



Interoffice Memorandum

DATE: March 14, 2022

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 – March 22, 2022 Small-Scale Future Land Use Map Amendments and Concurrent Rezoning Request

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 March 22, 2022. The adoption public hearing for Small-Scale Development Amendment SS-21-12-093 (and concurrent rezoning RZ-21-12-094) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on January 20, 2022.

If the BCC adopts the proposed amendments, the Small-Scale Development Amendments 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/jhs

Enc: Small-Scale Development Amendment BCC Adoption Binder

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason H. Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Acting Planning Administrator, Planning Division

**Small-Scale Amendment & Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: March 22, 2022**

**CASE # SS-21-12-093
RZ-21-12-094**

Commission District: #3

GENERAL INFORMATION

APPLICANT	Edmund Pikula
OWNERS	Edmund Pikula
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
FLUM REQUEST	Low Density Residential (LDR) to Low-Medium Density Residential (LMDR)
ZONING REQUEST	R-3 (Multiple-Family Dwelling District) to R-2 Restricted (Residential District)
LOCATION	6217 Jason Street; generally located on the east side of Jason Street, north of Lancaster Road, south of Oak Ridge Road.
PARCEL ID NUMBER	24-23-29-0192-20-050
TRACT SIZE	0.39 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred thirty-three (333) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on January 12, 2022, and is summarized further in this report.
PROPOSED USE	A duplex (2 residential units).

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.

Rezoning

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

- 1) Development shall be limited to no more than two (2) residential units.
- 2) Each unit shall be no less than 1,200 square feet of living area.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is requesting a Small-Scale Future Land Use Map (FLUM) Amendment to change the designation of the subject property from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR), and to rezone from R-3 (Multiple-Family Dwelling District) to R-2 Restricted (Residential District) in order to allow for a total of two (2) residential units (a duplex).

The subject property is currently developed with a single-family residence. The immediate surrounding area is developed primarily with single-family residences, and a church to the south. The neighborhood also includes a mix of duplexes and multi-family dwellings throughout the neighborhood. For reference purposes, see property analysis map in the staff report that identifies duplex and multi-family locations.

The need for the FLUM designation change results from the density that is created by placing two residential units on the property. Currently, the LDR FLUM designation allows for up to 4 units per acre which requires at least a 0.50-acre property for two units. The proposed LMDR FLUM designation allows for consideration of up to 10 units per acre. The rezoning from R-3 to R-2 is needed since R-3 is not a consistent zoning district with the LMDR FLUM designation.

Since the R-2 District allows for three and four unit structures, a restriction is proposed to limit development to two (2) units. Additionally, a second restriction is proposed to require 1,200 square feet minimum living area, consistent with the minimum living area for the adjacent R-1A zoning district.

Existing FLUM Development Program

The existing development program would allow for single-family residential at a rate of four (4) dwelling units per acre. The existing R-3 zoning district and existing Future Land Use Map (FLUM) are inconsistent with each other so only one single-family home could be built on the property per Future Land Use Policy 8.2.5.1 which allow for single-family home construction on properties with inconsistent FLUM designation and zoning.

Proposed FLUM Development Program

The proposed R-2 Restricted zoning with the LMDR designation would allow the applicant to construct a maximum of two (2) residential units.

Land Use Compatibility

The proposed LMDR designation and R-2 Restricted 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

The proposed R-2 zoning is consistent with the proposed LMDR designation. Additionally, 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 Single-family residence

Adjacent	FLUM	Zoning
North	Low Density Residential	R-3 (Multiple-Family Dwelling District) (1957)
South	Low Density Residential	R-3 (Single-Family Dwelling District) (1957)
East	Low Density Residential	R-3 (Single-Family Dwelling District) (1957)
West	Low Density Residential	R-1A (Single-Family Dwelling District) (1957)

Adjacent Land Uses N: Single-family residential
 E: Vacant residential parcel
 W: Single-family residential
 S: Single-family residential

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.

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Orange County Planning Division
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Min. Lot Width:	80 ft. / 90 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. / 1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	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 Units

Min. Lot Area:	15,000 sq. ft.
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

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below table.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Two homes is considered de minimus.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Two homes is considered de minimus.
Parks and Recreation	<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"/>	

***Environmental Comments:**

Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

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

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

Fugitive Dust - 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 defined in Orange County Code Chapter 15-89.1.

