




Interoffice Memorandum

DATE: June 13, 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 – June 21, 2022 Small-Scale Future Land Use Map Amendment 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 Board adoption public hearing on June 21, 2022. The adoption public hearing for Small-Scale Development Amendment SS-21-10-072 (and concurrent rezoning RZ-22-03-018) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on April 21, 2022, where the request was recommended for approval.

The subject property is located at 4893 S. Orange Blossom Trail, north of Americana Boulevard. The applicant's request is to change the Future Land Use Map designation from Commercial (C) to Medium Density Residential (MDR) and to change the zoning from C-1 (Retail Commercial District) to R-3 (Multiple-Family Dwelling District) in order to construct a multi-family development with up to 20 units per net developable acre (152 units with current net acreage). A community meeting was held on April 6, 2022, with four residents in attendance expressing concerns for traffic and ingress and egress into the property.

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:

- (a) Adopt the Medium Density Residential (MDR) Future Land Use map designation;**
- (b) Approve the associated ordinance; and**
- (c) Approve the R-3 (Multiple-Family Dwelling District) zoning.
District 3**

Attachments

JVW/AAV/jhs

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
Nik Thalmueller, AICP, Planning Administrator, Planning Division

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: June 21, 2022

CASE # SS-21-10-072

RZ-22-03-018

Commission District: #3

GENERAL INFORMATION

APPLICANT	Rick V. Baldocchi
OWNERS	Stately Limited Partnership & Uranick OBT Holdings, LLC
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	Commercial (C) to Medium Density Residential (MDR)
ZONING REQUEST	C-1 (Retail Commercial District) to R-3 (Multiple-Family Dwelling District)
LOCATION	4893 S. Orange Blossom Trail; generally located on the east side of S. Orange Blossom Trail, south of Redman Street, and north of Americana Boulevard.
PARCEL ID NUMBER	15-23-29-0000-00-030, 15-23-29-0000-00-078
TRACT SIZE	9.60 gross acres 7.61 net acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,300 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred six (306) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on April 6, 2022, and is summarized further in this report.
PROPOSED USE	Multi-Family Units (20 units per net developable acre)

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.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-3 (Multiple-Family Dwelling 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 9.60 gross acre subject property from Commercial (C) & Medium Density Residential (MDR) to Medium Density Residential (MDR) and to rezone from C-1 (Retail Commercial District) to R-3 (Multiple-Family Dwelling District), in order to allow for the construction of multi-family units. The applicant would currently be allowed 152 units based on the current net acreage and the proposed MDR Future Land Use which would permit up to 20 units per acre. The applicant intends to apply for an impact to a small wetland in order to bring the development program to 154 units. Impact to any wetlands is dependent on approval by the County.

The subject property is comprised of two vacant parcels, and located on the east side of S. Orange Blossom Trail. Surrounding uses include a retail store to the north across Redman Street, an auto repair shop to the south, a multi-family development to the east and a flea market to the west across S. Orange Blossom Trail.

Existing FLUM Development Program

The subject property under the existing Commercial (C) and Medium Density Residential (MDR) land use designations is only partially consistent with the C-1 zoning district. Only one of the two parcels that comprises the subject property has the necessary consistency between the Future Land Use Map (FLUM) designation and zoning district to permit retail commercial and office uses.

Proposed FLUM Development Program

The proposed R-3 zoning with the FLUM designation of Medium Density Residential will allow the applicant to construct a multi-family development.

Land Use Compatibility

The Medium Density Residential FLUM designation 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. The subject property is adjacent to an existing multi-family development located along its eastern boundary and is surrounded by a mix of commercial uses to the north, south and west.

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"/>	

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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 Comprehensive Plan FLUM designation of the subject property is partially Commercial, which is inconsistent together with the C-1 zoning. However, the proposed R-3 (Multiple-Family Dwelling District) zoning is consistent with the proposed Medium 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.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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 parcels

Adjacent	FLUM	Zoning
North	Commercial (C) (1991); <i>City of Edgewood</i>	C-1 (Retail Commercial District) (1957); <i>City of Edgewood</i>

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South	Medium Density Residential (MDR) (1991)	C-2 (General Commercial District) (1964)
East	Medium Density Residential (MDR) (1991)	R-3 (Multiple-Family Dwelling District) (1971)
West	Commercial (C) (1991)	C-2 (General Commercial District) (1957)

