

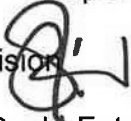


Interoffice Memorandum

DATE: February 23, 2023

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

THROUGH: Tim Boldig, Interim Director
Planning, Environmental, and Development Services Department

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

SUBJECT: Adoption Public Hearing – March 7, 2023, Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request
Applicant: Alison Yurko, P.A.
SS-22-08-071 and RZ-22-08-072

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 March 7, 2023. The subject property is located at 1153 Holden Avenue; generally located north of Holden Avenue and east of Orange Blossom Trail. The request is to change the Future Land Use Map designation from LDR (Low Density Residential) to LMDR (Low-Medium Density Residential) and rezone the property from R-1A (Single-Family Dwelling District) to R-2 (Residential District). The applicant is proposing to construct two single-family residences.

A community meeting was held on December 8, 2022, with seven residents in attendance. Residents expressed concerns for precedent for other R-2 rezonings, over development of the area, traffic, ingress/egress into the site, and the reliance on septic tanks for wastewater disposal.

The adoption public hearing for Small-Scale Development Amendment SS-22-08-071 and Rezoning RZ-22-08-072 was conducted before the Planning and Zoning Commission / Local Planning Agency on January 19, 2023, where the request was recommended for approval.

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 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, 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, APPROVE the associated ordinance, and APPROVE the R-2 (Residential District) zoning.
District 3**

TB/AAV/sw

c: Jon V. Weiss, P.E., 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, Planning Administrator, Planning Division

Case Planner:
Maria A. Cahill, AICP

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: March 7, 2023

CASE # SS-22-08-071
RZ-22-08-072

Commission District: #3

GENERAL INFORMATION

APPLICANT	Alison M. Yurko, P.A.
OWNERS	Makandal Property Investments, LLC / Rony Charles
HEARING TYPE	Local Planning Agency/Planning and Zoning Commission
FLUM REQUEST	LDR (Low Density Residential) to LMDR (Low-Medium Density Residential)
ZONING REQUEST	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
LOCATION	1153 Holden Avenue; generally located north of Holden Avenue, east of Orange Blossom Trail, south of 43 rd Street, and west of Almark Drive.
PARCEL ID NUMBER	10-23-29-0000-00-018
TRACT SIZE	0.27 acres
PUBLIC NOTIFICATION	The notification area for this public hearing was extended to 2,000 feet [The minimum notice area for plan amendments is 500 feet, and Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet for the rezoning]. One hundred six hundred and eighty six (686) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A Community Meeting was held on December 8, 2022, and is summarized further in this report.
PROPOSED USE	The applicant is proposing to change the future land use designation to Low-Medium Density Residential (LMDR) to allow an increase of the density for a proposed lot split to create two parcels to construct one single-family residence on each parcel.

Proposed FLUM

The proposed Low-Medium Density Residential (LMDR) FLUM designation and R-2 zoning will allow the applicant to construct up to 10 dwellings per acre, or up to two (2) dwelling units based on the size of the parcel.

Land Use Compatibility

The Low-Medium Density Residential (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"/>	
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"/>	No cases found

Comprehensive Plan (CP) Consistency

Future Land Use Element Goal **FLU1**, **OBJ FLU1.1**, and **Policies FLU1.1.1** describe Orange County’s urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area (USA). As required by **FLU 1.1**, the proposed amendment is within the Urban Service Area, and the proposed FLUM designation of Low-Medium Density Residential (LMDR) for the development of up to 2 dwelling units will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in Policy **FLU1.1.1**.

The Low-Medium Density Residential (LMDR) Future Land Use designation is intended to recognize low- to medium-density residential development within the USA, including single family and multi-family residential development within the USA at densities of up to ten (10) dwelling units per acre (du/ac). **Objective FLU1.2** requires Orange County to use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The USA shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The petitioned site is located within the USA.

The proposed Future Land Use Map Amendment upholds Orange County’s commitment to ensuring that sufficient land is available to meet the identified housing needs of its current and future residents. The applicant’s intent to develop up to two (2) single family dwelling units is also applicable to **Housing Element Goal H1** and **Objective H1.1**, which states 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. Allowing two single family residences would add variety and diversity to the existing single-family housing stock in the surrounding area, and complement the existing multifamily development and single family located to the south and southwest of the petitioned site.

