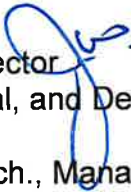




Interoffice Memorandum

DATE: April 18, 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 – April 26, 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 April 26, 2022. The adoption public hearing for Small-Scale Development Amendment SS-22-02-006 (and concurrent rezoning RZ-22-02-007) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on February 17, 2022.

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](mailto:Alberto.Vargas@ocfl.net), or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or [Jason.Sorensen@ocfl.net](mailto: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  
Nicolas Thalmueller, AICP, Acting Planning Administrator, Planning Division

**CASE # SS-22-02-006**

**RZ-22-02-007**

Commission District: #5

**GENERAL INFORMATION**

|                            |  |
|----------------------------|--|
| <b>APPLICANT</b>           | Imran Chaudhry   |
| <b>OWNERS</b>              | Imran Chaudhry and Sofia Naseem  |
| <b>HEARING TYPE</b>        | Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning  |
| <b>FLUM REQUEST</b>        | <b>Commercial (C) to<br/>Low-Medium Density Residential (LMDR)</b>   |
| <b>ZONING REQUEST</b>      | <b>R-1A (Single-Family Dwelling District) to<br/>R-2 (Residential District)</b>  |
| <b>LOCATION</b>            | 1825 Proctor Avenue; generally located north and east of Proctor Avenue, approximately 250 feet west of N. Dean Road and one block north of E. Colonial Drive.   |
| <b>PARCEL ID NUMBER</b>    | 18-22-31-8744-02-230   |
| <b>TRACT SIZE</b>          | 0.27 gross acre  |
| <b>PUBLIC NOTIFICATION</b> | 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 seventy (170) notices were mailed to those property owners in the mailing area. |
| <b>COMMUNITY MEETING</b>   | A community meeting was not required for this application.   |
| <b>PROPOSED USE</b>        | The applicant is proposing to construct up to two (2) dwelling units, either detached or attached.   |

**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 (Residential District) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.27 gross acre subject property from Commercial (C) to Low-Medium Density Residential (LMDR) and to rezone from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to allow for the construction of up to two (2) dwelling units, either detached or attached.

The subject property is a vacant lot, located on the east side of Proctor Avenue. The immediate surrounding area is developed with single-family residences to the north and west, and commercial uses to the east and south. The subject property is located on a block that is predominantly improved with single-family residences along Proctor Ave, and commercial uses with frontage on N. Dean Road and Elm Street. Parcels located opposite of the subject property along the west side of Proctor Avenue are improved with single-family detached residences and also have a similar inconsistency with a Commercial Future Land Use designation and R-1A zoning.

The addition of the Low-Medium Density Residential Future Land Use designation on the subject property will match properties located on the north side of Elm Street, and on the north and south side of Union Park Drive.

**Existing FLUM Development Program**

The existing Commercial Future Land Use and R-1A (Single-Family Dwelling District) zoning, are not consistent with one another. To develop anything on this site, an amendment to one or the other would be required, so that both designations are compatible.

**Proposed FLUM Development Program**

The proposed R-2 (Residential District) zoning with the Future Land Use Map designation of LMDR will allow the applicant to construct up to two single-family residences, either detached or attached.

**Land Use Compatibility**

The LMDR Future Land Use and R-2 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"/> |             |

**Small Scale Amendment # SS-22-02-006  
 Rezoning Case # RZ-22-02-007  
 Orange County Planning Division  
 BCC Hearing Date: April 26, 2022**

|                            |                          |                                     |  |
|----------------------------|--------------------------|-------------------------------------|--|
| 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**

As mentioned previously, the underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial which is inconsistent with the R-1A zoning. However, the proposed R-2 zoning is consistent with the proposed LMDR FLUM designation. The proposed request is consistent with the following Comprehensive Plan provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**GOAL FLU2** 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.

