



Interoffice Memorandum

September 19, 2023

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

THROUGH: Andres Salcedo, P.E., Acting Director *Andres*
Planning, Environmental, and Development Services Department

CONTACT PERSON: **Alberto A. Vargas, MArch., Manager, Planning Division
(407) 836-5802**

SUBJECT: Adoption Public Hearing – October 10, 2023, Small-Scale Future
Land Use Map Amendment
Applicant: Alex Chiang
SS-23-07-042

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment scheduled for a Board adoption public hearing on October 10, 2023. A community meeting was not required for this request.

The subject property is located at 1011 25th Street and 2420 S. Westmoreland Drive; generally located on the northwest corner of S. Westmoreland Drive and 25th Street. The applicant's request is to change the Future Land Use Map designation from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) to allow for a density of 20 units per acre. The zoning is R-2 (Residential District) and it not proposed to change.

The adoption public hearing for Small-Scale Development Amendment SS-23-07-042 was conducted before the Planning and Zoning Commission / Local Planning Agency on August 17, 2023.

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, Current Planning Section, 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, and approve the associated ordinance. District 6

AS/AAV/jhs
Attachment

CASE # SS-23-07-042

Commission District: 6

GENERAL INFORMATION

APPLICANT	Alex Chiang
OWNER	Today Assets LLC, Alex Chiang (Registered Agent for LLC)
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
FLUM REQUEST	Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR)
EXISTING ZONING	R-2 (Residential District)
LOCATION	1011 25 th St. and 2420 S. Westmoreland Dr.; generally located on the northwest corner of S. Westmoreland Drive and 25 th Street.
PARCEL ID NUMBERS	03-23-29-0180-40-210 and 03-23-29-0180-40-221
TRACT SIZE	0.65 gross acre
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]. Two hundred ninety-nine (299) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was not required for this application.
PROPOSED USE	Single-Family Attached Dwelling Units (Townhomes)

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Future Land Use Map (FLUM) Amendment to change the future land use designation of the 0.65-acre subject

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property from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR). The property currently has R-2 (Residential District) zoning, which is consistent with both the existing LMDR future land use designation and the proposed MDR future land use designation. The applicant is requesting the MDR designation in order to develop townhomes. The applicant is currently proposing 10 townhome units.

The subject property consists of two parcels, located on the southwest corner of 25th Street and S. Westmoreland Drive. The immediate surrounding area has vacant lots and is developed with detached single-family and some attached single-family residences to the north, east and south.

The proposed MDR future land use designation is consistent with the density of Vision 2050 which proposes a future land use of Traditional Neighborhood with a density of 10 – 30 units per acre.

Existing FLUM Development Program

The existing Low-Medium Density Residential (LMDR) Future Land Use Map (FLUM) designation allows up to 10 dwelling units per acre. The development program under the existing LMDR FLUM designation would allow for a potential of 6 dwelling units.

Proposed FLUM Development Program

The proposed Future Land Use Map designation of Medium Density Residential (MDR) allows up to 20 dwelling units per acre. The development program under the proposed FLUM designation would allow for a potential of 13 dwelling units. The property is currently zoned R-2 (Residential District), which is consistent with the proposed FLUM designation of MDR. The applicant is currently proposing 10 single-family townhomes.

Land Use Compatibility

The MDR 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Parcel ID: 03-23-29-0180-40-210 Incident #: 610618 / Case #: SM 2023-468774Z Description: Junk (tent, chairs, tables) in the front yard which has been there for months.

Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying Comprehensive Plan Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR), which is consistent with the R-2 (Residential District) zoning. The R-2 zoning is also

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consistent with the proposed Medium Density Residential (MDR) FLUM designation. The proposed request is consistent with the following Comprehensive Plan provisions:

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.

