




Interoffice Memorandum

DATE: March 22, 2023

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

THROUGH: Tim Boldig, Interim Director
Planning, Environmental, and Development Services Department

FROM: Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT: Adoption Public Hearing – April 11, 2023, Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request
Applicant: Alison Yurko, P.A.
SS-22-08-071 and RZ-22-08-072

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 April 11, 2023. This request was continued from the March 7, 2023, Board hearing.

The subject property is located at 1153 Holden Avenue; generally located north of Holden Avenue and east of Orange Blossom Trail. The request is to change the Future Land Use Map designation from LDR (Low Density Residential) to LMDR (Low-Medium Density Residential) and rezone the property from R-1A (Single-Family Dwelling District) to R-2 (Residential District). The applicant is proposing to construct two single-family residences.

A community meeting was held on December 8, 2022, with seven residents in attendance. Residents expressed concerns for precedent for other R-2 rezonings, over development of the area, traffic, ingress/egress into the site, and the reliance on septic tanks for wastewater disposal.

The adoption public hearing for Small-Scale Development Amendment SS-22-08-071 and Rezoning RZ-22-08-072 was conducted before the Planning and Zoning Commission / Local Planning Agency on January 19, 2023, 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.

Small-Scale Development Amendment Board Adoption Public Hearing
SS-22-08-071 and RZ-22-08-072
April 11, 2023
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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, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Low-Medium Density Residential (LMDR) Future Land Use Map designation, APPROVE the associated ordinance, and APPROVE the R-2 (Residential District) zoning.
District 3**

TB/JHS/sw

c: Jon V. Weiss, P.E., 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
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: April 11, 2023

CASE # SS-22-08-071

RZ-22-08-072

Commission District: #3

GENERAL INFORMATION

APPLICANT	Alison M. Yurko, P.A.
OWNERS	Makandal Property Investments, LLC / Rony Charles
HEARING TYPE	Local Planning Agency/Planning and Zoning Commission
FLUM REQUEST	LDR (Low Density Residential) to LMDR (Low-Medium Density Residential)
ZONING REQUEST	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
LOCATION	1153 Holden Avenue; generally located north of Holden Avenue, east of Orange Blossom Trail, south of 43 rd Street, and west of Almark Drive.
PARCEL ID NUMBER	10-23-29-0000-00-018
TRACT SIZE	0.27 acres
PUBLIC NOTIFICATION	The notification area for this public hearing was extended to 2,000 feet [The minimum notice area for plan amendments is 500 feet, and Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet for the rezoning]. One hundred six hundred and eighty six (686) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A Community Meeting was held on December 8, 2022, and is summarized further in this report.
PROPOSED USE	The applicant is proposing to change the future land use designation to Low-Medium Density Residential (LMDR) to allow an increase of the density for a proposed lot split to create two parcels to construct one single-family residence on each parcel.

STAFF RECOMMENDATION

PLANNING

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 Map designation.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-2 (Residential District) zoning.

SUBJECT PROPERTY ANALYSIS

Background Development Program

The applicant, Alison Yurko, has requested to change the Future Land Use Map (FLUM) designation from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) and change the zoning from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to construct up to two dwelling units.

The 0.27 gross acre parcel is currently undeveloped. The subject site is surrounded to the north and east by single family residential homes, to the south by single family residential and a multifamily apartment complex, and to the west by a commercial plaza.

The requested Low-Medium Density Residential (LMDR) FLUM designation and R-2 zoning would allow for the consideration of up to 10 dwelling units per acre (10 du/ac), or up to two (2) dwelling units on the subject site which can take the form of two single-family detached homes or a duplex.

The owner/applicant had applied for a comprehensive plan amendment and rezoning in 2019, Amendment 2019-2-S-3-2 and Rezoning RZ-19-10-029 which was denied. That request would have allowed Medium Density Residential and R-3 zoning with up to 20 dwellings per acre or up to five (5) dwellings.

Since then the applicant held an informal Community Meeting on May 26, 2022. Feedback from the residents suggested there would not be opposition to the request if reduced to Low-Medium Density Residential and R-2 zoning with two lots with a single family detached home on each. The property owner was agreeable to the change. A formal in-person Community Meeting was subsequently held on December 8, 2022, with approximately 7 members of the public in attendance with general opposition to the request expressing concerns for precedent setting for increased densities in the area, over development of the small parcel, traffic increase, ingress/egress into the site, and the reliance on septic tanks for wastewater disposal.