Adjacent Land Uses

N: Retail store
E: Muti-family development
W: Flea market
S: Automotive repair

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

Min. Lot Area: 15,000 sq. ft (Four or more dwelling units)
Min. Lot Width: 85 ft. (attached units); 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. (if adjacent to single-family district)

Intent, Purpose, and Uses

The intent and purpose of this R-3 multiple-family dwelling district are as follows residential uses 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<p>CAD Complete - An Orange County Conservation Area Determination CAD-21-06-148 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on November 5th, 2021.</p> <p>No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland</p>

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		<p>impact permit approved by the county and obtaining other applicable jurisdictional agency permits. Per Orange County Code Chapter 15, Article X Wetland Conservation Areas, Division 2, Section 376 Applicability; Scope</p> <p>Boat Docks or Ramps - Any person desiring to construct a boat dock or boat ramp (including: boardwalks or observation piers in wetlands or in wetland buffer areas) shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps and either permit requires action by the Board of County Commissioners.</p> <p>Impaired Waters - Lake Bumby has been designated as an impaired water body by the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code. Therefore, the Environmental Protection Division will not support any variance requests affecting the water quality of Lake Bumby or wetlands connected to the lake without some extra protective measures by the applicant. These may include: a high efficiency septic system, shoreline plant enhancement, wetland buffer and a pollution abatement swale easement.</p> <p>MSTU - Lake Bumby has an established Municipal Service Taxing Unit (MSTU) as part of the Lake Jessamine taxing district for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Bumby, this project shall be required to be a participant.</p> <p>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 as</p>
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			indicated in 34-250(g). This may require periodic street sweeping. Solid Waste - 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The impact is considered De Minimis (reduction in trips)
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A School Capacity Determination was reviewed and it was determined that the Elementary School (Pineloch) and Middle School (Memorial) have capacity for the project, however Oak Ridge High School exceeds capacity. Currently, Oak Ridge High School is operating at 111.5% and with the proposed project there would be an addition of 12 students bringing the adjusted operating level to 112%. The applicant will need to mitigate for these impacts with Orange County Public Schools.
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 held for this request on April 6, 2022, with four (4) residents in attendance expressing concerns for traffic, and ingress and egress to the property. The overall tone of the meeting was neutral.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

***Detailed Utility Information:**

This property is within Orlando Utilities Commission's water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. 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.

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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 – (April 21, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use and APPROVAL of the requested R-3 (Multiple-Family Dwelling 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 Medium Density Residential (MDR) Future Land Use map designation, and the R-3 (Multiple-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that three hundred six (306) notices were mailed to those property owners in the mailing area extending beyond 1,300 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments one (1) member of the public was present to speak in opposition to the request.

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 Medium Density Residential (MDR) Future Land Use Map designation and APPROVAL of the R-3 (Multiple-Family Dwelling District) zoning. The motion carried on a 6-0 vote.

Motion / Second

Gordon Spears / Trevor Sorbo

Voting in Favor

Gordon Spears, Mohammed Abdallah, Walter Pavon, Nelson Pena, George Wiggins, and Trevor Sorbo

