




Interoffice Memorandum

DATE: March 25, 2025

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

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

**CONTACT PERSON: James Resta, AICP, Chief Planner
407-836-5624**

SUBJECT: Adoption Public Hearing – April 8, 2025, Small Scale Future
Land Use Map Amendment SS-25-02-077 - District 6

Small Scale Future Land Use Map Amendment SS-25-02-077 is scheduled for a Board adoption public hearing on April 8, 2025. The above-referenced Small Scale Amendment is an Applicant initiated map amendment to the Future Land Use Map Series of the Comprehensive Plan.

The Applicant's FLUM Request is to change the Future Land Use from Commercial (C) to Low-Medium Density Residential (LMDR). The property is part of a platted subdivision and is currently zoned R-1, which is inconsistent with the Commercial Future Land Use. The LMDR request is to accommodate the relatively small lot size of 5,360 square feet, which would otherwise prohibit construction of a detached, single-family home in LDR.

The amendment request was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an Adoption public hearing on February 20, 2025, where the request was unanimously recommended for approval. The motion carried by a vote of 6-0.

Following the Board Adoption public hearing and Adoption of the accompanying ordinance, pending public review, the proposed amendment will become effective after 31 days. Any questions concerning this document should be directed to Alberto A. Vargas, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or James Resta, AICP, Chief Planner at (407) 836-5624 or James.Resta@ocfl.net.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT SS-25-02-077

AAV/JHS/sw

- c: Jon V. Weiss, P.E., Deputy County Administrator
Georgiana Holmes, Deputy County Attorney
Whitney Evers, Senior Assistant County Attorney
Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services
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
Read File

CASE # SS-25-02-077

Commission District: #6

GENERAL INFORMATION

APPLICANT: Richard Musgrave, Kajor Construction, Inc.

OWNERS: Lalchand and Koshal Manieram

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

LOCATION: Generally located east of S Observatory Drive and west of S Powers Drive, north of Old Winter Garden Road and south of Jansen Street

PARCEL ID NUMBER: 25-22-28-6420-05-060

SIZE/ ACREAGE: 0.12 gross/net developable acre

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 six (106) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: One (1) single-family home

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.