Existing FLUM

Today the subject property has a Future Land Use Designation (FLUM) of Low Density Residential (LDR) which allows up to 4 single-family dwellings per acre. Based on the

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size of the parcel (0.27 acres), the subject property is entitled to one single-family residence.

Proposed FLUM

The proposed Low-Medium Density Residential (LMDR) FLUM designation and R-2 zoning will allow the applicant to construct up to 10 dwellings per acre, or up to two (2) dwelling units based on the size of the parcel.

Land Use Compatibility

The Low-Medium Density Residential (LMDR) Future Land Use and R-2 zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No cases found

Comprehensive Plan (CP) Consistency

Future Land Use Element Goal **FLU1**, **OBJ FLU1.1**, and **Policies FLU1.1.1** describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area (USA). As required by **FLU 1.1**, the proposed amendment is within the Urban Service Area, and the proposed FLUM designation of Low-Medium Density Residential (LMDR) for the development of up to 2 dwelling units will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in Policy **FLU1.1.1**.

The Low-Medium Density Residential (LMDR) Future Land Use designation is intended to recognize low- to medium-density residential development within the USA, including single family and multi-family residential development within the USA at densities of up to ten (10) dwelling units per acre (du/ac). **Objective FLU1.2** requires Orange County to use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The USA shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The petitioned site is located within the USA.

The proposed Future Land Use Map Amendment upholds Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its current and future residents. The applicant's intent to develop up to two (2) single family dwelling units is also applicable to **Housing Element Goal H1** and **Objective H1.1**, which states 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. Allowing two single family

residences would add variety and diversity to the existing single-family housing stock in the surrounding area, and complement the existing multifamily development and single family located to the south and southwest of the petitioned site.

Allowing smaller lot sizes would increase the housing supply, and provide for a new type and diverse price levels. It is staff's belief that the proposed 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 **Policy FLU1.1.1**. Further, **Future Land Use Element Policy 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.

Compatibility

Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area, and **Policy FLU1.4.2** states that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The development trend in this area is Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Commercial (C). There is an existing multifamily apartment complex southwest of the subject site. The proposed project would serve as a transitional use from the large commercial plaza to the west and the single family residential to the east, and would be compatible with the existing multifamily residential complex to the southwest and the smaller lot single family residential to the south.

Future Land Use Element Objective OBJ FLU2.1 calls for the County to encourage infill development on relatively small vacant and underutilized parcels within the Urban Service Area. The subject parcel is small and vacant, making it ideal for infill development. The subject site is additionally adjacent to a commercial plaza and in close proximity to transit services along Orange Blossom Trail to the west, thus making it ideal for an infill housing project.

Policy 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. The proposed development for the subject property is not identical to the existing developments in the surrounding area, but is compatible with the adjacent commercial plaza directly to the west, and the existing multifamily residential complex to the southwest and small lot single family residential to the south. Therefore, staff recommends adoption of this requested amendment.

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SITE DATA

Existing Use Vacant Residential

Adjacent	FLUM	Zoning
North	Low Density Residential (LDR)	R-1A (Single-Family Dwelling District) (1957)
East	Low Density Residential (LDR)	R-1A (Single-Family Dwelling District) (1957)
West	Commercial (C)	C-1 (Retail Commercial District) (1961)
South	Low Density Residential (LDR) And Low-Medium Density Residential (LMDR)	R-2 (Residential District) (1986) and R-3 (Multiple-Family District) (1966)

Adjacent Land Uses N: Single-Family Residence
 E: Single-Family Residence
 W: Retail Commercial
 S: Single-Family Residences and Apartments

R-2 (RESIDENTIAL DISTRICT) DEVELOPMENT 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.

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: 30 ft.
Side: 5 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 85 ft. (attached units only)
Max. Height: 35 ft.

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Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:

Front: 20 ft.
Rear: 30 ft.
Side: 10 ft.

Four or More Dwelling Units

Min. Lot Area: 15,000 sq. ft.
 Min. Lot Width: 85 ft.
 Max. Height: 35 ft.
 Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:

Front: 20 ft.
Rear: 30 ft.
Side: 10 ft.

