




Interoffice Memorandum

DATE: January 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 – January 25, 2022 Small-Scale Future Land Use Map Amendment (SS-21-10-067)

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 January 25, 2022. The adoption public hearing for Small-Scale Development Amendment SS-21-10-067 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on October 21, 2021.

If the BCC 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 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 Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division

CASE # SS-21-10-067

Commission District: #6

GENERAL INFORMATION

APPLICANT	Jo Thacker, Nelson Mullins, LLP
OWNERS	Osprey Sound, LTD
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	Medium Density Residential (MDR) to High Density Residential – Senior Housing (HDR – Senior Housing)
EXISTING ZONING	R-3 (Multiple-Family Residential District)
LOCATION	1401 Duskin Avenue; Generally located on the north side of Duskin Avenue, east side of S. Rio Grande Avenue, south of Americana Boulevard, west of S. Orange Blossom Trail.
PARCEL ID NUMBER	15-23-29-0146-00-010
TRACT SIZE	14.99 gross acres / 8.40 net acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-one (181) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on October 13, 2021 with no residents in attendance.
PROPOSED USE	The applicant is proposing to construct an age-restricted multi-family housing project with 306 units.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested High Density Residential – Senior Housing (HDR – Senior Housing) Future Land Use.

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

Vacant

Adjacent	FLUM	Zoning
North	Office (1990)	R-3 (Multiple-Family Dwelling District) (1971)
	Medium Density Residential (1990)	P-O (Professional Office District) (1986)
	Commercial (1990)	C-2 (General Commercial District) (1971)
South	Medium Density Residential (1990)	R-T (Mobile Home Park District) (1964)
	Low Density Residential (1990)	R-1A (Single-Family Dwelling District) (1964)
East	Commercial (1990)	C-2 (General Commercial District) (1969)

Small Scale Amendment # SS-21-10-067
Orange County Planning Division
BCC Hearing Date: January 25, 2022

			FLUM designator, or property covenant is required to be in place stating that this property is limited to senior housing prior to submitting for a CEL application.
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.

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.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, 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.

Stormwater Runoff Treatment- All development is required to treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

CAD Complete - An Orange County Conservation Area Determination (CAD) # CAD-21-05-105 has been completed for this property and issued on 8/3/21. A reclassification request letter was received on 8/19/21.

CAI Required for Future Plan Submittals - In addition to state or federal wetland permitting requirements, the applicant shall satisfy Orange County's permitting requirements. Prior to approval of a PSP or DP, as well as mass grading, platting or construction plan approvals, submit an application for a Conservation Area Impact Permit (CAI) for proposed conservation area encroachments or adverse secondary impacts as soon as possible to the County Environmental Protection Division, as outlined in Chapter 15, Article X Wetland Conservation Areas. Developable acreage is not known until CAI is complete including mitigation agreement. Do not to make financial decisions based upon development within a wetland or surface water areas as any plan showing encroachment in such areas is speculative and may not be approved.

Community Meeting Summary

A virtual community meeting was held on October 13, 2021. Zero (0) residents were in attendance.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

***Detailed Utility Information:**

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.

