



Interoffice Memorandum

DATE: December 13, 2022

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

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: Clyde Tucker
SS-22-10-087 and RZ-22-10-088

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 4925 W. Livingston Street, generally located north of W. Livingston Street, west of Pearlwood Street, south of the S.R. 408, and east of N. Pine Hills Road. The request is to change the Future Land Use Map designation from Commercial (C) to Low-Medium Density Residential (LMDR) and change the zoning from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District). The applicant is proposing to construct one (1) single-family dwelling unit.

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-22-10-087 and concurrent rezoning RZ-22-10-088 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 Alberto.Vargas@ocfl.net, or Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at 407-836-5624 or Gregory.Gologowski@ocfl.net.

**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-1 (Single-Family Dwelling District).
District 6**

JWW/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 Gologowski, AICP, Chief Planner, Planning Division
- Olan D. Hill, AICP, Assistant Manager, Planning Division
- Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

Case Planner:
Sue Watson

Rezoning and Small-Scale Amendment Staff Report
Orange County Planning Division
BCC Hearing Date: December 13, 2022

CASE # SS-22-10-087

RZ-22-10-088

Commission District: #6

GENERAL INFORMATION

APPLICANT	Clyde Tucker
OWNERS	Annetta Nasir
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	Commercial (C) to Low-Medium Density Residential (LMDR)
ZONING REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	4925 W. Livingston Street; generally located north of W. Livingston Street, west of Pearlwood Street, south of the S.R. 408, and east of N. Pine Hills Road.
PARCEL ID NUMBER	30-22-29-2746-05-120
TRACT SIZE	0.14 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty-five (145) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on September 6, 2022, and is summarized further in this report.
PROPOSED USE	The applicant is proposing to construct one (1) single-family dwelling unit.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and ADOPT the requested Low-Medium Density Residential (LMDR) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and APPROVE the requested R-1 (Single-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 0.14-acre subject property from Commercial (C) to Low-Medium Density Residential (LMDR), and to rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to allow for the construction of one (1) single-family dwelling unit.

A single-family residence existed on the property before, but has since been removed. Now, the property owner would like to develop the vacant parcel with a new single-family home. The subject property is located on the northwest corner of W. Livingston Street and Pearlwood Street. The immediate surrounding area is developed with single-family residences to the east and south, vacant commercial parcels to the west, and a mix of a single-family home, appliance repair business, and vacant commercial parcels to the north.

Lot 12, Block B was originally platted in 1926 as part of the Fleming Heights Extended Subdivision. The lots within the subdivision were platted ranging from 50 feet to 55 feet in width. The immediate area is developed with single-family residential dwelling homes on 50 foot wide lots. The subject property is currently zoned R-1A which requires a minimum lot width of 75 feet and a minimum lot area of 7,500 square feet, whereas the requested R-1 zoning only requires a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet. A rezoning to R-1 is required to meet the lot width and lot area requirements. The subject property has a lot width of 50 feet and contains 6,250 square feet of lot area.

Existing FLUM Development Program

The existing Commercial Future Land Use and R-1A (Single-Family Dwelling District) zoning are not consistent with one another. Therefore, the site is currently undevelopable until the future land use and zoning are compatible.

Proposed FLUM Development Program

The proposed R-1 (Single-Family Dwelling District) zoning with the proposed Future Land Use Map designation of LMDR will allow the applicant to construct one (1) single-family residence if this request is approved.

Land Use Compatibility

The LMDR Future Land Use and R-1 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 CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C), which is inconsistent with the R-1A (Single-Family Dwelling District) zoning. However, the proposed R-1 zoning is consistent with the proposed LMDR 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.

GOAL FLU2 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.

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.

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.

