




Interoffice Memorandum

DATE: April 29, 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: Adoption Public Hearing – May 21, 2024, Small-Scale Future
Land Use Map Amendment and Concurrent Rezoning Request
Applicant: Rick Baldocchi, Avcon, Inc.
SS-23-10-073 and RZ-23-10-074
District 6

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request scheduled for a Board adoption public hearing on May 21, 2024.

The subject property is located at 870 N. Hastings Street; generally bounded by N. Hastings Street to the east, Arundel Drive to the north. The request is to change the Future Land Use Map designation from Parks and Recreation / Open Space (PR/OS) to Medium Density Residential (MDR) and rezone the property from R-1A (Single-Family Dwelling District) to R-3 Restricted (Multiple-Family Dwelling District). The applicant is proposing to construct 158 Age-Restricted Senior Housing Multi-Family units.

A community meeting was held November 6, 2023, with seven residents in attendance. Residents expressed concern for access and the desire to see the access from Hastings Street. There was also concern about the units being available to all age groups, not just 55+, but staff stated that the rezoning would be restricted to age 55+ and that if there were a change to that, another rezoning application would need to be submitted to remove the restriction.

The adoption public hearing for Small-Scale Development Amendment SS-23-10-073 and Rezoning RZ-23-10-074 were conducted before the Planning and Zoning Commission / Local Planning Agency on November 16, 2023, where the requests were unanimously recommended for adoption after a short discussion involving the proposed use. There were no speakers during public comment.

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 407-836-5802 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 Medium Density Residential (MDR) Future Land Use Map designation, adopt the associated ordinance, and approve the R-3 Restricted (Multiple-Family Dwelling District) zoning. District 6

TW/JHS/kh

c: Jon V. Weiss, P.E., Deputy County Administrator
Georgiana Holmes, Deputy County Attorney
Whitney Evers, Senior Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Jim Resta, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

CASE # SS-23-10-073

RZ-23-10-074

Commission District: #6

GENERAL INFORMATION

APPLICANT: Rick Baldocchi, AVCON, Inc.

OWNER: Central Fla Young Mens Christian Assn

HEARING TYPE: Planning and Zoning Commission

FLUM REQUEST: **Parks and Recreation / Open Space (PR/OS) to Medium Density Residential (MDR)**

ZONGING REQUEST: **R-1A (Single-Family Dwelling District) to R-3 Restricted (Multiple-Family Dwelling District)**

LOCATION: 870 North Hastings Street; generally bounded by N. Hastings St. to the east, Arundel Dr. to the north

PARCEL ID NUMBER: 24-22-28-6240-12-250 (*portion of*)

SIZE/ ACREAGE: 7.93 acres (*affected portion of parcel*)

PUBLIC NOTIFICATION: The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred fifty-seven (457) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was held on November 6, 2023, and is summarized further in this report.

PROPOSED USE: 158 Senior Housing Multi-Family Units (Age-Restricted)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use Map designation and APPROVAL of the requested R-3 Restricted (Multiple-Family Dwelling District) zoning, subject to the following restriction:

- 1) Because the project includes approval for senior housing, the developer shall restrict occupancy to senior adults that comply with the requirements of the Housing for Older Persons Act [42 U.S.C. §3607(b).] No permanent residency by school-aged children shall be generated as a result of any development on this property. Any proposed future conversion of the senior housing to unrestricted housing or any proposal to add

permanent residency by school-aged children shall require a rezoning that must be approved by the BCC at a public hearing. If the rezoning is approved, school impact fees in effect at that time shall be paid and the project shall comply with any school capacity and school concurrency regulations in effect at that time.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant is seeking to change the Future Land Use Map (FLUM) designation on a 7.93 acre portion of the overall parcel from Parks and Recreation / Open Space (PR/OS) to Medium Density Residential (MDR) and change the zoning designation from R-1A (Single-Family Dwelling District) to R-3 Restricted (Multiple-Family Dwelling District) in order to allow for up to 158 senior housing multi-family dwelling units. Through this rezoning, the development will be restricted to residents that are fifty-five plus (55+).