Community Meeting Summary

A community meeting was held on January 12, 2022, with three area residents in attendance. The residents were generally supportive of a duplex but shared concerns for the aesthetics of the duplex as well as a concern for lack of parks in the area. After

some discussion, the applicant committed to providing a minimum living area for each unit of 1,200 square feet.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County

Reclaim Water: Orange County

***Utilities Comments:**

This property is within Orlando Utilities Commission's water service area.

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

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 – (January 20, 2022)

Future Land Use Map Amendment

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

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 restrictions:

- 1) Development shall be limited to no more than two (2) residential units.
- 2) Each unit shall be no less than 1,200 square feet of living area.

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 APPROVAL of both applications for the requested Low-Medium Density Residential (LMDR) Future Land Use Designation, and the R-2 Restricted (Residential District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that three hundred thirty-three (333) notices were mailed to those property owners in the mailing area extending beyond 1,000 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

After discussion addressing the proposed restrictions and compatability with the surrounding area, the following motions were made:

A motion was made on the Future Land Use Map Amendment and Rezoning by Commissioner Fernandez, and seconded by Commissioner Pavon to recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use designation and APPROVAL of the R-2 Restricted (Residential District) zoning subject to two restrictions. The motion carried on a 8-0 vote.

Motion / Second

Eddie Fernandez / Walter Pavon

Voting in Favor

Gordon Spears, Nelson Pena, Trevor Sorbo, Walter Pavon, Eddie Fernandez, Jaja Wade, George Wiggins, and Mohammed Abdallah.

