

Interoffice Memorandum

DATE:	December 13, 2022
TO:	Mayor Jerry L. Demings -AND-
	County Commissioners Jon V. Weiss, P.E., Director
THROUGH:	Jon V. Weiss, P.E., Director
	Planning, Environmental, and Development Services Department
FROM:	Alberto A. Vargas, MArch., Manager, Planning Division
SUBJECT:	Adoption Public Hearing – December 13, 2022, Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request

Applicant: Randall D. Williams III, Off Ivey, LLC

SS-22-10-089 and RZ-22-10-090

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 December 13, 2022. The subject property is located at 3312 Livingston Street, generally located south of Lawrence Street, west of N. Goldwyn Avenue, north of W. Central Boulevard, and east of Ferguson Drive. The request is to change the Future Land Use Map designation from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) and change the zoning from C-3 (Wholesale Commercial District) to R-2 (Residential District). The applicant is proposing to split the lot to allow for the construction of an additional single-family residence.

A virtual community meeting was held on Tuesday, September 6, 2022. No members of the public attended.

The adoption public hearing for Small-Scale Development Amendment SS-22-10-089 and concurrent rezoning RZ-22-10-090 was conducted before the Planning and Zoning Commission / Local Planning Agency on November 17, 2022, 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 <u>Alberto.Vargas@ocfl.net</u>, or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at 407-836-5624 or <u>Gregory.Golgowski@ocfl.net</u>.

Small-Scale Development Amendment Board Adoption Public Hearing SS-22-10-088 and RZ-22-10-090 December 13, 2022 Page 2

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low-Medium Density (LMDR) Future Land Use Map designation, APPROVE the associated ordinance, and recommend APPROVAL of the requested R-2 (Residential District). District 6

JVW/AAV/sw

- c: Christopher R. Testerman, AICP, Deputy County Administrator Joel Prinsell, Deputy County Attorney Whitney Evers, Assistant County Attorney Roberta Alfonso, Assistant County Attorney Gregory Golgowski, AICP, Chief Planner, Planning Division
 - Olan D. Hill, AICP, Assistant Manager, Planning Division Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

Orange County Planning Division Jennifer DuBois, Project Planner



Applicant/Owner: Randall D. Williams III, Off Ivey LLC Location: 3312 Lawrence Street; generally located south of Lawrence Street, west of N Goldwyn Avenue, north of W Central Boulevard, and east of Ferguson Drive. Existing Use: Single-family residence Parcel ID Number: 28-22-29-5600-91-480 Tract Size:

0.31 gross/net developable acre

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing Outcome		Outcome	Request: Low Density Residential (LDR) to Low- Medium Density Residential (LMDR)	
1	A virtual community meeting was held September 6, 2022.	No members of the public attended the meeting.	Proposed Development Program: Two (2) single-family detached homes	
1	Staff Report	Recommend adoption of the proposed amendment and approval of the requested	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analysis of each public facility.	
1	 rezoning. LPA Adoption Hearing November 17, 2022 Recommend Adoption and Approval (7-0) 	Transportation: The proposed development of an additional single-family residence will result in an increase of two p.m. peak hour trips and will not impact the roadways within the project's impact area.		
		Utilities: The subject property receives potable water service from the Orlando Utilities Commission (OUC) and wastewater service from the City of Orlando.		
			Schools: The construction of an additional single- family residence (following the approval of a lot split by the Zoning Division) will have a de minimis impact on area public schools.	
The state of the	BCC Adoption Hearing	December 13, 2022	Concurrent Rezoning: RZ-22-10-090 C-3 (Wholesale Commercial District) to R-2 (Residential District)	

SITE AERIAL



FUTURE LAND USE – CURRENT



FUTURE LAND USE – PROPOSED



ZONING – CURRENT



ZONING – PROPOSED



Staff Recommendations

If the proposed Comprehensive Plan amendment is adopted, the Board will then need to take action on the requested rezoning. Below are the staff recommendations for each of these items.