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

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 Three Single-Family Homes

Adjacent	FLUM	Zoning
North	Low-Medium Density Residential (LMDR) (1991)	R-2 (Residential District) (1957)
South	Low-Medium Density Residential (LMDR) (1991)	R-1A (Single-Family Dwelling District) (2006)
East	Low-Medium Density Residential (LMDR) (1991)	R-2 (Residential District) (1957)
West	Low-Medium Density Residential (LMDR) (1991)	R-2 (Residential District) (1957)

Adjacent Land Uses N: Vacant Lot and Single-Family
 E: Single-Family
 W: Vacant Lot and Single-Family
 S: Single-Family

R-2 (Residential District) Development Standards

Min. Lot Area: 15,000 square feet (4 or more dwelling units)
 Min. Lot Width: 85 feet
 Max. Height: 35 feet
 Min. Floor Area: N/A

Building Setbacks

Front: 20 feet
 Rear: 30 feet
 Side: 10 feet

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"/>	See below
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See below
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See below
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods			Informational: These parcels are located within the Orange Blossom Trail Development Board area of interest.

Environmental

Holden Heights ROCC - This site is located within the Orange County Board of Commissioners Resolution 2007-M-31 approved on 8/28/2007 regarding designating certain land as the Holden Heights: ROCC (Redeveloping Orange County Communities) Area and as a "Brownfield Area" for the purpose of environmental remediation, rehabilitation, and economic development pursuant to Section 376.80, Florida Statutes.

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Demolition - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400 or AsbestosInquiriesOrangeCounty@ocfl.net. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1).

Transportation

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 2 single-family residences	2	100	2
Proposed Use: Up to 13 dwelling units	4	100	4
Net New Trips (Proposed Development less Allowable Development): 2			

Summary

The applicant is requesting to change ~0.65 acre from LMDR to MDR and maintain R-2 zoning to develop 13 dwelling units.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed residential use will result in a net increase of 2 trips in the number of pm peak trips and therefore will not impact the area roadways as it is considered de-minimis. The project traffic is insignificant consuming less than 1% of the maximum service volume.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's 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.

Public Schools

The School Capacity Determination OC-23-023 was issued on May 15, 2023, finding that school capacity is currently available at the elementary (Catalina) school but not available at the middle (Memorial) or high school (Jones). Although capacity is not available, the determination indicates that the Middle and High School require less than one seat for mitigation purposes. This determination expires on November 8, 2023.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission Water Service Area

Wastewater: Orange County Utilities Wastewater Service Area

Reclaimed Water: City of Orlando Reclaimed Water Service Area

Detailed Utility Information:

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.

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

Local Planning Agency (LPA) Recommendation – August 17, 2023

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the proposed Medium Density Residential (MDR) Future Land Use designation.

LOCAL PLANNING AGENCY (LPA) 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 ADOPTION of the proposed Medium Density Residential (MDR) Future Land Use designation.

The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that two hundred ninety-nine (299) notices were sent to property owners and residents in a 800 ft radius surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

After a brief discussion regarding the proposed density and the residential densities in the area, a motion was made by Commissioner Evans and seconded by Commissioner Spears to recommend ADOPTION of the proposed Medium Density Residential (MDR) Future Land Use designation. The motion carried unanimously.

Motion / Second	<i>Camille Evans / Gordon Spears</i>
Voting in Favor	<i>Gordon Spears, Michael Arrington, David Boers, Eduardo Fernandez, Nelson Pena, Evelyn Cardenas, Camille Evans</i>
Absent	<i>George Wiggins, Walter Pavon</i>