**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.

**FLU8.1.1** 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.

**SITE DATA**

**Existing Use**                      Vacant

| <b>Adjacent</b> | <b>FLUM</b>       | <b>Zoning</b>                                 |
|-----------------|-------------------|---|
| <b>North</b>    | Commercial (1991) | R-1A (Single-Family Dwelling District) (1967) |
| <b>South</b>    | Commercial (1991) | C-2 (General Commercial District) (2003)      |
| <b>East</b>     | Commercial (1991) | R-1A (Single-Family Dwelling District) (1967) |
| <b>West</b>     | Commercial (1991) | R-1A (Single-Family Dwelling District) (1967) |

**Adjacent Land Uses**    N:    Single-Family Residential  
    E:    Vacant  
    W:    Single-Family Residential  
    S:    Commercial

**R-2 (Residential District) Development Standards**

Min. Lot Area:            4,500 sq. ft.  
 Min. Lot Width:         45 ft.  
 Max. Height:            35 ft.  
 Min. Floor Area:        1,000 sq. ft.

**Building Setbacks**

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

**Intent, Purpose, and Uses**

The intent and purposes of the R-2 residential district are as follows:

- (1) To provide for the development of single-family detached and attached dwelling units containing a maximum of four (4) units per residential building within areas designated in adopted county development plans and policies for low-medium and medium density residential development.
- (2) To encourage the development of attached dwelling units in a manner compatible with the detached dwellings permitted in single-family residential districts when and where adequate access and public service are available.(3)To establish standards for low-medium and medium density residential development adequate to protect the public health, safety, and general welfare. 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"/>            | <p>Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.</p> <p>BDE comment - Current aerial photographs, soils, land cover and flood maps do not show conclusive indicators of wetlands or surface waters onsite. For an official determination, submit an application to Petition For Binding Determination of Exemption (BDE), in accordance with Orange County Code Chapter 15 - Environmental Control, Article X - Wetland Conservation Areas, Section 15-381(a).</p> |
| Transportation / Access | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |   |
| Schools                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |   |
| 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"/> |   |

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**\*Detailed Utility Information:**

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

**Potable Water:** Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

**Wastewater:** There are no gravity wastewater mains in the vicinity of this property and wastewater is considered not available. Single-family development on this property will be reliant on septic tanks for wastewater disposal.

**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 – (February 17, 2022)**

**Future Land Use Map Amendment**

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

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential 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 APPROVAL of both applications for the requested LMDR (Low-Medium Density Residential) Future Land Use Designation, and the R-2 (Residential District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred seventy (170) notices were mailed to those property owners in the mailing area extending beyond 500 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 a brief discussion, a motion was made on the Future Land Use Map Amendment and Rezoning by Commissioner Spears, and seconded by Commissioner Pavon to recommend ADOPTION of the requested LMDR (Low-Medium Density Residential) Future Land Use Map designation and APPROVAL of the R-2 (Residential District) zoning. The motion carried on a 5-0 vote.

|                             |   |
|-----------------------------|---|
| <b>Motion / Second</b>      | <i>Gordon Spears / Walter Pavon</i>   |
| <b>Voting in Favor</b>      | <i>Gordon Spears, Eddie Fernandez, Walter Pavon, Nelson Pena, and Evelyn Cardenas</i> |
| <b>Voting in Opposition</b> | <i>None</i>   |
| <b>Absent</b>               | <i>George Wiggins, Trevor Sorbo, Jaja Wade, and Mohammed Abdallah</i>                 |