- COMPREHENSIVE PLAN AMENDMENT: Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, and FLU8.2.1; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and ADOPT Amendment SS-22-10-089, Low Density Residential (LDR) to Low-Medium Density Residential (LMDR).
- REZONING: Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, and FLU8.2.1; and Housing Element Goal H1 and Objective H1.1) and APPROVE Rezoning Case RZ-22-10-090, C-3 (Wholesale Commercial District) to R-2 (Residential District).

Analysis

1. Background and Development Program

The applicant, Randall D. Williams III of Off Ivey LLC, is seeking to change the Future Land Use Map (FLUM) designation of the 0.31-acre subject parcel, currently the site of a single-family residence, from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR). In conjunction with this requested amendment, the applicant is proposing to rezone the property from C-3 (Wholesale Commercial District)—a classification inconsistent with both the current LDR and requested LMDR FLUM designations—to R-2 (Residential District). If the FLUM Amendment and rezoning petitions are granted and the inconsistency issue is resolved, it is the applicant's intent to apply for a lot split with the Orange County Zoning Division to allow for the construction of an additional single-family home.

As depicted on the aerial photograph, the subject property is located in an established residential neighborhood characterized by single-family detached homes. The site is comprised of two platted lots (Lots 148 and 149, Block I) in the Merry Mount subdivision, recorded in Plat Book N, Page 29 of the Public Records of Orange County on February 5, 1926. According to the Orange County Property Appraiser's records, the existing single-family residence was constructed on Lot 148 in 1926. Lot 148 and Lot 149 have been under common ownership since October 23, 1951, when B. O. and Mildred T. Winburn (the owners of Lot 148 since October 9, 1947) acquired the unimproved neighboring parcel. The lots were subsequently unified in the Property Appraiser's records and assigned a single Parcel ID Number (28-22-29-5600-91-480). The applicant—the present owner of the site—is now proposing to split the property back into two lots to create a second homesite, with the current single-family dwelling to remain.

As illustrated on the recorded Merry Mount subdivision plat, attached to this staff report as Exhibit "A", Lots 148 and 149 each have a width of 50 feet and an area of 6,750 square feet (0.155 acre). With a combined area of .31 acre, the subject property falls short of the LDR future land use designation's minimum half-acre requirement for separation into two individual homesites, due to this category's density cap of four (4) dwelling units per net acre. For this reason, the applicant is requesting the LMDR future land use designation, with a maximum permitted density of ten (10) dwelling units per net acre, and a concurrent rezoning to R-2, a corresponding classification found throughout the neighborhood.

Despite the fact that the proposed LMDR FLUM designation, if approved, would appear to constitute spot land use, the recorded plat and aerial photograph show that the majority of the lots in the Merry Mount subdivision were platted and developed at the same or similar density. If approved, each new lot will measure at least 45 feet in width and 100 feet in depth, with an area of 4,500 square feet, thereby meeting the One-Family Dwelling standards of the R-2 zoning district, as established in Sec. 38-1501, Basic Requirements, of the Orange County Code. Staff recognizes that while Lot 148 and 149, as platted, meet the minimum 50-foot lot width and 5,000-square-foot lot area requirements of the R-1 zoning district (also prevalent in the subdivision), allowing a slightly narrower lot width and reduced lot area would provide a homebuilder additional design flexibility and, potentially, increase affordability.

It is staff's belief that the creation of two single-family homesites under the requested LMDR future land use designation and R-2 zoning classification would maintain the character of the surrounding residential neighborhood and add to the County's housing stock. Staff emphasizes, though, that if these two petitions are ultimately approved by the Board of County Commissioners (BCC), the applicant must submit a Subdivision Determination (lot split) application to the Zoning Division, which must be approved before any new development may commence.

Community Meeting

A virtual community meeting was held for the proposed amendment and associated rezoning petition on September 6, 2022. Although 204 notices were mailed, no members of the public attended the meeting.

