

ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE SS-20-07-042

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY
COMMISSIONERS

SEPTEMBER 1, 2020
ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





2020 Interoffice Memorandum

September 1, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

THROUGH: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department

SUBJECT: Adoption Public Hearings – 2020-2 Small-Scale Development Amendment and Concurrent Rezoning Request

The 2020-2 **Small-Scale Development** Amendment and concurrent rezoning request RZ-20-07-043 are scheduled for a BCC adoption public hearing on September 1, 2020. The adoption public hearings were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on July 16, 2020. The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2020-2 Small-Scale Development Amendment scheduled for consideration on September 1, 2020 entails one Privately-Initiated Future Land Use Map Amendment located in District 4 which has a concurrent rezoning request. If the BCC 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 the 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, Current Planning Section, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

AAV/sw

Enc: 2020-2 Small-Scale Development Amendment BCC Adoption Staff Report

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Erin Hartigan, Assistant County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Eric P. Raasch, AICP, Planning Administrator, Planning Division
Read File

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SMALL SCALE AMENDMENTS & CONCURRENT REZONING PUBLIC HEARINGS

SS-20-07-042 & RZ-20-07-043

District 4.....1

TABLE OF HEARINGS
 Board of County Commissioners
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<u>Case # Applicant</u>	<u>Request</u>	<u>Commission District</u>	<u>Recommendations Staff</u>	<u>PZC</u>	<u>BCC Hearing Required</u>
I. SMALL SCALE AMENDMENTS & CONCURRENT REZONING PUBLIC HEARINGS					
SS-20-07-042 & RZ-20-07-043 Rosa Celestina Contreras Lopez and Estuardo Jose Romero Morales	<i>PD to LDR</i> & <i>A-2 to R-1AAA</i>	4	Adopt & Approve	Adopt (9-0) & Approve (7-2)	Yes

SMALL-SCALE DEVELOPMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the proposed Small-Scale Development Amendment to the Future Land Use Map (FLUM) and Comprehensive Plan (CP) (SS-20-07-042) and concurrent rezoning request (RZ-20-07-043). The adoption public hearings were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on July 16, 2020, and are scheduled before the BCC on September 1, 2020.

The Small-Scale Development Amendment scheduled for consideration on September 1 entails one privately-initiated Future Land Use Map Amendment located in District 4 which has a concurrent rezoning request. If the BCC 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 the amendment.

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GENERAL INFORMATION

APPLICANT	Rosa Celestina Contreras Lopez
OWNERS	Rosa Celestina Contreras Lopez & Estuardo Jose Romero Morales
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	PD (Planned Development) to LDR (Low Density Residential)
ZONING REQUEST	A-2 (Farmland Rural District) to R-1AAA (Residential Urban District)
LOCATION	500 Sunflower Trail; or generally located on the west side of Sunflower Trail, approximately 425 feet north of Hidden Gem Way.
PARCEL ID NUMBER	30-22-32-0000-00-008
TRACT SIZE	1.56 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 and eight (108) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was not required.
PROPOSED USE	Three (3) single-family residential lots

STAFF RECOMMENDATIONS

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the LDR (Low Density Residential) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the R-1AAA (Residential Urban District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Amendment to change the Future Land Use Map designation of the 1.56 acre subject property from PD (Planned Development) to LDR (Low Density Residential) and to rezone from A-2 (Farmland Rural District) to R-1AAA (Residential Urban District) in order to create three (3) single-family residential lots.

The subject property is a 230-foot wide, unplatted lot, located on the west side of Sunflower Trail. Across the street to the east is the Sunflower Trail Rural Settlement. The immediate surrounding area is developed with single-family residences on lots varying from fifty (50) feet in width to one hundred ten (110) feet in width. The PD land use designation on the property relates to the Partin Ridge PD that was approved in 2005. However, the subsequent PD rezoning for the Partin Ridge development did not include the subject property. As a result, the existing future land use and zoning on the subject property is inconsistent.

Existing Development Program

The property's A-2 (Farmland Rural District) zoning is inconsistent with the PD (Planned Development) Future Land Use Map designation, therefore a change in both zoning and future land use is required in order to subdivide the property into three single-family residential lots. The property is currently developed with a single-family residential unit.

Proposed Development Program

The proposed R-1AAA zoning with the Future Land Use Map designation of Low Density Residential will allow the applicant to do low density residential type uses, such as single-family homes. If this request is approved, it will allow consideration for a maximum of three (3) units, on lots with a minimum size of ½ acre and lot widths of ninety-five (95) feet minimum.

Land Use Compatibility

The LDR Future Land Use and R-1AAA zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying CP Future Land Use Map (FLUM) designation of the subject property is PD (Planned Development), which is inconsistent with the underlying A-2 (Farmland Rural District). However, the proposed R-1AAA (Residential Urban District) zoning is consistent with the proposed LDR (Low Density Residential) FLUM designation. 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.