SS-22-02-006/RZ-22-02-007



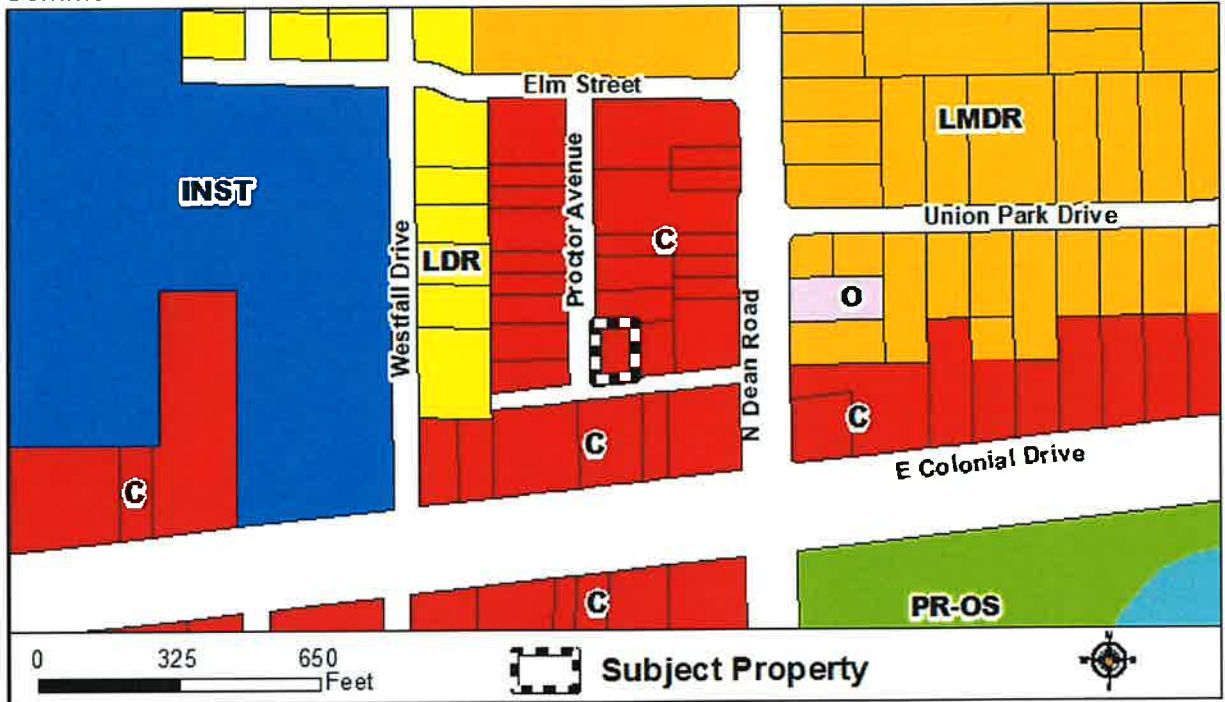
 Subject Property



1 inch = 125 feet

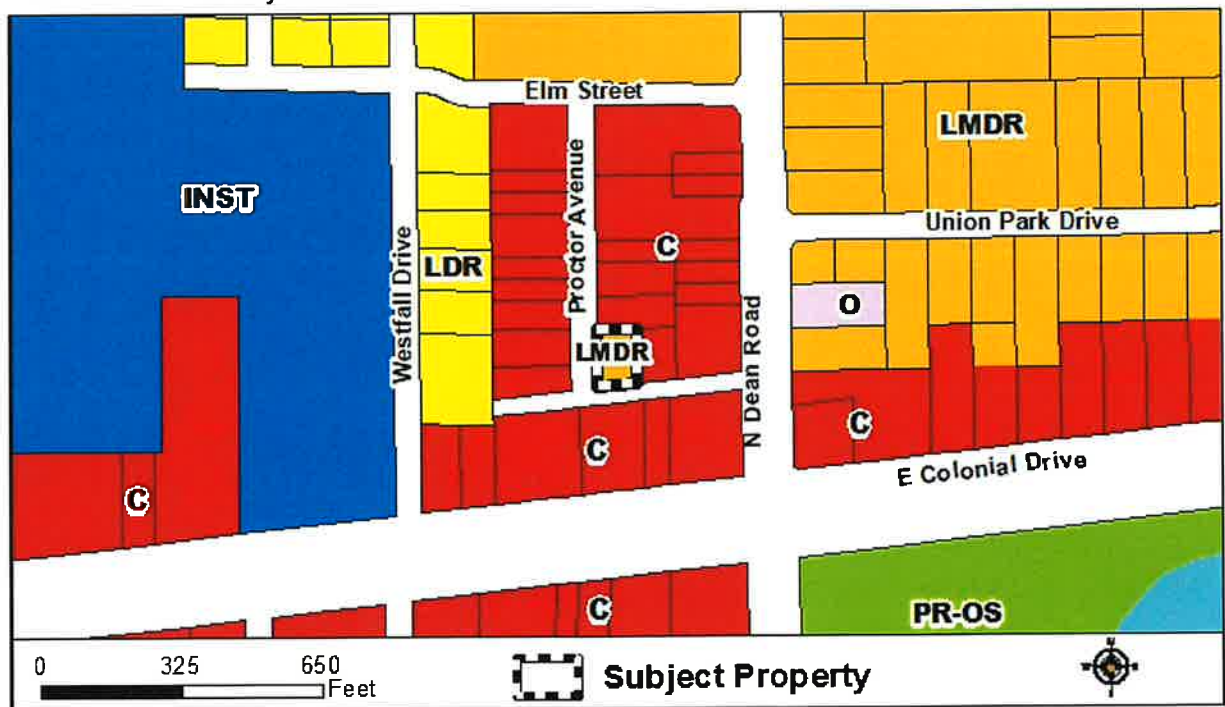
