




Interoffice Memorandum

DATE: August 5, 2024

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

FROM: Tanya Wilson, AICP, Director 
Planning, Environmental, and Development Services
Department

**CONTACT PERSON: Jason Sorensen, AICP, Chief Planner
407-836-5602**

SUBJECT: August 27, 2024, Adoption Public Hearing – Small-Scale Future
Land Use Map Amendment, Concurrent Rezoning, and
associated Ordinance
Applicant: Thomas Sullivan, GrayRobinson, P.A.
SS-23-12-099 and RZ-24-05-011
District 3

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment, concurrent Rezoning request, and associated Ordinance scheduled for a Board adoption public hearing on August 27, 2024.

The 4.35-acre subject property is located at 533 N. Forsyth Road; generally located north of SR 408, south of E. Colonial Drive, and west of Goldenrod Road. The request is to change the Future Land Use Map designation from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) and rezone from R-1A (Single-Family Dwelling District) to R-2 Restricted (Residential District) with one restriction to limit development to single-family detached homes only. The applicant is proposing to construct 27 single-family detached homes.

A community meeting was held on May 20, 2024, with 16 members of the public in attendance. The applicant's request at the time was for 40 townhome units. Residents expressed concern regarding the proposed townhome development citing concerns for incompatibility, traffic, and safety. The applicant has since reduced the program to 27 single-family detached homes.

On July 18, 2024, the Planning and Zoning Commission/Local Planning Agency unanimously recommended approval of the request, including a restriction to limit development to single-family detached homes only.

Small-Scale Development Amendment and Concurrent Rezoning Request
Board Adoption Public Hearings
SS-23-12-099 and RZ-24-05-011
August 27, 2024
Page 2

If the Board 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 407-836-5354 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Low-Medium Density Residential (LMDR) Future Land Use Map designation, ADOPT the associated ordinance, and APPROVE the concurrent R-2 Restricted (Residential District) zoning subject to one restriction.
District 3**

TW/JHS:kh
Attachments

CASE # SS-23-12-099

RZ-24-05-011

Commission District: #3

GENERAL INFORMATION

APPLICANT: Thomas Sullivan, Gray Robinson, P.A.

OWNER: Orlando 23 Holding, LLC

HEARING TYPE: Planning and Zoning Commission Recommendation

FLUM REQUEST: **Low Density Residential (LDR) to Low-Medium Density Residential (LMDR)**

REQUEST: **R-1A (Single-Family Residential District) to R-2 Restricted (Residential District)**

LOCATION: 533 N. Forsyth Road; generally east of N. Forsyth Rd, south of Ebans Bend and north of SR 408

PARCEL ID NUMBER: 26-22-30-0000-00-113

SIZE / ACREAGE: 4.35 gross acres / 3.31 net acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Six hundred forty-six (646) notices were mailed to property owners in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on May 20, 2024, and is summarized further in this report.

PROPOSED USE: Up to twenty-seven (27) single-family homes (with Class III wetland impacts).

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use Map designation.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to the following restriction:

- 1) Development shall be limited to single-family detached homes only.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to amend the Future Land Use Map (FLUM) from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) and rezone the subject property from R-1A (Single-Family Dwelling District) to R-2 Restricted (Residential District) and intends to develop up to twenty-seven (27) single-family homes with wetland impacts. Only ten (10) detached single-family homes would be permitted without the wetland impacts based on site configuration of the proposed lots. The Conservation Area Determination (CAD) identified 1.046 acres of Class III wetlands within the subject property boundaries. A Conservation Area Impact (CAI) permit is required to allow for wetland impacts. Approval of a CAI permit is not guaranteed if this rezoning and FLU amendment are approved.

The area surrounding the subject property is characterized primarily by single-family detached and attached units consisting of mostly 40 foot to 208-foot-wide lots. Currently, the subject property is undeveloped. The proposed FLUM amendment would increase the allowed unit density from four (4) units per acre to ten (10) units per acre. Since the R-2 zoning district allows for detached and attached single-family homes, as well as townhomes, a restriction is proposed to limit development to single-family detached homes for consistency with the development trend in the area and for compatibility. This would allow for up to twenty-seven (27) detached single-family homes on minimum 45-foot-wide, 4,500 square foot lots.

