavon


SS-23-07-039 & RZ-23-08-069



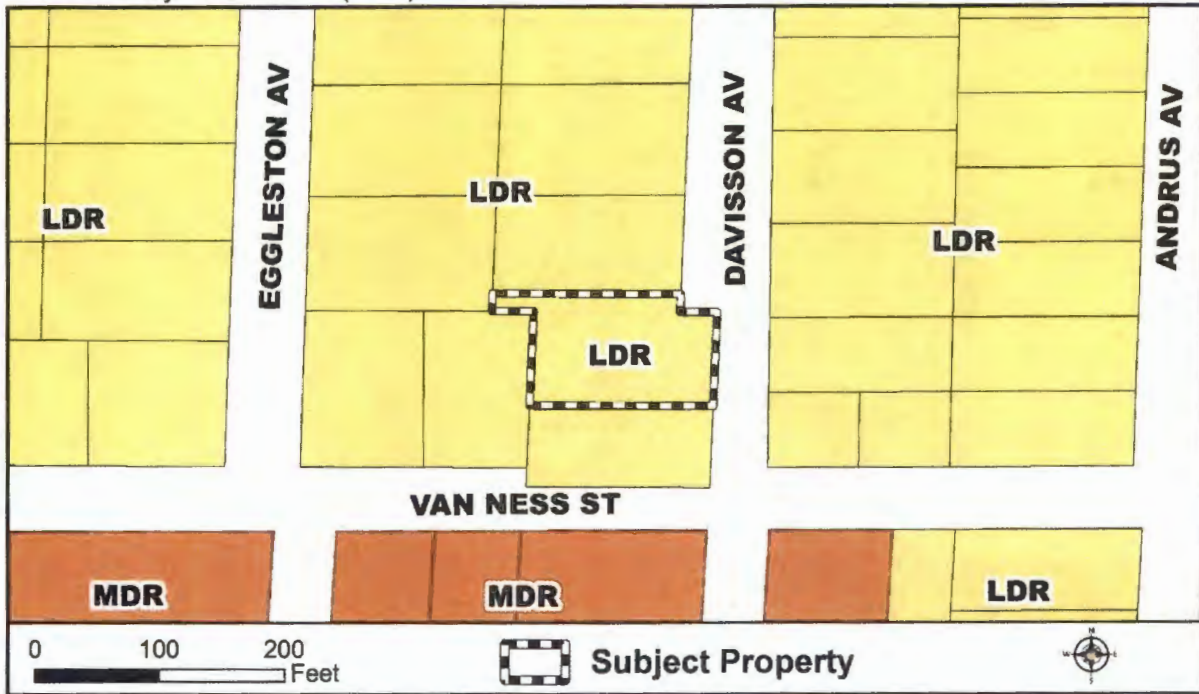
 Subject Property



0 75 150 Feet



FUTURE LAND USE – CURRENT
Low Density Residential (LDR)