Intent, Purpose, and Uses

The areas included in R-2 residential districts are primarily residential in character. Residential uses are permitted at higher 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>Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p> <p>Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).</p>

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			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. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The subject property is not located along a backlogged/constrained facility or multimodal corridor.</p> <p>Analysis of the project trips indicates that the proposed residential use will result in a net increase of 1 pm peak trips and therefore will not impact the roadways within the impact area.</p> <p>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.</p>
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This parcel is located within the Orange Blossom Trail Development Board area.
Fire Rescue/ Sherrifs Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

The Community Meeting was held on December 8, 2022, with approximately 7 members of the public in attendance with general opposition to the request expressing concerns for precedent setting for increased densities in the area, over development of the small parcel, traffic increase, ingress/egress into the site, and the reliance on septic tanks for wastewater disposal.

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Utilities

Water: This property is within Orlando Utilities Commission's water service area.

Wastewater: This property is within Orange County Utilities Wastewater Service Area. In accordance with Orange County Code, Chapter 37: wastewater is considered not available and will be reliant on septic tanks for wastewater disposal.

Reclaimed Water: This property is within City of Orlando's Reclaimed Water Service Area.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Local Planning Agency (LPA) / Planning and Zoning Commission (PZC) Recommendation
– (January 19, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use Map designation and recommend APPROVAL of the requested R-2 (Residential District) zoning.

LOCAL PLANNING AGENCY (LPA) / PLANNING AND ZONING COMMISSION
(PZC) PUBLIC HEARING SYNOPSIS

On January 19, 2023, the Local Planning Agency recommended that the BCC adopt the request from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) Future Land Use Map designation and recommended approval of the rezoning request from R-1A (Single-Family Dwelling District) to R-2 (Residential District) zoning.

Commissioner Spears opposed the plan amendments due to compatibility with adjacent R-1A single-family lots on two sides of the development and the lack of central wastewater service in the area.

During public comment, two speakers were present to speak on the matter. One spoke in favor of the request and one had a concern with septic tank drainfield being located in the 30 foot street setback as well as future transitions to R-2 for other properties. Both speakers agreed that reducing the initial request to only two units was favorable to the original request of 5 units in the area.

A motion was made by Commissioner Fernandez and seconded by Commissioner Wiggins to recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use map designation and APPROVAL of the requested R-2 (Residential District) zoning. The motion carried on a 6-1 vote with Commissioner Spears voting in opposition.

Motion / Second

Eddie Fernandez / George Wiggins

Voting in Favor

Eddie Fernandez, George Wiggins, JaJa Wade, Evelyn Cardenas, David Boers and Walter Pavon