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.

FLU8.2.11 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 Undeveloped / Single-Family Residential

Adjacent	Future Land Use	Zoning
North	PD (Planned Development)	A-2 (Farmland Rural District)
South	PD (Planned Development)	P-D (Planned Development)
East	LDR (Low Density Residential)	R-T-2 (Combination Mobile Home & Single-Family Residential District)
West	PD (Planned Development)	A-2 (Farmland Rural District) & P-D (Planned Development)

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Adjacent Land Uses N: Single-Family Residential
 E: Single-Family Residential
 W: Single-Family Residential
 S: Single-Family Residential

R-1AAA (Urban Residential District) Development Standards

Min. Lot Area: 14,520 sq. ft.
 Min. Lot Width: 95 ft.
 Max. Height: 35 ft.
 Min. Floor Area: 1,500 sq. ft.

Building Setbacks

Front: 30 ft.
 Rear: 35 ft.
 Side: 10 ft.

Intent, Purpose, and Uses

The intent and purpose of the R-1AAA residential urban district is to provide for single-family homes of a low density within the existing or planned urban service area.

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

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below table
Transportation / Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff’s Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

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All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations may apply. Reference Orange County Code Chapter 15, Article XI, Section 15-440 for applicability and Section 15-442 for regulations.

Community Meeting Summary

A community meeting was not held for this application, rather a Project Informational Presentation (PIP) was provided to the public, via the County's website from June 30th to July 15th, with additional information on the requested applications and to provide public feedback. One (1) response in opposition was received with no cited reasons for the opposition.

Utilities

Water:	Orange County Utilities	30-inch water-main is located within Sunflower Trail right-of-way
Wastewater:	Orange County Utilities	This project will be reliant on on-site waste disposal (septic tanks).
Reclaim Water:	Orange County Utilities	Not currently available

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.

Small-Scale Amendment & Rezoning Staff Report
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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) Recommendation – (July 16, 2020)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested LDR (Low Density Residential) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA (Residential Urban District) zoning.

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 APPROVAL of both applications for the requested LDR (Low Density Residential) Future Land Use designation, and the R-1AAA (Residential Urban District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred and eight (108) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received two (2) commentaries in opposition to the request, and zero (0) in favor. Zero (0) members of the public were present to speak on this request.

After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, the following motions were made:

Future Land Use Map Amendment

A motion was made on the Future Land Use Map Amendment (SS-20-07-042) by Commissioner Nazario, and seconded by Commissioner Dunn to recommend APPROVAL of the requested LDR (Low Density Residential) Future Land Use designation. The motion carried on a 9-0 vote.

Motion / Second

Carlos Nazario / Jimmy Dunn

Voting in Favor

Carlos Nazario, Jimmy Dunn, Diane Velazsquez, Mohammed Abdallah, Evelyn Cardenas, Eddie Fernandez, JaJa Wade, Nelson Pena and Gordon Spears

Voting in Opposition

None

Absent

None

Small-Scale Amendment & Rezoning Staff Report
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Rezoning

A motion was made on the rezoning application (RZ-20-07-043) by Commissioner Nazario, and seconded by Commissioner Wade to recommend APPROVAL of the requested R-1AAA (Residential Urban District) zoning designation. The motion carried on a 7-2 vote.

Motion / Second

Carlos Nazario / Jaja Wade

Voting in Favor

Carlos Nazario, Jimmy Dunn, Mohammed Abdallah, Evelyn Cardenas, Eddie Fernandez, JaJa Wade, and Nelson Pena

Voting in Opposition

Gordon Spears and Diane Velazsquez

Absent

None

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 Subject Property  Rural Settlements Orange County
 Urban Service Area

FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



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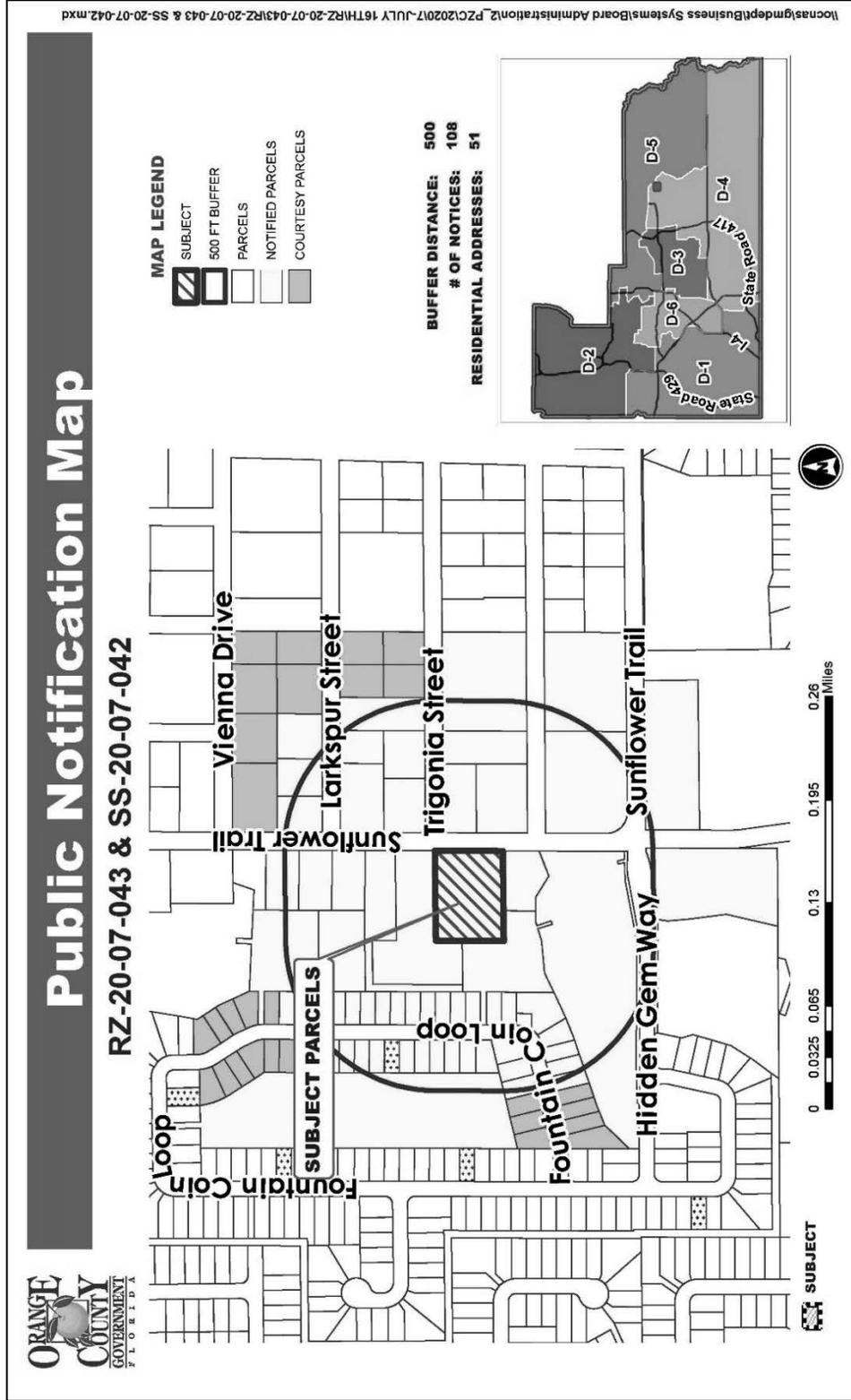
ZONING - CURRENT



ZONING - PROPOSED



Notification Map



ORDINANCE NO. 2020-_____

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 SMALL SCALE DEVELOPMENT AMENDMENTS 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; and

c. On September 1, 2020, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

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

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2020-1-S-1-4</u> <u>Sheen Villas</u>	<u>Resort/Planned</u> <u>Development (R-PD)</u>	<u>Up to 40 resort units with an approved CAI</u> <u>Up to 32 resort units without an approved CAI</u>	<u>2020-</u> <u>[insert ordinance number]</u>

52 Such policy allows for a one-time cumulative density or intensity differential of 5% based on
53 ADT within said development program.

54 * * *

55 *Section 5. Effective Dates for Ordinance and Amendments.*

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

57 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
58 amendments adopted in this ordinance may not become effective until 31 days after adoption.
59 However, if an amendment is challenged within 30 days after adoption, the amendment that is
60 challenged may not become effective until the Department of Economic Opportunity or the
61 Administration Commission issues a final order determining that the adopted amendment is in
62 compliance.
63

64 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
65 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
66 becoming effective. Aside from any such concurrent zoning changes, no development orders,
67 development permits, or land uses dependent on any of these amendments may be issued or
68 commence before the amendments have become effective.

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70 ADOPTED THIS 1st DAY OF SEPTEMBER, 2020.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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81 ATTEST: Phil Diamond, CPA, County Comptroller

82 As Clerk to the Board of County Commissioners

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86 By: _____

87 Deputy Clerk

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENTS

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2019-2-S-1-2	Activity Center Residential (ACR)	Planned Development-Medium Density Residential (PD-MDR)
2020-1-S-1-4	Resort/Planned Development (R/PD)	Resort/Planned Development (R/PD)
2020-1-S-2-2	Office (O)	Low Medium Density Residential (LMDR)
2020-1-S-5-1	Medium Density Residential (MDR)	Commercial (C)
SS-20-07-042	Planned Development (PD)	Low Density Residential (LDR)

*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.

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