Development within this property will be required to connect to Orange County Utilities wastewater system.

Land Use Compatibility

The Low-Medium Density Residential (LMDR) Future Land Use and R-2 Restricted (Residential District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential). The proposed LMDR (Low-Medium Density Residential) FLUM designation is consistent with the proposed R-2 Restricted (Residential District) 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.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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.

FLU8.2.2 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.

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.

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 Residential

Adjacent	FLUM	Zoning
North	Low Medium Density Residential (LMDR), Low Density Residential (LDR)	R-1A (Single-Family Residential) 1957
East	Low Medium Density Residential (LMDR)	R-2 (Residential District) 1993
West	Low Density Residential (LDR)	R-1A (Single-Family Residential) 1957
South	Low Density Residential (LDR)	R-1A (Single-Family Residential) 1957

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

R-2 (Residential District) Development Standards

One-Family Dwelling

Min. Lot Area: 4,500 sq. ft.
 Min. Lot Width: 45 ft.
 Max. Height: 35 ft.
 Min. Living Area: 1,000 sq. ft.
 Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.
Side Street: 15 ft.

Two Dwelling Units

Min. Lot Area: 8,000 sq. ft. / 9,000 sq. ft.
 Min. Lot Width: 80 ft. / 90 ft.
 Max. Height: 35 ft.
 Min. Living Area: 500 sq. ft. / 1,000 sq. ft.
 Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.
Side Street: 15 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
 Min. Lot Width: 85 ft. (attached units only)

Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.
<i>Side Street:</i>	15 ft.

Four or More Dwelling

<u>Units</u>	15,000 sq. ft.
Min. Lot Area:	
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	15 ft.

**These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Permitted Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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

Environmental

CAD Complete - An Orange County Conservation Area Determination CAD-23-10-171 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 3/18/2024. The CAD identified 1.046 acres of Class III wetlands within the subject property boundaries.

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation / Access

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in an increase in the number of pm peak trips (10 trips) and therefore will impact the area roadways. The subject property is located on N Forsyth Road west of Goldenrod Rd. Based on the Concurrency Management System (CMS) database dated July 1, 2024, multiple roadway segments currently operate at Level of Service F and capacity is not available to be encumbered. Lake Underhill Road from Semoran Blvd to Madeira Ave (3 segments), and Colonial Dr from Semoran Blvd to Forsyth Rd currently operate at Level of Service F. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

Roadway Capacity Analysis

A Traffic Study was not submitted with the case for review and comment. Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. A Mobility Plan will be required. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Schools

Orange County Public Schools (OCPS) has completed a Capacity Determination which shows that capacity is available (OC-23-059).

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was held on May 20th at Forsyth Woods Elementary School with attendance of 16 residents. Generally, residents were concerned about flooding, traffic and safety. At the time of the community meeting the applicant's request was a

development of up to 40 townhouses. Residents were not in favor of this and wanted a development compatible with the area.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – July 18, 2024

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use Map designation.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to the following restriction:

- 1) Development shall be limited to single-family detached homes only.

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 Low-Medium Density Residential (LMDR) Future Land Use Map designation and APPROVAL of the requested R-2 Restricted (Residential District) zoning. The applicant was present and agreed with the staff recommendation. There were two members of the public who appeared during public comment to speak in opposition to the request.

Staff indicated that six hundred forty-six (646) notices were sent to property owners extending beyond 800 feet surrounding the property, and that staff had received one (1) response with a question regarding the architectural standards.

Discussion ensued regarding the request and the proposed lot sizes which would be a minimum 45 foot wide lots. There are 40 foot wide lots existing in the neighborhood to the north of the subject property. Commissioners Gray and Spears expressed support for greater density. There was also discussion regarding the wetlands on site which are Class III and proposed to be impacted. A motion was made by Commissioner Arrington and seconded by Commissioner Wiggins to recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use Map designation and APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to one restriction.