The subject property is the site of a YMCA and is otherwise undeveloped. The property is surrounded by single-family residential units to the north and west, duplexes to the south, and the YMCA and a church to the east. In the overall area contains multi-family units, and commercial businesses along Colonial Drive which is one block to the south of the subject property.

Land Use Compatibility

The Proposed FLU Medium Density Residential 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 in 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 in a 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 Parks and Recreation / Open Space (PR/OS). The proposed Medium Density Residential FLU is consistent with the proposed R-3 zoning. 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	YMCA Health Club / Vacant
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-3 (Multiple-Family Dwelling District) (1965)
Adjacent Land Uses	N: Single-family E: Church

W: Single-family

S: Duplexes

R-3 (Multiple-Family Dwelling 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.
 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.

Three Dwelling Units

11,250 sq. ft.
Min. Lot Area:
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.

Four or More Dwelling Units

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:
 Front: 20 ft.
 Rear: 30 ft.
 Side: 10 ft. (30 ft. where adjacent to single-family)

**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.*

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.

SPECIAL INFORMATION

Staff Comments

Environmental

CAD Required - An Orange County Conservation Area Determination (CAD) was completed which identified 10.46 gross acres and 0.46 acres of Class III wetlands.

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 Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for individual determination and details of this advanced septic treatment system requirement.

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).

Noise Proximity - Portions of this site are immediately adjacent to the YMCA that may produce noise levels above the normal neighborhood ambient sound. Construction of residential units should consider housing construction techniques and design features to minimize interior noise to the residents.

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with the BP AMOCO #15308 located about 500 feet to the south. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

Transportation / Access

Analysis of the project trips from the currently approved future land use versus the proposed use indicates that the proposed use will result in an increase in the number of pm peak trips by 40 and therefore will impact the area roadways.

Roadway Capacity Analysis

A Traffic Study was not submitted with the case for review and comment. The subject property is located adjacent to single-family residential and a church. Based on existing conditions, all roadways within the impact area are operating at the adopted level of service. This information is 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 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 plan.

Schools

A school capacity determination is not required as long as the project remains a 55+ community. If this community becomes unrestricted, a capacity determination will be required.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was held on November 6, 2023, at Robinswood Middle School with seven (7) residents in attendance. In addition to general questions, residents expressed concern for access and the desire to see the access from Hastings Street. Residents were concerned that the project would become available for all families and staff stated that the rezoning request would be restricted to age 55+ and that if there were a change to that, another rezoning application would need to be submitted to remove the restriction.

Utilities Service Area (Availability of services may vary)

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within 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 – November 16, 2023

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the proposed Medium Density Residential (MDR) Future Land use and APPROVAL of the requested R-3 Restricted (Multiple-Family Dwelling District) zoning subject to one restriction:

- 1) Because the project includes approval for senior housing, the developer shall restrict occupancy to senior adults that comply with the requirements of the Housing for Older Persons Act [42 U.S.C. §3607(b).] No permanent residency by school-aged children shall be generated as a result of any development on this property. Any proposed future conversion of the senior housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall require a rezoning that must be approved by the BCC at a public hearing. If the rezoning is approved, school impact fees in effect at that time shall be paid and the project shall comply with any school capacity and school concurrency regulations in effect at that time.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The applicant was present for the hearing and agreed with staff's recommendation to adopt the requested Future Land Use amendment and zoning. Zero residents spoke during public comment.

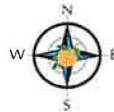
After a brief discussion involving the proposed use and the surrounding area, a motion was made by Commissioner Evans and seconded by Commissioner Pavon to recommend ADOPTION of the proposed Medium Density Residential (MDR) Future Land Use and recommend APPROVAL of the proposed R-3 Restricted (Multiple-Family Dwelling District) zoning subject to one restriction. The motion carried on a 7-0 vote.