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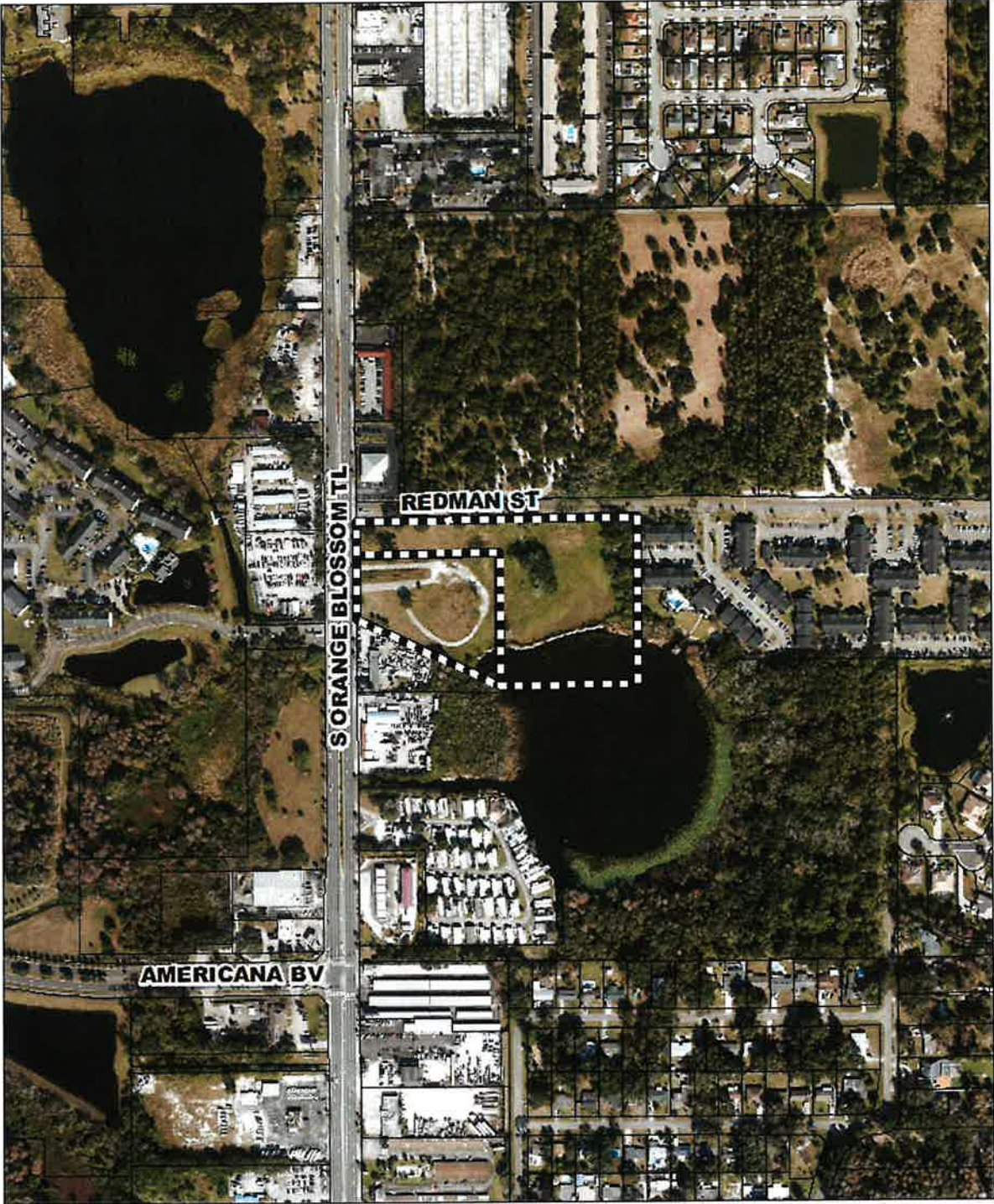
Voting in Opposition

None

Absent

Evelyn Cardenas, Jaja Wade, and Eddie Fernandez

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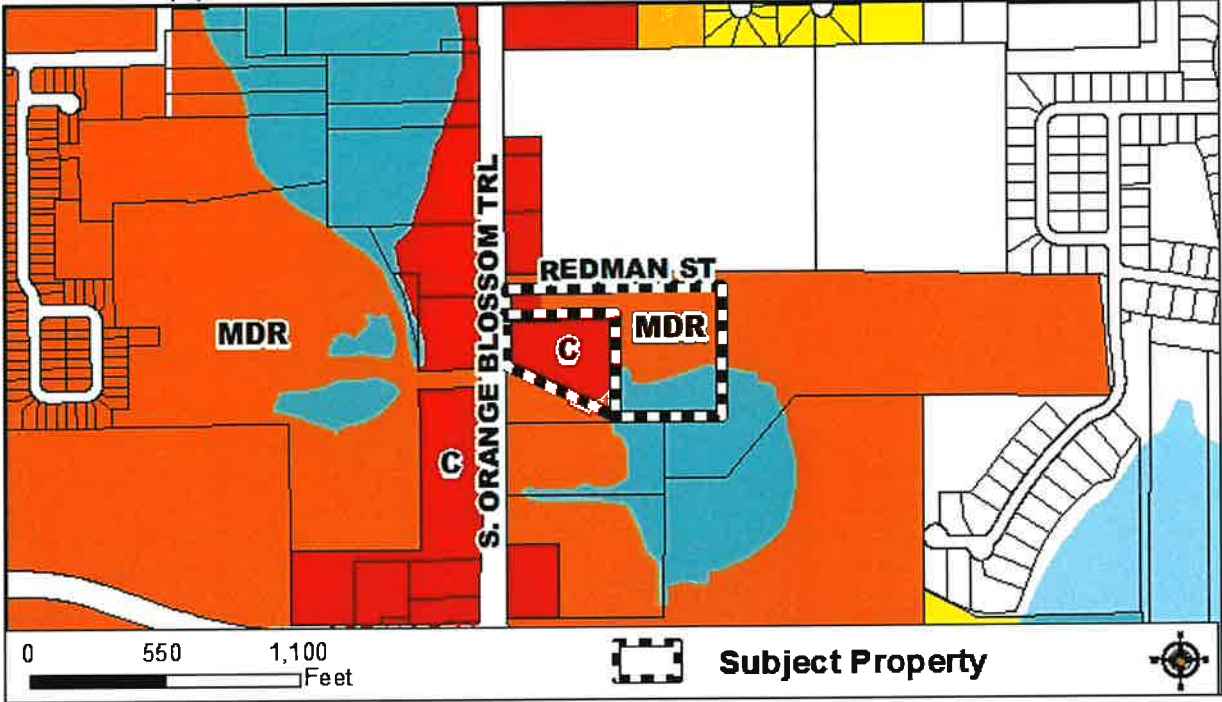