SS-23-07-042



 Subject Property

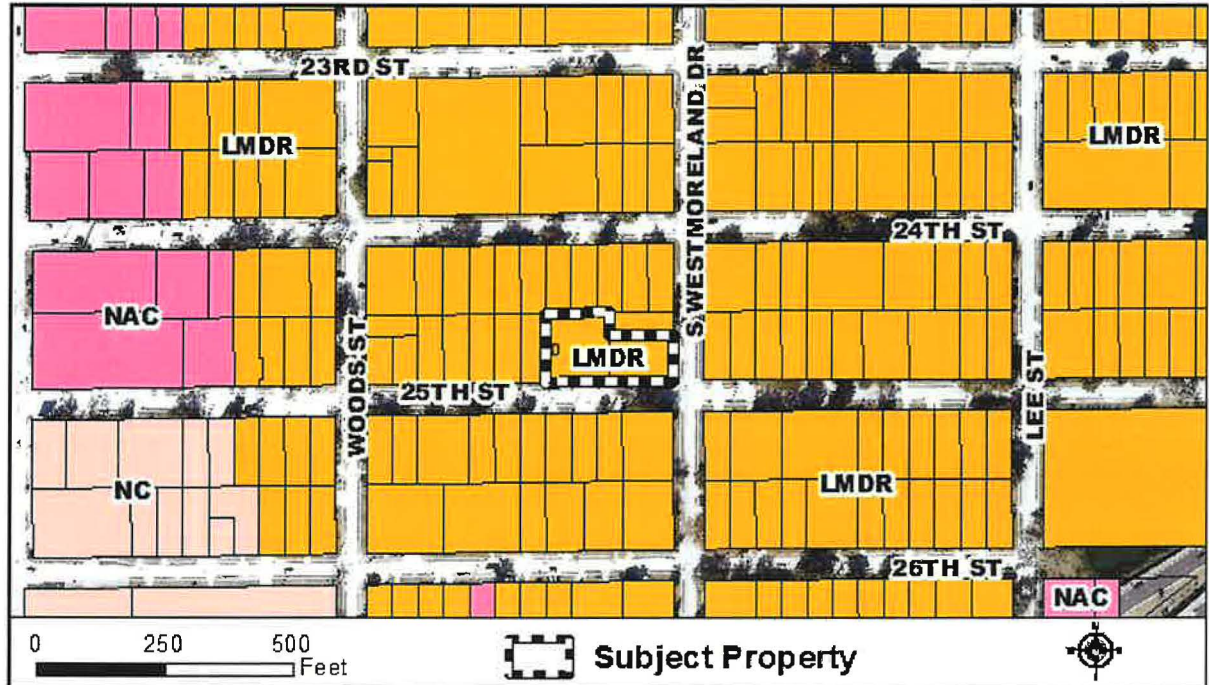


0 150 300 Feet

A horizontal scale bar with three segments, labeled 0, 150, and 300 Feet.