SUBJECT PROPERTY ANALYSIS

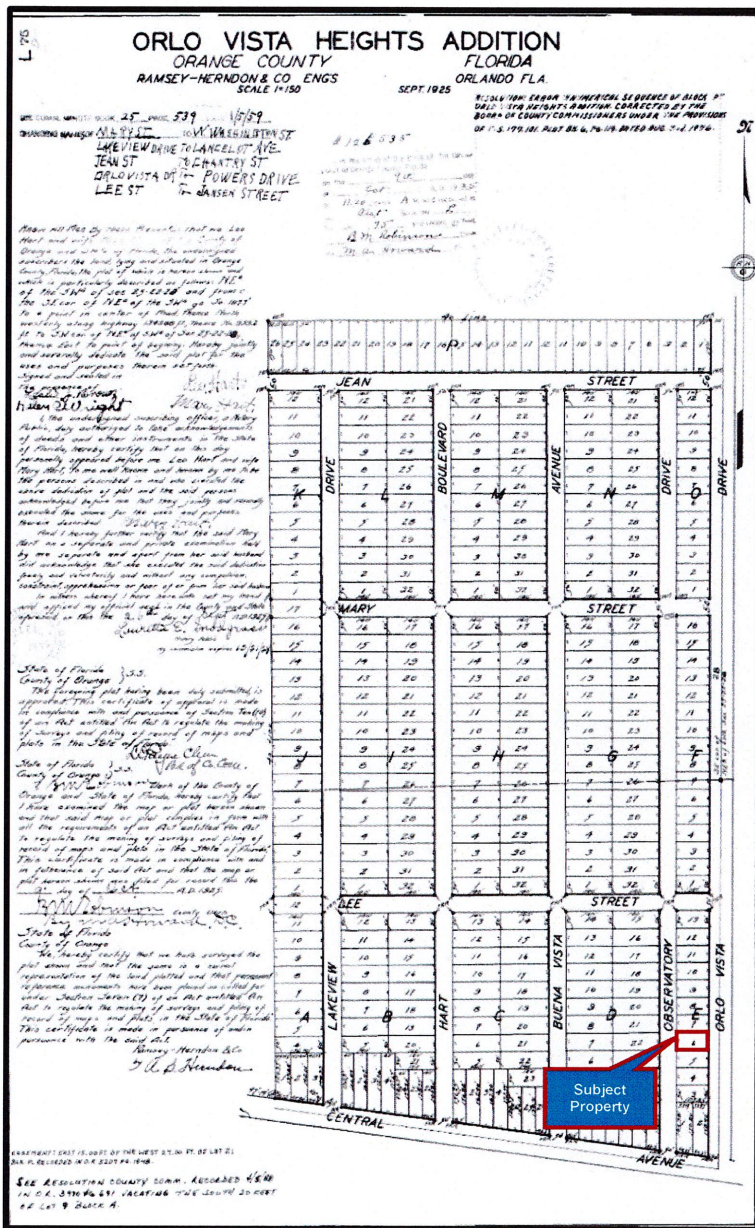
Overview

The applicant, Richard Musgrave, is seeking to change the Future Land Use Map (FLUM) designation of the 0.12-acre subject property, presently undeveloped, from Commercial (C) to Low-Medium Density Residential (LMDR). If this request is approved, it is the intent of the owners, Lalchand and Koshal Manieram, to construct a single-family home on the property.

The subject site is a platted lot (Lot 6, Block E) in the Orlo Vista Heights Addition subdivision, recorded in Book L, Page 75 of the Public Records of Orange County on October 9, 1925. Since the inception of zoning in the County on October 7, 1957, the

parcel has possessed the R-1 (Single-Family Dwelling District) zoning classification—a category that is inconsistent with its current Commercial future land use designation, assigned via the July 1, 1991, adoption of the Orange County Comprehensive Plan. Despite its Commercial designation, the property was never rezoned or developed for commercial purposes. At this time, the applicant wishes to bring the future land use designation of the property into conformance with its R-1 zoning classification to allow for the development of the site for residential use.

The subject property, with a width of 50 feet and an area of 5,360 square feet, meets the minimum 50-foot lot width and 5,000-square-foot lot area requirements of the R-1 zoning district. As shown below, the majority of the lots in the Orlo Vista Heights Addition subdivision were platted with a width of 50 feet, with those situated between Orlo Vista Drive (now S Powers Drive) and S Observatory Drive similar in area to the subject site.



Although the subject parcel lies approximately 270 feet north of the heavily-traveled Old Winter Garden Road corridor, characterized by a mix of commercial, office, and institutional activity, it is situated within an established residential neighborhood, as illustrated on the aerial map. The proposed development of the site for one single-family home is compatible with the surrounding residential uses.

The existing and proposed future land use maps in this report show that the majority of the parcels to the north and east of the subject property have a FLUM designation of Low Density Residential (LDR), which allows residential development at a maximum net density of four (4) dwelling units per acre. However, with an area of 0.12 acre, the subject parcel falls short of the quarter-acre lot size needed to request the same LDR designation. For this reason, the applicant is seeking the LMDR FLUM designation, with a maximum permitted density of ten (10) dwelling units per net acre. Approval of the requested LMDR designation would, as stated above, bring the future land use designation of the property, on which no wetlands or surface water are present, into conformance with its R-1 zoning classification and allow for the development of the site for one single-family home.