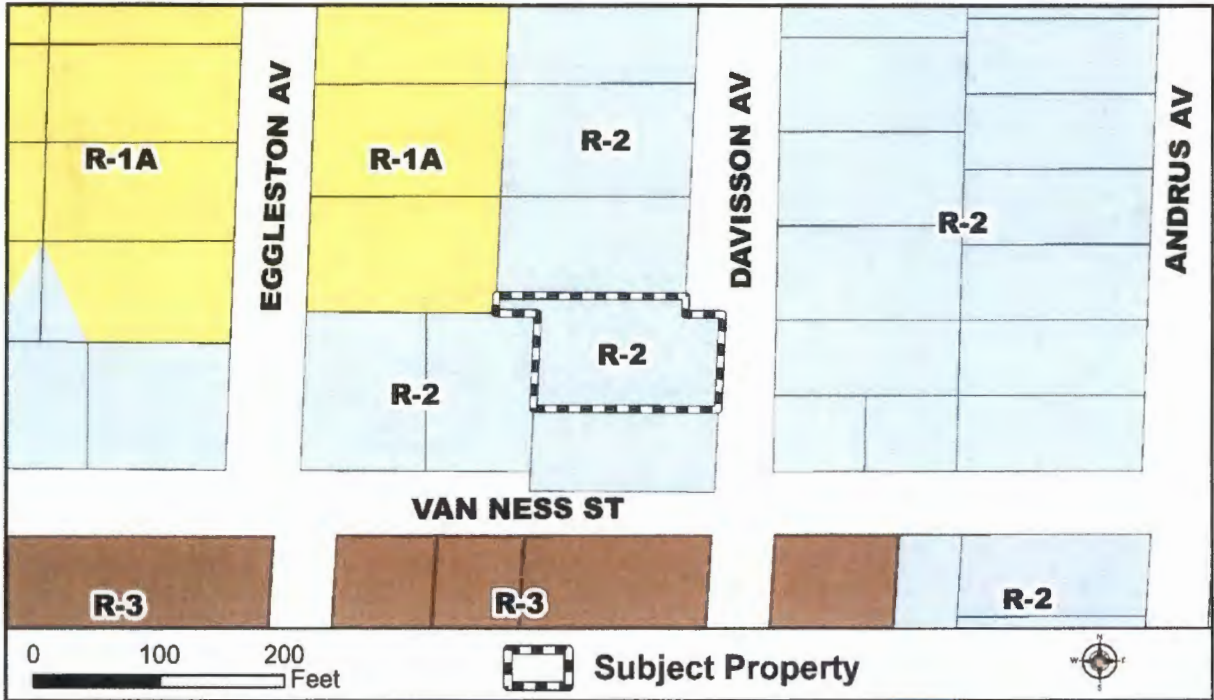


FUTURE LAND USE – PROPOSED
Low-Medium Density Residential (LMDR)



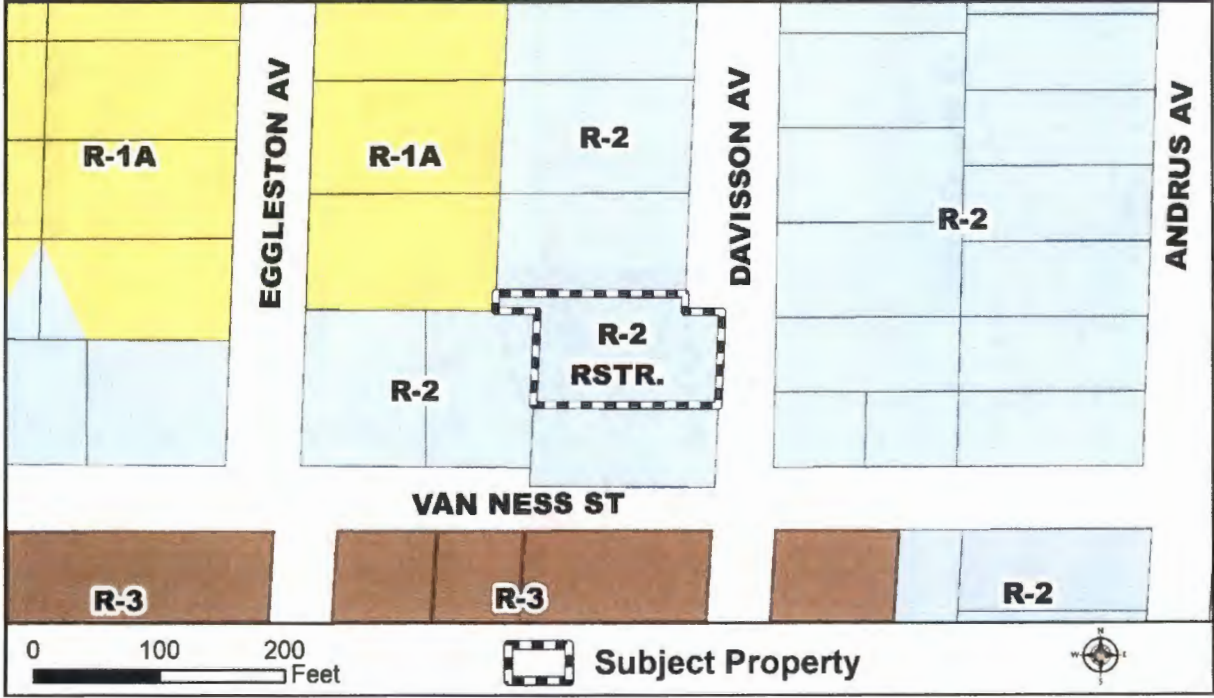
ZONING – CURRENT

R-2 (Residential District)