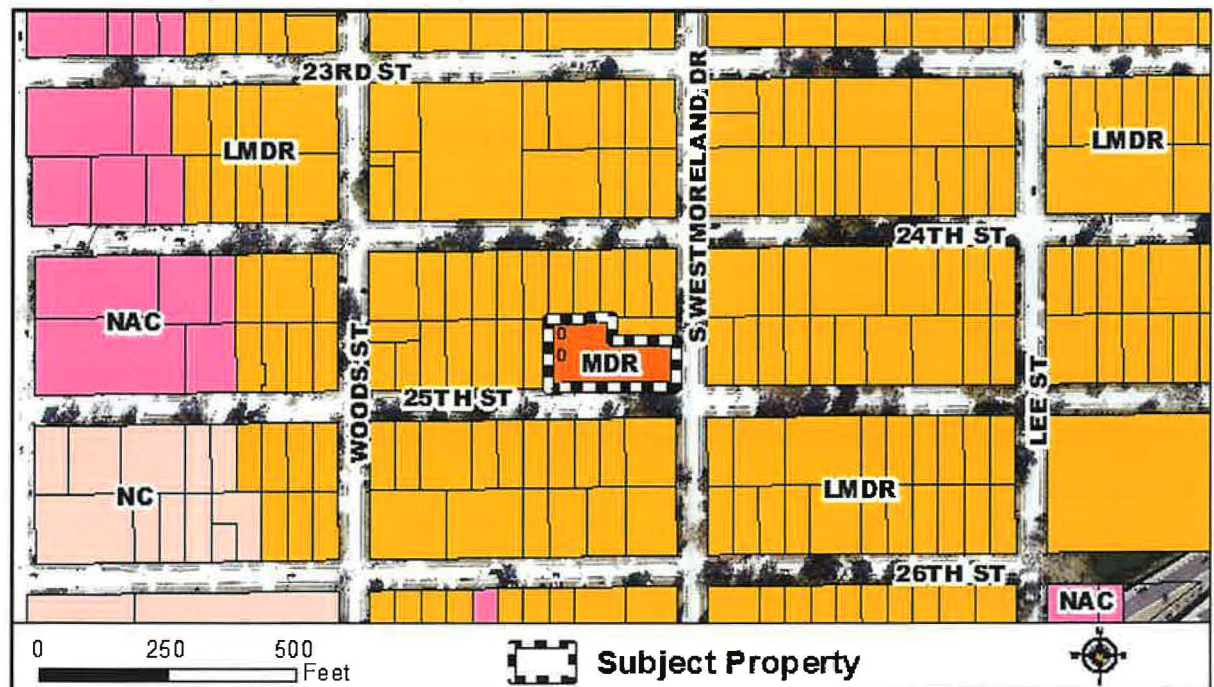
FUTURE LAND USE - CURRENT

Low-Medium Density Residential (LMDR)



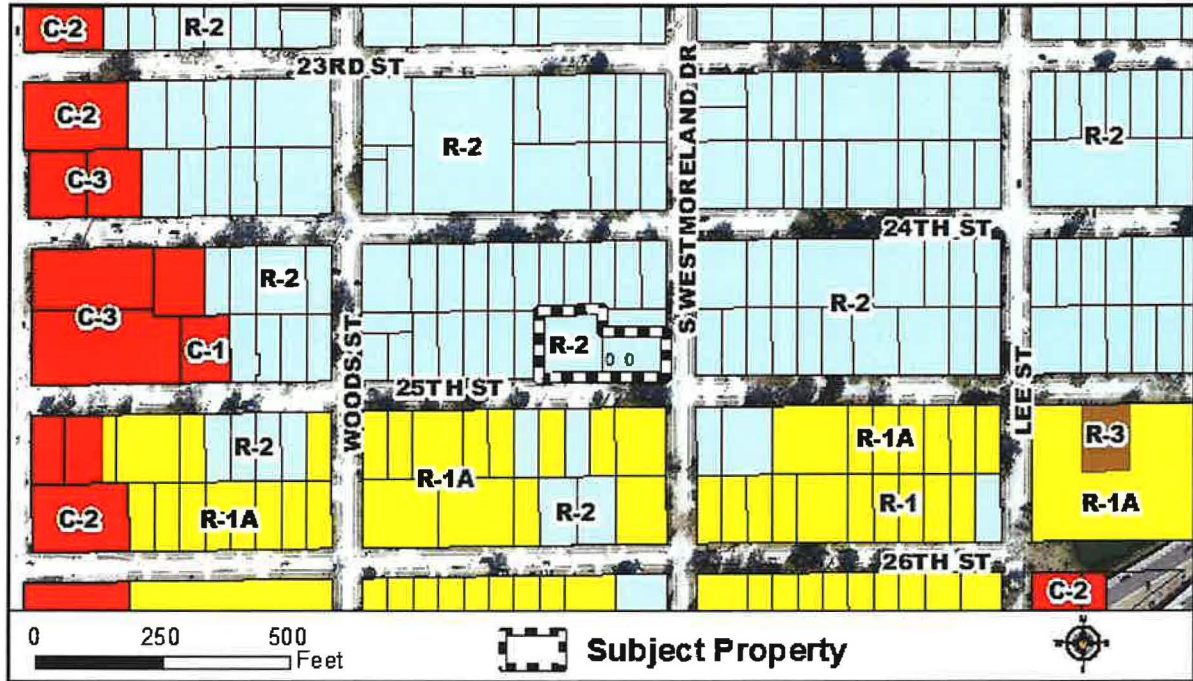
FUTURE LAND USE - PROPOSED

Medium Density Residential (MDR)