Motion / Second

Michael Arrington / George Wiggins

Voting in Favor

George Wiggins, Eric Gray, Evelyn Cardenas, Nelson Pena, Michael Arrington, and Gordon Spears

Voting in Opposition

None

Absent

Eddie Fernandez, Camille Evans, and David Boers


SS-23-12-099 & RZ-24-05-011



 Subject Property

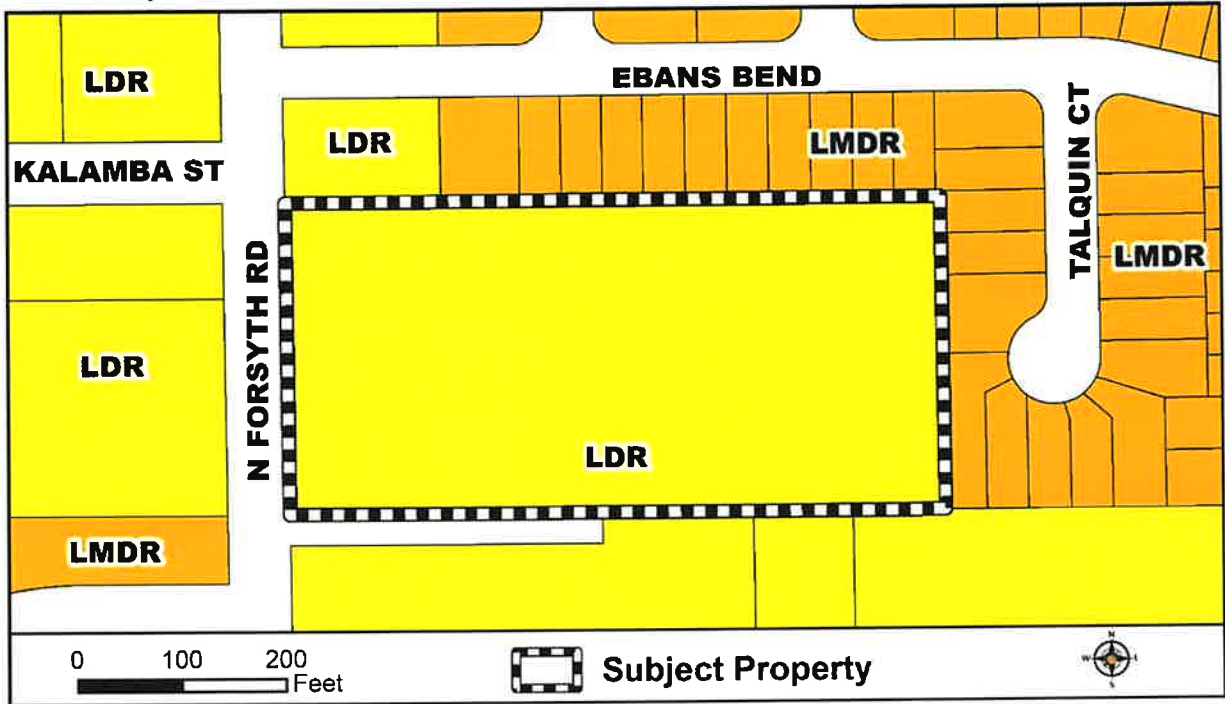


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Feet



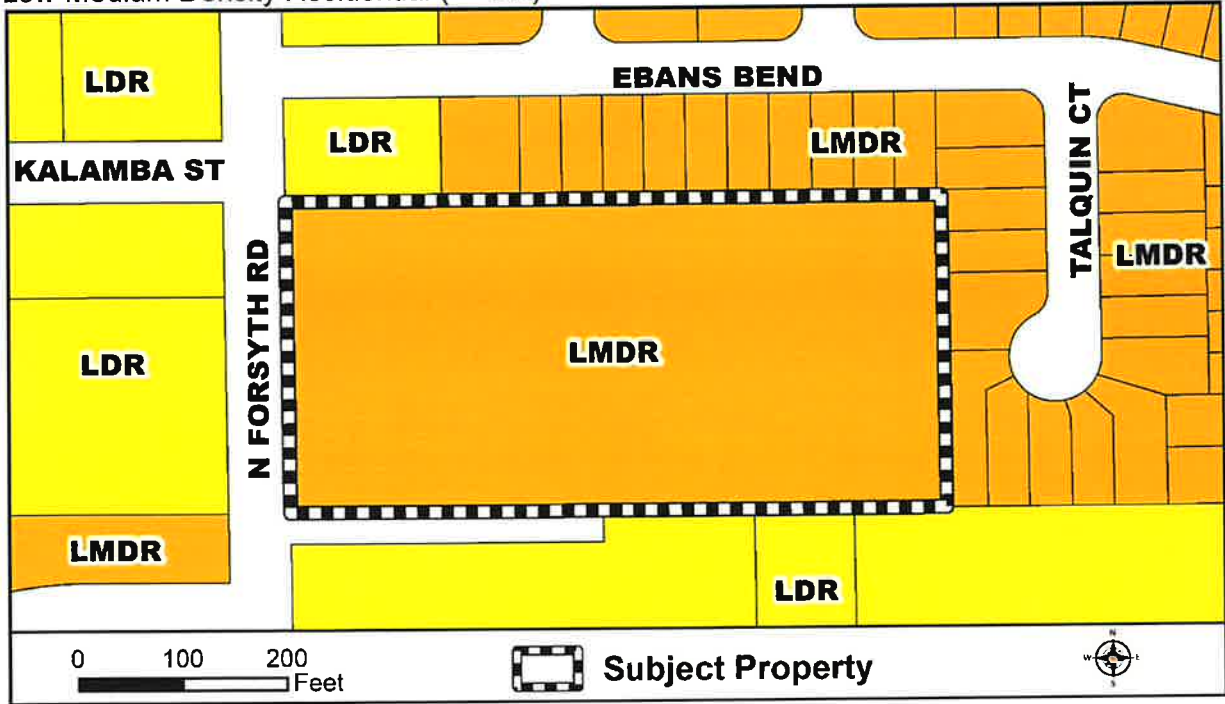
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