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Orange County Planning Division
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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 parcel

Adjacent	FLUM	Zoning
North	Commercial (C) (1991)	C-2 (General Commercial District) <i>(07/23/1974)</i>
South	Low-Medium Density Residential (LMDR) (1991)	R-2 (Residential District) (12//11/1961 and <i>01/17/1991</i>)
East	Low-Medium Density Residential (LMDR) (1991)	R-1A (Single-Family Dwelling District) (<i>10/7/1957</i>) and R-2 (<i>10/7/1957</i> and <i>02/26/1975</i>)
West	Commercial (C) (1991)	C-2 (General Commercial District) <i>(07/23/1974)</i>

Note: Dates shown indicate the date of assignment of the Future Land Use and Zoning Designations

Adjacent Land Uses N: Single-family residential and Commercial
 E: Single-family residential
 W: Vacant commercial parcels
 S: Single-family residential and vacant residential

R-1 (Single-Family Dwelling District) Development Standards

Min. Lot Area: 5,000 sq. ft.
 Min. Lot Width: 50 ft.
 Max. Height: 35 ft.
 Min. Floor Area: 1,000 sq. ft.

Building Setbacks

Front: 25 ft.
 Rear: 25 ft.
 Side: 6 ft.
 Side Street: 15 ft.

Intent, Purpose, and Uses

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The areas included in an R-1 single-family dwelling district are of the same general character as R-1-AA and R-1-A, but with smaller minimum lots and yards, and a corresponding increase in population density.

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 comments below table.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below table.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	

Environmental Comments:

Existing Septic and Well: If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

There are no wetlands or surface waters on this property. A Conservation Area Determination (CAD) or Binding Determination of Exemption (BDE) will not be required.

Transportation Comments:

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

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 decrease of 42 pm peak trips and therefore will not impact the roadways within the impact area. Since there will be a reduction in trips, no additional roadway impact will be created with this amendment.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. 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 Policy Plan.

Community Meeting Summary

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

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

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: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

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 – (November 17, 2022)

Future Land Use Map Amendment

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

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-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 LMDR (Low-Medium Density Residential) Future Land Use Designation, and the R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation.

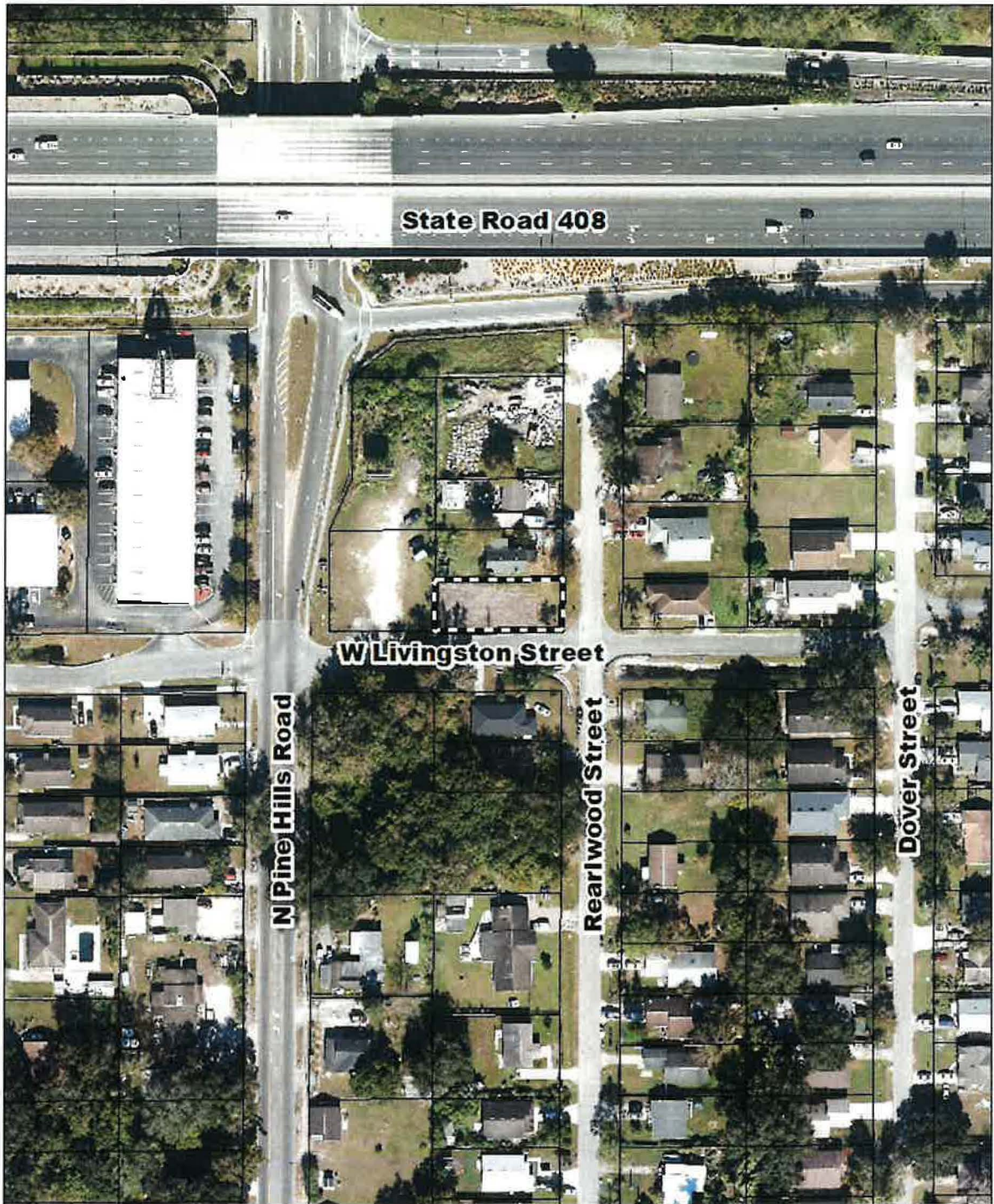
Staff indicated that one hundred forty-five (145) notices were mailed to those property owners in the mailing area extending 500 feet of the surrounding property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