2. Project Analysis

Consistency

The proposed FLUM Amendment and associated rezoning request appear to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

As discussed above, the 0.31-acre subject property is located within an established neighborhood characterized by single-family residential development. The applicant is seeking the LMDR future land use designation and R-2 zoning classification to allow for the construction of an additional single-family detached home while maintaining the integrity of the neighborhood.

Staff views the subject property as an underutilized parcel and infill site within the County's Urban Service Area (USA) Boundary. Staff finds this proposal consistent with **Future Land Use Element Goal FLU2**, which 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. This request is also consistent with **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

Staff further finds the proposed amendment and associated rezoning consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transitoriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. If approved, the two single-family homes will use infrastructure that is already in place. The Orlando Utilities Commission (OUC) supplies potable water to the site, with wastewater service provided by the City of Orlando. In addition, the two homes will utilize the existing area transportation network, which serves both pedestrians and automobile drivers. Sidewalks are in place along the adjacent side of Lawrence Street, and a network of sidewalks winds through the surrounding neighborhood. Moreover, the redevelopment of the site for two single-family residences will have a de minimis impact on the public elementary, middle, and high schools for which it is zoned.

As mentioned previously, the subject property is located in an established residential community characterized by single-family detached homes. The proposed FLUM Amendment and rezoning and the applicant's intent to divide the parcel into two residential lots are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The request is further consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state 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. It is staff's belief that the proposed residential project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

Compatibility

The requested FLUM Amendment and proposed rezoning appear to be **compatible** with the development pattern of the surrounding area. Future Land Use Element **Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with existing development and development trends in the area. As previously discussed, the applicant's intent to create two single-family homesites is in keeping with the character of the surrounding neighborhood. Staff believes the applicant's proposal would help further the goals of Orange County's Housing for All 10-Year Action Plan, which aims to preserve and create 30,300 affordable and attainable housing units by 2030. It is staff's position that the request is consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents.

Staff believes that the proposed project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, providing additional housing opportunities for the County's citizens, efficiently using existing infrastructure, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment and the associated rezoning petition.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division. The Environmental Protection Division (EPD) has reviewed the two applications and has provided the following comments.

Septic Systems - If a septic system is required, the lots shall be configured to accommodate the requirements of the Individual On-Site Sewage Disposal Ordinance regarding setbacks, lot size, soils, distance to potable water supply wells, and elevations. The applicant shall especially note the following setbacks: no less than 75 feet from jurisdictional wetlands and the design high water level of normally wet stormwater retention areas, and 150 feet from the normal high water elevation (NHWE) of surface water bodies and canals connected to surface water bodies. Please refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal.

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. Please reference Orange County Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

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 offsite according to the County's solid waste and hazardous waste regulations. Recycling of materials is encouraged, if applicable. Please call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation Planning Division. The applicant is requesting to change the future land use designation of ~0.31 acre from Low Density Residential (LDR) to Low-Medium Density Residential (LDMR) and rezone from C-3 (Wholesale Commercial District) to R-2 (Residential District) to increase density and allow for the submittal of a lot split application to develop one additional single-family residence.

The subject property is not located along a backlogged/constrained facility or multimodal corridor.

Analysis of the project trips from the currently-approved future land use designation versus the requested classification indicates that the proposed residential use will result in a net increase of 2 pm peak trips and, therefore, will not impact the roadways within the project's impact area.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment 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.

Utilities Engineering Division. The subject site lies within the Orlando Utilities Commission's (OUC's) potable water service area and the City of Orlando's wastewater and reclaimed water service areas.

Orange County Public Schools. The construction of an additional single-family detached home will have a de minimis impact on area public schools.