Motion / Second	<i>Camille Evans / Walter Pavon</i>
Voting in Favor	<i>Camille Evans, Walter Pavon, David Boers, Michael Arrington, Nelson Pena, George Wiggins and Gordon Spears</i>
Voting in Opposition	<i>None</i>
Absent	<i>Eddie Fernandez and Evelyn Cardenas</i>

SS-23-10-073 & RZ-23-10-074



 Subject Property

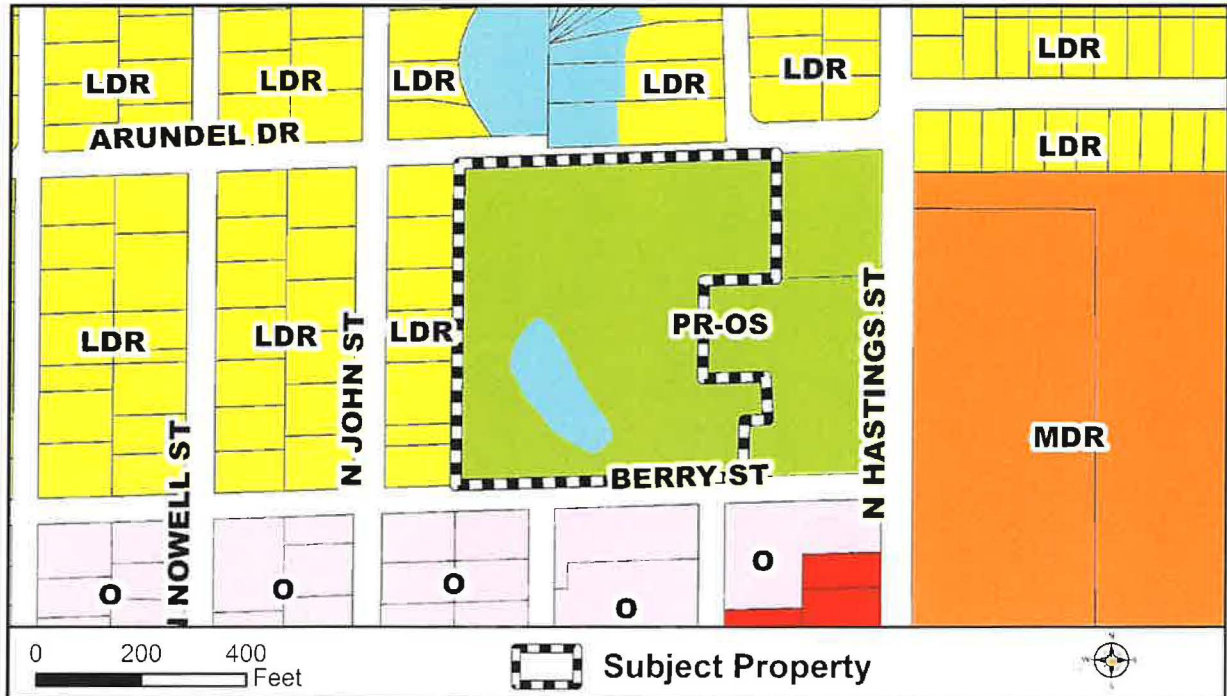


0 200 400 Feet



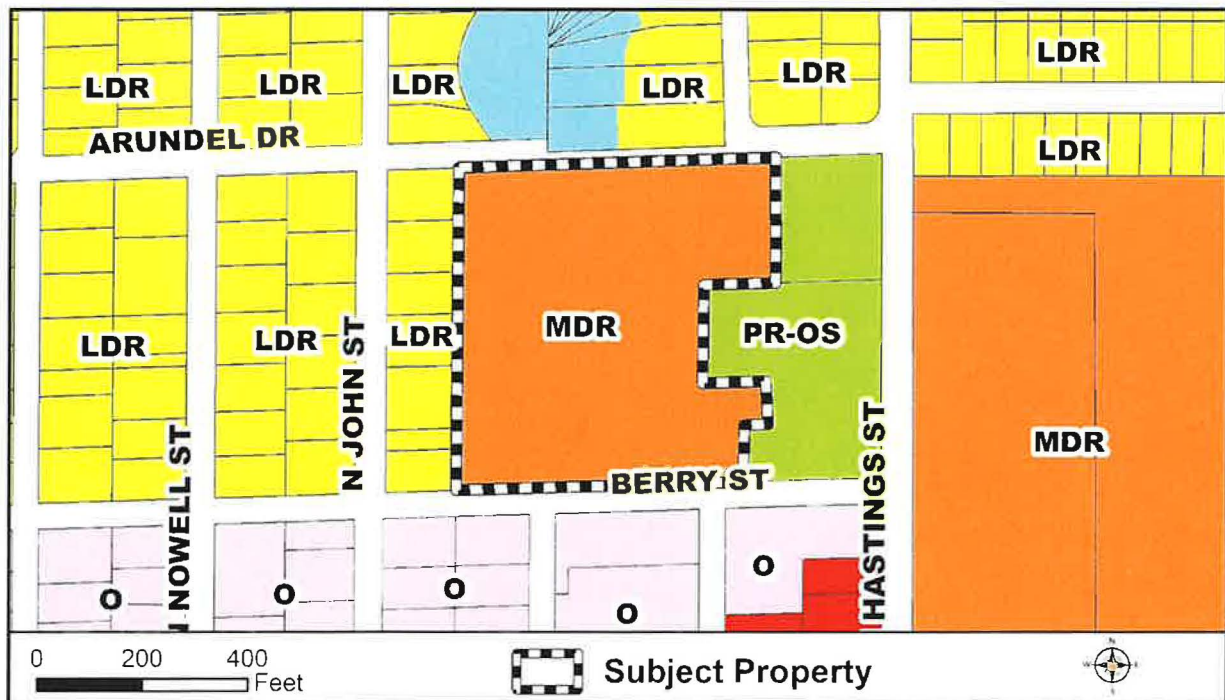
FUTURE LAND USE – CURRENT

Parks and Recreation / Open Space (PR/OS)



