




Interoffice Memorandum

DATE: October 23, 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: November 19, 2024, Adoption Public Hearing – Small-Scale
Future Land Use Map Amendment, Concurrent Rezoning, and
associated Ordinance
Applicant: Daniel Jorge Oliveira
SS-23-12-101 and RZ-23-12-102
District 6

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 November 19, 2024. This request was continued from the September 24, 2024, Board hearing to speak with the applicant, who was not at the hearing, on the matter of illegal dumping on the site.

The 0.71-acre subject property is located at 329 and 335 Takoma St; generally east of Takoma St, south of W. Livingston St, north of W. Robinson St. The request is to change the Future Land Use Map designation from Commercial (C) to Low-Medium Density Residential (LMDR) and rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) zoning. The original request was for R-2 (Residential District) zoning for townhome development, however the applicant agreed with the staff alternative recommendation for R-1 zoning for single-family dwelling development. Up to five homes could be constructed with wetland impacts and about four homes without wetland impacts. A community meeting was not required for this request.

On August 15, 2024, the Planning and Zoning Commission / Local Planning Agency unanimously recommended approval of the Future Land Use Map Amendment request, with the alternative recommendation of R-1 (Single-Family Dwelling District) zoning to allow for single-family detached homes only.

Small-Scale Development Amendment and Concurrent Rezoning Request
Board Adoption Public Hearings
SS-23-12-101 and RZ-23-12-102
November 19, 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-1 (Single-Family Dwelling District) zoning.
District 6**

AV/JHS

**Small-Scale Future Land Use Map Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: November 19, 2024**

CASE # SS-23-12-101

RZ-23-12-102

Commission District: #6

GENERAL INFORMATION

APPLICANT: Daniel Jorge Oliveira

OWNER: Takoma Realty, LLC

HEARING TYPE: Planning and Zoning Commission / Local Planning agency

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

ZONING REQUEST: **R-1A** (Single-Family Dwelling District) **to**
R-2 (Residential District) **The applicant agreed to change to
R-1 at the PZC hearing.*

LOCATION: 329 and 335 Takoma St; generally east of Takoma St, south of
W. Livingston St, north of W. Robinson St.

PARCEL ID NUMBER: 30-22-29-2744-02-220, 30-22-29-2744-02-190

SIZE / ACREAGE: 0.71-gross acre / 0.48 net acres

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]. One hundred fifty-nine (159) notices were mailed to those
property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Up to Four (4) Townhome Units or up to seven (7) Townhome
Units if wetland impacts are approved.

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 inconsistency with the Comprehensive Plan and recommend
Denial of the requested R-2 (Residential District) zoning.**

Alternative Recommendation

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant has requested to change the Future Land Use Map (FLUM) designation from Commercial (C) to Low-Medium Density Residential (LMDR), and change the zoning from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to allow Townhome development. Currently, four townhome units would be permitted, however if wetland impacts are approved through a Conservation Area Impact (CAI) permit, 7 townhome units could be built. The applicant agreed to change the request to R-1 (Single-Family Dwelling District) zoning at the PZC hearing on August 15th.

The 0.71 gross acre subject property contains two parcels, and is currently undeveloped. Also, the subject property was originally platted as Lots 19, 20, 21, 22 and 23 and is located inside of the Urban Service Area. The subject property consists of five (5) platted lots, each lot measures 50 feet in width and 6250 sq. ft. in lot size. The plat for the Franklin Investments and Realty Co subdivision was recorded in 1926.

The surrounding area primarily consists of commercial uses to the east and south with varying levels of single-family residences to the north and west. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 50 feet to 100 feet in width.

In 2019, this property went through a rezoning process with a request to rezone from R-1A (Single-Family Dwelling District) to C-2 (General Commercial District) and was denied. The change of the ownership has occurred since then. Now, the new owner has a desire to develop the subject property as townhomes, as was requested in the current application. However, during the pre-application meeting, which is required for every Comprehensive Plan small scale amendment, the development program was duplexes.