Voting in Opposition

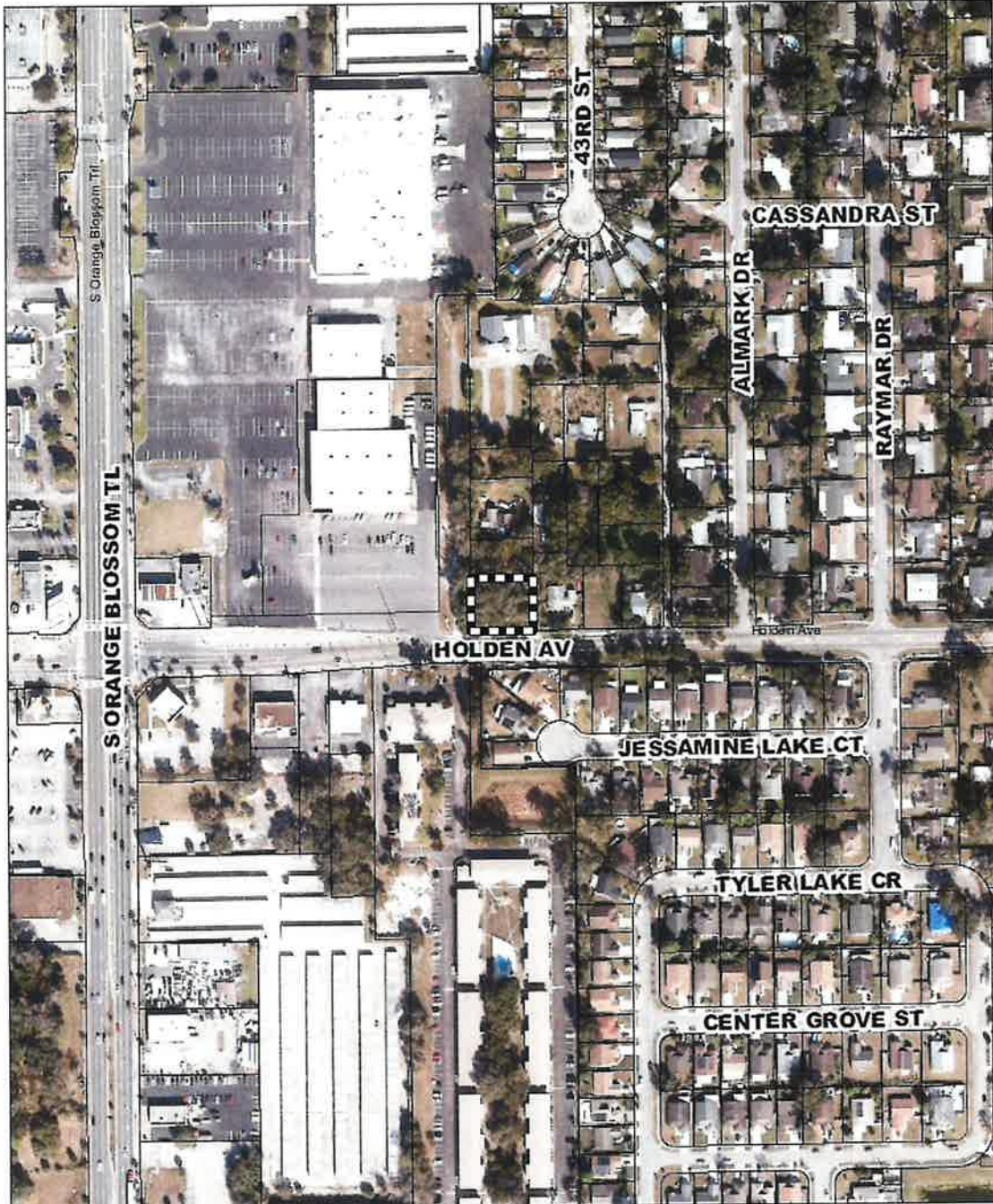
Gordon Spears

Absent

Nelson Pena and Michael Arrington

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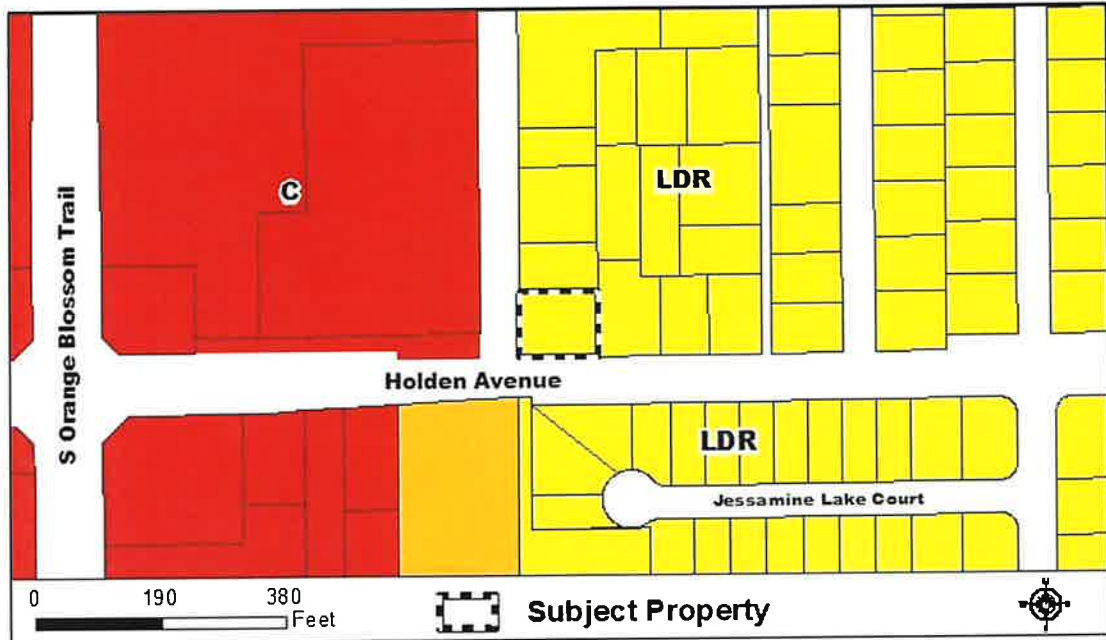
 Subject Property