There was no discussion on the request. A motion was made on the Future Land Use Map Amendment by Commissioner Jaja Wade, and seconded by Commissioner Pavon to recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use Map designation and APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 7-0 vote.

Motion / Second	<i>Jaja Wade / Walter Pavon</i>
Voting in Favor	<i>Jaja Wade, George Wiggins, Walter Pavon, Nelson Pena, Gordon Spears, Eddie Fernandez, and Trevor Sorbo</i>
Voting in Opposition	<i>None</i>
Absent	<i>Mohammed Abdallah and Evelyn Cardenas</i>

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SS-22-10-087/RZ-23-10-088

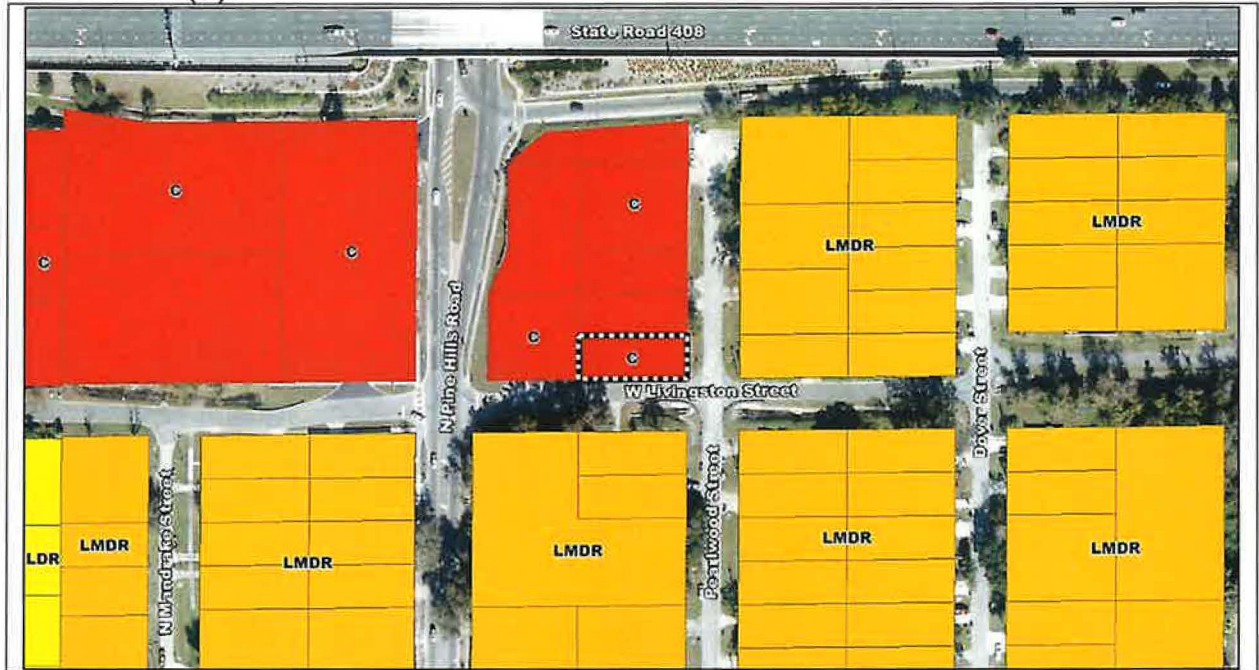


 Subject Property



1 inch = 125 feet

FUTURE LAND USE - CURRENT
Commercial (C)

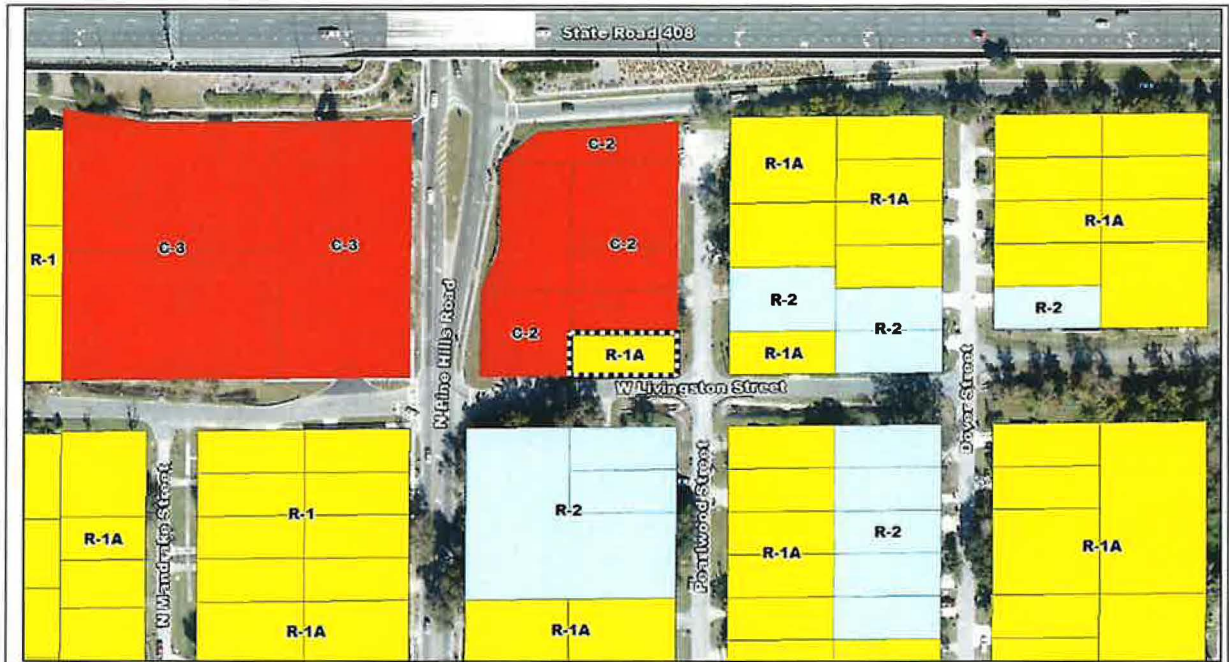


FUTURE LAND USE - PROPOSED
Low-Medium Density Residential (LMDR)