**FUTURE LAND USE - CURRENT**

Commercial



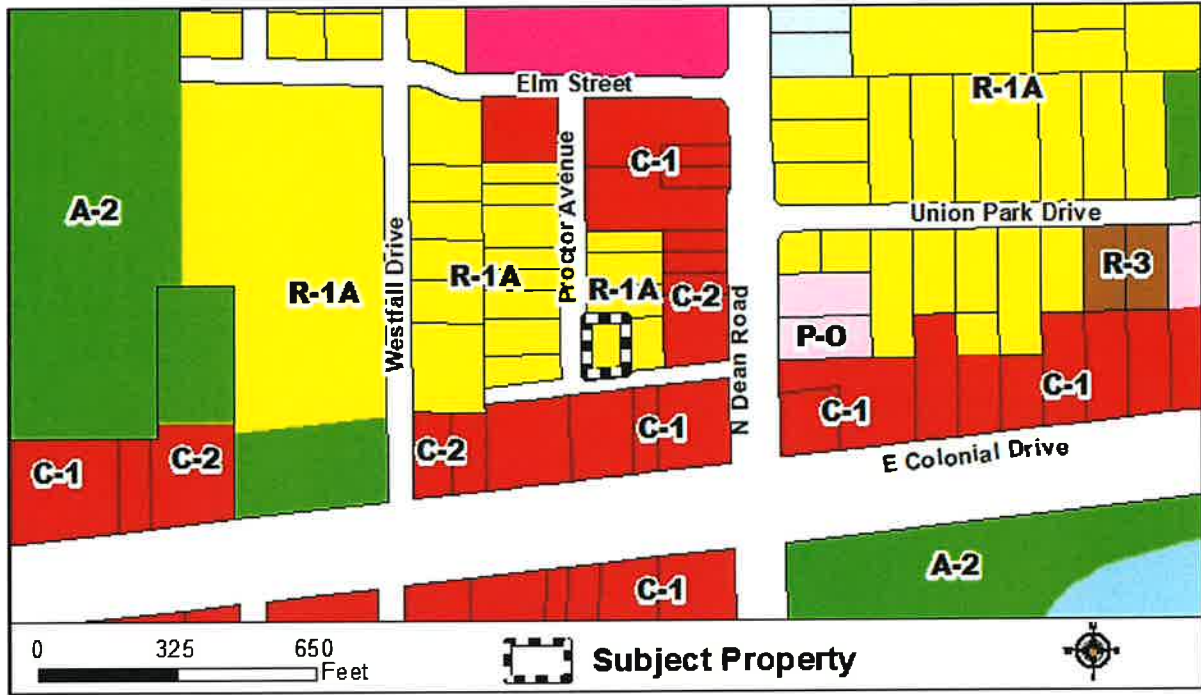
**FUTURE LAND USE - PROPOSED**