1 inch = 240 feet

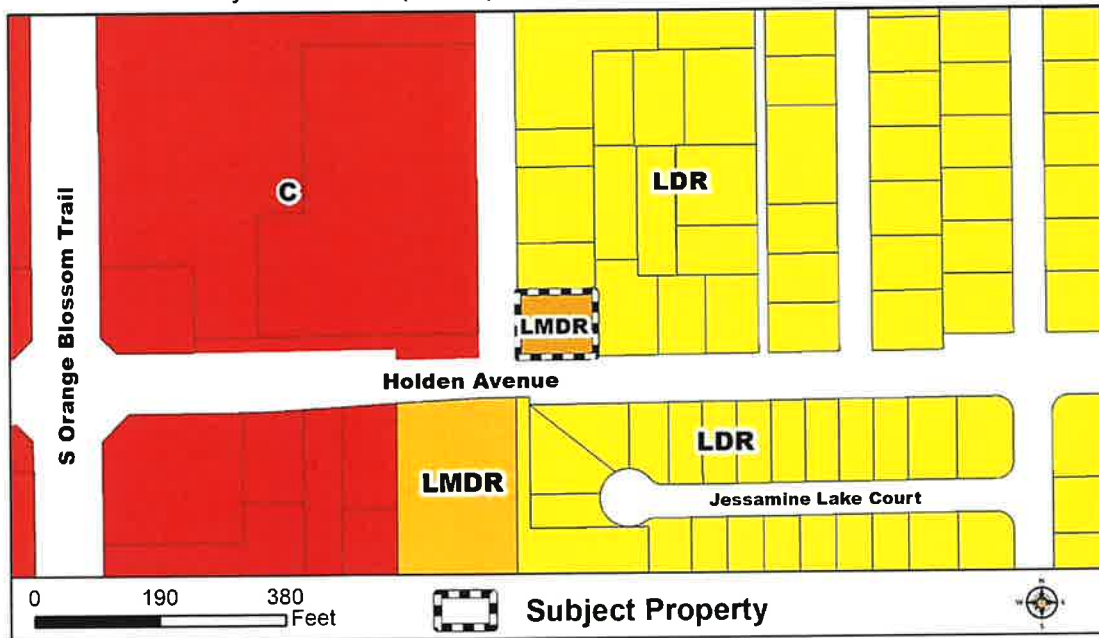
FUTURE LAND USE - CURRENT

Low Density Residential (LDR)