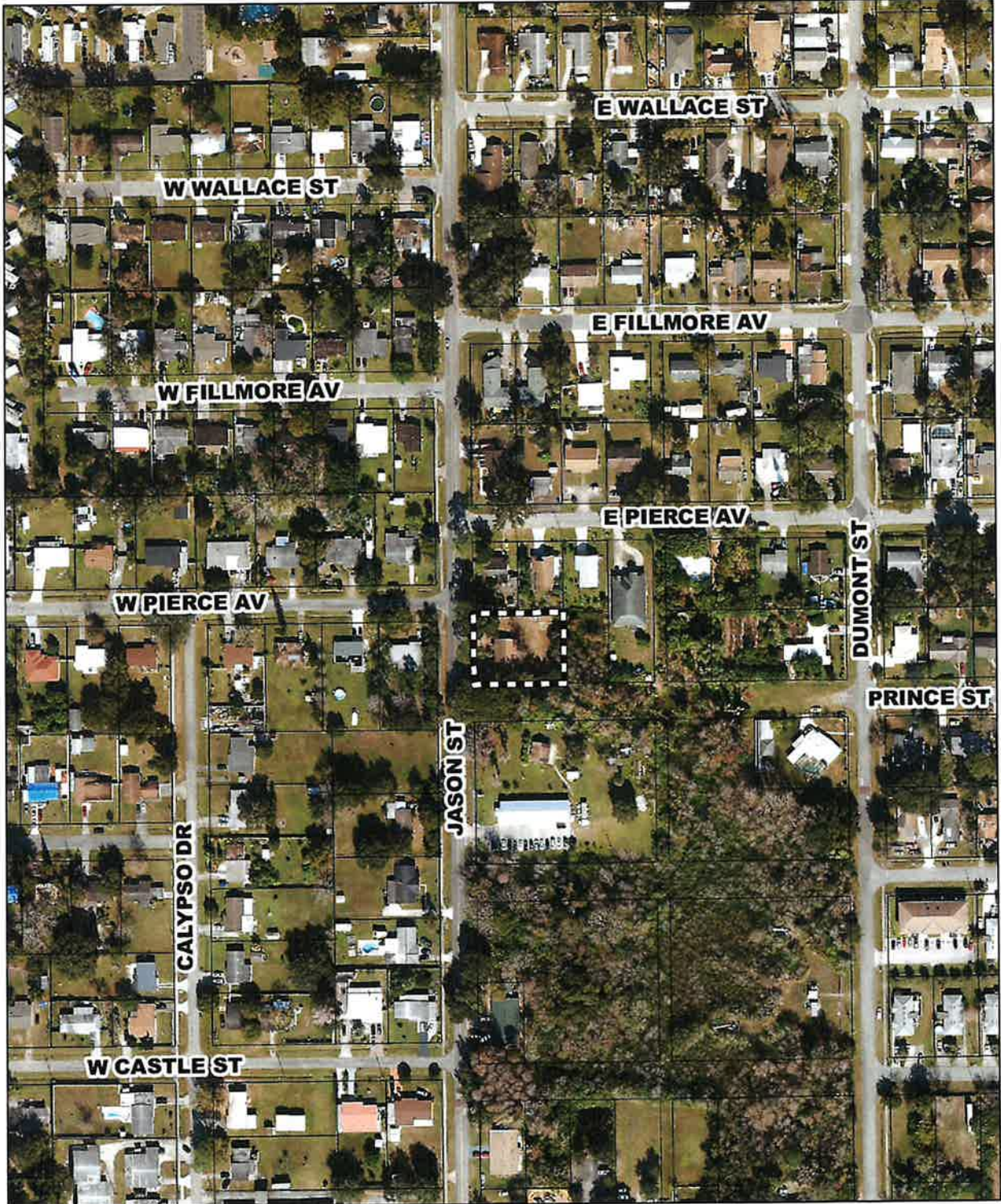
Voting in Opposition

None

Absent

Evelyn Cardenas

SS-21-12-093 & RZ-21-12-094