The proposed request is not compatible with the surrounding area therefore an alternative recommendation is proposed for R-1 (Single-Family Dwelling District) zoning which allows for minimum 50 foot wide lots and 5,000 square foot lot size. Given this alternative recommendation the applicant would be able to revert to the underlying platted lots and construct four (4) single-family homes or five (5) homes if wetland impacts are approved. An Orange County Conservation Area Determination (CAD) identified 0.23 acre of Class III wetlands within the subject property boundaries.

Land Use Compatibility

The Proposed FLUM designation of Low-Medium Density Residential (LMDR) and R-1 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 not located in an Airport Noise Zone.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial. The proposed Low-Medium Density Residential (LMDR) designation is consistent with the proposed R-1 (Single-Family Dwelling District) zoning designation. The R-1 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 lots

Adjacent	FLUM	Zoning
North	Commercial (C)	R-1A (Single-Family Residential) 1957
East	Commercial (C)	C-3 (Wholesale Commercial District) 1982
West	Low Medium Density Residential (LMDR)	R-1A (Single-Family Residential) 1957
South	Commercial (C)	R-1A (Single-Family Residential) 1957

Adjacent Land Uses

N: Vacant Residential
E: Private Storm water pond
W: Vacant 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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

Two Dwelling Units

Min. Lot Area:	8,000 sq. ft. / 9,000 sq. ft.
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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:	
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:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft.
Side Street:	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:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft. (30 ft. where adjacent to single-family)
Side Street:	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-23-10-169 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 2/20/2024. The CAD identified 0.23 acre 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.

Wekiva River, Rock Springs Run, and Little Wekiva Canal BMAP, Lake Okeechobee Enhanced Septic/Sewer Requirement - This site is located within the Wekiva River/Rock Springs Run and Lake Okeechobee Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

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.

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).

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.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion

control. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Transportation / Access

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed use will result in a decrease of 130 in the number of pm peak trips and therefore will not impact the area roadways from what is currently permitted to be developed.

Roadway Capacity Analysis

A Traffic Study was not submitted with the case for review and comment. The subject property is located adjacent to East colonial Drive. Based on existing conditions, Econlockhatchee Tr. The segment from Colonial Drive to Central Fl Greenway is deficient and operating at LOS F. This information is dated and subject to change.

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 in order to mitigate any transportation deficiencies. 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

A Capacity Determination was completed (OC-24-012) and shows that capacity is available at the elementary school (Ivey Lane) and middle school (Carver) but is not available at the high school (Jones). Currently, Jones High School has an adjusted utilization rate of 106.9% and if this development is approved, the adjusted utilization rate would remain the same at 106.9% with only 0.452 students being generated from the development.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water:	OUC
Wastewater:	Orange County Utilities
Reclaim Water:	Orange County Utilities

Detailed Utility Information:

This property is within the Orlando Utilities Commission 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 – August 15, 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 R-1 (Single-Family Dwelling District) zoning.

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 DENIAL of the requested R-2 (Residential District) zoning, with alternative recommendation of R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the alternative staff recommendation. No members of the public appeared during the public comment to speak regarding this request.

Staff indicated that one hundred fifty-nine (159) notices were sent to property owners extending beyond 700 feet surrounding the property, and that staff had received one (1) response in opposition with a comment that the area primarily consists of single-family homes, and that one home would be great, and opposed for the higher density development.

Discussion ensued regarding the request and the staff's alternative recommendation. Staff mentioned that under the R-1 zoning only single-family homes would be permitted and R-2 zoning allowed for townhome development. And that about four (4) single-family homes would be permitted without wetland impacts and five (5) homes with the wetland impact. A question was asked by commissioner Spears how many townhomes would be permitted under R-2; staff responded that 7 townhome units could be built with the wetland impacts and four (4) townhome units without the wetland impacts. A motion was made by Commissioner Evans and seconded by Commissioner Arrington to recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use Map designation and APPROVAL of the alternative recommendation of R-1 (Single-Family Dwelling District) zoning. The motion carried on a 7-1 vote.