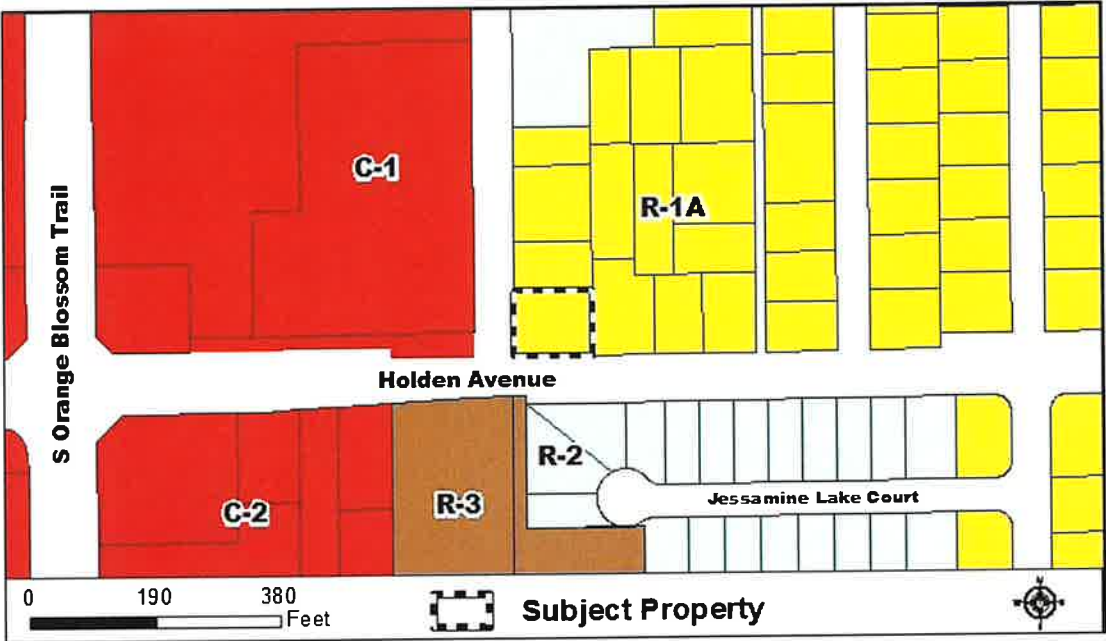
FUTURE LAND USE - PROPOSED

Low-Medium Density Residential (LMDR)



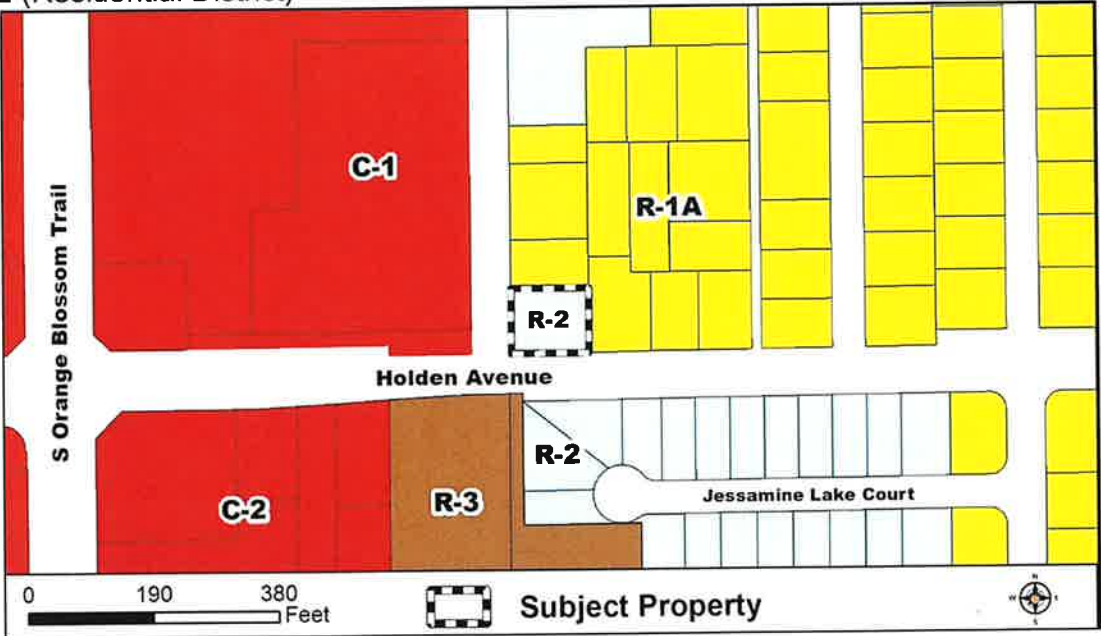
ZONING – CURRENT

R-1A (Single-Family Dwelling District)

