




Interoffice Memorandum

November 10, 2020

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners (BCC)

FROM: Alberto A. Vargas, M.Arch., Manager, Planning Division 

THROUGH: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development Services Department

SUBJECT: Adoption Public Hearings – November 10, 2020 Small-Scale Future Land Use Map Amendments and Concurrent Rezoning Request

Please find the attached staff reports and associated back-up materials for the two **Small-Scale Future Land Use Map Amendments** scheduled for a BCC adoption public hearing on November 10, 2020. The adoption public hearing for both Small-Scale Development Amendments (and concurrent rezonings where applicable) were conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on September 17, 2020.

If the BCC adopts the proposed amendments, the Small-Scale Development Amendments 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).

AAV/JWW/jhs

Enc: Small-Scale Development Amendments BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant 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  
Eric P. Raasch, AICP, Planning Administrator, Planning Division



# ORANGE COUNTY

PLANNING DIVISION

## SMALL SCALE CYCLE

## MONTHLY

## AMENDMENTS

## SS-20-09-059

2010 - 2030 COMPREHENSIVE PLAN

### BOARD OF COUNTY COMMISSIONERS

NOVEMBER 10, 2020  
ADOPTION PUBLIC HEARING

**PREPARED BY:**  
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



**CASE # SS-20-09-059**

Commission District: #6

**GENERAL INFORMATION**

<b>APPLICANT</b>	Christopher Savino, EIS Housing, LLC.
<b>OWNERS</b>	Orange Blossom Shopping Center LTD
<b>HEARING TYPE</b>	Small-Scale Future Land Use Map (FLUM) Amendment
<b>FLUM REQUEST</b>	<b>PD – Mini Storage</b> (Planned Development) <b>to</b> <b>MHDR</b> (Medium-High Density Residential)
<b>EXISTING ZONING</b>	<b>R-3</b> (Multiple-Family Dwelling District)
<b>LOCATION</b>	Generally located on the southeast corner of 45th Street and S. Rio Grande Avenue, South of 44 <sup>th</sup> Street, north of Holden Avenue.
<b>PARCEL ID NUMBER</b>	10-23-29-0000-00-041
<b>TRACT SIZE</b>	3.28 gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-one (131) 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>	Eighty-four (84) Multiple-Family Units

**STAFF RECOMMENDATION**

**PLANNING**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium-High Density residential (MHDR) Future Land Use.**

**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 3.28 acre subject property from PD – Mini Storage (Planned Development) to MHDR (Medium-High Density Residential) while maintaining the existing R-3 (Multiple-Family Dwelling District) in order to allow for the construction of a multi-family housing development. The applicant intends for this to be certified affordable housing. This request is necessary because the existing Future Land Use is not consistent with the existing R-3 zoning.

The subject property is currently vacant. The existing Future Land Use was established in November, 2001, however the proposed mini-storage was never constructed. The immediate surrounding area is developed with single-family residences to the north, multi-family residences to the west and south, and retail commercial to the east and south.

**Existing FLUM Development Program**

The R-3 Zoning designation is not consistent with the existing FLUM designation. The property is currently undevelopable until the Future Land Use and Zoning are compatible. If the property were rezoned to accommodate the existing FLUM designation, a mini-storage commercial site of up to 214,000 square feet could be constructed.

**Proposed FLUM Development Program**

The existing R-3 zoning district with the proposed Future Land Use Map designation of Medium-High Density Residential would allow a multi-family residential development of up to 114 units. It would also allow for other R-3 uses to a maximum residential density of up to 35 dwelling units per acre.

**Land Use Compatibility**

The MHDR Future Land Use and R-3 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"/>	

**Comprehensive Plan (CP) Consistency**

As mentioned previously, the underlying Future Land Use Map (FLUM) designation of the subject property is PD – Mini Storage (Planned Development), which is inconsistent with the R-3 (Multiple-Family Dwelling District) zoning. However, the existing R-3 zoning is consistent with the proposed MHDR (Medium-High Density Residential) FLUM designation. The proposed request is consistent with the following Comprehensive Plan provisions:

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

**FLU1.1.5** states that the County shall encourage 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.

**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.

**FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**OBJ H 1.3** states that Orange County shall provide for the development of affordable housing, dispersed throughout the County.