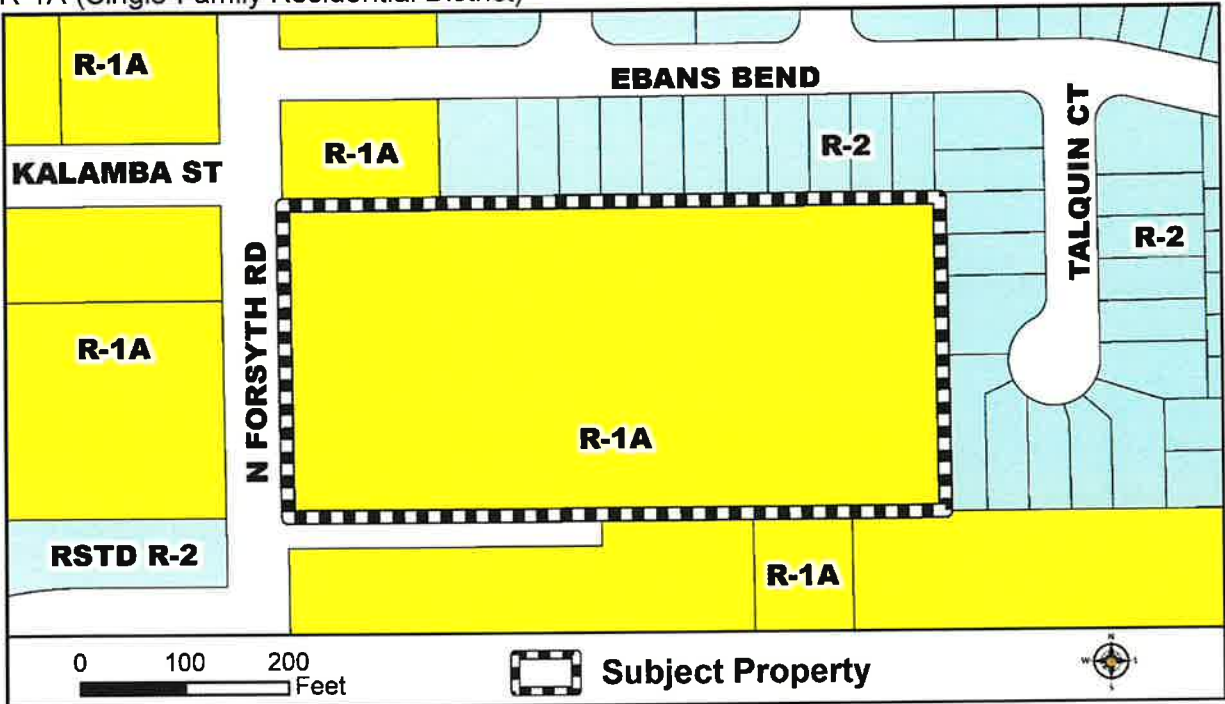
FUTURE LAND USE – PROPOSED

Low-Medium Density Residential (LMDR)



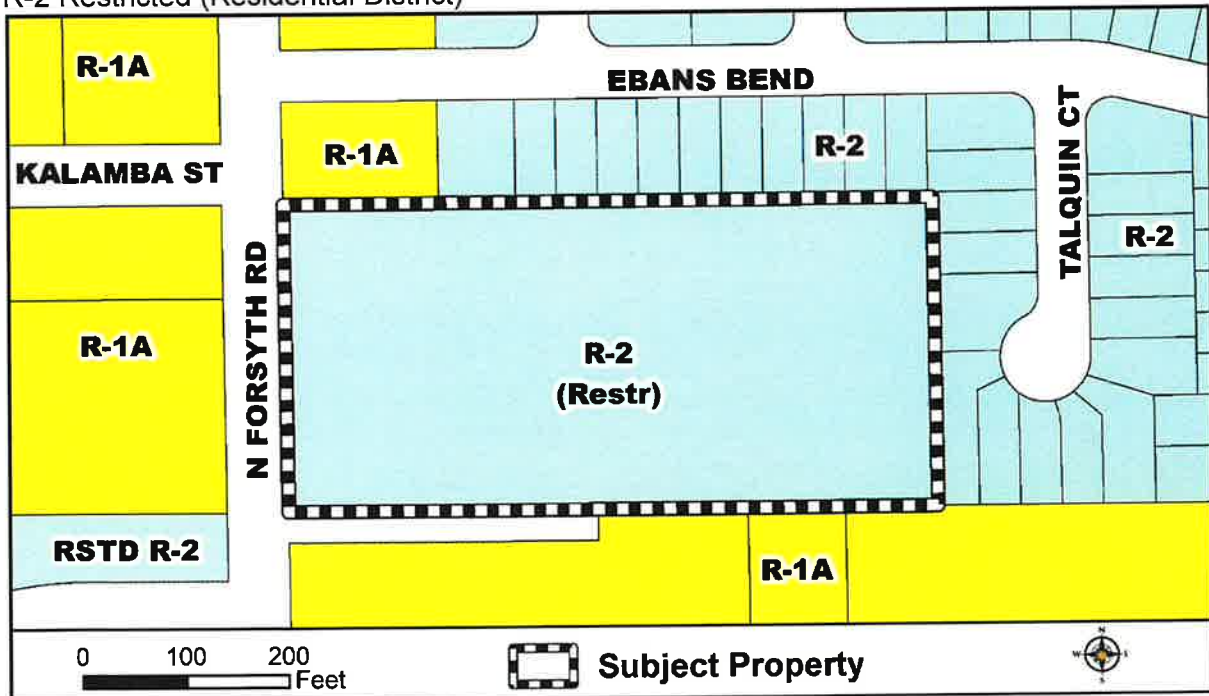
ZONING – CURRENT

R-1A (Single-Family Residential District)



ZONING – PROPOSED

R-2 Restricted (Residential District)



