



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 *AV*

SUBJECT: Adoption Public Hearing – April 27, 2021 Small-Scale Future Land Use
Map Amendment SS-21-03-005

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-21-03-005 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/JSH

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-21-03-005

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:
James Hartsfield

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

CASE # SS-21-03-005

Commission District: #6

GENERAL INFORMATION

APPLICANT	Julian Coto, Excel Engineering Consultants
OWNERS	ACMV Investments, Inc.
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	C (Commercial) to MDR (Medium Density Residential)
EXISTING ZONING	R-3 (Multiple-Family Dwelling District)
LOCATION	N. Cottage Hill Road; generally located on the east side of N. Cottage Hill Road, approximately 245 feet north of W. Central Boulevard.
PARCEL ID NUMBER	28-22-29-1764-01-153
TRACT SIZE	0.17 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]. Eighty-seven (87) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on March 11th, 2021, and is summarized further in this report.
PROPOSED USE	One (1) single-family home.

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 Map (FLUM) designation of the 0.17-acre subject property from Commercial (C) to Medium Density Residential (MDR) in order to allow construction of a single-family residence.

The subject property is one lot, located on the west side of N. Cottage Hill Road, approximately 245 feet north of W. Central Boulevard. The immediate surrounding area is developed with single-family residences to the north, south and west, with John Young Parkway and SR. 408 to the east. The existing FLUM designation is not compatible with the existing zoning designation necessitating this amendment to allow construction of a single-family residence.

Existing FLUM Development Program

The existing development program would allow for up to 11,238 sq. ft. of commercial uses if the FLUM designation and existing zoning were consistent, but since they are not, the site is currently undevelopable.

Proposed FLUM Development Program

The proposed Future Land Use Map designation of Medium Density Residential could allow for a maximum development program of three (3) dwelling units. However, since the property is only 54 feet wide, only one (1) single-family home is feasible.

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 Commercial (C), which is inconsistent with the R-3 (Multiple-Family Dwelling District) zoning. However, the proposed MDR (Medium Density Residential) FLUM designation is consistent with the current zoning 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.

FLU1.4.1 states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

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.

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.

SITE DATA

Existing Use

Vacant

Adjacent	FLUM	Zoning
North	C (Commercial)	R-3 (Multiple-Family Dwelling District) (1957)
South	C (Commercial)	R-3 (Multiple-Family Dwelling District) (1957)
East	C (Commercial)	C-3 Wholesale Commercial District) (1960)
West	LDR (Low Density Residential)	R-2 (Residential District) (1957)

Adjacent Land Uses N: Single-Family Residence
 E: Major Roadways and retention
 W: Single-Family Residence
 S: Single-Family Residence

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

Min. Lot Area: 4500 sq. ft. (one-family dwelling unit)
Min. Lot Width: 45 ft. *
Max. Height: 35 ft.
Min. Floor Area: 1000 sq. ft.

* For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.

Building Setbacks

Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

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"/>	<p>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.</p> <p>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</p>

Small Scale Amendment # SS-21-03-005
Orange County Planning Division
BCC Hearing Date: April 27, 2021

			Orange County Solid Waste Hotline at 407-836-6601 for information.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located in the AMA, but not along a backlogged or constrained roadway. Based on the change of use, there will be no additional impacts to the roadway network. The impact of this change in land use is de minimus.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Orange County Public School staff has reviewed this request and determined the change is de minimus.
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 virtual community meeting was held on March 11, 2021 with no members of the community in attendance.

Utilities

Water: OUC

Wastewater: City of Orlando

Reclaim Water: City of Orlando

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 Medium Density Residential (MDR) 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 for the requested MDR (Medium Density Residential) Future Land Use Map designation. The applicant was present to answer questions from the LPA Commissioners.

Staff indicated that eighty-seven (87) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received no responses 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, the following motion was made:

A motion was made on the Future Land Use Map Amendment (SS-21-03-005) by Commissioner Wade, and seconded by Commissioner Sorbo to recommend **ADOPTION** of the requested MDR (Medium Density Residential) Future Land Use designation. The motion carried on a 7-0 vote.

