




Interoffice Memorandum

April 27, 2021

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

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

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

SUBJECT: Adoption Public Hearing – April 27, 2021 Small-Scale Future Land Use
Map Amendment SS-21-03-008

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on April 27, 2021. The adoption public hearing for Small-Scale Development Amendment SS-21-03-008 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on March 18, 2021.

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 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, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

JVW/AAV/JAH

Enc: Small-Scale Development Amendment BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy 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



ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE

MONTHLY

AMENDMENT

SS-21-03-008

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

APRIL 27, 2021

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



Case Planner:
John Harbilas

Small-Scale Amendment Staff Report
Orange County Planning Division
BCC Hearing Date: April 27, 2021

CASE # SS-21-03-008

Commission District: #2

GENERAL INFORMATION

APPLICANT	Steven Thorp
OWNER	Orange County School Board
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	LDR (Low Density Residential) to MDR (Medium Density Residential)
LOCATION	1408 S. Central Avenue; Generally located on the west side of S. Central Avenue, north of W. 18th Street, south of W. 17th Street.
PARCEL ID NUMBER	16-21-28-6044-03-050
TRACT SIZE	0.218-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 seven (107) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on March 8, 2021, with zero (0) residents in attendance.
PROPOSED USE	Wheatley Adult Education Center Expansion (subject to Special Exception approval)

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

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

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.218-acre subject property from LDR (Low Density Residential) to MDR (Medium Density Residential) in order to adjoin with adjacent parcel to the south for future development of the Wheatley Adult Education

Center. If this request is approved, the applicant will need to apply for a Special Exception to allow the proposed use on the site. The Special Exception for the Wheatley Adult Education Center on the property to the south was approved in June, 2020.

Existing FLUM Development Program

The existing development program would allow for residential uses permitted under the existing R-3 zoning district, consistent with the LDR (Low Density Residential) land use designation. Since the R-3 zoning and LDR Future Land Use (FLU) are inconsistent, only one single-family detached home would be permitted under Policy FLU8.2.5.1 which allows for construction of one home on a lot when both the zoning and FLU are residential and the lot is legally subdivided or is a Lot of Record.

Proposed FLUM Development Program

The proposed Future Land Use Map (FLUM) designation of Medium Density Residential will allow the applicant to match the FLUM of their adjacent parcel to the south. If this request is approved, it will allow for the applicant to request Community Center / Adult Education Center uses via the Board of Zoning Adjustment. The proposed use would be consistent with the existing R-3 zoning and proposed MDR FLU.

Land Use Compatibility

The MDR Future Land Use and R-3 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"/>	

Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR), which is inconsistent with the R-3 (Multiple-Family Residential District) zoning. However, the proposed Medium Density Residential (MDR) FLUM designation is consistent with the underlying R-3 zoning. The proposed request is consistent with the following Comprehensive Plan provisions:

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.

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 Single-Family Home

Adjacent	FLUM	Zoning
North	LDR (Low Density Residential)	R-3 (Multiple-Family Dwelling District) (1976)
South	MDR (Medium Density Residential)	R-3 (Multiple-Family Dwelling District) (1976)
East	LMDR (Low Medium Density Residential)	R-3 (Multiple-Family Dwelling District) (1976)
West	LDR (Low Density Residential)	R-3 (Multiple-Family Dwelling District) (1976)

Adjacent Land Uses N: Single Family Residential
 E: Vacant / Single Family Residential
 W: Single Family Residential
 S: Vacant

R-3 (Multiple-Family Residential Dwelling District) Development Standards

Min. Lot Area: 4,500 square feet
 Min. Lot Width: 45 feet
 Max. Height: 35 feet
 Min. Floor Area: 1,000 square feet

Building Setbacks:
 Front: 20 feet
 Rear: 20 feet
 Side: 5 feet

Intent, Purpose, and Uses

The areas included in R-3 multiple-family dwelling districts are primarily residential in character. Residential uses are permitted at high population densities.

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"/>	This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Chapter 369, Part III, Florida Statutes (F.S.), and within the Wekiva Springs and Rock Springs Priority Focus Area, as established by the Florida Springs and Aquifer Protection Act, Chapter 373, Part VIII, F.S. Special area regulations may apply.
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"/>	

Community Meeting Summary

A community meeting was held on held on March 8, 2021 with zero (0) residents in attendance.