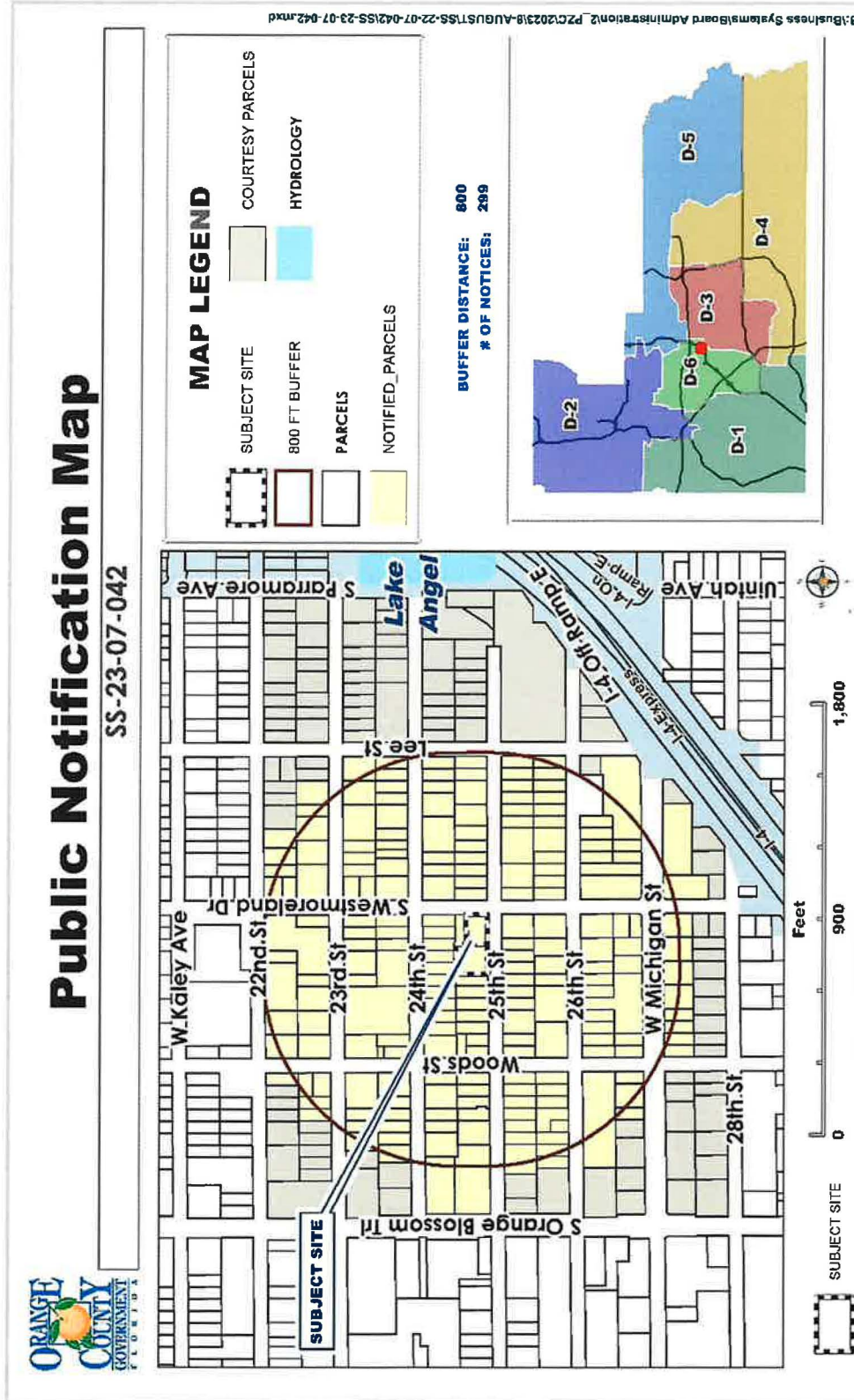


ZONING – CURRENT

R-2 (Residential District)



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 October 10, 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.

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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.

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47 ADOPTED THIS 10th DAY OF OCTOBER, 2023.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller

59 As Clerk to the Board of County Commissioners

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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-23-07-042	Low-Medium Density Residential (LMDR)	Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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