ZONING – PROPOSED

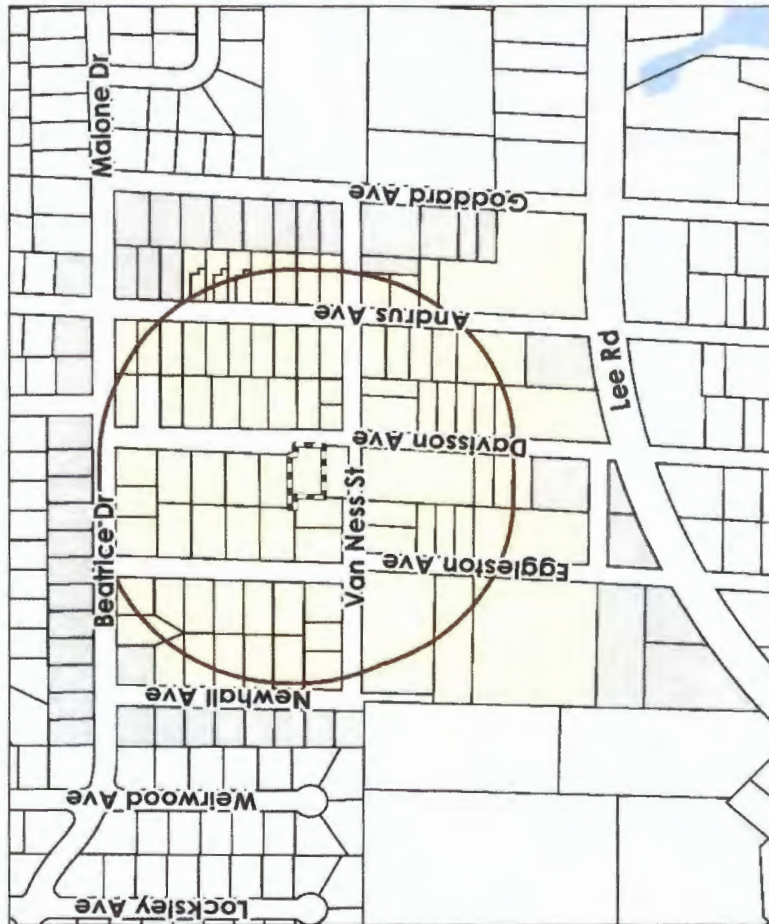
R-2 Restricted (Residential District)



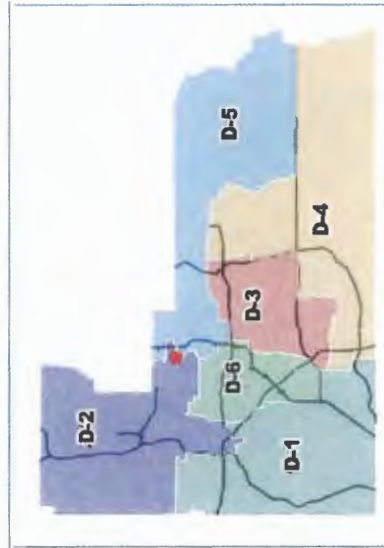
NOTIFICATION MAP

Public Notification Map

SS-23-07-039



BUFFER DISTANCE: 500
 # OF NOTICES: 174



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ORDINANCE NO. 2023-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan;

c. On October 10, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

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* * *

33 **Section 4. Effective Dates for Ordinance and Amendment.**

34 (a) This ordinance shall become effective as provided by general law.

35 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development

36 amendment adopted in this ordinance may not become effective until 31 days after adoption.

37 However, if an amendment is challenged within 30 days after adoption, the amendment that is

38 challenged may not become effective until the Department of Commerce or the Administration

39 Commission issues a final order determining that the adopted amendment is in compliance.

40 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning

41 changes approved by the Board are contingent upon the related Comprehensive Plan amendment

42 becoming effective. Aside from any such concurrent zoning changes, no development orders,

43 development permits, or land uses dependent on this amendment may be issued or commence

44 before the amendment has become effective.

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47 ADOPTED THIS 10th DAY OF OCTOBER, 2023.

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49

ORANGE COUNTY, FLORIDA

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By: Board of County Commissioners

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By: _____

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Jerry L. Demings

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Orange County Mayor

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58 ATTEST: Phil Diamond, CPA, County Comptroller

59 As Clerk to the Board of County Commissioners

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By: _____

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Deputy Clerk

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-23-07-039	Low Density Residential (LDR)	Low-Medium Density Residential (LMDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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