Utilities

Water: City of Apopka

Wastewater: City of Apopka

Reclaim Water: City of Apopka

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) Recommendation – (March 18, 2021)

Future Land Use Map Amendment

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

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 requested MDR (Medium Density Residential) Future Land Use Map designation. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred and seven (107) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received no comments in favor or in opposition. During public comments no member of the public was present to speak.

After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, a motion was made by Commissioner Abdallah, and seconded by Commissioner Spears to recommend ADOPTION of the requested MDR (Medium Density Residential) Future Land Use Map designation. The motion carried on an 8-0 vote.

Motion / Second

Mohammed Abdallah / Gordon Spears

Voting in Favor

Mohammed Abdallah, Gordon Spears, JaJa Wade, Trevor Sorbo, Eddie Fernandez, Carlos Nazario, Nelson Pena, and Evelyn Cardenas.

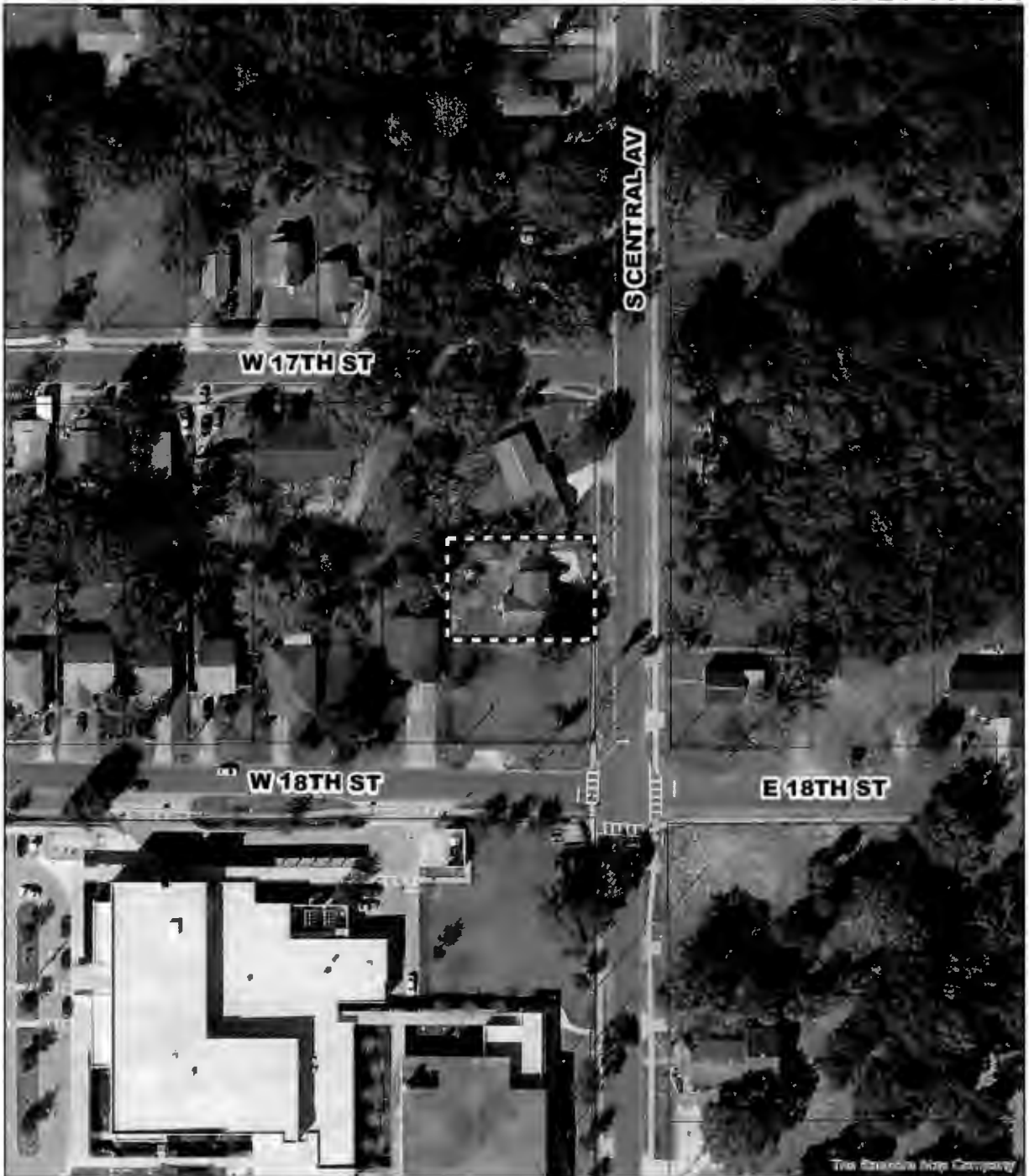
Voting in Opposition

None

Absent

Sean McQuade

SS-21-03-008

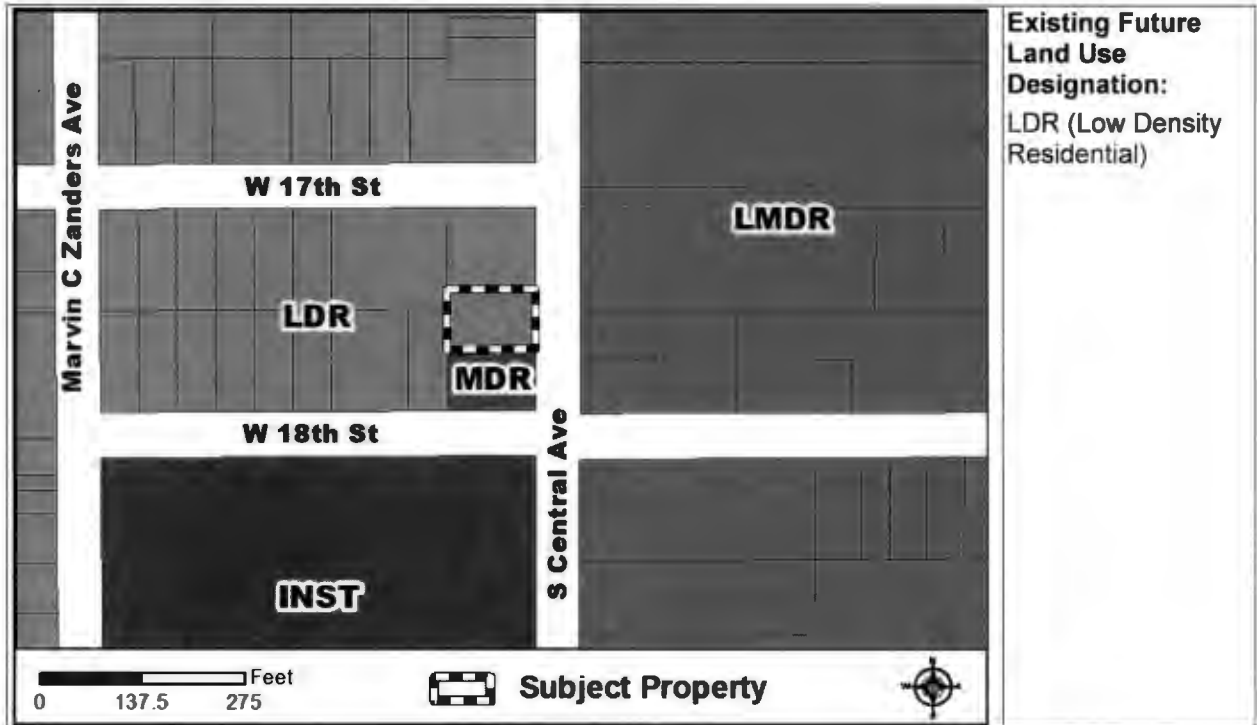


 Subject Property

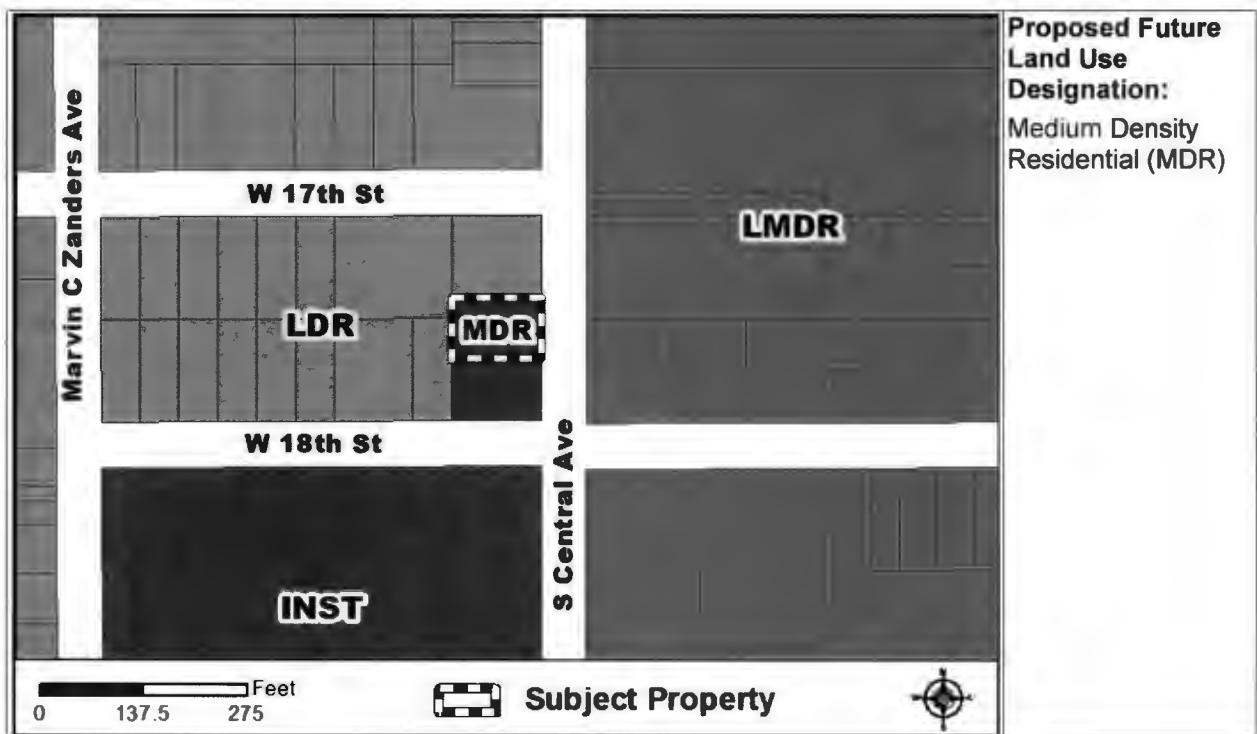


1 inch = 104 feet

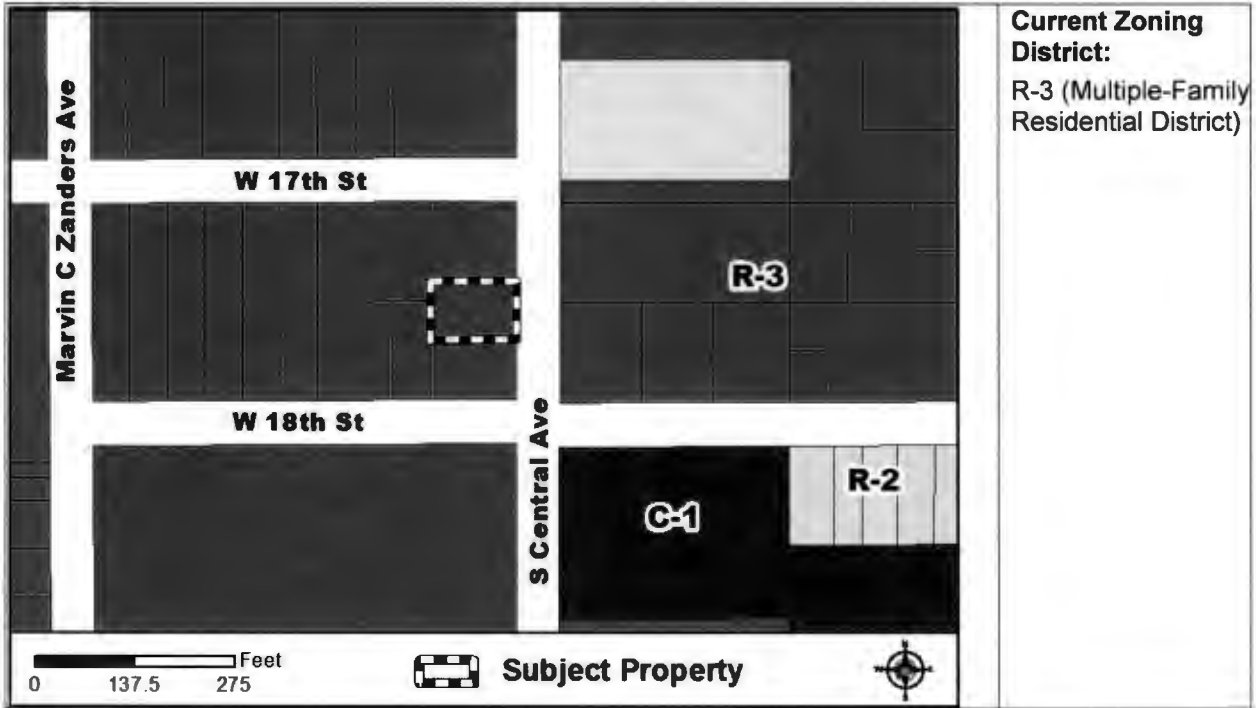
FUTURE LAND USE – CURRENT



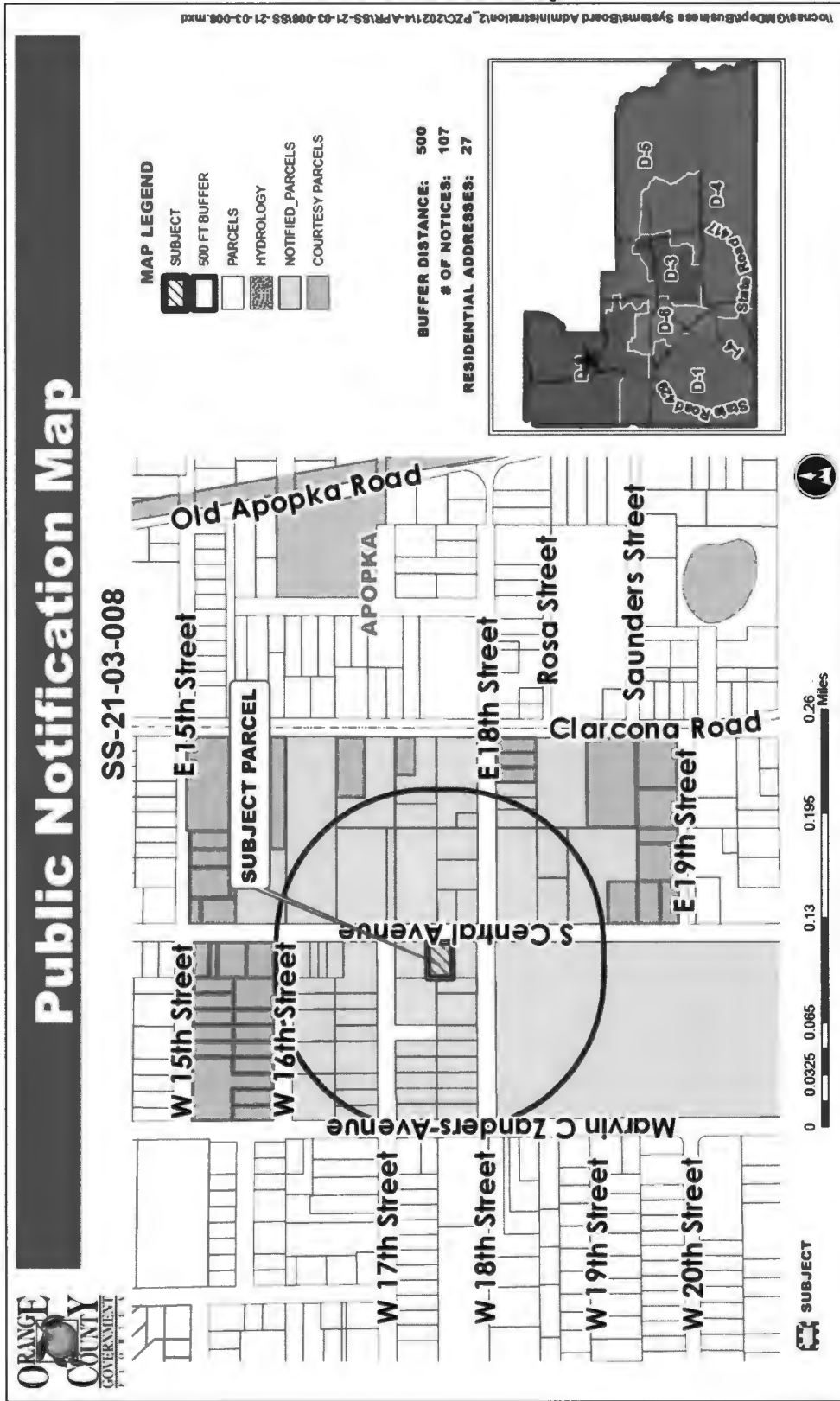
FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Notification Map



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* * *

Section 4. Effective Dates for Ordinance and Amendments.

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

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

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

ADOPTED THIS 27th DAY OF APRIL, 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
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-21-03-008	Low Density Residential (LDR)	Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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