Motion / Second

Camille Evans / Michael Arrington

Voting in Favor

Gordon Spears, Camille Evans, Michael Arrington, Eddie Fernandez, George Wiggins, David Boers and Evelyn Cardenas

Voting in Opposition

Eric Gray

Absent

Nelson Pena

SS-23-12-101 & RZ-23-12-102



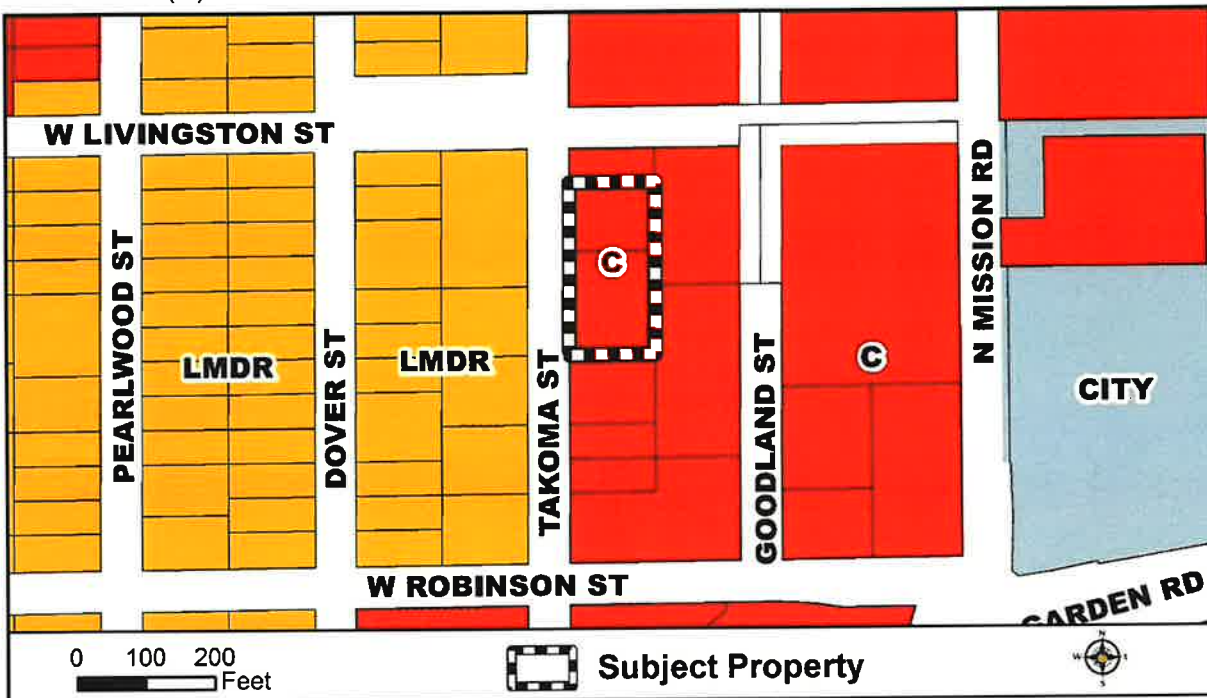
 Subject Property



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Feet

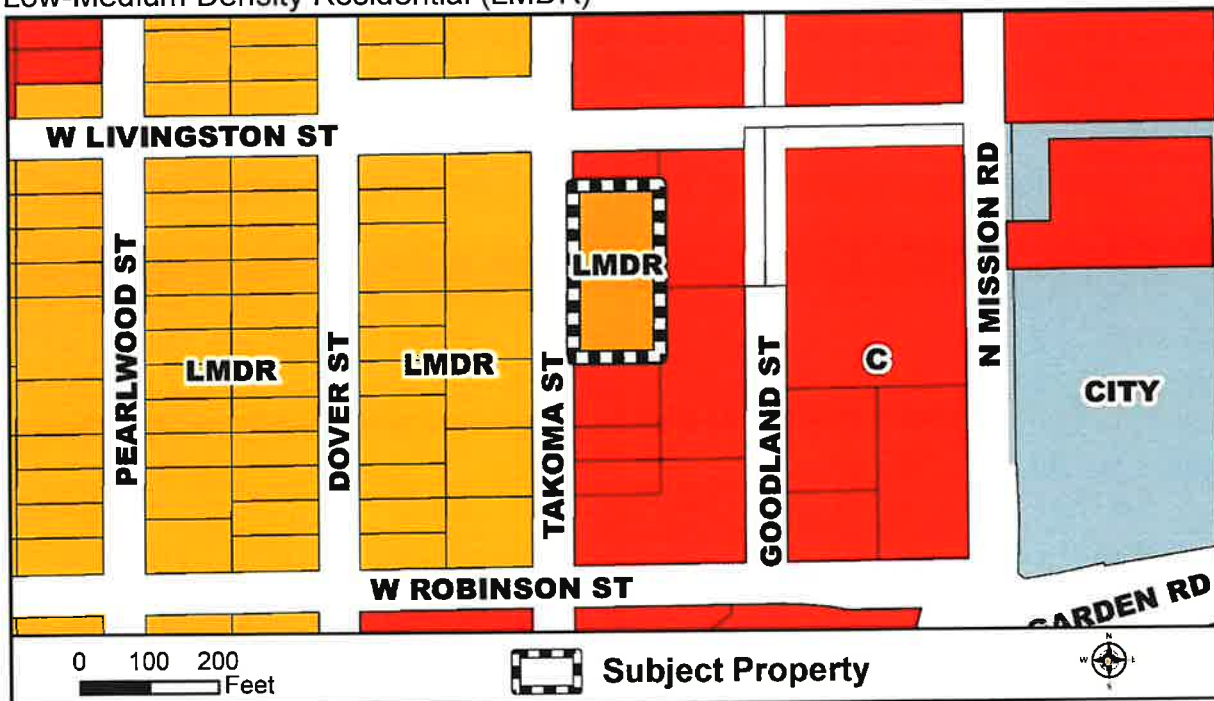
FUTURE LAND USE – CURRENT

Commercial (C)