SITE DATA

Existing Use Vacant Residential

Adjacent	FLUM	Zoning
North	Low Density Residential (LDR)	R-1A (Single-Family Dwelling District) (1957)
East	Low Density Residential (LDR)	R-1A (Single-Family Dwelling District) (1957)
West	Commercial (C)	C-1 (Retail Commercial District) (1961)
South	Low Density Residential (LDR) And Low-Medium Density Residential (LMDR)	R-2 (Residential District) (1986) and R-3 (Multiple-Family District) (1966)

Adjacent Land Uses N: Single-Family Residence
 E: Single-Family Residence
 W: Retail Commercial
 S: Single-Family Residences and Apartments

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:

Front: 20 ft.
Rear: 20 ft.
Side: 5 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: 30 ft.
Side: 5 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
 Min. Lot Width: 85 ft. (attached units only)
 Max. Height: 35 ft.

Small Scale Amendment # SS-22-08-071
Rezoning Case # RZ-22-08-072
Orange County Planning Division
BCC Hearing Date: March 7, 2023

			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. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The subject property is not located along a backlogged/constrained facility or multimodal corridor.</p> <p>Analysis of the project trips indicates that the proposed residential use will result in a net increase of 1 pm peak trips and therefore will not impact the roadways within the impact area.</p> <p>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.</p>
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This parcel is located within the Orange Blossom Trail Development Board area.
Fire Rescue/ Sherrifs Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

The Community Meeting was held on December 8, 2022, with approximately 7 members of the public in attendance with general opposition to the request expressing concerns for precedent setting for increased densities in the area, over development of the small parcel, traffic increase, ingress/egress into the site, and the reliance on septic tanks for wastewater disposal.

ACTION REQUESTED

**Local Planning Agency (LPA) / Planning and Zoning Commission (PZC) Recommendation
– (January 19, 2023)**

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 recommend APPROVAL of the requested R-2 (Residential District) zoning.

**LOCAL PLANNING AGENCY (LPA) / PLANNING AND ZONING COMMISSION
(PZC) PUBLIC HEARING SYNOPSIS**

On January 19, 2023, the Local Planning Agency recommended that the BCC adopt the request from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) Future Land Use Map designation and recommended approval of the rezoning request from R-1A (Single-Family Dwelling District) to R-2 (Residential District) zoning.

Commissioner Spears opposed the plan amendments due to compatibility with adjacent R-1A single-family lots on two sides of the development and the lack of central wastewater service in the area.

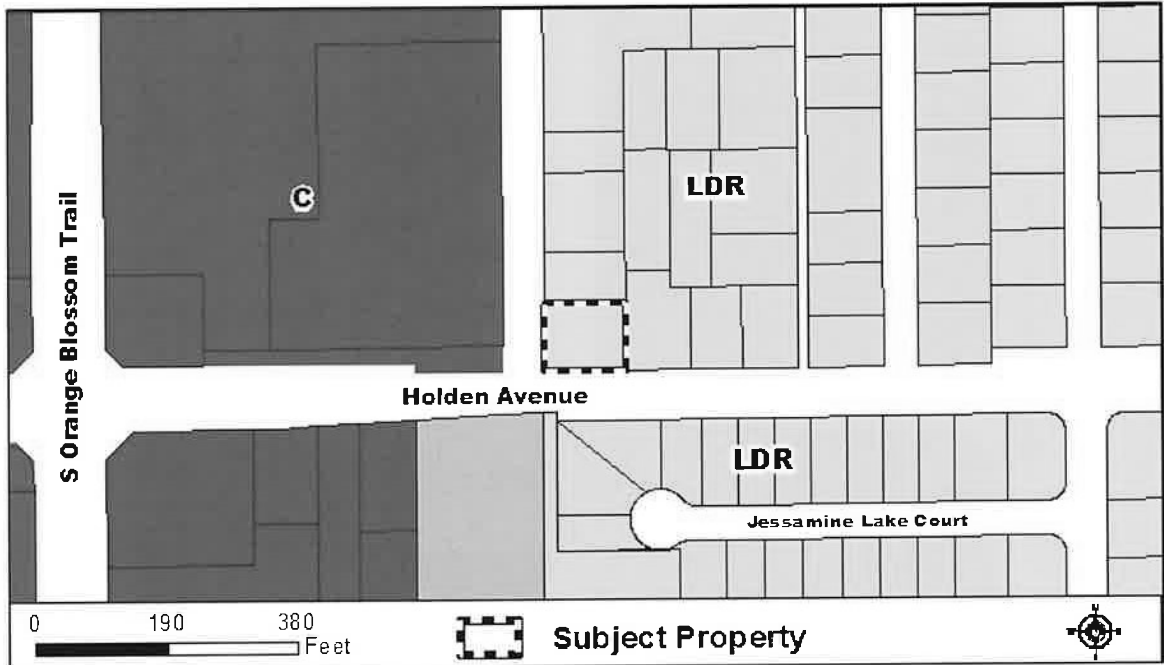
During public comment, two speakers were present to speak on the matter. One spoke in favor of the request and one had a concern with septic tank drainfield being located in the 30 foot street setback as well as future transitions to R-2 for other properties. Both speakers agreed that reducing the initial request to only two units was favorable to the original request of 5 units in the area.