**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.

**H1.3.11** states that affordable housing is allowed within all residential zoning categories.

**H1.3.13** states that Orange County shall support and provide incentives for the location of affordable housing in mixed use projects to encourage development patterns that physically integrate rather than isolate very low, low and moderate income and special needs groups from other sectors of the community.

**SITE DATA**

**Existing Use**                      Undeveloped

<b>Adjacent</b>	<b>FLUM</b>	<b>Zoning</b>
<b>North</b>	LDR (Low Density Residential)	R-1A (Single Family Dwelling District), R-2 ( Residential District)
<b>South</b>	PD (Planned Development), C (Commercial), O (Office)	C-1 (Retail Commercial District), P-O (Professional Office District)
<b>East</b>	C (Commercial)	C-2 (General Commercial District)
<b>West</b>	MDR (Medium Density Residential)	R-3 (Multiple Family Dwelling District)

**Adjacent Land Uses**    N:    Single-Family Residential  
    E:    Retail Commercial  
    W:    Multifamily Apartments  
    S:    Vacant, Retail Commercial, Professional Office

**R-3 (Multiple Family Dwelling District) Development Standards**

Min. Lot Area:            15,000 sq. ft. (Four or more DUs)  
 Min. Lot Width:        85 ft. (Attached units only)  
    45 ft. (Detached units)  
 Max. Height:            35 ft.  
 Min. Floor Area:        500 sq. ft. per unit

**Building Setbacks**

Front:                      20 ft.  
 Rear:                        30 ft.  
 Side:                        10 ft. (30 ft. where adjacent to single-family district)

**Small Scale Amendment # SS-20-09-059**  
**Orange County Planning Division**  
**BCC Hearing Date: November 10, 2020**

**Intent, Purpose, and Uses**

The areas included in R-3 multiple-family dwelling districts are primarily residential in character. Residential uses are permitted at high population densities.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes of transportation within the project area: There are existing Orange County maintained sidewalks along S. Rio Grande Avenue from 1/4 to Honour Road. There are existing State maintained sidewalks along S. Orange Blossom Trail from 35th Street to W. Oak Ridge Road. LYNX Bus Link#8 W. Oak Ridge Road/International Dr; 441 FastLYNX 441; Link #107 Downtown Orlando/Florida Mall; Link #304 LYNX 3D Rio Grande/Vistana Resort; Link #40 Americana Blvd/Universal Orlando. There are (16) sixteen bus stops in which (5) five are sheltered stops. A mobility analysis may be required for this project.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A formal capacity determination was issued for this project (#OC-20-043, Holden Place) and expires on February 8, 2021. Capacity is available for this project at Pineloch ES and Memorial MS, however, capacity is not available for this project at Oak Ridge HS. Oak Ridge HS is currently operating with a 109% utilization rate, which is above the adopted 100% Level of Service Standard. This project is projected to generate 5.88 students for Oak Ridge HS and, combined with existing encumbered and reserved capacity, the adjusted utilization rate will be 111.7%. If this request is approved, this project will be required to apply for School Concurrency review and approval.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This property is located within the Orange Blossom Trail Development Board area.
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

Due to health restrictions a virtual community meeting was held on September 9th, 2020, prior to the completion of this staff report. The comments received from this meeting and any subsequent commentary will be presented at the PZC hearing.

**Utilities**

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	8-inch gravity main and 10-inch forcemain within 45th right-of-way, approximately 300 feet east of the property
Reclaim Water:	City of Orlando	Not currently available

**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 – (September 17, 2020)

**Future Land Use Map Amendment**

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

**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 adoption of the requested MHDR (Medium-High Density Residential) Future Land Use Designation. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred and thirty-one (131) notices were mailed to those property owners in the mailing area extending 700 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 discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, the following motion was made:

**Future Land Use Map Amendment**

A motion was made on the Future Land Use Map Amendment (SS-20-09-059) by Commissioner Wade, and seconded by Commissioner Velazquez to recommend **ADOPTION** of the requested MHDR (Medium-High Density Residential) Future Land Use designation. The motion carried on a 7-0 vote, with two members absent.