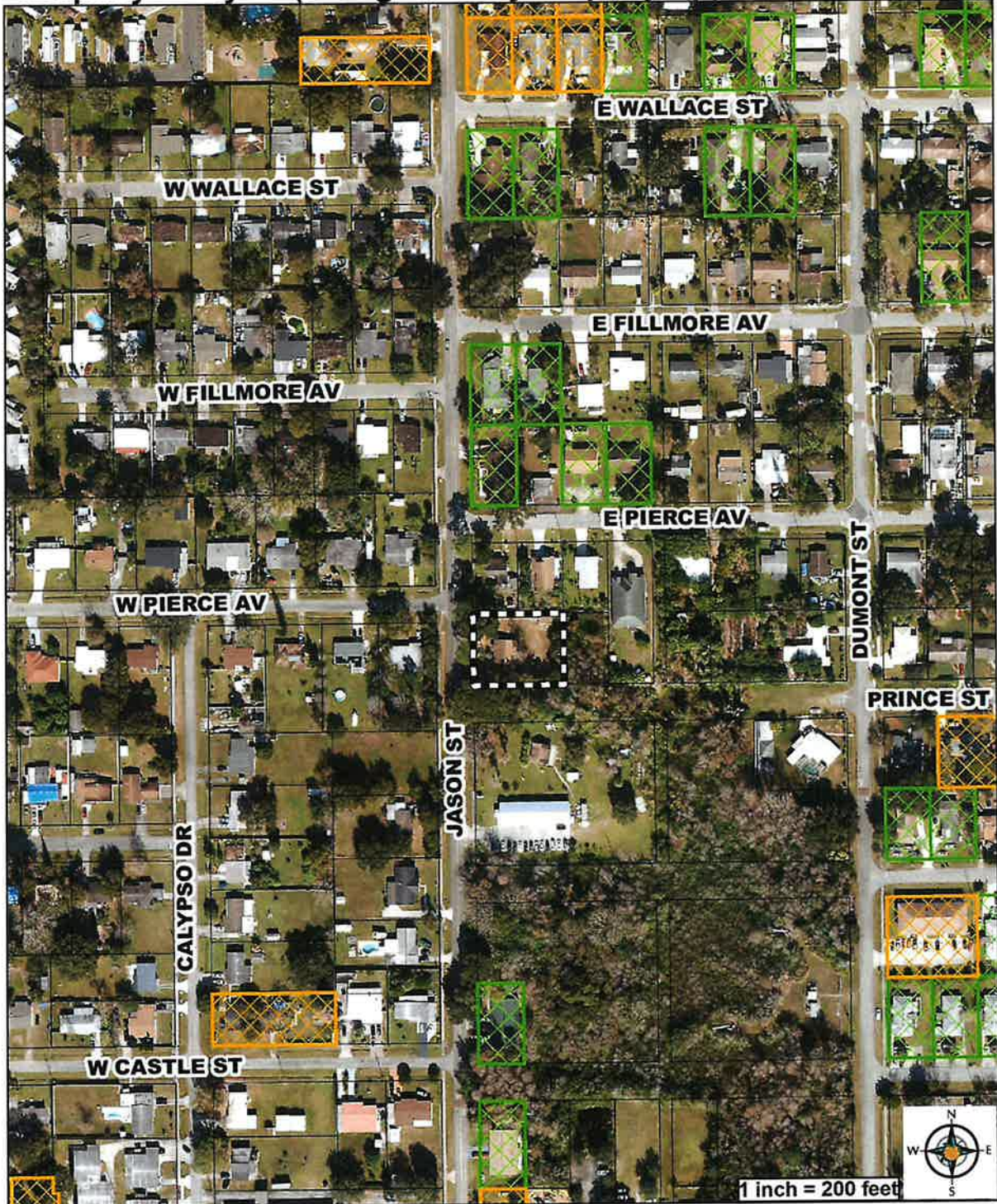


 Subject Property



1 inch = 200 feet

Property Analysis (Orange County Property Appraiser DOR Code)