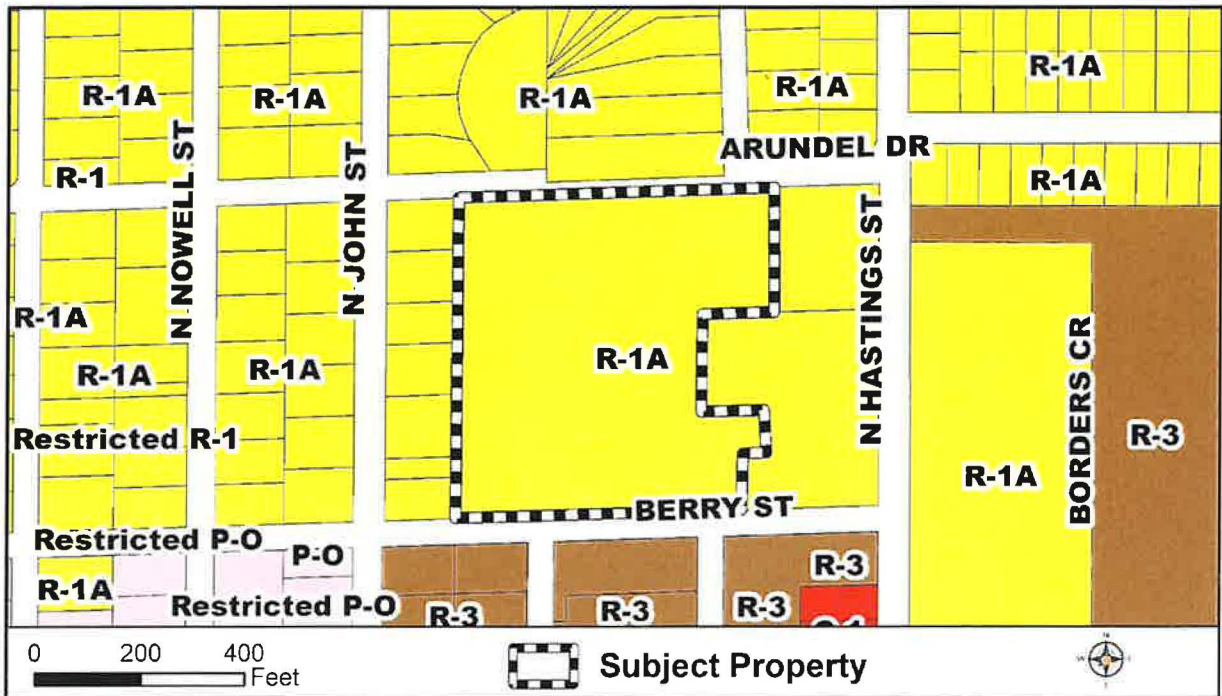
FUTURE LAND USE – PROPOSED

Medium Density Residential (MDR)



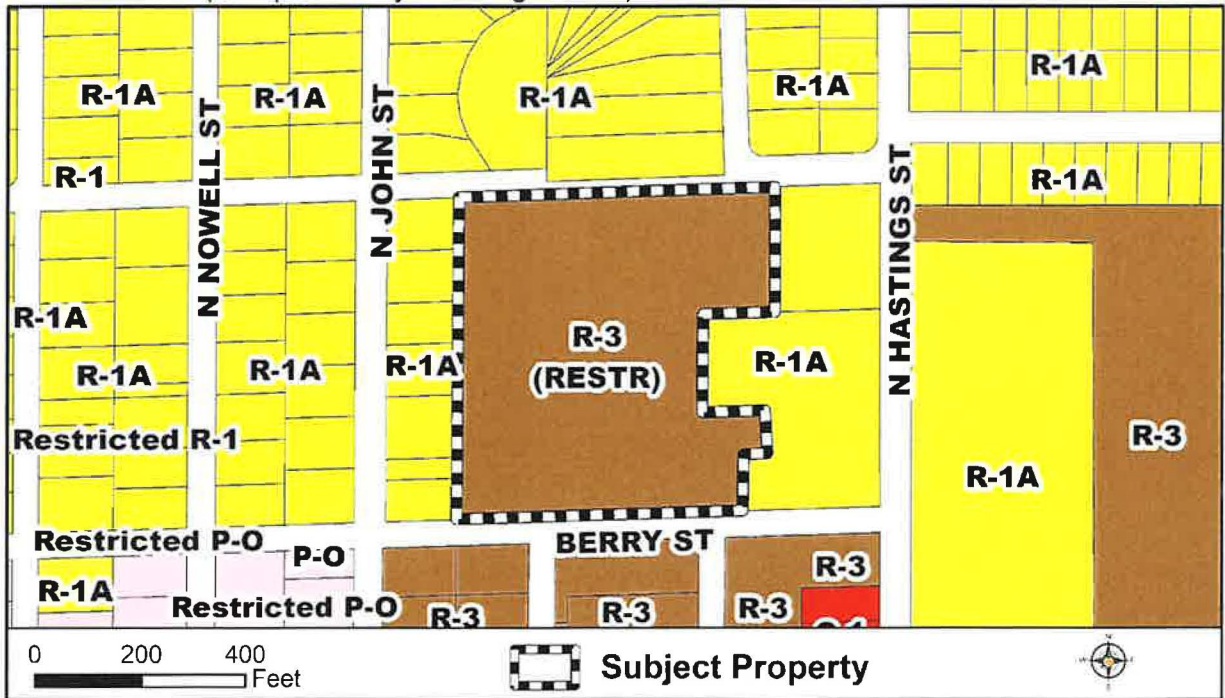
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