Staff views the subject property as an infill site within the County's Urban Service Area (USA). Staff finds this proposal consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. This request is also consistent with **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

Additionally, staff finds the proposed FLUM Amendment consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The owners' intent to construct a single-family home is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

Staff further finds the application consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The proposal also meets the intent of **Housing Element Policy H1.3.8**, which establishes 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. If constructed, the single-family home will use infrastructure that is already in place. Per Orange County Utilities (OCU), the subject property lies within the Orlando Utilities Commission's (OUC's) potable water service area and Orange County's wastewater and reclaimed water service areas. Potable water service from OUC is available to serve the property (although wastewater and reclaimed water service from OCU are currently unavailable). Additionally, the single-family home will utilize the existing area transportation network, which serves both transit riders and automobile drivers. With respect to transit, a LYNX bus route, Link 54 – Old Winter Garden Road, currently services the area Monday through Saturday from 5:20 a.m. to 8:06 p.m. Per LYNX, there is a bus stop approximately 360 feet southeast of the subject

property, at the intersection of Old Winter Garden Road and S Powers Drive, and a second stop is located on the opposite side of Old Winter Garden Road. Traffic lights and signalized crosswalks are in place to provide pedestrians safe access to both. In regard to public schools, the development of the site for one single-family home will have a de minimis impact on the public elementary, middle, and high schools for which it is zoned. Lastly, the property is situated approximately a quarter mile southwest of the Orlo Vista Community Center and Orlo Vista Park, which features a variety of recreational amenities, including a fishing pier, a playground, a multi-purpose field, tennis and basketball courts, a walking and bicycle trail, and picnic areas.

Land Use Compatibility

The proposed LMDR FLUM designation and the owners' intent to construct a single-family home in accordance with the standards of the property's R-1 zoning classification are compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Future Land Use Element Objective FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with existing development and development trends in the area. The development of the site for a single-family home would add to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**. Staff believes that the proposed project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, providing additional housing opportunities for the County's citizens, efficiently using existing infrastructure, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment.

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 an Overlay District.

Airport Noise Zone: The subject property is not located in an Airport Noise Zone.

Other: The subject property is located in the Orlo Vista United Safe Neighborhood area.

Comprehensive Plan (CP) Consistency

Approval of the requested future land use change to Low-Medium Density Residential (LMDR) would result in the attainment of consistency between the property's FLUM designation and its existing R-1 zoning classification and allow for the development of the site for one single-family home and related accessory uses.

The request is consistent with the following Comprehensive Plan provisions:

Future Land Use Element

Goal FLU2 – URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-

use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 – INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County’s established core areas in the Urban Service Area.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

FLU1.1.1 – Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

FLU8.2.1 – Future land use changes shall be required to be compatible with the existing development and development trends 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.

Housing Element

GOAL H1 – Orange County’s goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

H1.3.8 – 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 Undeveloped lot

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

Adjacent Land Uses N: Single-family residence
 E: Undeveloped land
 W: Single-family residence
 S: Single-family residence

R-1 [Single-Family Dwelling District] Development Standards

Min. Lot Area: 5,000 sq. ft.
Min. Lot Width: 50 ft.
Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.

Building Setbacks

Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is to provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

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

Septic System Setbacks - If septic is required, the lots shall be configured to accommodate requirements of the Individual On-Site Sewage Disposal Ordinance regarding setbacks, lot size, soils, distance to potable water supply wells, and elevations.

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).

Transportation / Access

Per the Transportation Planning Division's, development of the 0.12-acre subject property under its currently-approved Commercial (C) future land use designation would allow for up to 7,840 square feet of commercial uses, in accordance with the maximum

floor area ratio of 1.5, resulting in 40 new p.m. peak hour trips. The development of one single-family home under the requested Low-Medium Density Residential (LMDR) future land use designation would generate 1 new p.m. peak hour trip, resulting in a decrease of 39 p.m. peak trips and, therefore, would not impact the area roadways.

Roadway Capacity Analysis

A traffic study was not submitted for review and comment. Final permitting of any development on this site will be subject to review and approval under the 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

Orange County Public Schools (OCPS) provided no comments on this request. The development of one single-family dwelling unit will have a de minimis impact on area public schools.

Parks and Recreation

Orange County Parks and Recreation has reviewed the request and did not comment on this case.

Code Enforcement

No cases have been identified.

Community Meeting Summary

A community meeting was not required for this request.