ZONING – CURRENT

R-1A (Single-Family Dwelling District)

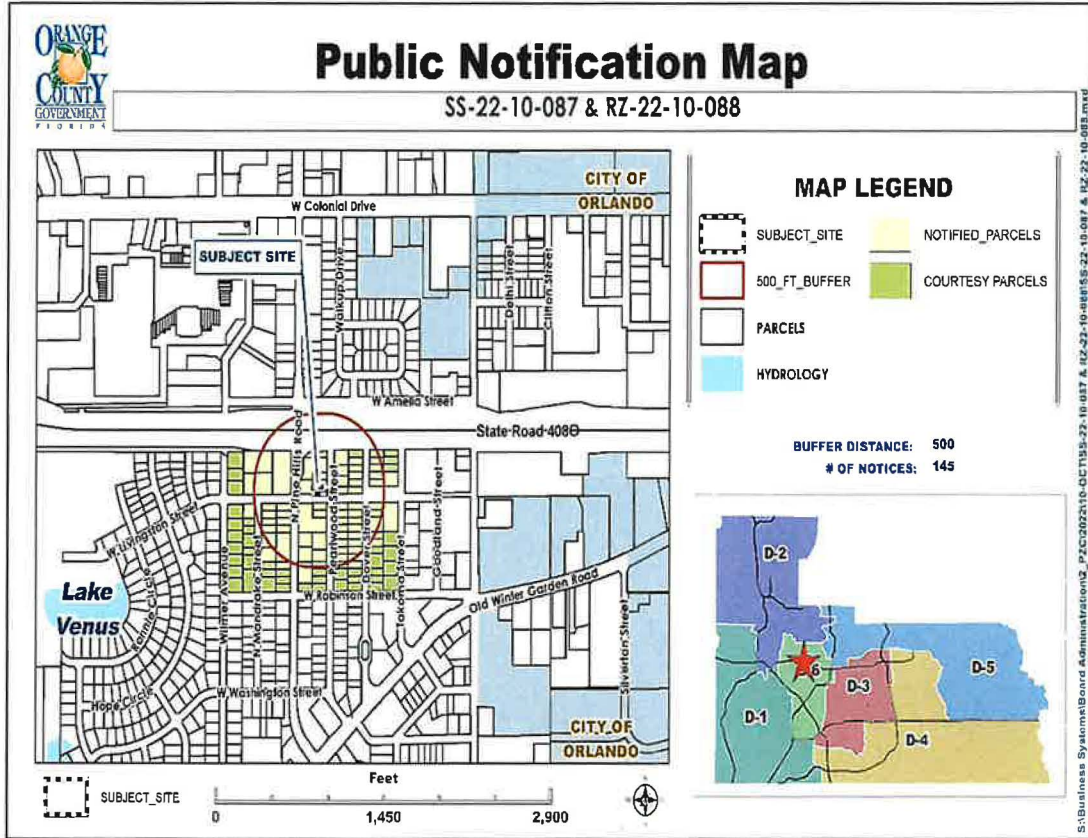


ZONING – PROPOSED

R-1 (Single-Family Dwelling District)



Notification Map



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 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 December 13, 2022, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 * * *

33 **Section 4. Effective Dates for Ordinance and Amendment.**

34 (a) This ordinance shall become effective as provided by general law.

35 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
36 amendment adopted in this ordinance may not become effective until 31 days after adoption.
37 However, if an amendment is challenged within 30 days after adoption, the amendment that is
38 challenged may not become effective until the Department of Economic Opportunity or the
39 Administration Commission issues a final order determining that the adopted amendment is in
40 compliance.

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

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48 ADOPTED THIS 13th DAY OF DECEMBER, 2022.

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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"

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-22-10-087	Commercial (C)	Low-Medium Density Residential (LMDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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