 Subject Property

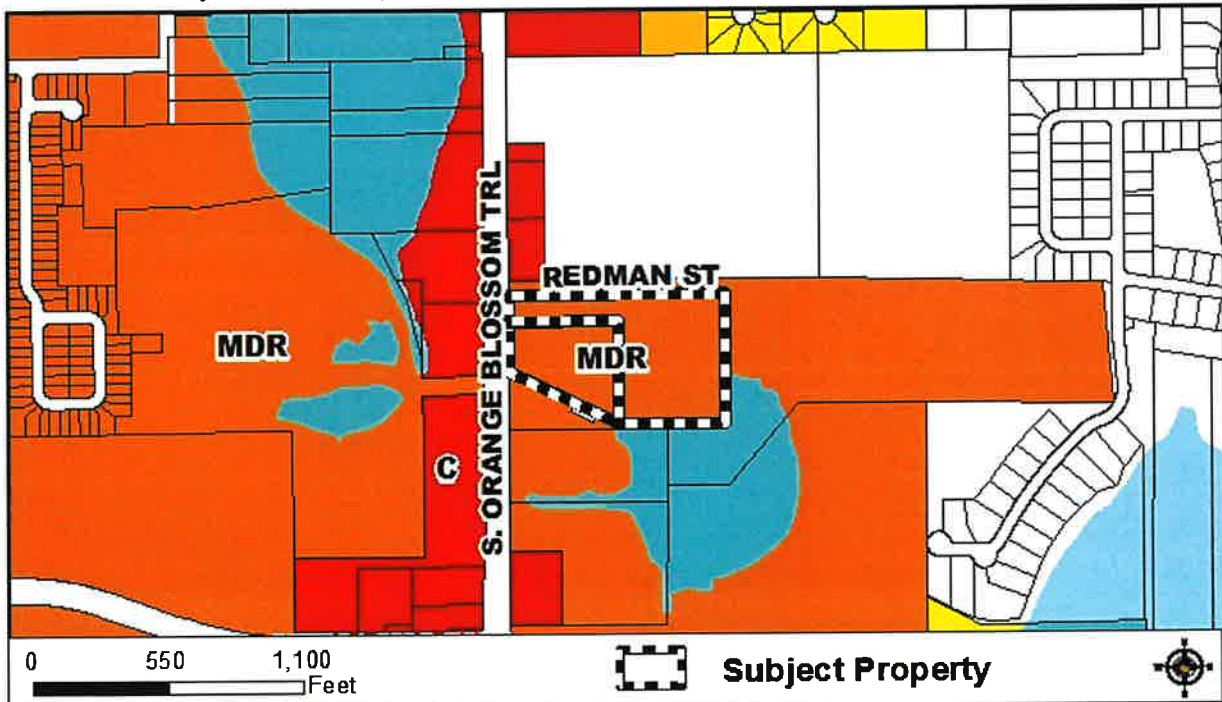


1 inch = 400 feet

FUTURE LAND USE - CURRENT
Commercial (C)