A motion was made by Commissioner Fernandez and seconded by Commissioner Wiggins to recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use map designation and APPROVAL of the requested R-2 (Residential District) zoning. The motion carried on a 6-1 vote with Commissioner Spears voting in opposition.

Motion / Second	Eddie Fernandez / George Wiggins
Voting in Favor	Eddie Fernandez, George Wiggins, JaJa Wade, Evelyn Cardenas, David Boers and Walter Pavon
Voting in Opposition	Gordon Spears
Absent	Nelson Pena and Michael Arrington

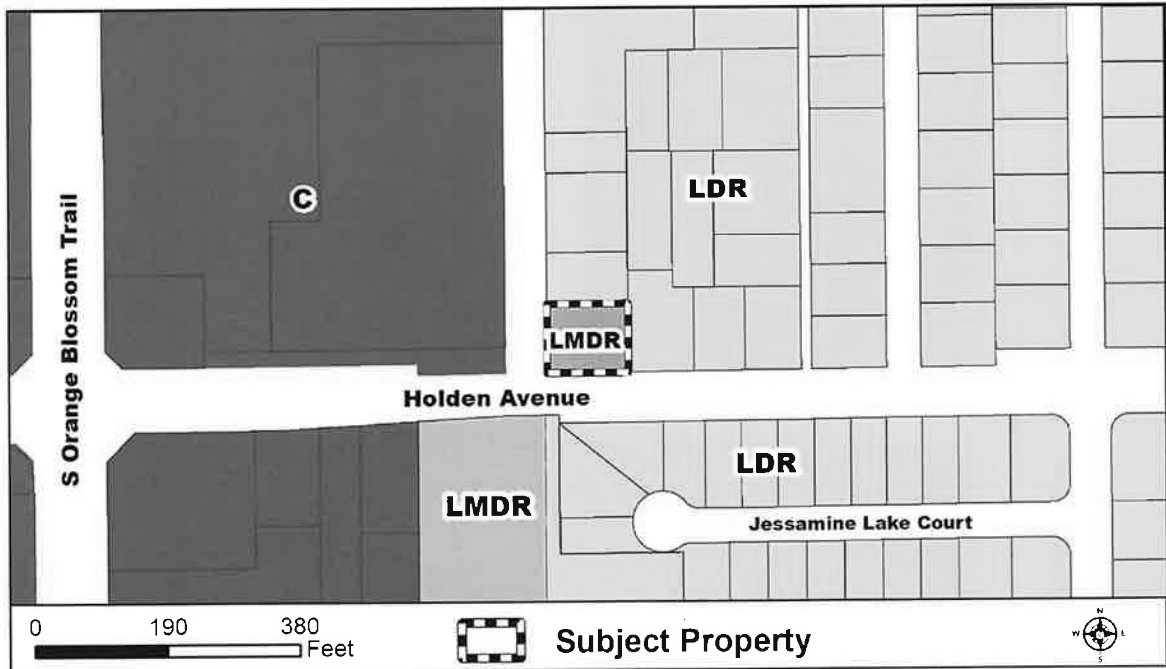
FUTURE LAND USE - CURRENT

Low Density Residential (LDR)