Low-Medium Density Residential



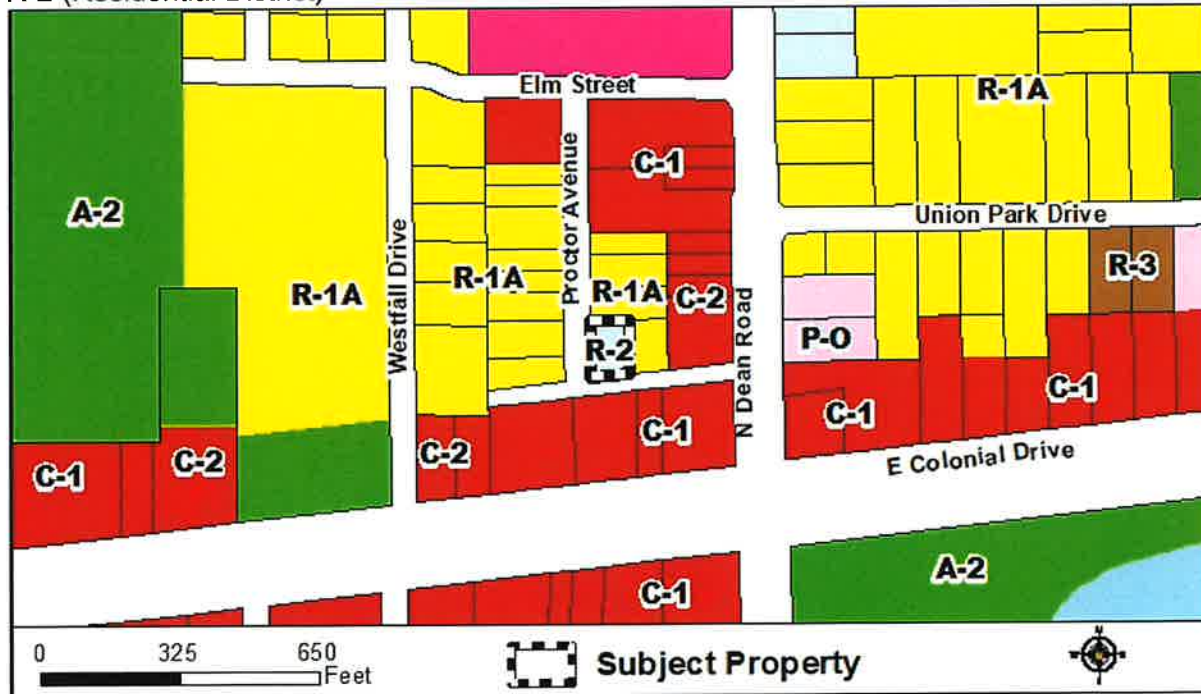
**ZONING – CURRENT**

R-1A (Single-Family Dwelling District)