Utility Service Area (availability of services may vary)

Water: Orlando Utilities Commission (OUC)

Wastewater: Orange County Utilities (OCU)

Reclaimed Water: Orange County Utilities (OCU)

Detailed Utility Information:

The subject property lies within the Orlando Utilities Commission's (OUC's) potable water service area and Orange County Utilities' (OCU's) wastewater and reclaimed water service areas. Potable water from OUC is available to serve the property. However, OCU has informed staff that wastewater is considered unavailable and that development on this parcel will be reliant on septic tanks for wastewater disposal. Additionally, there are presently no reclaimed water mains in the vicinity of the site. Per OCU, reclaimed water is considered unavailable.

The subject property is located in the Lake San Susan Priority Vulnerability Area (PVA). The County's septic tank and sewer connection policies pertaining to properties within the

Orange County PVAs and the Wekiwa Priority Focus Area (PFA), approved by the Board of County Commissioners (BCC) on November 19, 2024, via the adoption of Ordinance No. 2024-33 (the "Orange County Individual On-Site Sewage Disposal System [OSDS] Ordinance"), will become effective March 1, 2025. The installation of an enhanced septic system (minimum 65% nitrogen reduction) may be 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 – February 20, 2025

Future Land Use Map Amendment

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

Planner Jennifer DuBois presented the staff report to the LPA with the recommendation that they make a finding of **consistency** with the Comprehensive Plan and recommend **ADOPTION** of Amendment SS-25-02-077. The applicant's representative, Kavita Prashad, was present and agreed with the staff recommendation. Ms. Prashad additionally asked whether the property owners, Lalchand and Koshal Manieram, would be permitted to construct an addition to the home they are presently seeking to build at a future date. Ms. DuBois replied that an addition would be possible, provided it complies with all applicable County site development standards.

No members of the public appeared to speak in favor of or in opposition to the requested amendment.

In response to a question regarding public utilities, Ms. DuBois stated that the subject property lies within the Orlando Utilities Commission's (OUC's) potable water service area and Orange County Utilities' (OCU's) wastewater service area but noted that central sewer service from OCU is currently unavailable, thus necessitating the installation of a septic system. Ms. DuBois and Mary-Parker Scruggs of the Orange County Environmental Protection Division (EPD) informed the LPA that due to the parcel's location in the Lake San Susan Priority Vulnerability Area (PVA), the installation of an enhanced septic system (minimum 65% nitrogen reduction) may be required.

Commissioner Arrington made a motion, seconded by Commissioner Wiggins, to recommend to the Board of County Commissioners **ADOPTION** of Amendment SS-25-02-077. The motion carried by a vote of 6-0.

Motion / Second

Michael Arrington / George Wiggins

Voting in Favor

Michael Arrington, Eddie Fernandez, Eric Gray, Marjorie Holt, Nelson Pena, and George Wiggins