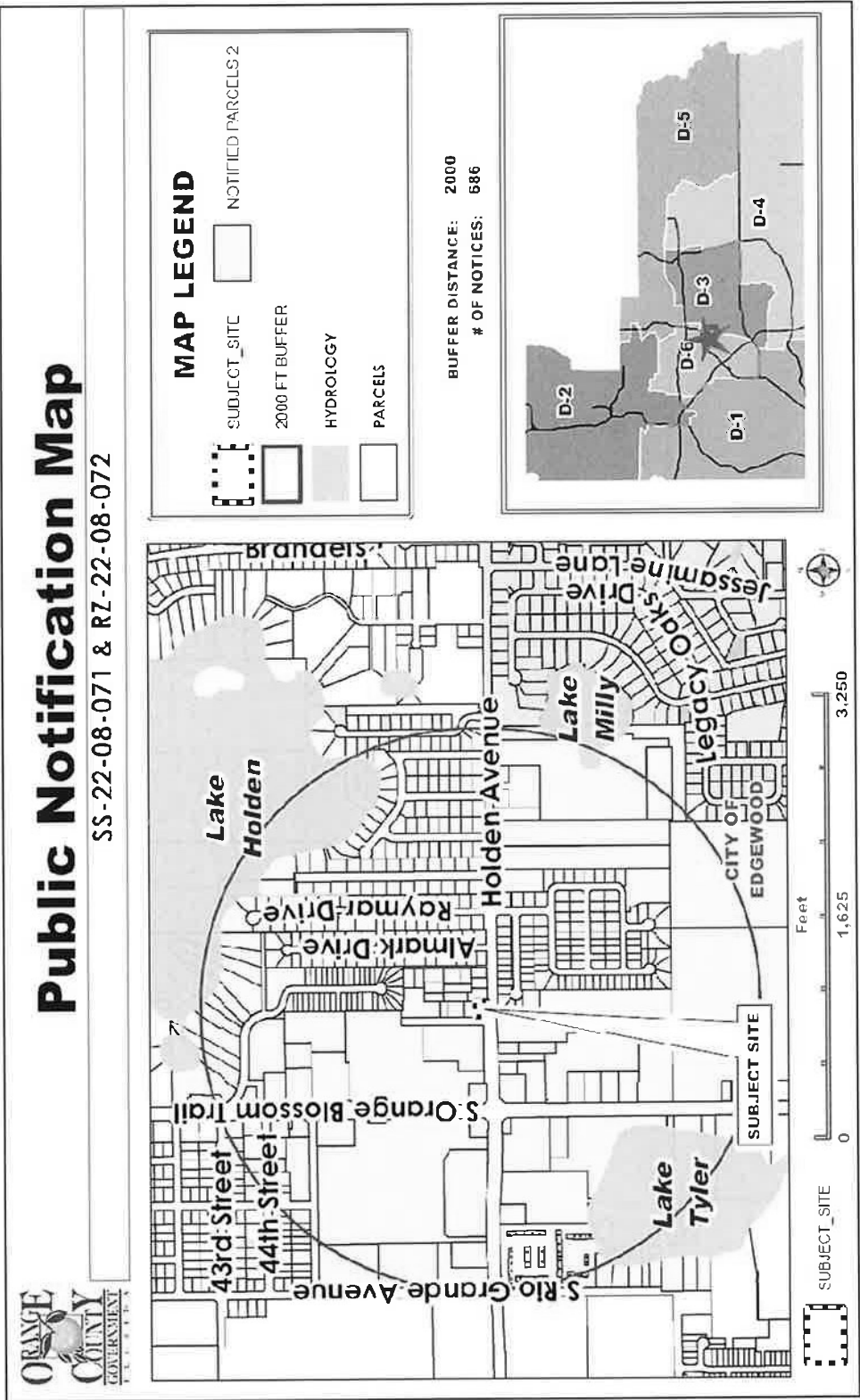


FUTURE LAND USE - PROPOSED

Low-Medium Density Residential (LMDR)



Notification Map



ORDINANCE NO. 2023-_____

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;

c. On March 7, 2023, 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 Economic Opportunity or the
39 Administration Commission issues a final order determining that the adopted amendment is in
40 compliance.

41 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
42 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
43 becoming effective. Aside from any such concurrent zoning changes, no development orders,
44 development permits, or land uses dependent on this amendment may be issued or commence
45 before the amendment has become effective.

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48 ADOPTED THIS 7TH DAY OF MARCH, 2023.

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50 **ORANGE COUNTY, FLORIDA**
51 By: Board of County Commissioners

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55 By: _____
56 Jerry L. Demings
57 Orange County Mayor

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

By: _____
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-22-08-071	Low Density Residential (LDR)	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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