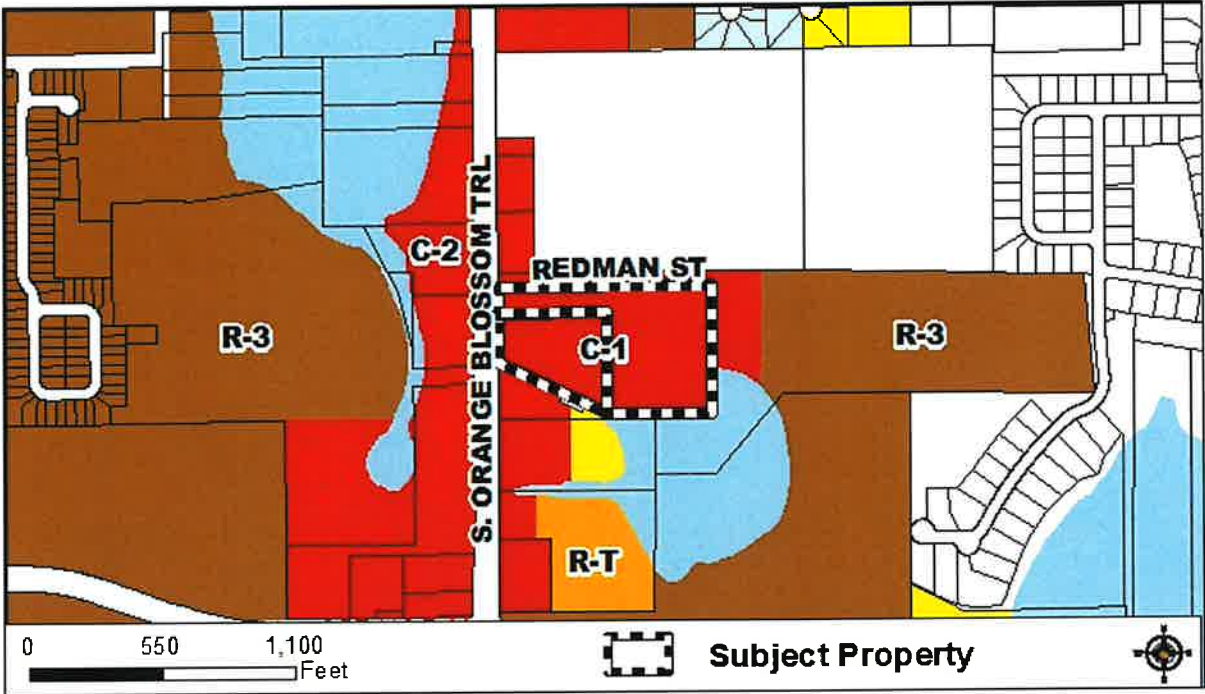


FUTURE LAND USE - PROPOSED
Medium Density Residential (MDR)