<b>Motion / Second</b>	<i>JaJa Wade / Diane Velazquez</i>
<b>Voting in Favor</b>	<i>JaJa Wade, Diane Velazquez, Jimmy Dunn, Carlos Nazario, Mohammed Abdallah, Evelyn Cardenas, Gordon Spears</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena and Eddie Fernandez</i>

SS-20-09-059

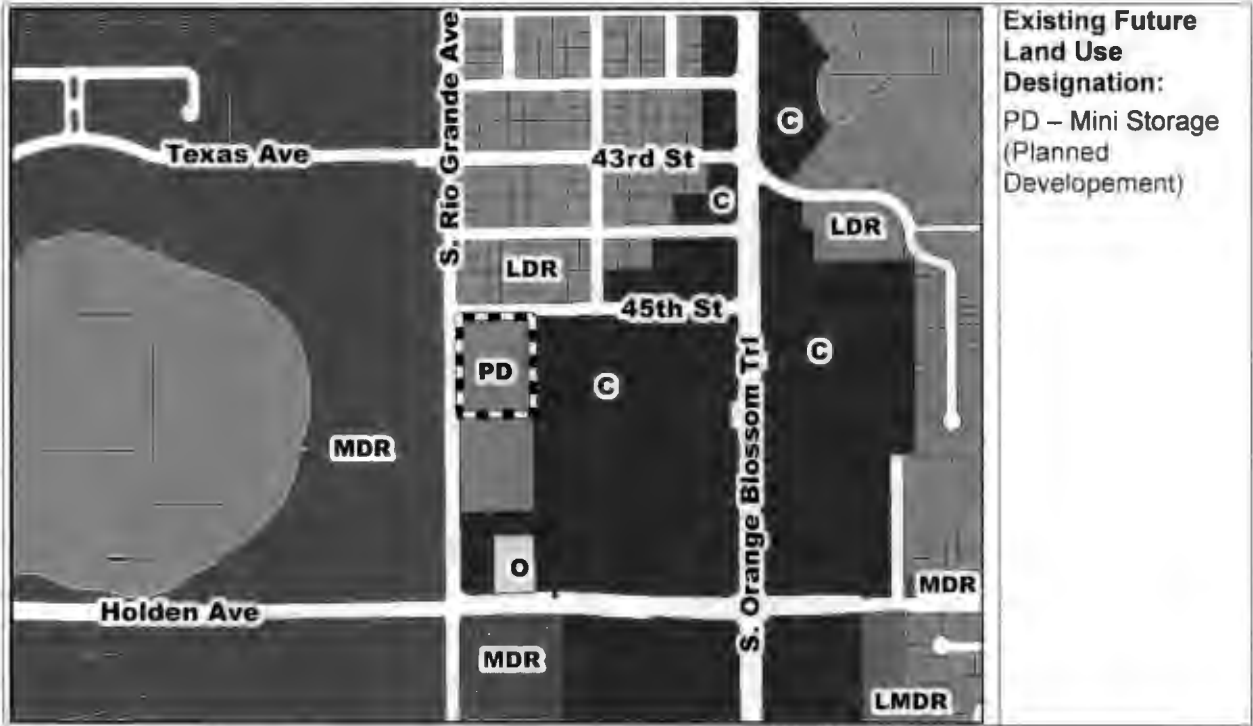


 Subject Property

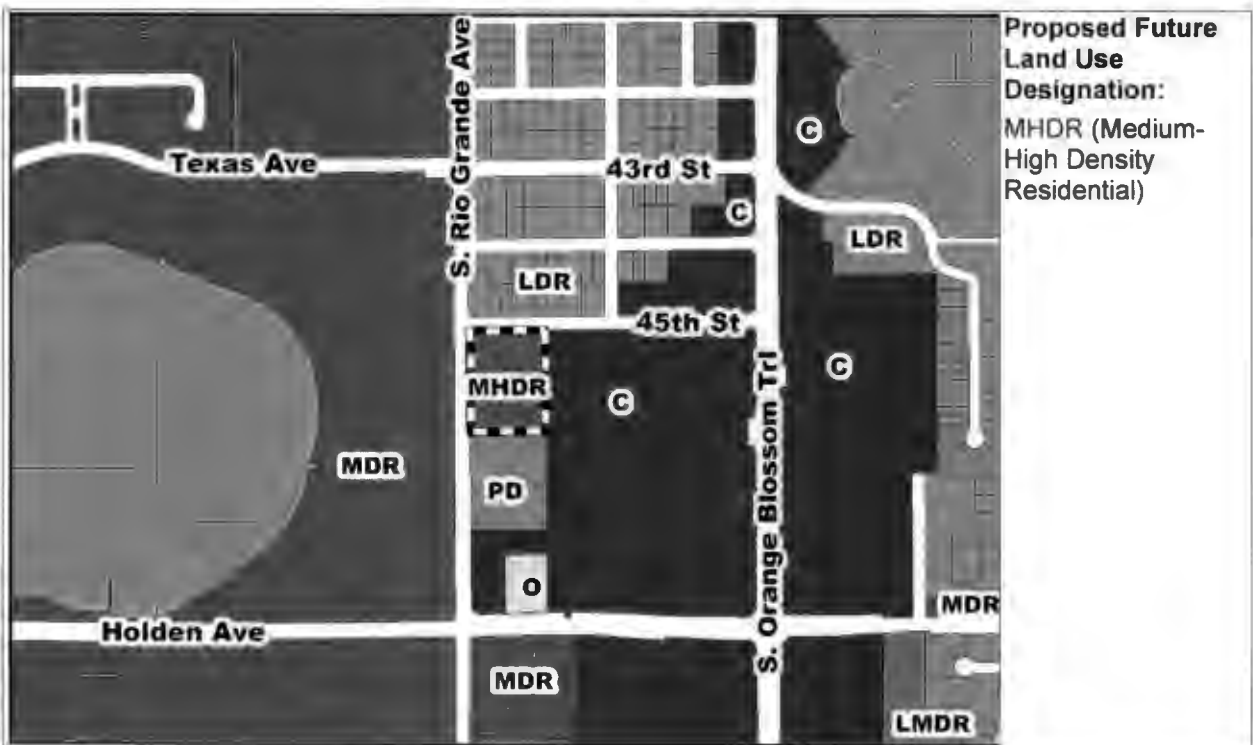


1 inch = 400 feet

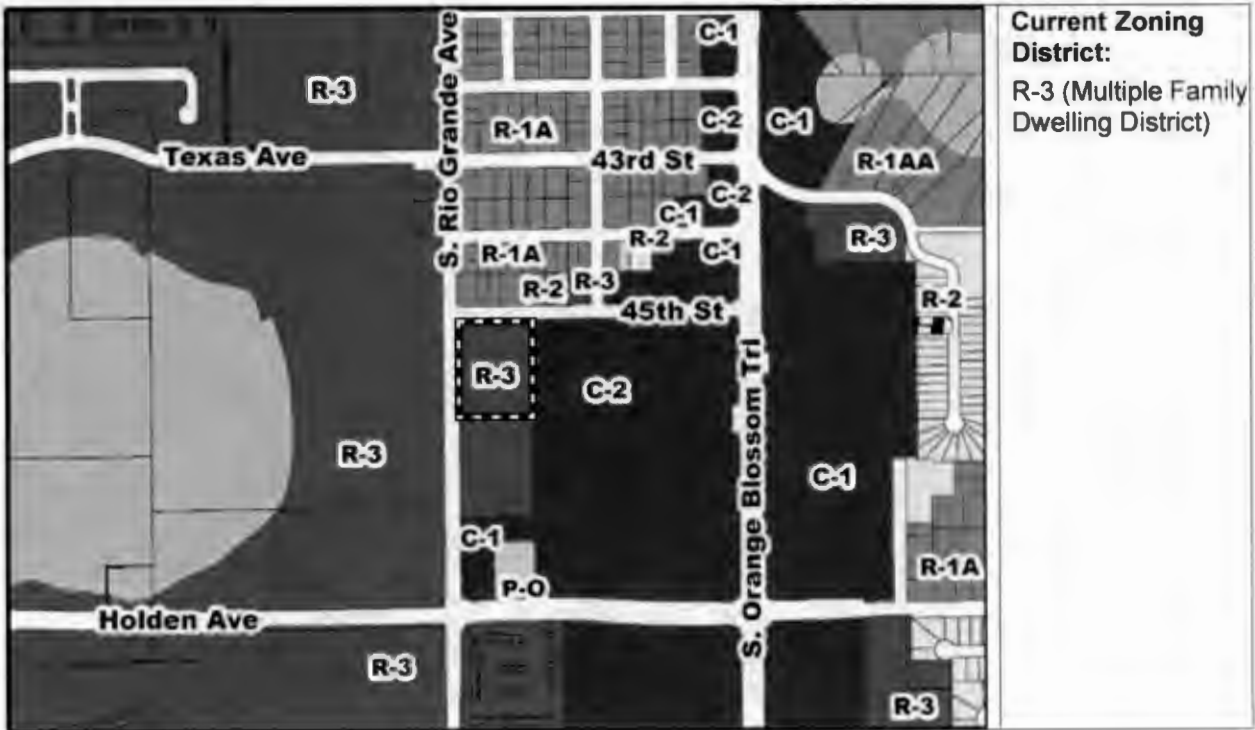
**FUTURE LAND USE – CURRENT**



**FUTURE LAND USE - PROPOSED**



ZONING - CURRENT





# Public Notification Map

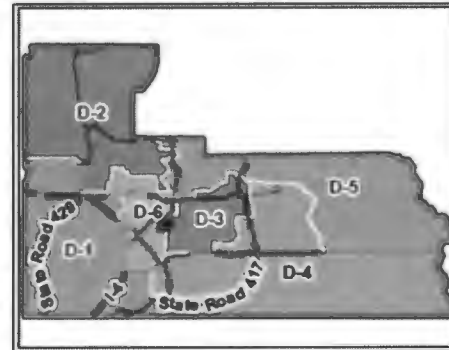
SS-20-09-059



### MAP LEGEND

- SUBJECT
- 700 FT BUFFER
- 1\_MILE\_BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED\_PARCELS

**BUFFER DISTANCE:** 700  
**# OF NOTICES:** 131  
**RESIDENTIAL ADDRESSES:** 44



SUBJECT

0 0.04 0.08 0.16 0.24 0.32  