Public Notification Map

SS-23-12-099 & RZ-24-05-011



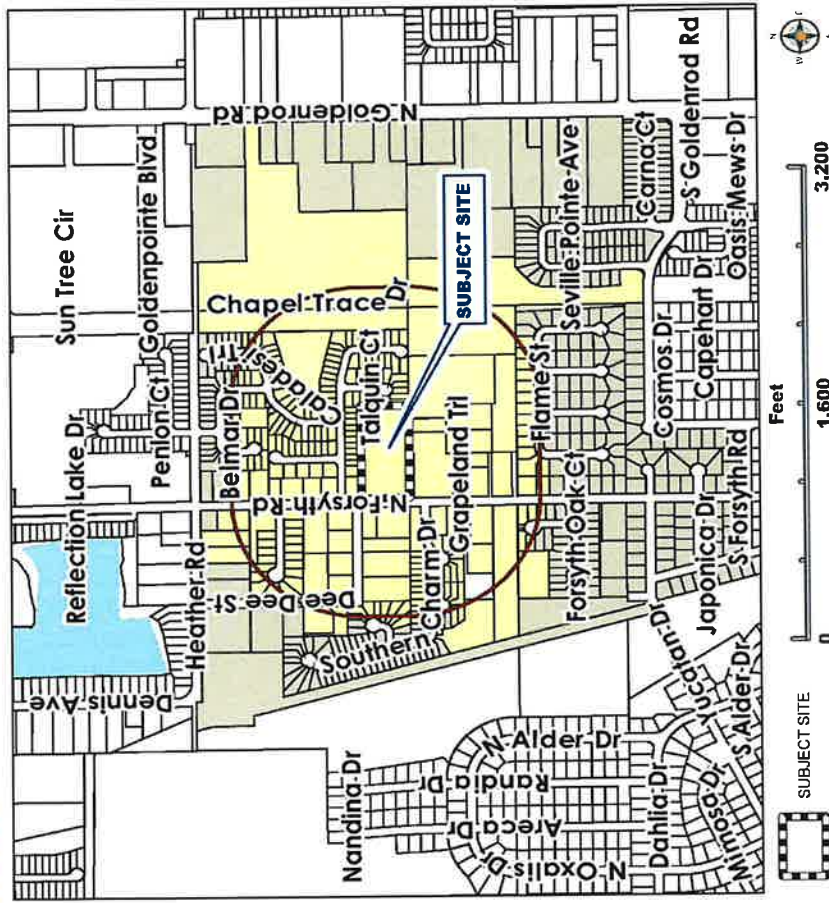
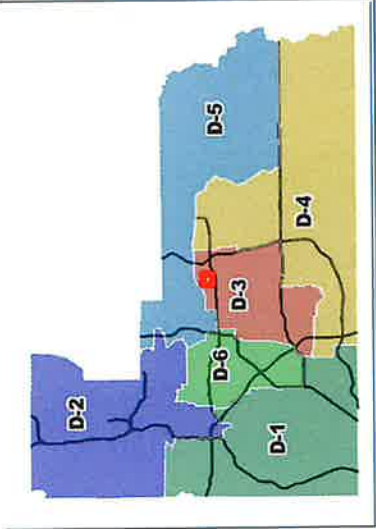
NOTIFICATION MAP

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MAP LEGEND

	SUBJECT SITE		COURTESY PARCELS
	800 FT BUFFER		HYDROLOGY
	PARCELS		NOTIFIED PARCELS

BUFFER DISTANCE: 800
 # OF NOTICES: 646



ORDINANCE NO. 2024-_____

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 A SMALL SCALE DEVELOPMENT AMENDMENT 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 August 27, 2024, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, 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. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 * * *

33 **Section 4. Effective Dates for Ordinance and Amendment.**

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

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

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

45 ADOPTED THIS 27TH DAY OF AUGUST, 2024.

46 **ORANGE COUNTY, FLORIDA**
47 By: Board of County Commissioners

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51 By: _____
52 Jerry L. Demings
53 Orange County Mayor

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

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60 By: _____
61 Deputy Clerk

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APPENDIX "A"
FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-23-12-099	Low Density Residential (LDR)	Low-Medium Density Residential (LMDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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