Voting in Opposition

None

Absent

David Boers, Evelyn Cardenas, and Camille Evans

SITE AERIAL

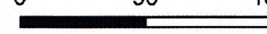
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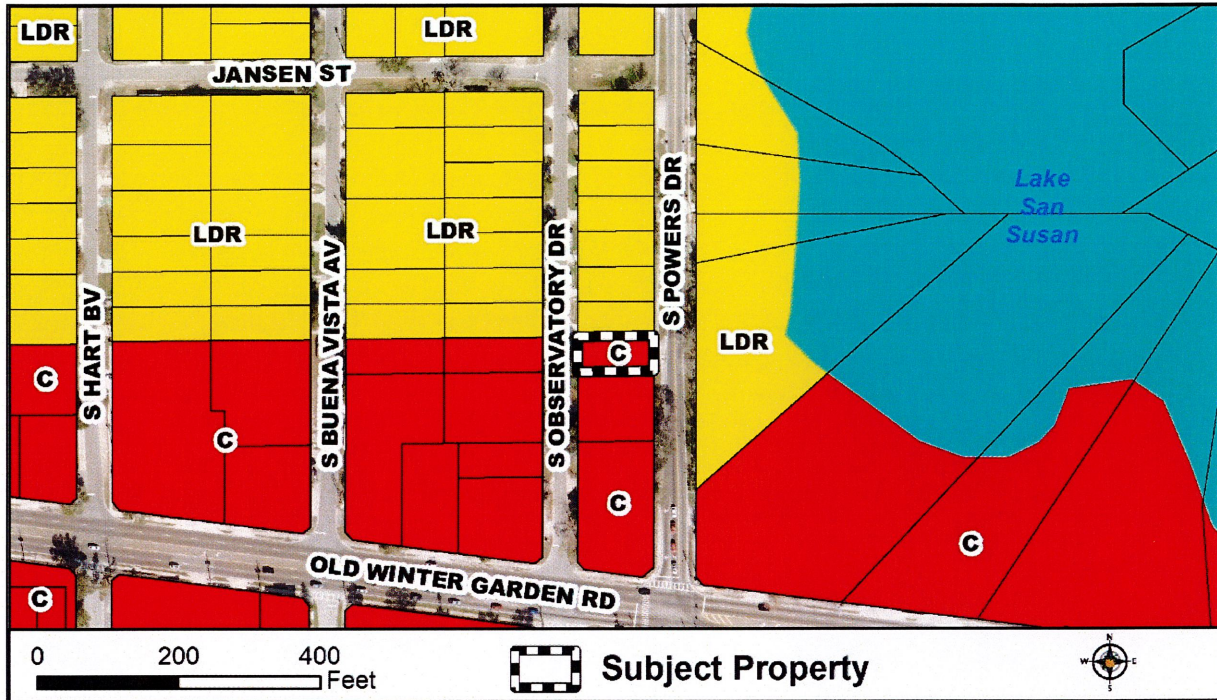
 Subject Property



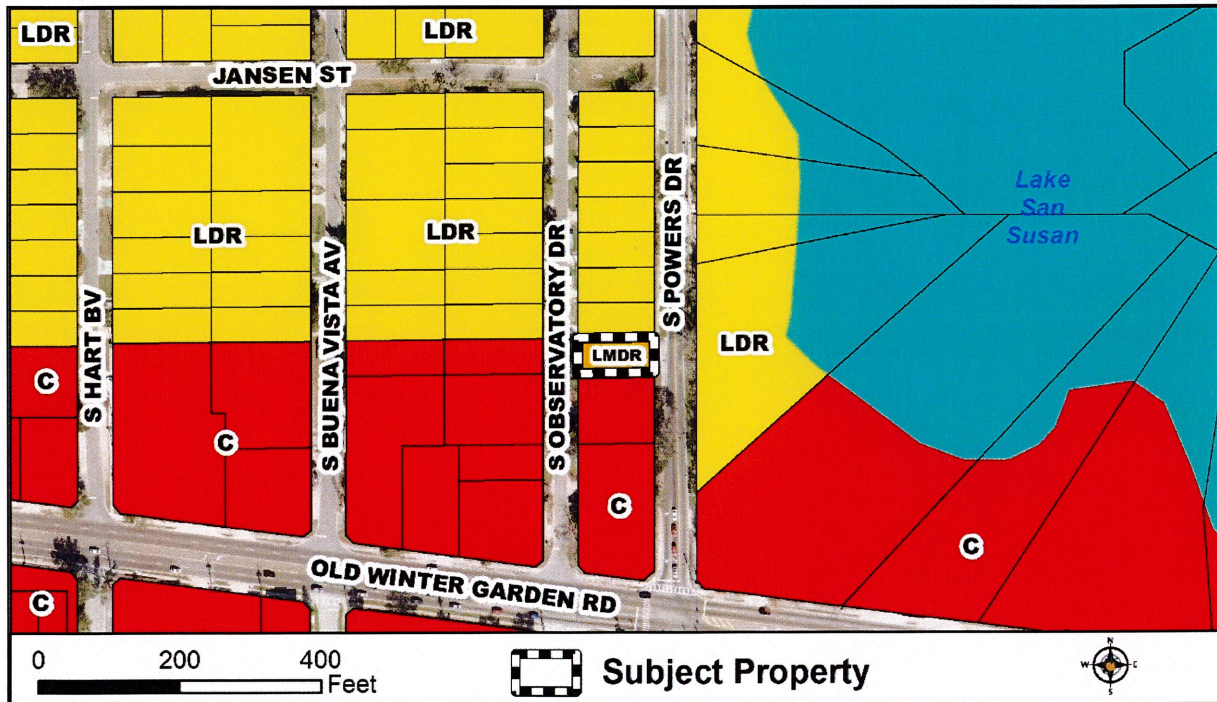
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FUTURE LAND USE – CURRENT
Commercial (C)