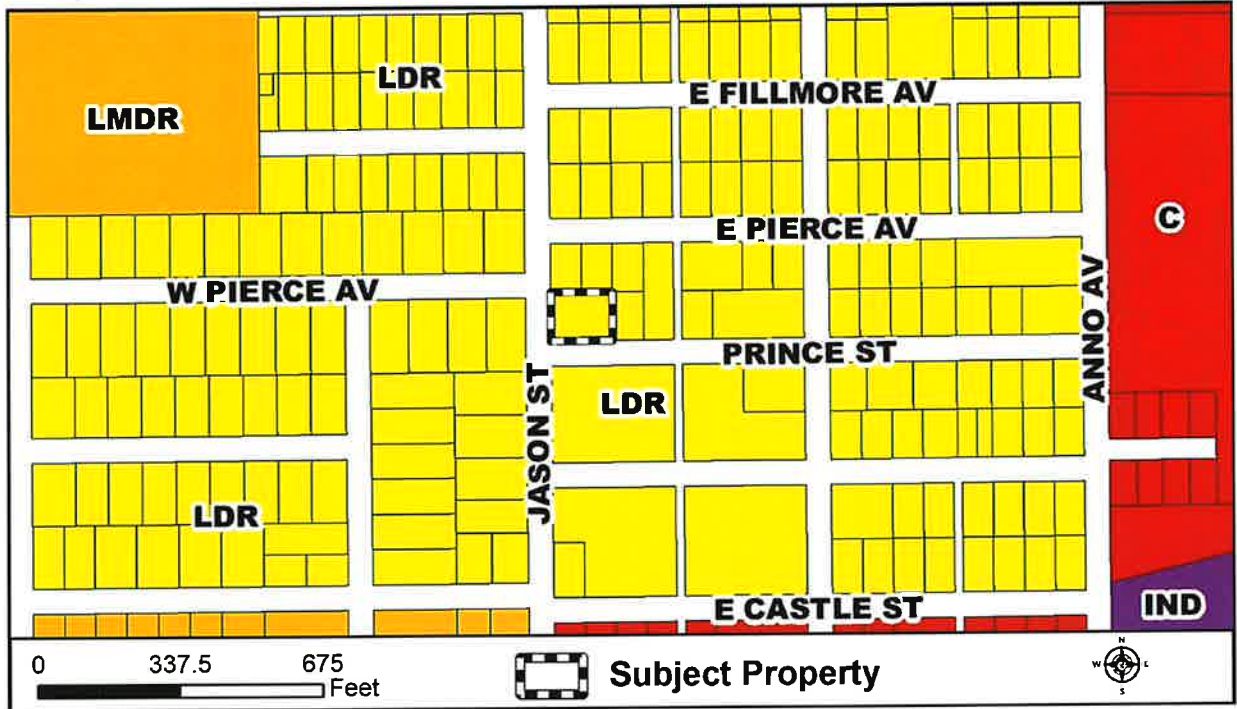


 Subject Property

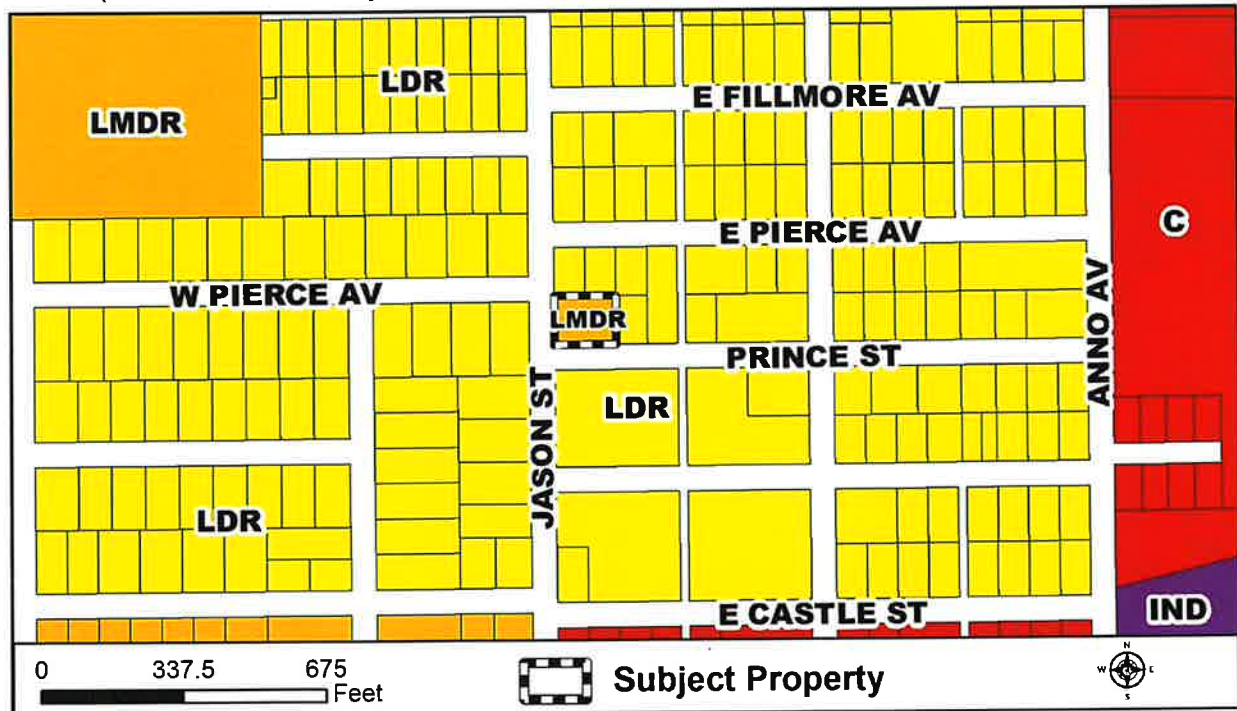
DOR Code (Property Type)

 MultiFamily  Duplexes

FUTURE LAND USE - CURRENT
LDR (Low Density Residential)