Motion / Second

JaJa Wade / Trevor Sorbo

Voting in Favor

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

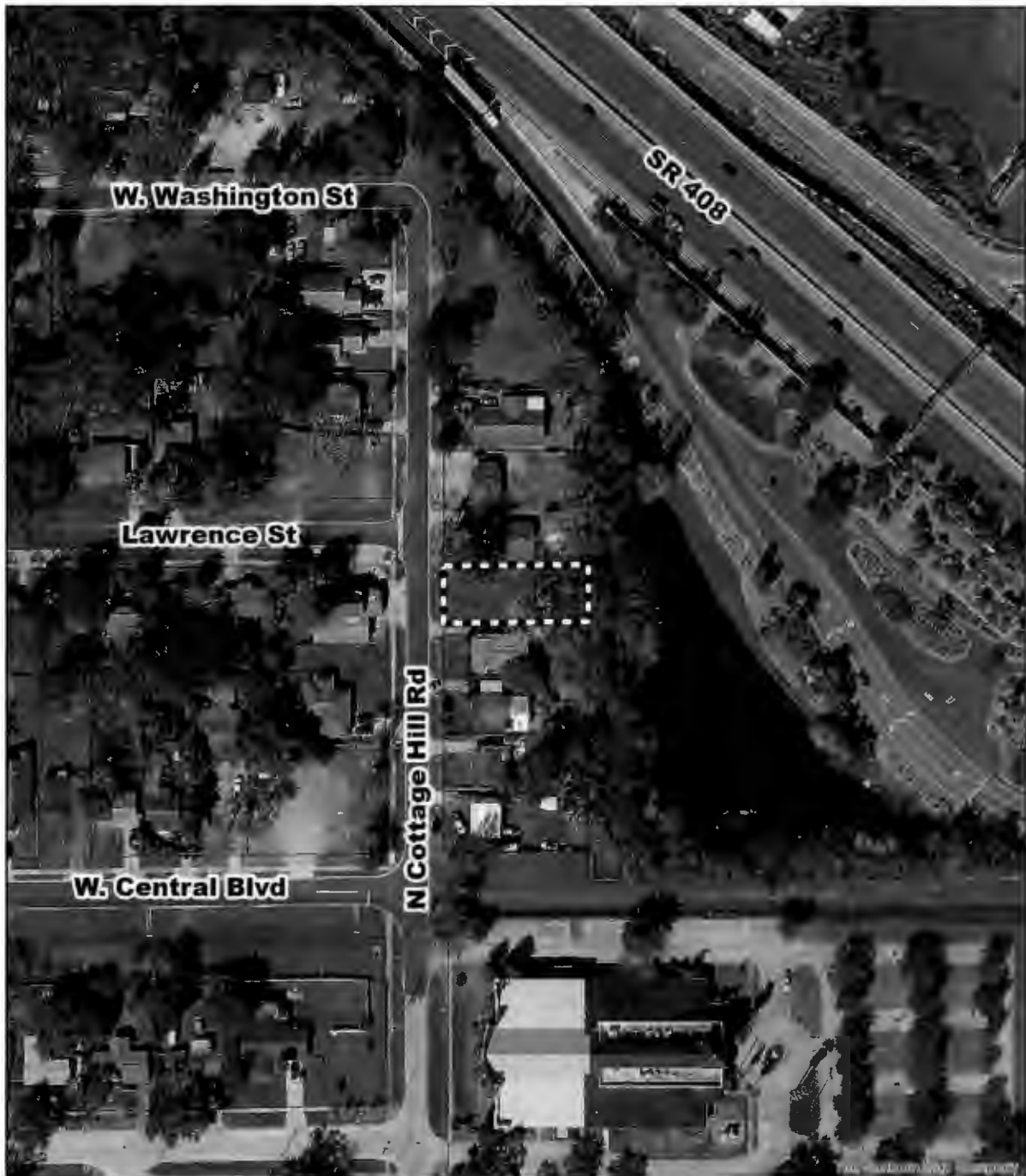
Voting in Opposition

None

Absent

Carlos Nazario and Sean McQuade

SS-21-03-005

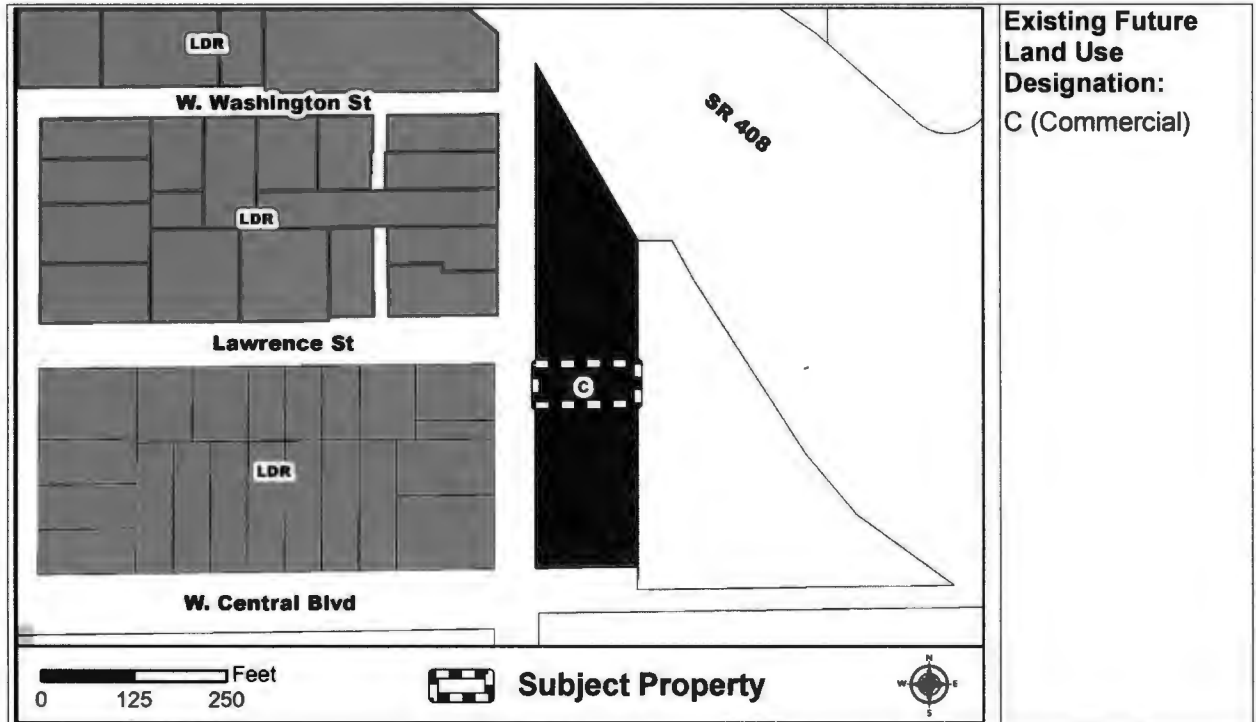


 Subject Property

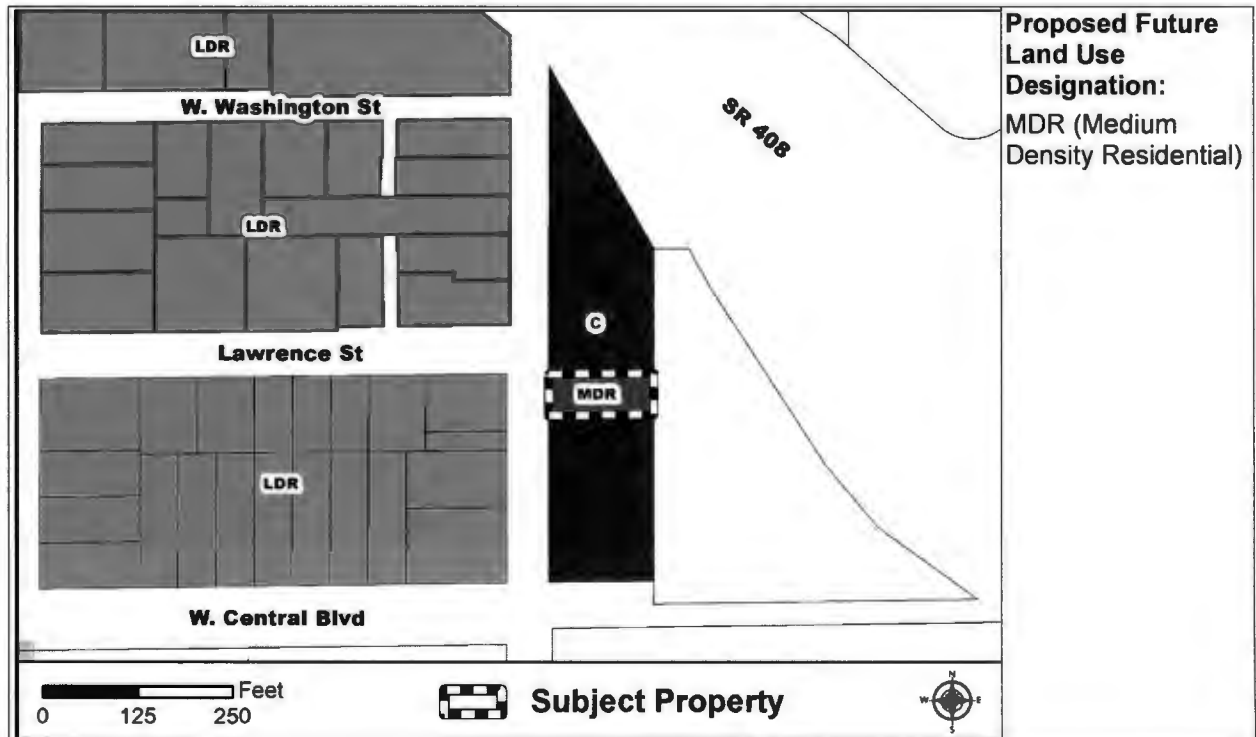


1 inch = 125 feet

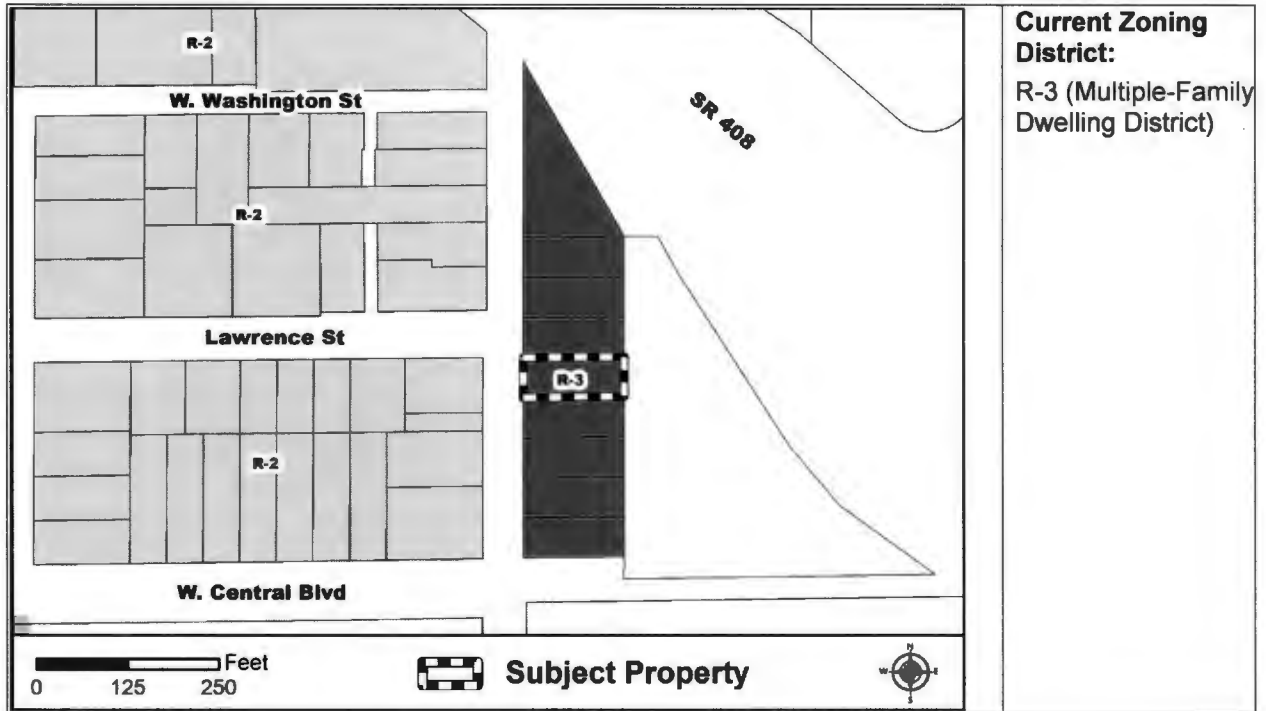