 Miles



C:\Users\jgibson\OneDrive\Documents\SS-20-09-059\Map\SS-20-09-059-Map.mxd

## Notification Map

Small Scale Amendment # SS-20-09-059  
 Orange County Planning Division  
 BCC Hearing Date: November 10, 2020

ORDINANCE NO. 2020-\_\_\_\_\_

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 SMALL SCALE DEVELOPMENT AMENDMENTS 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 November 10, 2020, the Board held a public hearing on the adoption of the proposed amendments, as described in this ordinance, and decided to adopt them.

*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 designations as described at **Appendix “A,”** attached hereto and incorporated herein.

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**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 amendments adopted in this ordinance may not become effective until 31 days after adoption. However, if an 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 10<sup>th</sup> DAY OF NOVEMBER, 2020.

**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: \_\_\_\_\_

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Deputy Clerk



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**APPENDIX "A"**  
**FUTURE LAND USE MAP AMENDMENTS**

<b><i>Appendix A*</i></b>		
<b><i>Privately Initiated Future Land Use Map Amendments</i></b>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>SS-20-07-048</b>	<b>Industrial (IND)</b>	<b>High Density Residential – Student Housing (HDR-Student Housing)</b>
<b>SS-20-09-059</b>	<b>Planned Development – Mini Storage (PD)</b>	<b>Medium-High Density Residential (MHDR)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.</b>		

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