

Applicant/Owner:

Ed Avellaneda, Civil Engineering Group, Inc. / Jesus Pagan, Jr. and Emma Soledad Garcia

Location:

5248 and 5236 Goddard Avenue; Generally located west of Goddard Avenue, south of Van Ness Street and north of Lee Road.

Existing Use:

Two single-family dwellings

Parcel ID Numbers:

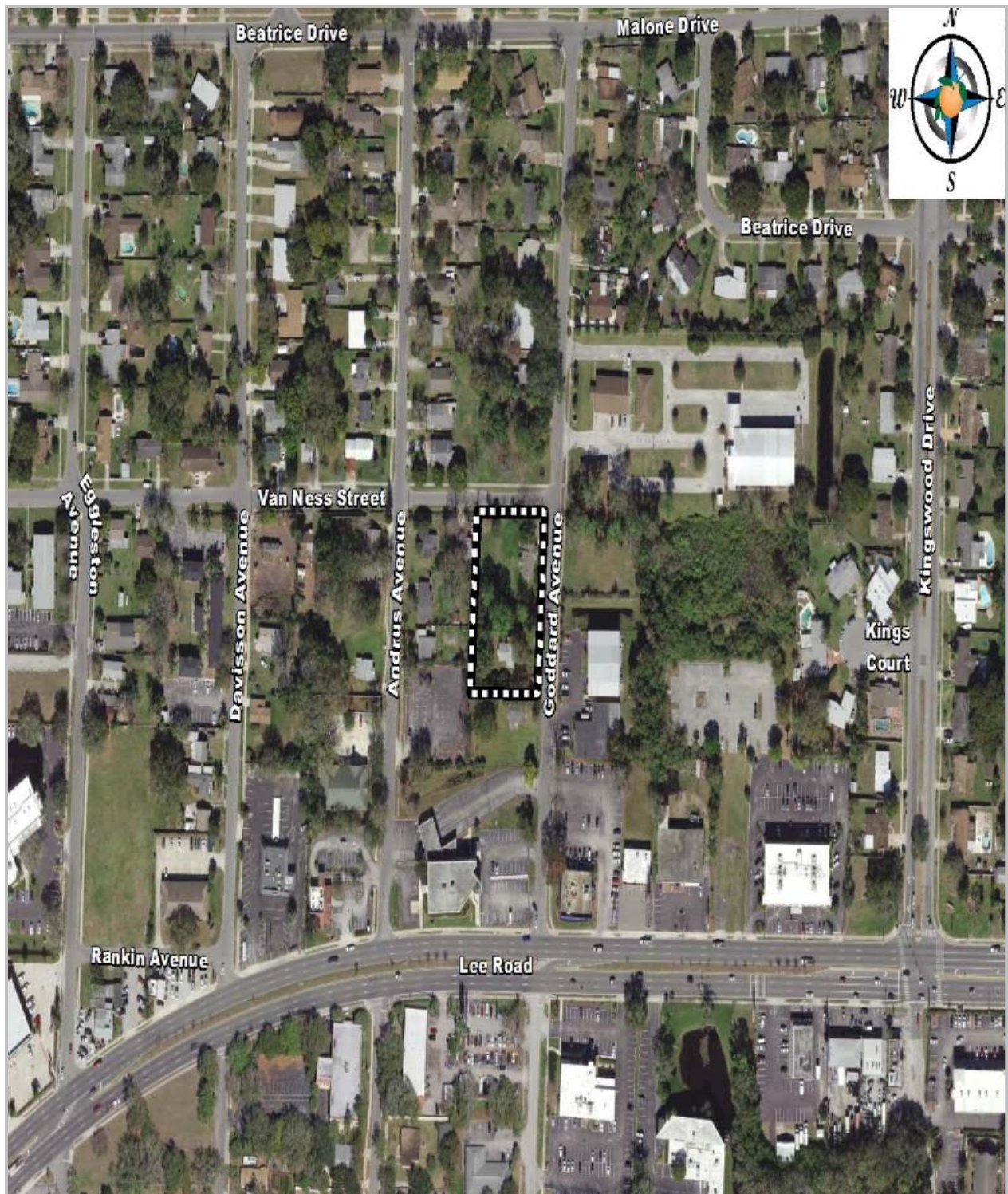
03-22-29-2628-16-040/070

Tract Size:

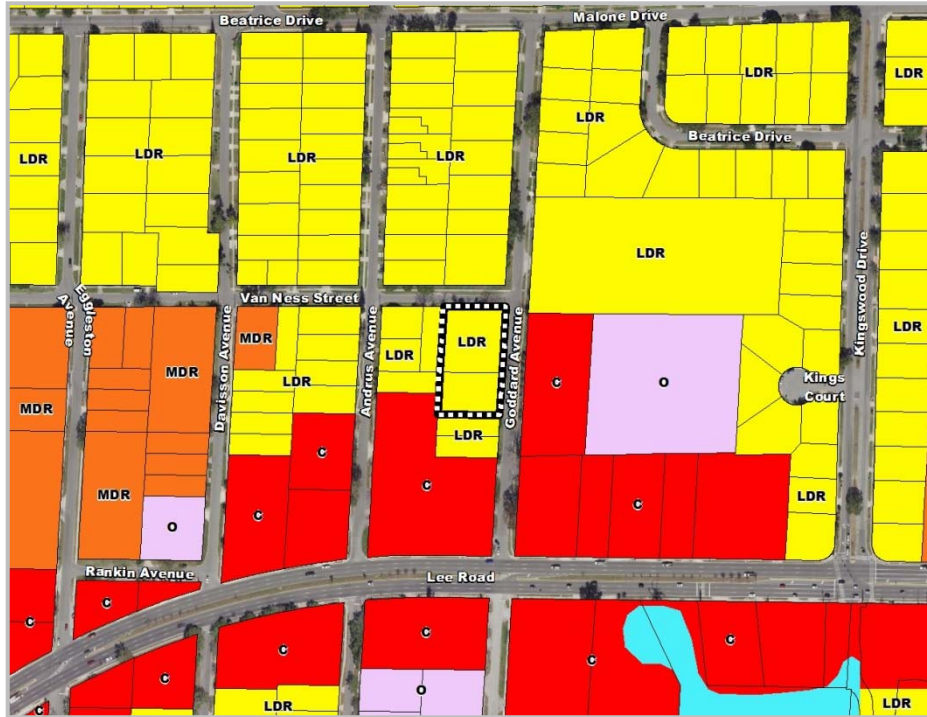
0.89 gross/net developable acre

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Low Density Residential (LDR) to Medium Density Residential (MDR)	
✓	A community meeting was held October 9, 2017, with seven (7) residents in attendance.	Negative – Attendees voiced concern about the density of the proposed project, compatibility with nearby single-family homes, traffic, safety, and the potential for increased crime.	Proposed Development Program: Up to twelve (12) multi-family residential dwelling units	
✓	Staff Report	Recommend adoption	Concurrent Rezoning: N/A	
✓	LPA Adoption Hearing	Recommend adoption (8-0)	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
	BCC Adoption Hearing	November 14, 2017	Transportation: The subject property is located within the County's Alternative Mobility Area (AMA). Per the Orange County Transportation Planning Division, the applicant will be required to include site-level mobility enhancements on the development plan for this project.	
			Environmental: The subject property is located within the Wekiva Study Area. Special area regulations may apply.	
			Schools: Per School Capacity Determination OC-17-016, there is presently sufficient capacity at the elementary and high school levels, and the proposed project will have a de minimis impact at the middle school level. No Capacity Enhancement Agreement (CEA) will be required at this time. This determination expires February 4, 2018.	

SITE AERIAL



FUTURE LAND USE



Current Future Land Use:
Low Density Residential (LDR)