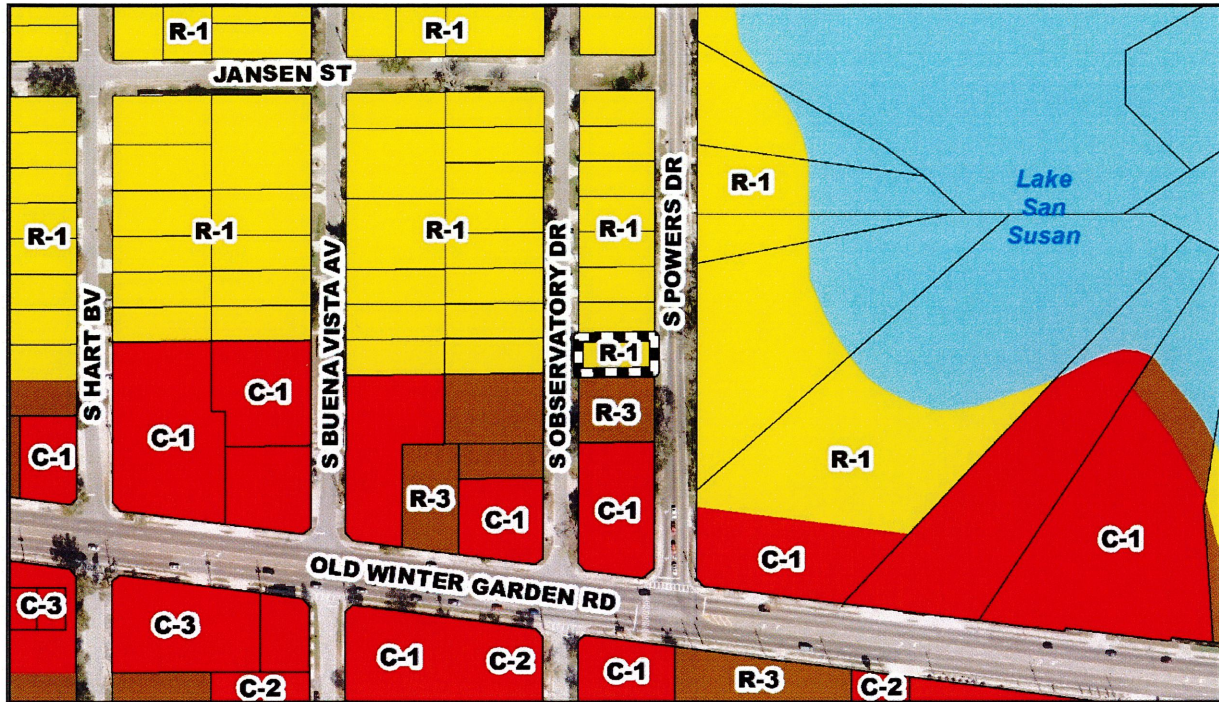


FUTURE LAND USE – PROPOSED
Low-Medium Density Residential (LMDR)