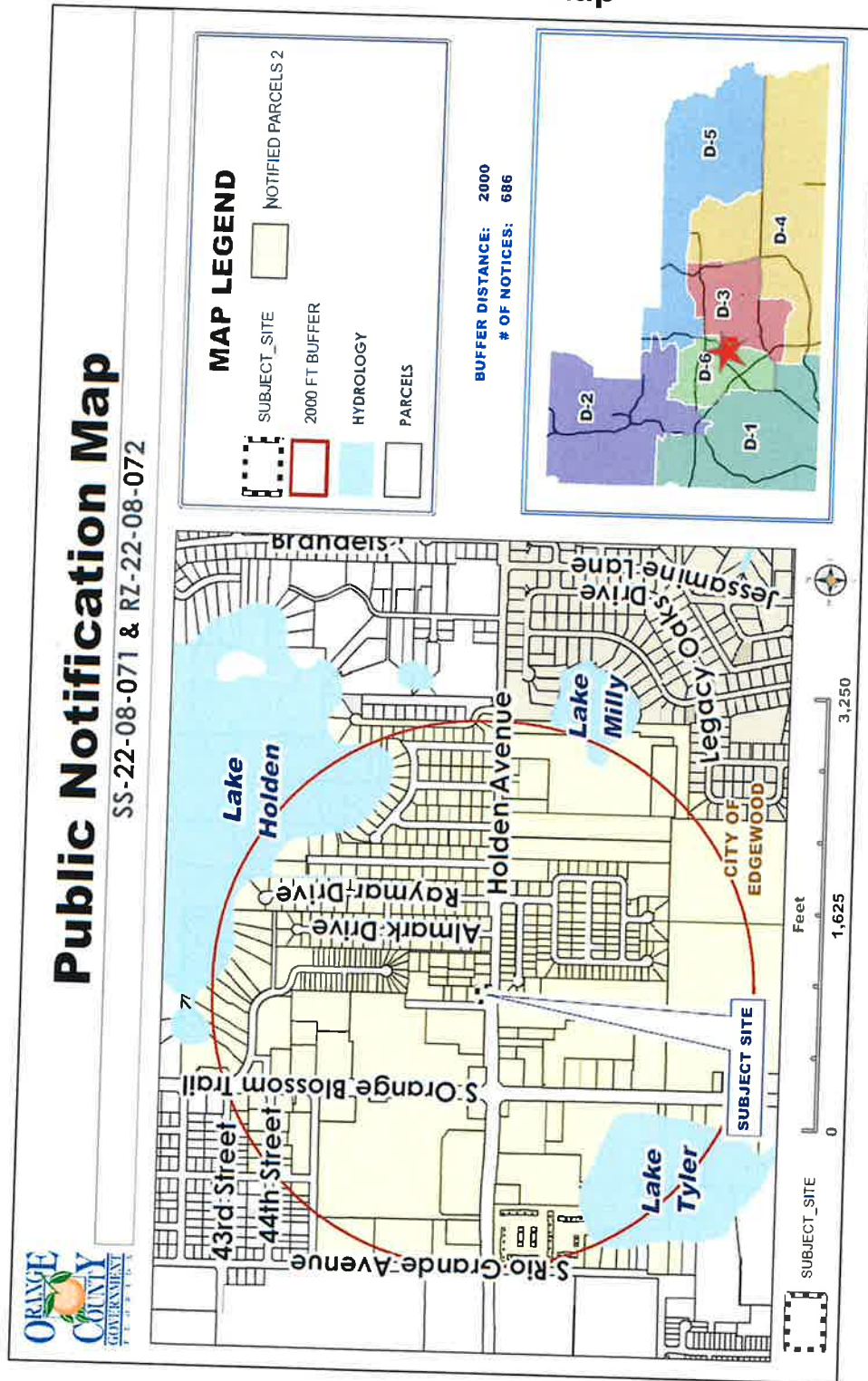


ZONING - PROPOSED

R-2 (Residential District)



Notification Map



ORDINANCE NO. 2023-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN,
COMMONLY KNOWN AS THE "2010-2030
COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING
A SMALL SCALE DEVELOPMENT AMENDMENT
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;
AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
a local government in the State of Florida to adopt a comprehensive plan and amendments to a
comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of
Part II of Chapter 163, Florida Statutes, for amending Orange County's 2010-2030 Comprehensive
Plan;

c. On April 11, 2023, the Board of County Commissioners held a public hearing on
the adoption of the proposed amendment to the Comprehensive Plan, as described in this
ordinance, and decided to adopt it.

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

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

31 attached hereto and incorporated herein.

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 11TH DAY OF APRIL, 2023.

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51 **ORANGE COUNTY, FLORIDA**
52 By: Board of County Commissioners

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55 By: _____
56 Jerry L. Demings
57 Orange County Mayor

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ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
Privately Initiated Future Land Use Map Amendment		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-22-08-071	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.		