Special Area Information

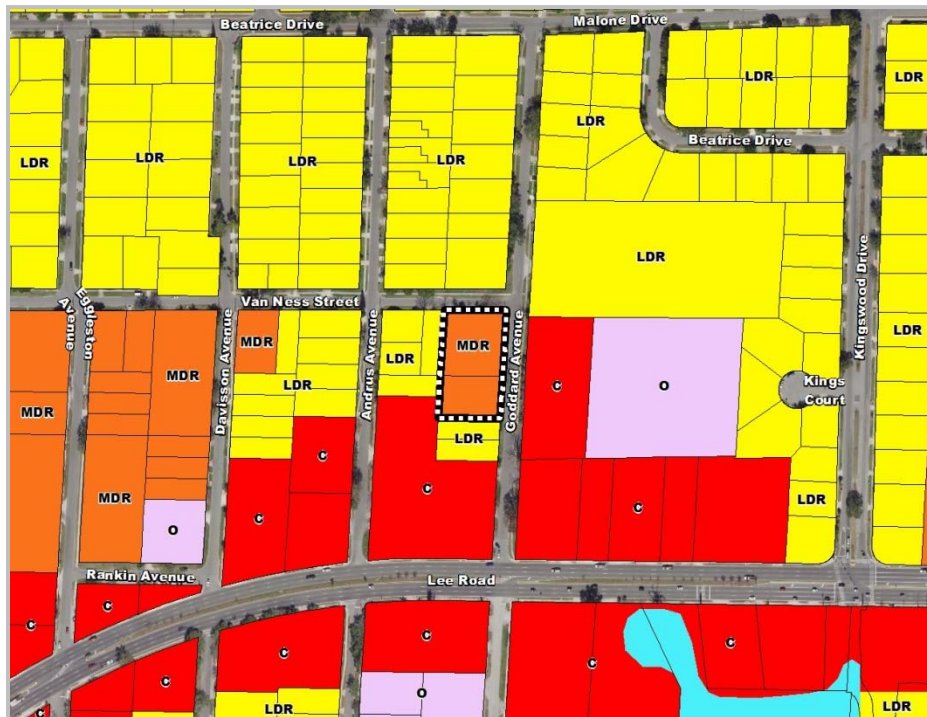
Overlay District: N/A

JPA: N/A

Rural Settlement: N/A

Airport Noise Zone: N/A

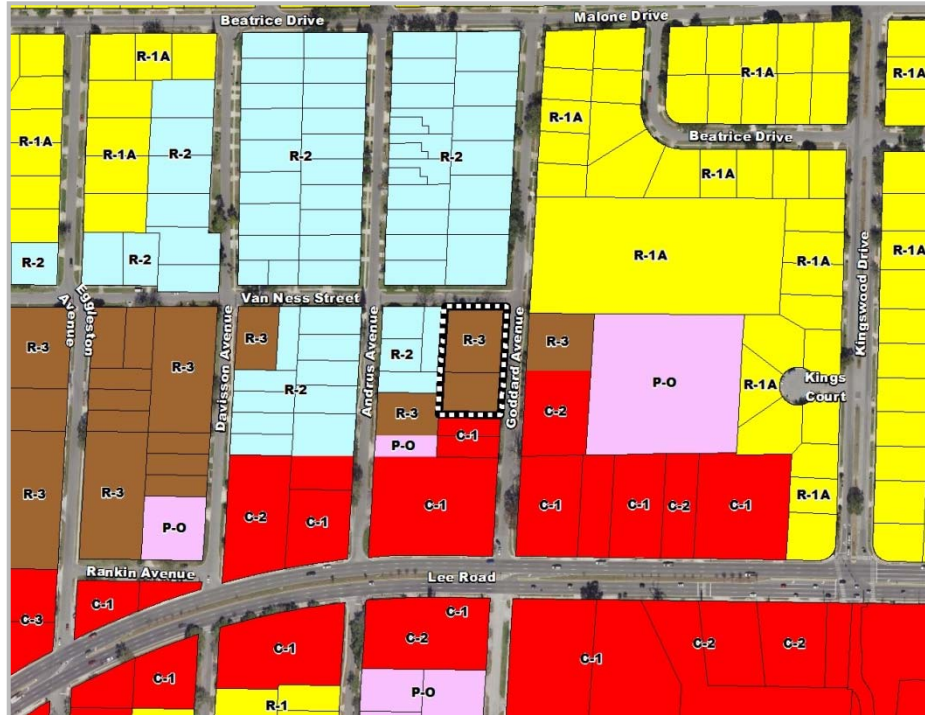
FUTURE LAND USE – PROPOSED



Proposed Future Land Use:

Medium Density Residential (MDR)

ZONING



Zoning: R-3 (Multiple-Family Dwelling District)

Existing Uses:

N: Single-family dwelling

S: Vacant commercial building

E: Florida Wholesale Florist and Jessie's Cabinets

W: Fifth Third Bank and single-family dwellings

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2017-2-S-2-4, Low Density Residential (LDR) to Medium Density Residential (MDR).