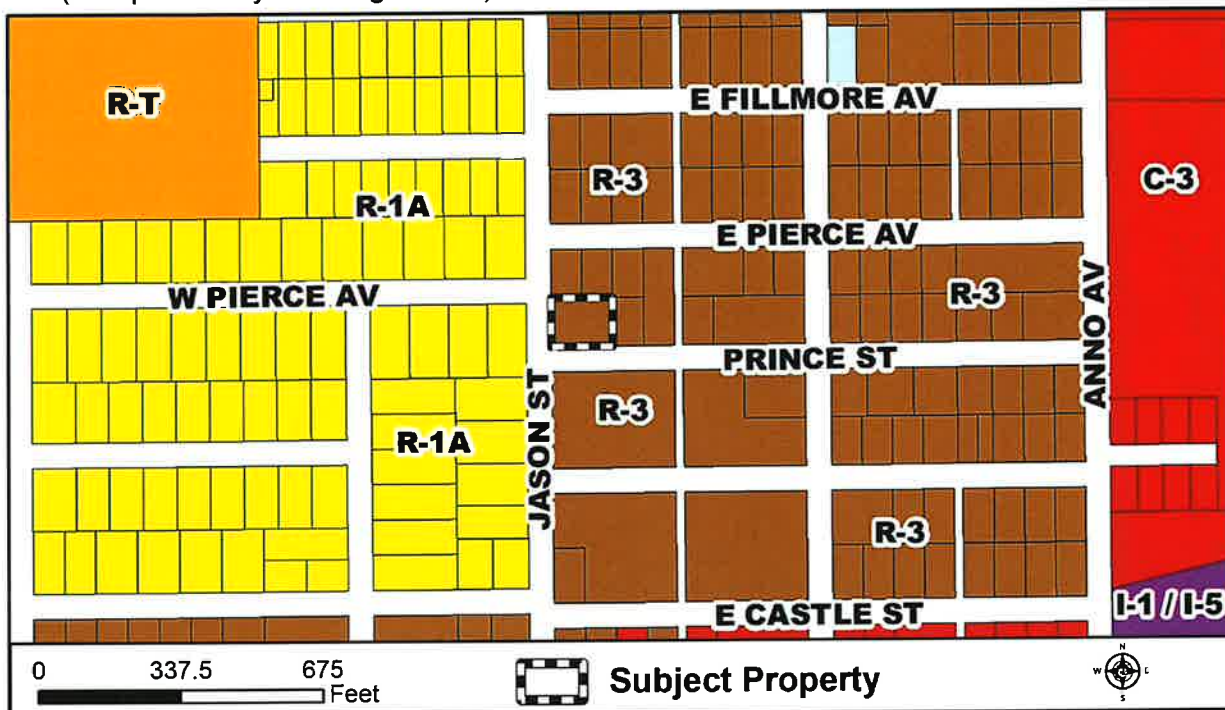


FUTURE LAND USE - PROPOSED
LMDR (Low-Medium Density Residential)



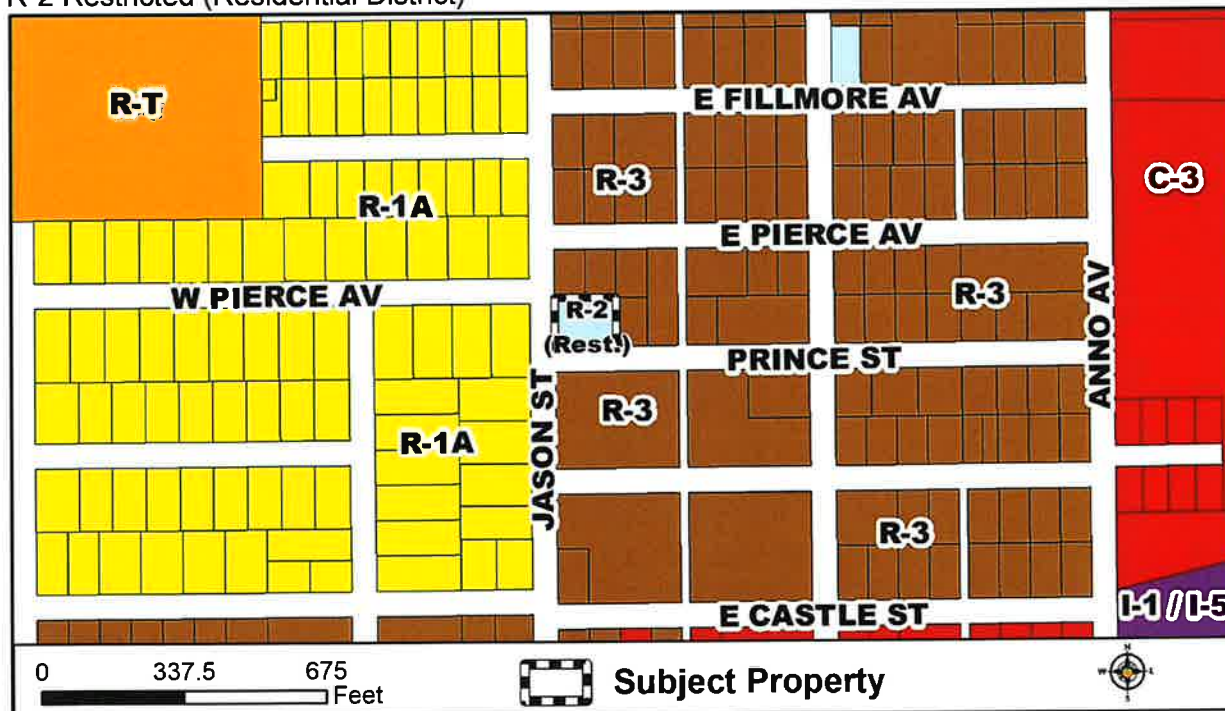
ZONING – CURRENT

R-3 (Multiple-Family Dwelling District)