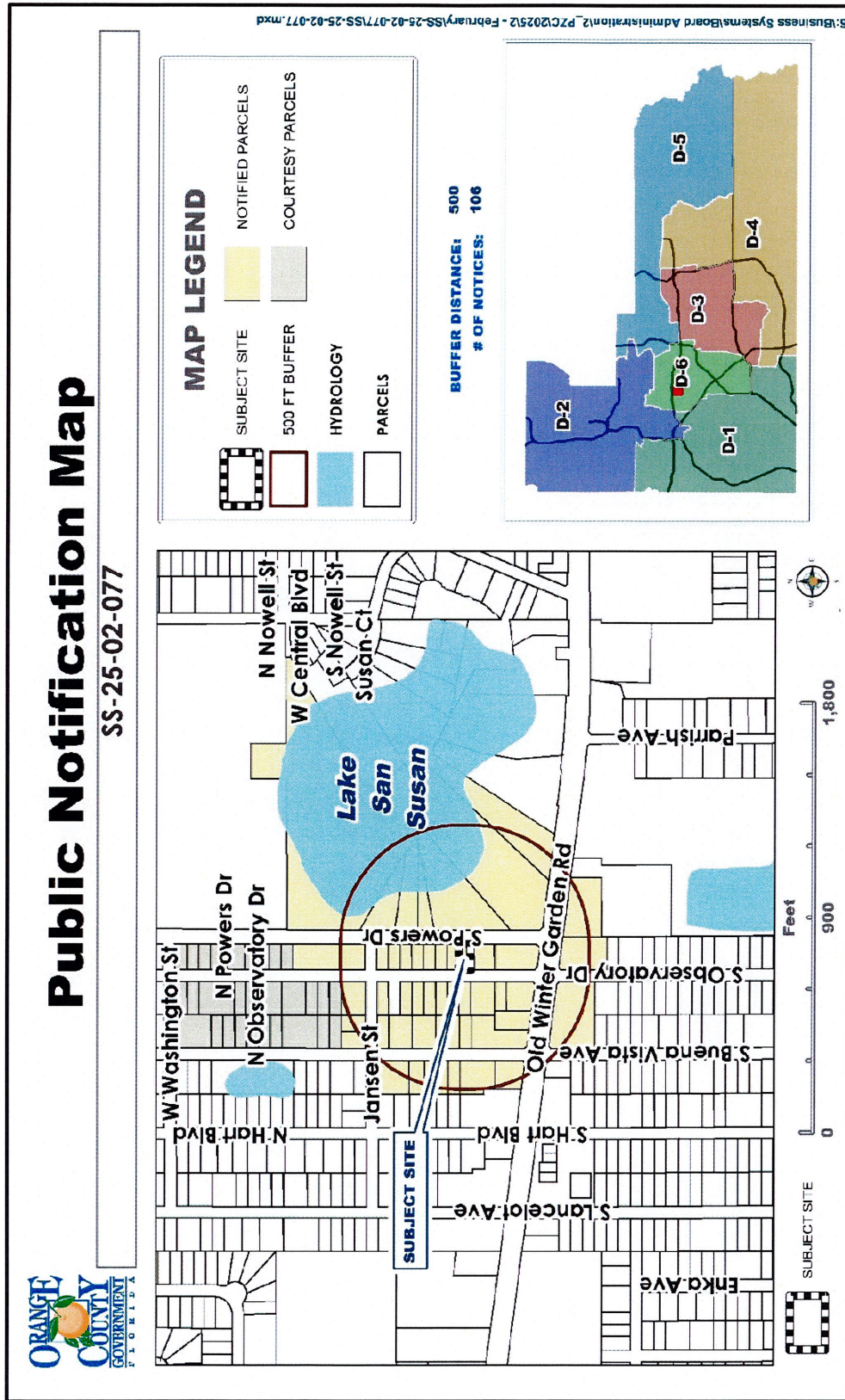


ZONING – CURRENT

R-1 (Single-Family Dwelling District)



NOTIFICATION MAP



ORDINANCE NO. 2025-_____

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 April 8, 2025, 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 8TH DAY OF APRIL, 2025.

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-25-02-077	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.		

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