Analysis

1. Background and Development Program

The applicant, Ed Avellaneda, is seeking to change the Future Land Use Map (FLUM) designation of the 0.89-acre subject property from Low Density Residential (LDR) to Medium Density Residential (MDR). If this request is approved, it is the property owners' intent to develop a residential project featuring up to twelve (12) multi-family units. The property, comprised of two individual parcels (Parcel 03-22-29-2628-16-040 and Parcel 03-22-29-2628-16-070), is currently the site of two single-family homes. The property is situated in an area characterized by a mix of commercial, office, and institutional uses and residential development with a variety of housing types, including single-family detached homes, duplexes, and apartments. The subject parcel, which lies approximately 330 feet north of the heavily-traveled Lee Road commercial and office corridor, is bounded to the east by Florida Wholesale Florist and Jessie's Cabinets and to the south by a vacant commercial building. A single-family home borders the property to the north, and three single-family homes and a portion of the Fifth Third Bank site abut the parcel to the west.

Since December 22, 1986, the subject site has possessed the R-3 (Multiple-Family Dwelling District) zoning classification—a category that is inconsistent with its current LDR future land use designation. At this time, the applicant wishes to bring the future land use designation of the property into conformance with its R-3 zoning classification and attain the MDR category's maximum permitted density of twenty (20) dwelling units per acre, which would allow the owners to develop a twelve-unit multi-family residential community.

Staff notes that the required community meeting for this requested amendment was held on Monday, October 9, 2017, at 6:00 p.m. in the Lake Weston Elementary School cafeteria. Although the residents in attendance did not oppose the redevelopment of the site for residential purposes, they did voice concern about the density of the proposed multi-family project and compatibility with single-family homes in the surrounding neighborhood. The existing problem of speeding on neighboring roads was also addressed, as were worries about increased traffic and crime.

2. Project Analysis

Consistency

The proposed FLUM amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

The subject property is located in an urbanized area characterized by a mix of commercial, office, and institutional uses and residential activity with a variety of housing types. As discussed previously, the applicant is seeking the MDR future land use designation to allow for the redevelopment of the 0.89-acre site for a residential project featuring twelve multi-family units on an infill site within the County's Urban Service Area (USA) Boundary. Staff finds this proposal

consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. This request is also consistent with **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

Staff further finds the proposed amendment consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Staff notes that, if approved, the residential project will use infrastructure that is already in place. Per Orange County Utilities (OCU), the subject property lies within the City of Winter Park's potable water, wastewater, and reclaimed water service areas. Moreover, the project would use the existing transportation network, which serves transit riders and pedestrians, as well as automobile drivers. A LYNX bus stop is located in the immediate vicinity of the subject site, near the intersection of Lee Road and Goddard Avenue. In addition, sidewalks are currently in place along Lee Road and throughout the surrounding neighborhood to help provide for the safety of pedestrians.

Some improvements to the area's current alternative transportation infrastructure appear to be necessary, though. Due to the property's location within the Alternative Mobility Area (AMA), a Transportation Context Study was conducted by the Transportation Planning Division to determine the availability and level of connectivity among the various modes of alternative transportation in the area, including sidewalks, bicycle facilities, and transit service. The Transportation Planning Division noted that there are presently no dedicated bicycle lanes on nearby roadways to accommodate cyclists. If this proposed amendment is adopted, the applicant may be required to include site-level mobility enhancements on the subsequent site development plan for the project.

As noted earlier, the subject property is located in a neighborhood featuring a mix of single-family detached homes, duplexes, and apartments. The proposed FLUM Amendment and associated residential development program are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop up to twelve multi-family units is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. Similarly, Future Land Use Element **Policy FLU8.2.2** directs that continuous stretches of similar housing types and density of units shall be avoided. It is staff's belief that the proposed residential project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

Compatibility

The requested FLUM amendment appears to be **compatible** with the development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As discussed earlier, the subject property is located in an area

characterized by a mix of commercial, office, and institutional uses and residential development with a variety of housing types. The applicant's intent to redevelop the 0.89-acre infill parcel for twelve multi-family residential units would not be out of character for this area. It is staff's belief that the proposed project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff therefore recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental. The Environmental Protection Division (EPD) notes that the subject property is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply. In addition to the state regulations, local policies are included in the Orange County Comprehensive Plan, including, but not limited to, Future Land Use Element Objective FLU6.6, Wekiva.

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

The site discharges into the Little Wekiva Canal, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: dissolved oxygen, fecal coliform, and nutrients). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code, may increase the requirements for pollution abatement treatment of stormwater as part of the Wekiva Basin Management Action Plan (BMAP).

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. Please refer to the Orange County Code, Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal, as well as the FDOH.

Prior to demolition or construction activities associated with existing structures, the applicant shall provide EPD with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, please contact the EPD Air Quality Management staff at 407-836-1400.