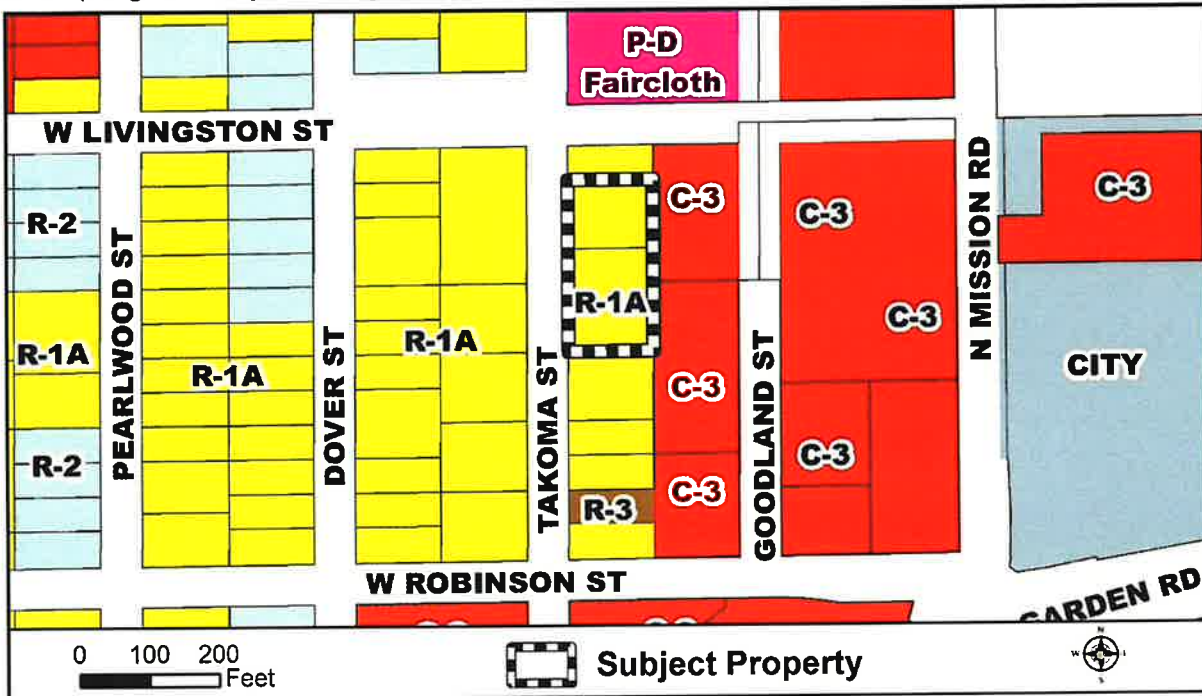
FUTURE LAND USE – PROPOSED

Low-Medium Density Residential (LMDR)



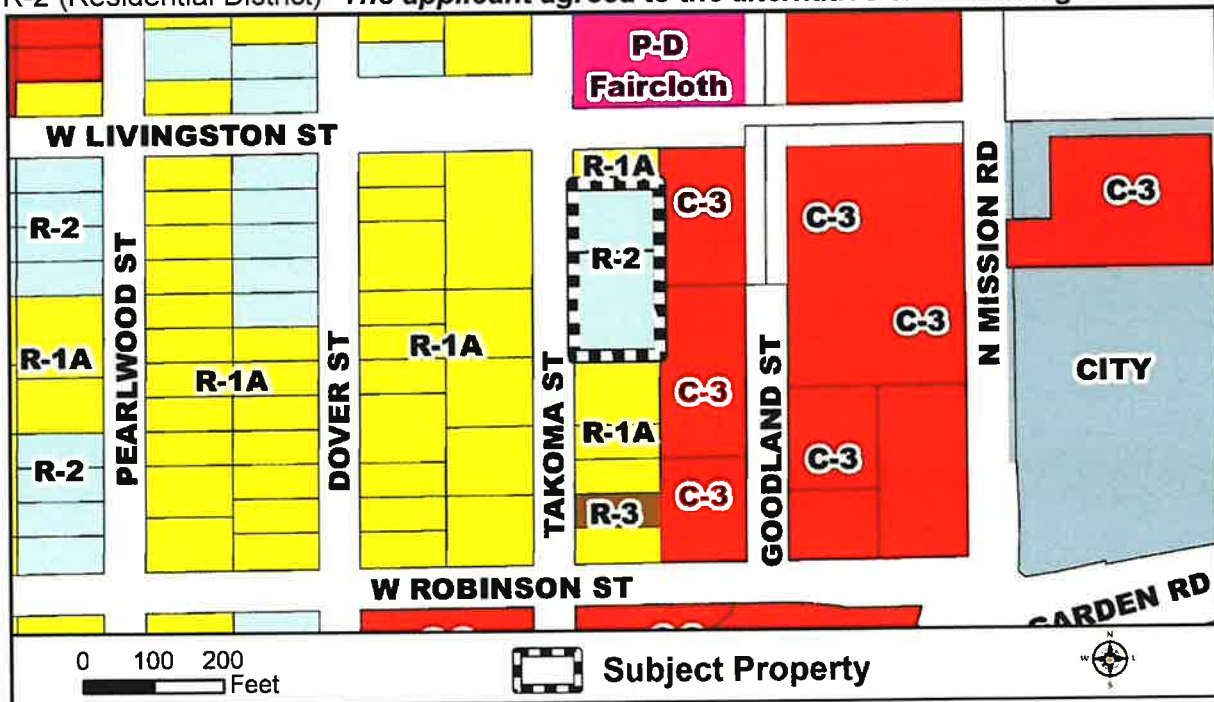
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