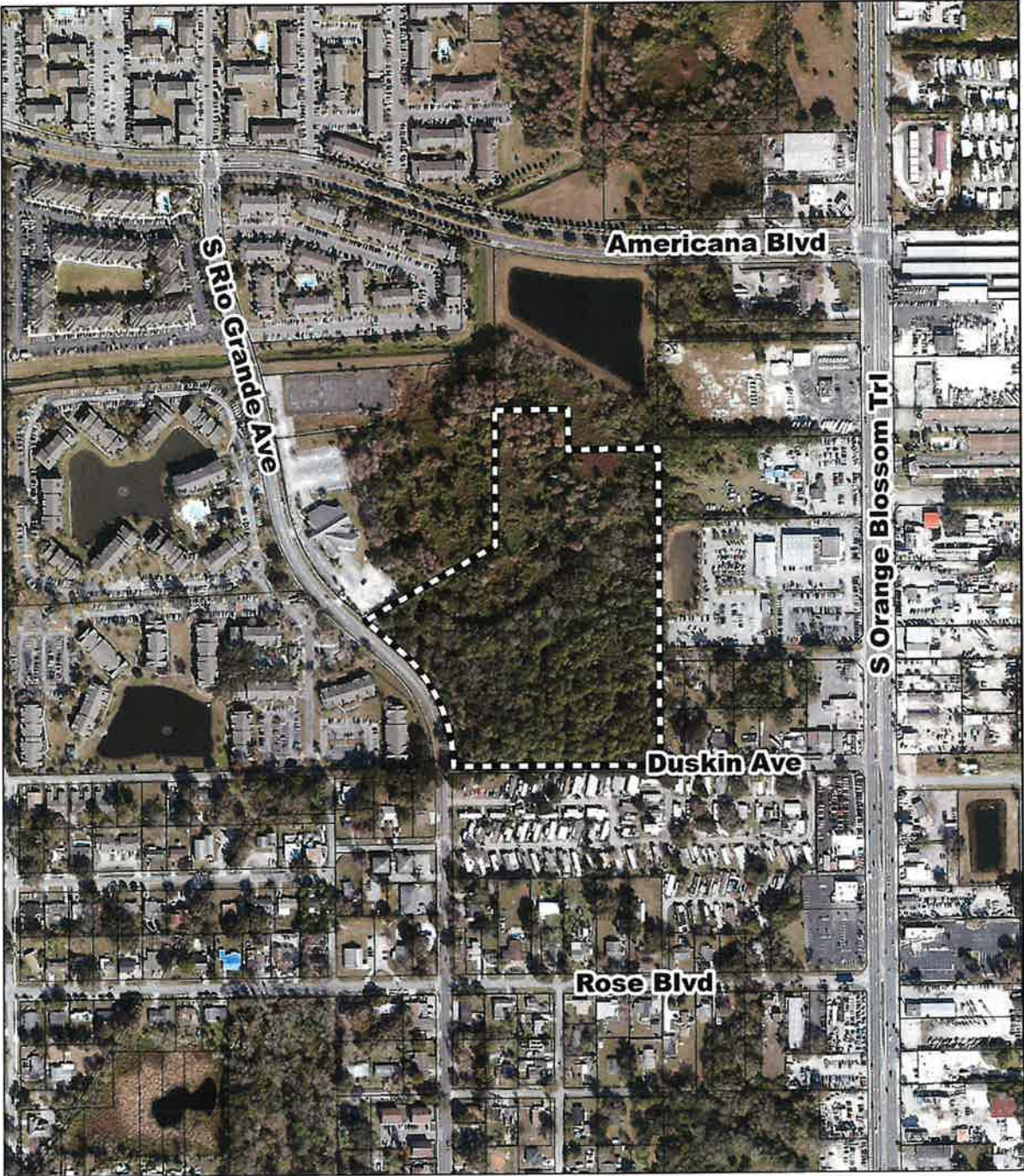
State of Florida Notice

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.

SS-21-10-067

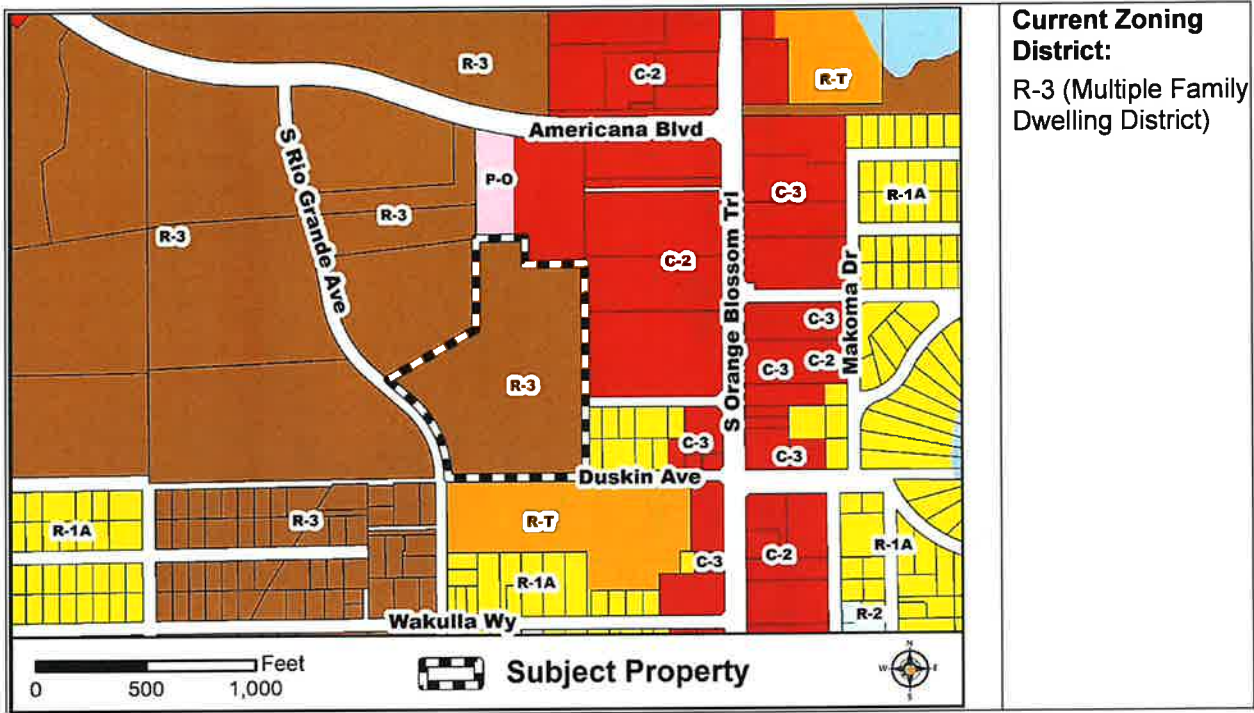


Subject Property



1 inch = 400 feet

ZONING - CURRENT



ORDINANCE NO. 2022-_____

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 EFFECTIVE DATES.

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 January 25, 2022, the Board held a public hearing on the adoption of the
proposed amendment, 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. Amendments to Future Land Use Map. The Comprehensive Plan is
hereby amended by amending the Future Land Use Map designation as described at **Appendix**
“A,” attached hereto and incorporated herein.

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-21-10-067	Medium Density Residential (MDR)	High Density Residential – Senior Housing (HDR – Senior Housing)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		