Fugitive dust emissions shall not be allowed from any activity, including vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing, or handling, without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in the Orange County Code, Section 15-89.1, Air Pollution Prohibited.

The applicant shall use caution to prevent erosion along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Transportation. The subject property is located in the Alternative Mobility Area (AMA). Per Transportation Element Objective T2.3.2, the proposed development is exempt from meeting transportation concurrency requirements.

Based on trip generation estimates from the 9th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the current land use generates approximately three (3) p.m. peak hour trips, while the maximum of twelve (12) multi-family dwelling units

permitted under the requested MDR future land use designation would generate sixteen (16) new p.m. peak hour trips, resulting in a net increase of thirteen (13) trips in the p.m. peak period.

Based on LYNX's current bus schedule, transit service is available within a quarter-mile walking distance to Lee Road.

The area is well-served by an interconnected network of public sidewalks, and the proposed development will connect to this sidewalk network. However, there are no designated bicycle lanes or routes within the project's impact area to accommodate cyclists.

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning, and the applicant may be required to include site-level mobility enhancements on the development plan for this project.

Utilities. The subject site lies within the City of Winter Park's potable water, wastewater, and reclaimed water service areas.

Schools. Per School Capacity Determination OC-17-016, issued July 26, 2017, there is presently sufficient capacity at the elementary and high school levels, and the proposed project will have a de minimis impact at the middle school level. No Capacity Enhancement Agreement (CEA) will be required at this time. This determination expires February 4, 2018. Per Orange County Public Schools (OCPS), in the event this project does not receive Future Land Use Map Amendment approval by the expiration date, the applicant shall resubmit the application and application fee for reevaluation by OCPS. In addition, should the scope of the project change (e.g., modification of the proposed unit count and/or unit type), a new determination shall be required.

3. Policy References

Goal FLU2 – URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 – INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

FLU1.1.1 – Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan* (2008).

FLU8.2.1 – Land use changes shall be required to be compatible with the 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– Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

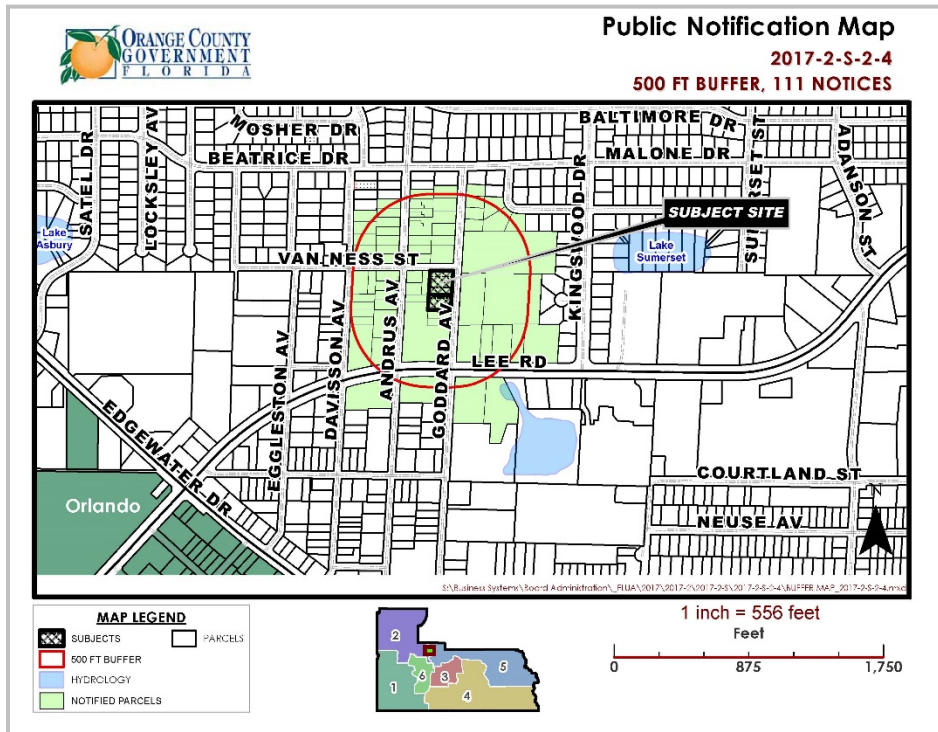
GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

Site Visit Photos

Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

PUBLIC NOTIFICATION



Notification Area:

500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

111 notices sent

