

Agenda Memorandum

To: Honorable Mayor and City Council Members
Prepared By: Sam Peacock, Planner I
From: Bryan Cobb, City Manager
Date: August 21, 2023
Subject: **Ordinance No. 1736, Zoning Map Amendment for 13.81 Acres from O-C, Office Commercial to R-3, Residential**

Procedure: Call Up Item
Presiding Officer Asks Attorney to Read Ordinance by Title Only
City Manager Background
Applicant Presentation
Council Motion to Schedule Public Hearing for September 7, 2023
Council Action

Introduction: This is a request to amend the City's Official Zoning Map to change the zoning district of approximately thirteen point eight one (13.81) acres from O-C, Office Commercial, to R-3, Residential. The Applicant is David E. Axel, Axel Real Estate, Inc.

Per Land Development Code (LDC) Section 2.5(A)(3), the City Council shall have final approval authority of amendments to the Official Zoning Map. Per Section 166.041(3)(a), Florida Statutes, a privately-initiated ordinance to change the official zoning map of a parcel must be read by title on at least two (2) separate days and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City. LDC Sections 2.4(E) and 2.5(B) require a public hearing before the Local Planning Agency and a public hearing before the City Council for an amendment to the Official Zoning Map. Thus, the proposed Zoning Map Amendment (ZMA) will undergo two (2) public hearings: one (1) before the LPA and one (1) before City Council.

Discussion: The subject property is located approximately 476 feet south of Winter Springs Boulevard and approximately 150 feet west of West Broadway Street. The subject property is designated Gateway West Core (GWC) on the 2045 Comprehensive Plan Future Map and O-C, Office Commercial, on the Official Zoning Map.

The Applicant intends to develop a 557-unit multi-family residential development on approximately 11.48 acres of the total 13.81 acres. 2.33 acres are wetlands (13.81 - 2.33 = 11.48). Multi-family residential land use is not permissible within the property's O-C zoning district. The GWC future land use designation allows a residential land use with a maximum density of up to 50 dwelling units per acre. Thus, multi-family residential is a permissible land use within the GWC future land use designation. The R-3 zoning district is consistent with the subject property's GWC future land use designation. Multi-family residential is permissible within the R-3 zoning district.

The City's 2045 Comprehensive Plan was adopted on June 20, 2022. The 2045 Comprehensive Plan established new future land use designations including the GWC future land use designation. The City is currently preparing amendments to the City's Land Development Code to establish zoning districts for the newly created future land use designations. Until the new GWC zoning district(s) is established, the City can utilize existing zoning districts that are consistent with the GWC future land use designation.

The Supporting Data, Inventory, and Analysis document provided in Attachment 2 details Staff's analysis and findings. A summary of Staff's findings is provided below.

- The proposed Residential (R-3) zoning district is consistent with the property's GWC future land use designation and compatible with the Comprehensive Plan's long-term vision for the GWC target area.
- The R-3 zoning district is designated for high density residential development in areas with complete urban services. This zoning district may also serve as a transitional buffer between commercial uses and lower density residential uses.
- The proposed R-3 zoning district is compatible with adjacent future land use designations and zoning districts that surround the subject property.
- The permissible uses of the proposed R-3 zoning district are consistent with the variety of land uses that surround the subject property.
- LDC Table 4.1 provides for a variety of zoning districts and a variety of land use codes and categories. LDC A copy of LDC Table 4.1, Table of Permissible Land Uses is provided in Exhibit E of Attachment 2. The table below demonstrates the existing uses surrounding the subject property. The proposed multi-family use is classified within the land use code 1.0 Residential and in particular as land use code 1.4 Multi-Family Dwelling. A location map is provided in Attachment 1 depicting the location of the existing uses surrounding the subject property and their associated LDC Land Use Code.

Direction	Existing Use	General Land Use Code ¹	Specific Land Use Code ¹
North	Oviedo Pet Resort	4.0 Retail Sales (w/outside storage)	4.32 Veterinarian (with kennel)
	Mobil Gas Station	3.0 Retail/Sales/Service	3.52 Convenience Store Type II
	Sonic Drive-In	3.0 Retail/Sales/Service	3.16 Restaurants (No drive-thru)
South	The Dwell	1.0 Residential	1.4 Multi-Family Dwelling

Direction	Existing Use	General Land Use Code ¹	Specific Land Use Code ¹
East	Auto Mech & Muffler	8.0 Motor Vehicle-Related Sales and Service	8.3 Motor Vehicle Repair and Maintenance (no body work)
	Oviedo Plaza	4.0 Retail Sales (w/outside storage)	4.5 Shopping Center
West	Oviedo Mall	Retail Services (Commercial) ²	Regional Shopping Center ²
Subject Property	Proposed Use: Multi-Family Dwelling	1.0 Residential	1.4 Multi-Family Dwelling
Notes: 1. Source: Land Development Code of the City of Oviedo, Florida 2. Source: Application for Amended and Restated Planned Unit Development for Oviedo Marketplace, Conceptual Development Plan (CDP)			

- There is adequate transportation, water, sewer, and solid waste capacity to accommodate the proposed change in zoning district.
- No funding commitments for capital improvement projects are required of the applicant at this time because no additional capacity improvements are needed.
- The site consists of undeveloped uplands with little to no suitable habitat available to support wildlife listed as threatened or endangered. There is a 2.33-acre wetland on the subject property. No adverse environmental impacts are anticipated.

The proposed zoning map amendment is anticipated to result in a significant reduction in the trip generation intensity of the subject property. Conversely, the proposed multi-family residential development is anticipated to increase in demand for recreation and parks and school facilities. According to the Seminole County Public Schools School Impact Analysis and School Capacity Determination Report, at this point, the students generated at the three (3) CSA levels would be able to be accommodated without exceeding the adopted levels of service (LOS) for each CSA by school type, or there is adjacent capacity to meet LOS as allowed by interlocal agreement. Any planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools is reflected in the review.

Staff received confirmation from Public Works and the Seminole County Solid Waste Division that there is adequate capacity to accommodate the maximum development potential of the subject property. The City's Transportation Consultant reviewed the subject amendment and concluded that there should be adequate capacity on the City's transportation network by the year 2045, consistent with the City's Comprehensive Plan planning horizon. A detailed analysis of zoning compatibility and the potential impacts to public facilities and services is provided in the Supporting Data Inventory and Analysis provided in Attachment 2.

Staff recommends approval of Ordinance No. 1736 based on the findings in the Supporting Data and Analysis. The Local Planning Agency conducted a public hearing on Tuesday, August 1, 2023, and thereat, recommended adoption of Ordinance No. 1736. The LPA raised concerns about ensuring there was a connection from Oviedo Mall Road to Winter Springs Boulevard. Though this roadway is provided for in the City's Comprehensive Plan (Oviedo Medical Drive Extension) and shown as a possible driveway connection in the draft Mobility Plan, any roadway improvements and connectivity will be discussed at the site development order stage and not the zoning map amendment stage.

Budget Impact: There is no impact to the budget as a result of the proposed zoning map amendment.

Strategic Impact: The proposed Zoning Map Amendment is consistent with the Economic Vitality and Development Strategic focus area where one of the goals is to promote diversification of the local economy.

Recommendation: It is recommended that City Council read Ordinance No. 1736 by title only and schedule a public hearing for September 7, 2023.

Attachment(s): 1. Existing Surrounding Uses Map
2. Supporting Data Inventory and Analysis