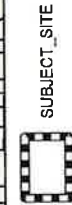
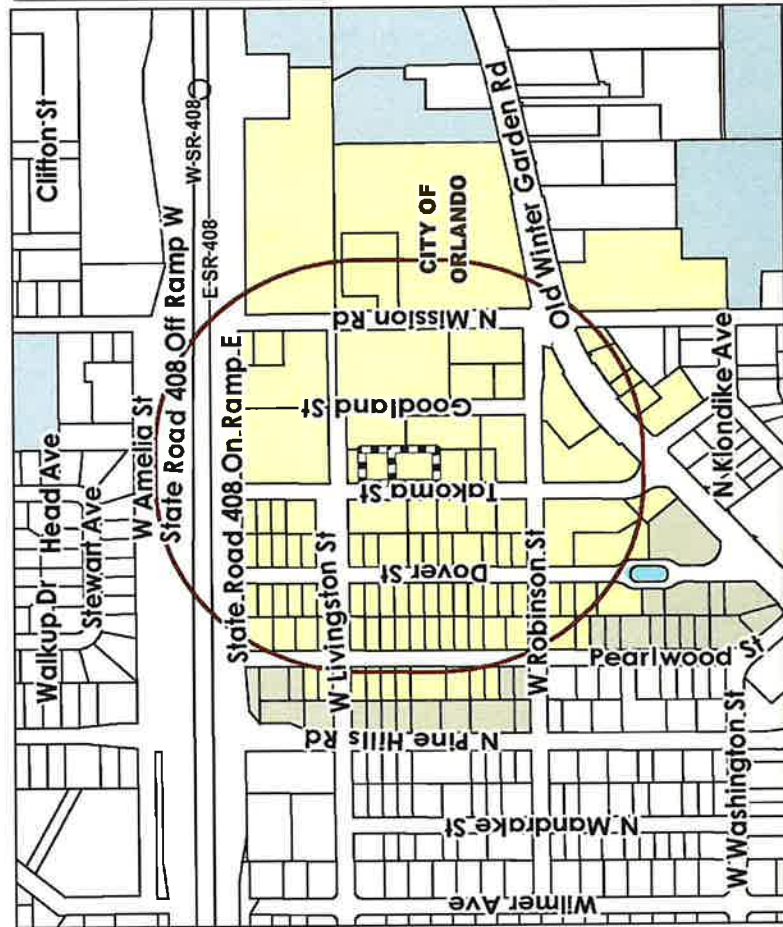
R-2 (Residential District) **The applicant agreed to the alternative of R-1 zoning*





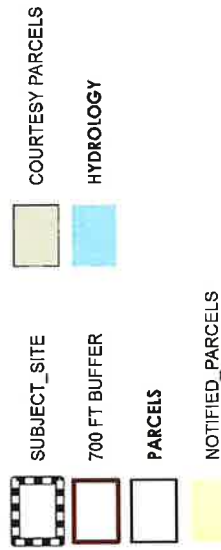
Public Notification Map

SS-23-12-101 & RZ-23-12-102

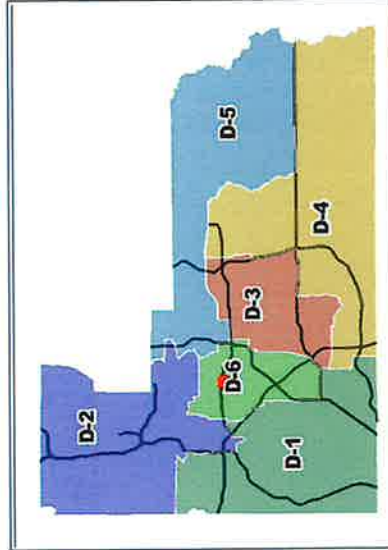


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MAP LEGEND



BUFFER DISTANCE: 700
OF NOTICES: 159



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 November 19, 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 19TH DAY OF NOVEMBER, 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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59
60 By: _____
61 Deputy Clerk

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-23-12-101	Commercial (C)	Low-Medium Density Residential (LMDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		