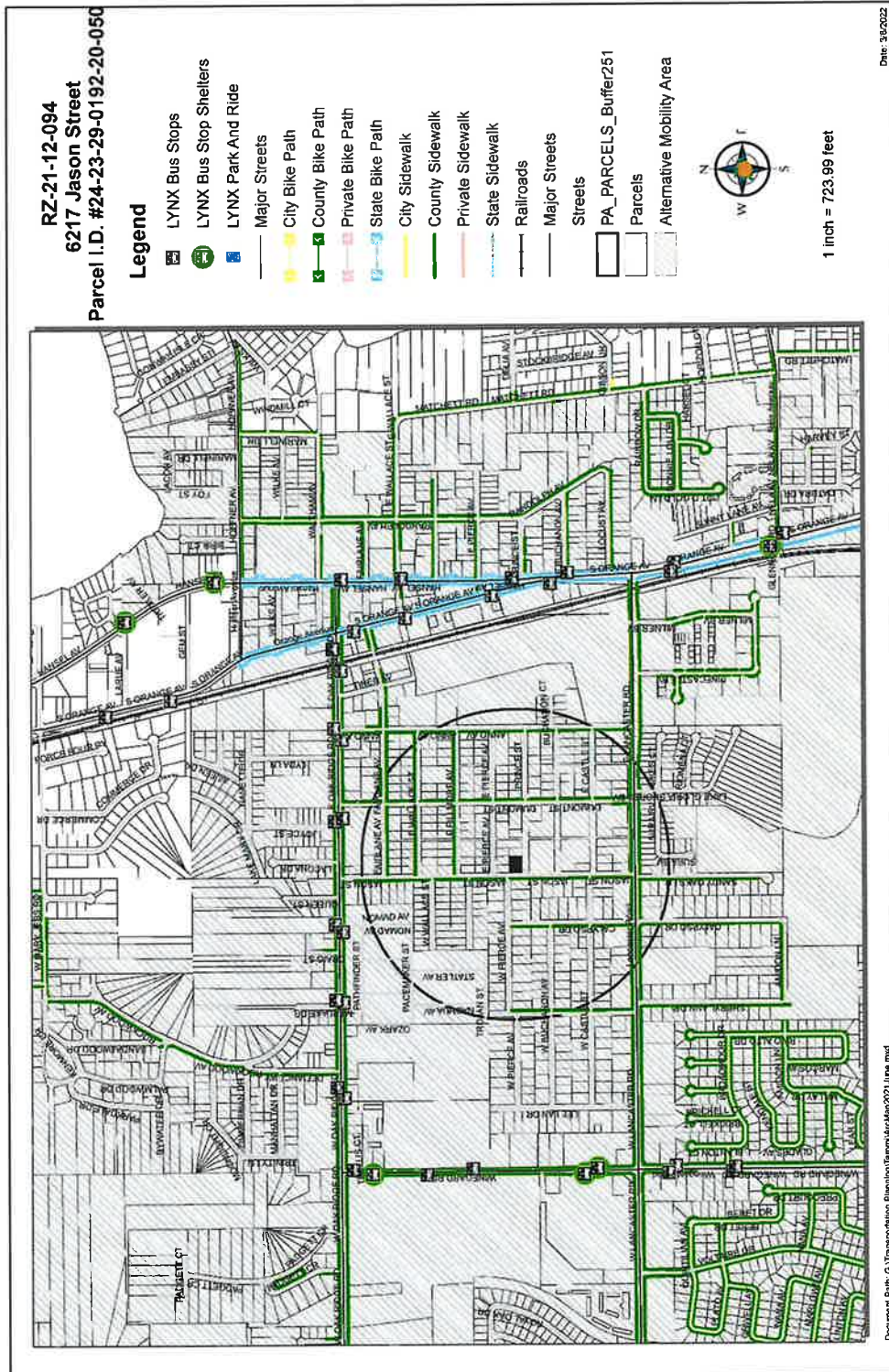


ZONING – PROPOSED

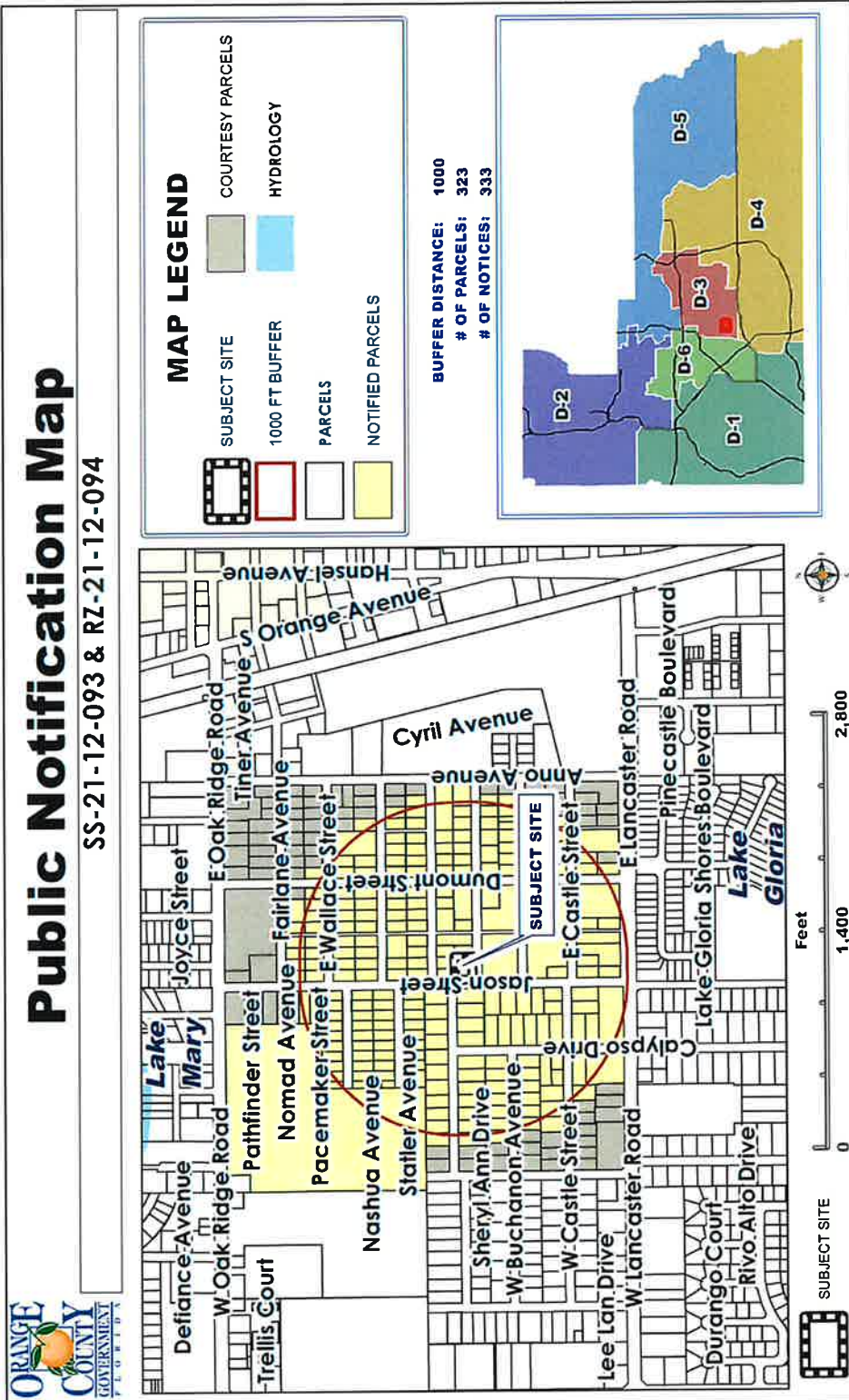
R-2 Restricted (Residential District)



Alternate Mobility Area Map



Notification Map



* * *

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 22nd DAY OF MARCH, 2022.

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-21-12-093	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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