3. Rezoning Request Analysis

SITE DATA

Adjacent Zoning	N:	R-1 (Single-Family Dwelling District) (1957)
	E:	C-3 (Wholesale Commercial District) (1961)
	W:	C-3 (Wholesale Commercial District) (1986)
	S:	R-1 (Single-Family Dwelling District) (2007)

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		Rezoning Case RZ-22-
Adjacent Land Uses	N:	Single-family residential
	E:	Single-family residential
	W:	Single-family residential
	S:	Single-family residential and undeveloped land
-2 (Residential District)	Develo	oment 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.
Side Street:		15 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:		20 ft.
Side:		5 ft.
Side Street:		15 ft.
Three Dwelling Units		
Min. Lot Area:		11,250 sq. ft.
Min. Lot Width:		85 ft. (attached units only)
Max. Height:		35 ft.
Min. Living Area:		500 sq. ft. per dwelling unit
Building Setbacks:		
Front:		20 ft.
Rear:		30 ft.
Side:		10 ft.
Side Street:		15 ft.
Four or More Dwelling L	<u> Jnits</u>	
Min. Lot Area:		15,000 sq. ft.
Min. Lot Width:		85 ft.
Max. Height: Min. Living Area:		35 ft. 500 sq. ft. per dwelling unit

Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft. (30 ft. where adjacent to single-family)
Side Street:	15 ft.

* These regulations may not reflect the actual requirements for all situations; please consult the Orange County Zoning Code for the full regulations of this zoning district.

Intent, Purpose, and Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building, and associated residential uses.

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an overlay district.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Water/Wastewater/Reclaimed Water

Existing service or provider

Water:	Orlando Utilities Commission
Wastewater:	City of Orlando
Reclaimed Water:	City of Orlando

Schools

Per Orange County Public Schools (OCPS), the development of two single-family detached homes will have a de minimis impact on area public schools.

Parks and Recreation

Orange County Parks and Recreation has reviewed the request and did not comment on this case.

Code Enforcement

No Code Enforcement, Special Magistrate, or lot cleaning issues on the subject property have been identified.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

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.

4. Policy References

Goal FLU2 – URBAN STRATEGIES. 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.

OBJ FLU2.1 – **INFILL.** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

FLU1.1.1 – Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

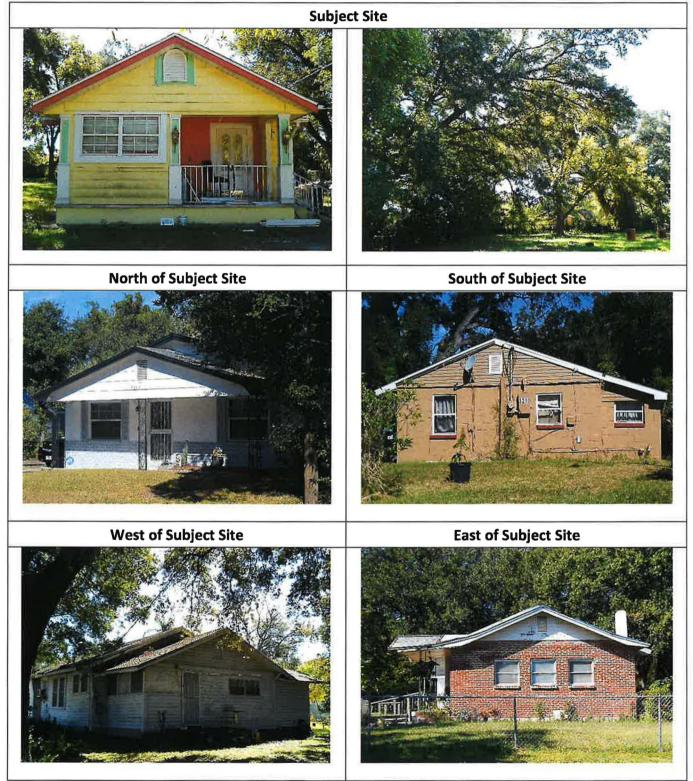
FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transitoriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan* (2008).

FLU8.2.1 – Land use changes shall be required to be compatible with the 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.