FUTURE LAND USE – CURRENT



FUTURE LAND USE - PROPOSED



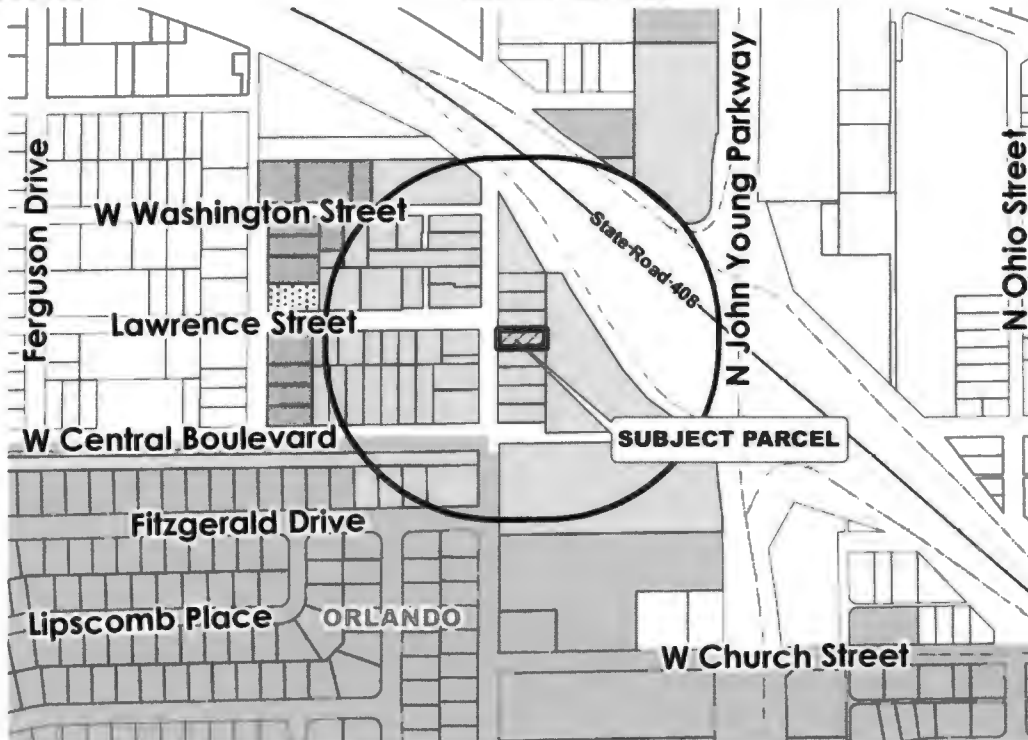
ZONING - CURRENT





Public Notification Map

SS-21-03-005



SUBJECT

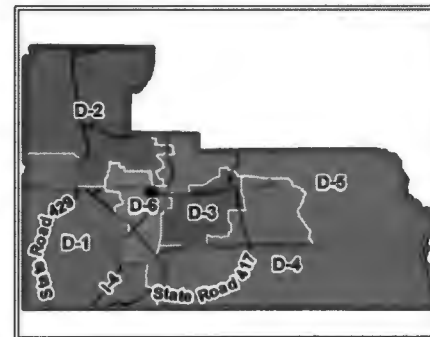
0 0.0325 0.065 0.13 0.195 0.26 Miles



MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS
- HYDROLOGY

BUFFER DISTANCE: 500
OF NOTICES: 87
RESIDENTIAL ADDRESSES: 24



\\ocwork\gis\ss-21-03-005\map\ss-21-03-005-map.mxd

Notification Map

Small Scale Amendment # SS-21-03-005
Orange County Planning Division
BCC Hearing Date: April 27, 2021

ORDINANCE NO. 2021-_____

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 EFFECTIVE DATES.

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 April 27, 2021, the Board held a public hearing on the adoption of the proposed
amendment, 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. Amendments to Future Land Use Map. The Comprehensive Plan is
hereby amended by amending the Future Land Use Map designation as described at **Appendix**
"A," attached hereto and incorporated herein.

* * *

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

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-21-03-005	Commercial (C)	Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		