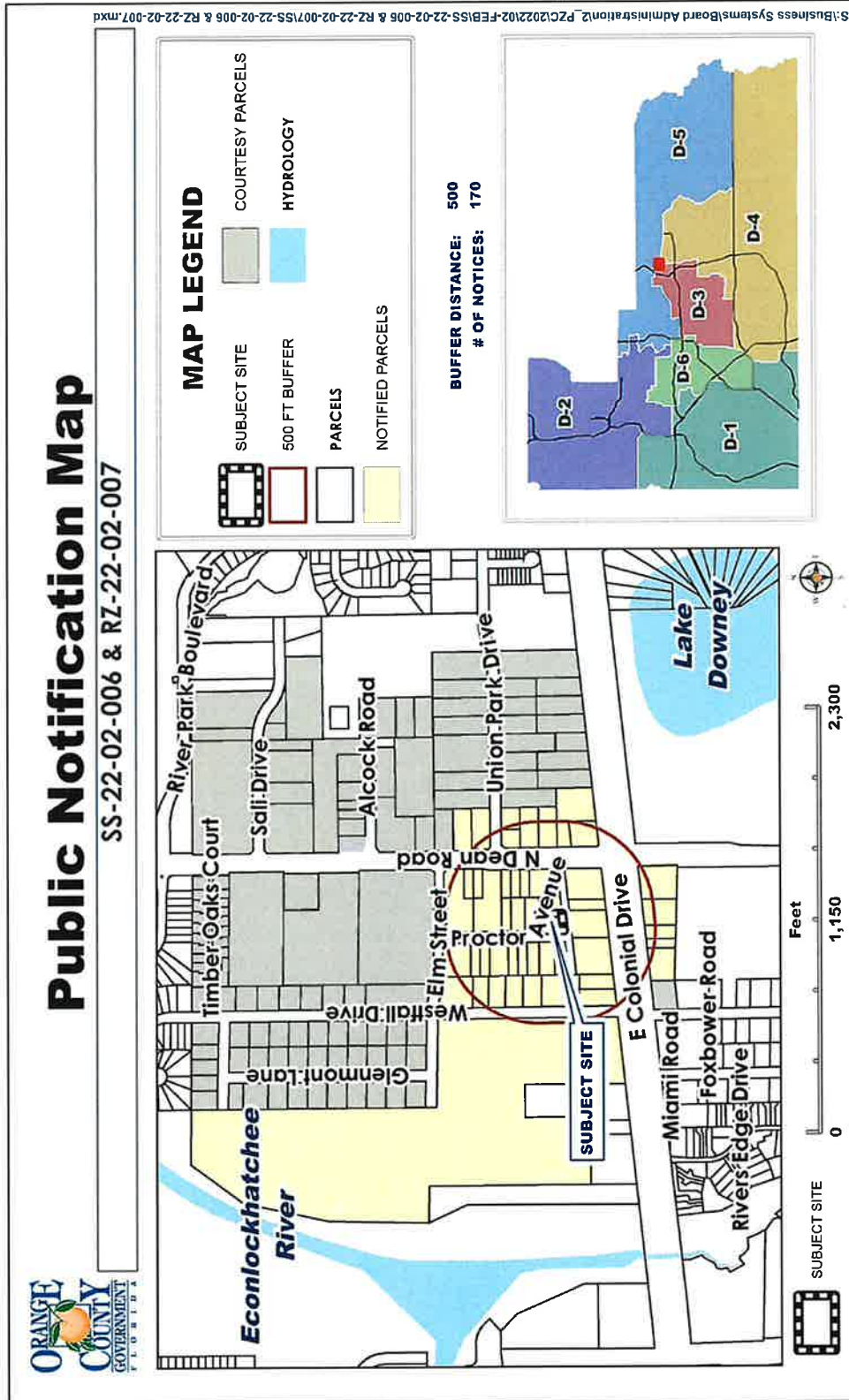


**ZONING – PROPOSED**

R-2 (Residential District)



## Notification Map



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

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 April 26, 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.

\* \* \*

**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 26<sup>th</sup> DAY OF APRIL, 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

63  
64  
65  
66  
67

## APPENDIX "A"

### FUTURE LAND USE MAP AMENDMENT

| <b><i>Appendix A*</i></b>  |  |  |
|--|--|--|
| <b><i>Privately Initiated Future Land Use Map Amendment</i></b>  |  |  |
| <b>Amendment Number</b>  | <b>Future Land Use Map Designation FROM:</b> | <b>Future Land Use Map Designation TO:</b>   |
| <b>SS-22-02-006</b>  | <b>Commercial (C)</b>                        | <b>Low-Medium Density Residential (LMDR)</b> |
| <b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b> |  |  |

68