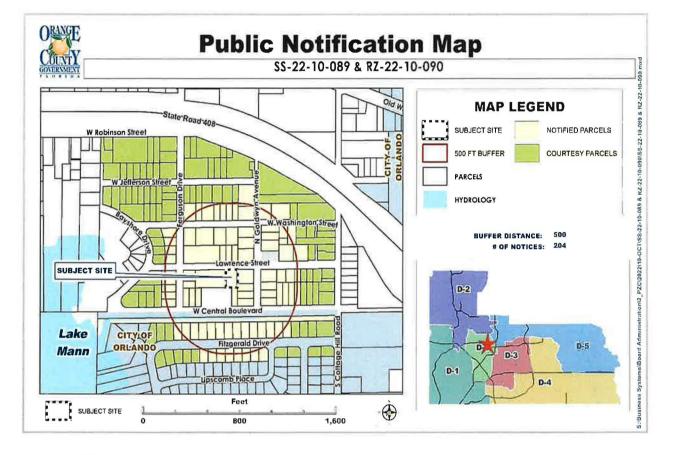
GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

Site Visit Photos

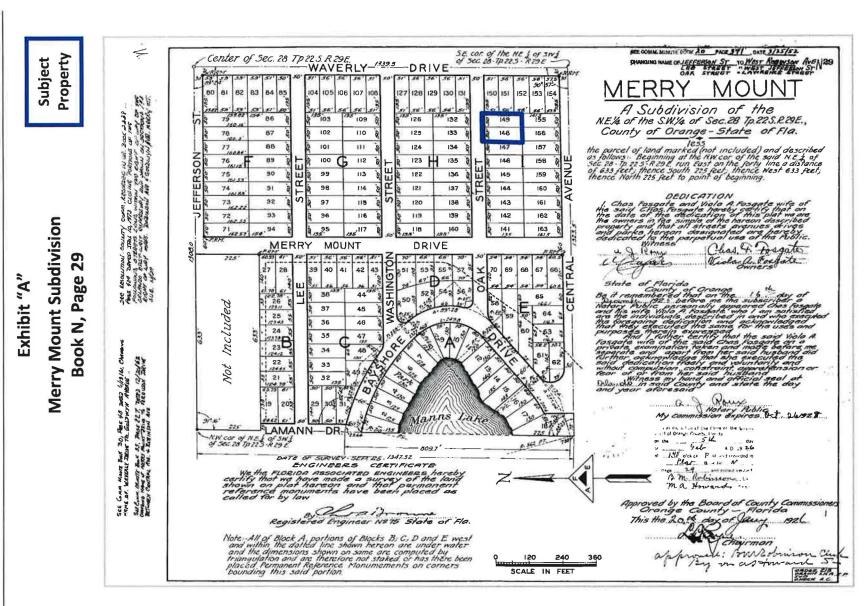


PUBLIC NOTIFICATION MAP



Notification Area

- 500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site
- 204 notices sent



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	DRAFT 12-01-22 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 AN EFFECTIVE DATE. BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
16	ORANGE COUNTY:
17	Section 1. Legislative Findings, Purpose, and Intent.
18	a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
19	a local government in the State of Florida to adopt a comprehensive plan and amendments to a
20	comprehensive plan;
21	b. Orange County has complied with the applicable procedures and requirements of
22	Part II of Chapter 163, Florida Statutes, for amending Orange County's 2010-2030 Comprehensive
23	Plan;
24	c. On December 13, 2022, the Board of County Commissioners held a public hearing
25	on the adoption of the proposed amendment to the Comprehensive Plan, as described in this
26	ordinance, and decided to adopt it.
27	Section 2. Authority. This ordinance is adopted in compliance with and pursuant to
28	Part II of Chapter 163, Florida Statutes.
29	Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby
30	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 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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56 57 ADOPTED THIS 13th DAY OF DECEMBER, 2022.

ORANGE COUNTY, FLORIDA By: Board of County Commissioners

By:_

Jerry L. Demings Orange County Mayor

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59	ATTEST: Phil Diamond, CPA, County Comptroller
60	As Clerk to the Board of County Commissioners
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64	By:

65 Deputy Clerk

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Appendix A*				
	Privately Initiated Future Land Use Map Amendment			
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:		
SS-22-10-089	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.				

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

1