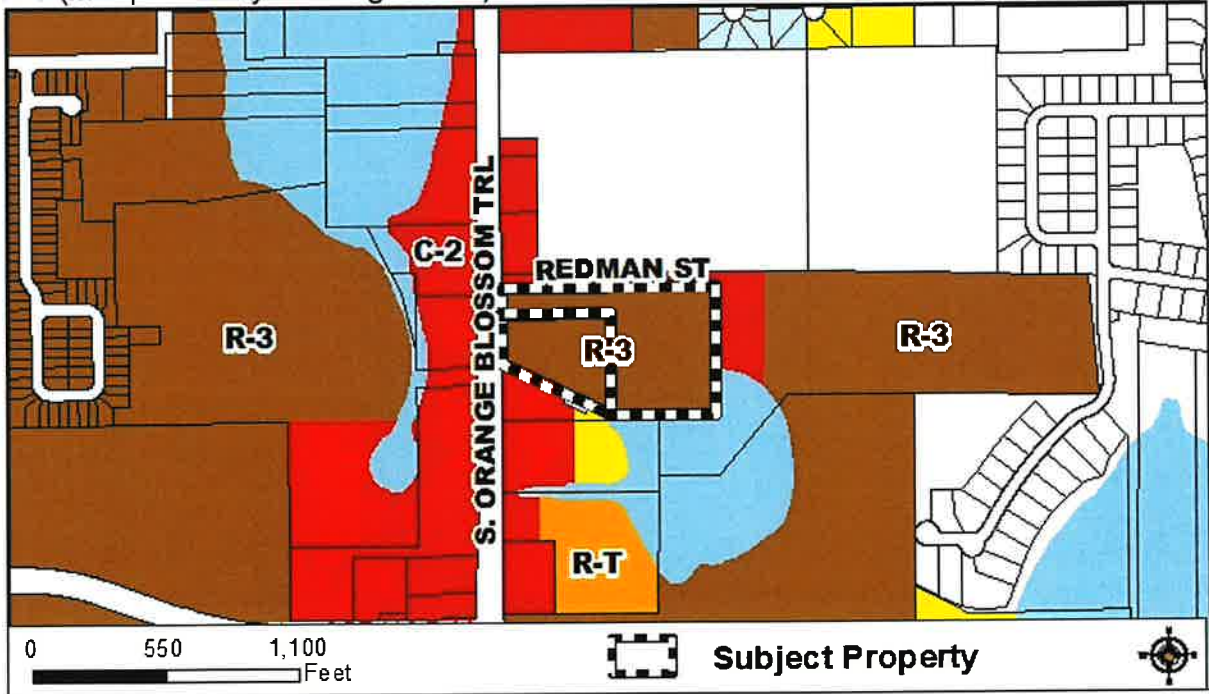
ZONING – CURRENT

C-1 (Retail Commercial District)



ZONING – PROPOSED

R-3 (Multiple-Family Dwelling District)



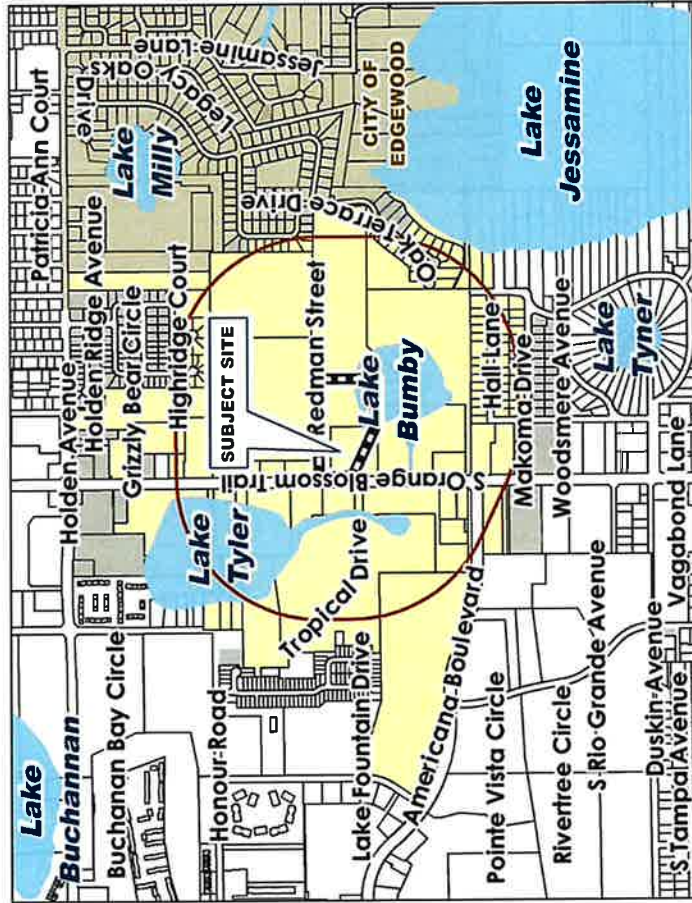
Notification Map

Public Notification Map

SS-21-10-072 & RZ-22-03-018



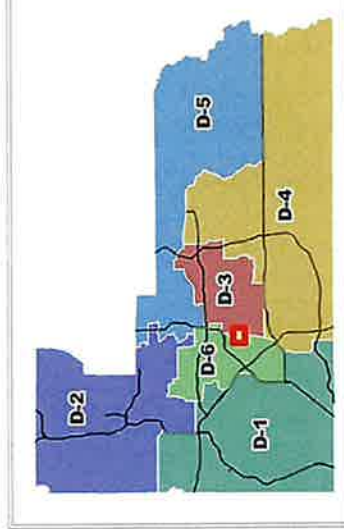
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MAP LEGEND

	SUBJECT_SITE		PARCELS
	1300 FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		COURTESY PARCELS
	HYDROLOGY		

BUFFER DISTANCE: 1300
 # OF NOTICES: 306



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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 June 21, 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.

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-21-10-072	Commercial (C)	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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