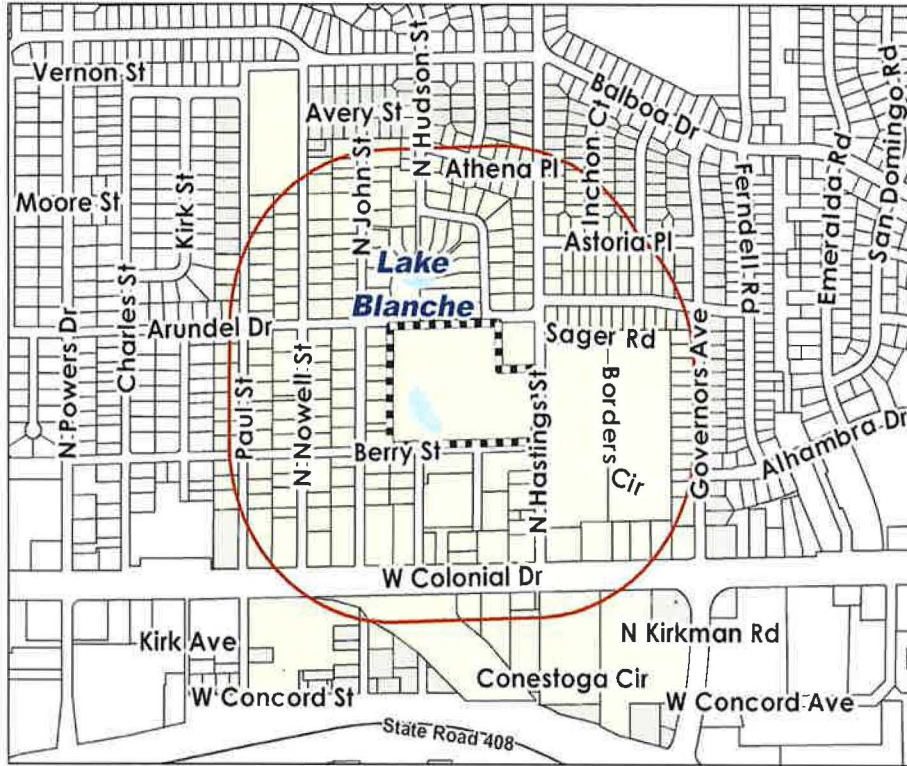
R-3 Restricted (Multiple-Family Dwelling District)





Public Notification Map

SS-23-10-073 & RZ-23-10-074



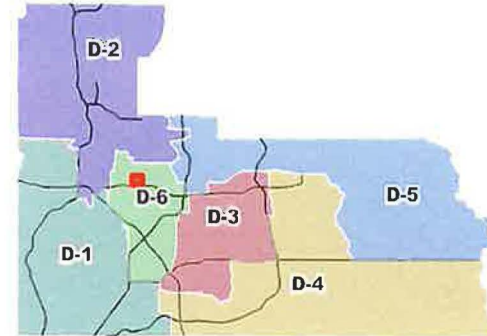
SUBJECT_SITE



MAP LEGEND

- SUBJECT_SITE
- 900 FT BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED_PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 900
OF NOTICES: 457



S:\Business Systems\Board Administration\2_PZC\2023\11-NOVEMBER\SS-23-10-073 & RZ-23-10-074\SS-23-10-073.mxd

NOTIFICATION MAP

Case # SS-23-10-073 & RZ-23-10-074
Orange County Planning Division
BCC Hearing Date: May 21, 2024

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 May 21, 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 21ST DAY OF MAY, 2024.

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

48
49
50
51 By: _____
52 Jerry L. Demings
53 Orange County Mayor

54
55 ATTEST: Phil Diamond, CPA, County Comptroller
56 As Clerk to the Board of County Commissioners

57
58
59
60 By: _____
61 Deputy Clerk

62
63
64
65
66

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-23-10-073	Parks and Recreation / Open Space (PR/OS)	Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

67