



ORANGE COUNTY

PLANNING DIVISION

2010 - 2030 COMPREHENSIVE PLAN

SMALL SCALE MONTHLY REPORTS

**SS-21-01-088 &
RZ-21-01-089**

BOARD OF COUNTY COMMISSIONERS

MARCH 9, 2021

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

March 9, 2021

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 – March 9, 2021 Small-Scale Future Land Use
Map Amendment and Concurrent PD Rezoning Request SS-21-01-088

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on March 9, 2021. The adoption public hearing for Small-Scale Development Amendment SS-21-01-088 (and concurrent rezoning RZ-21-01-089) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on January 21, 2021.

If the BCC 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.

JVW/AAV/JAH

Enc: Small-Scale Development Amendment BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Eric P. Raasch, AICP, Planning Administrator, Planning Division

Case Planner:
John Harbilas

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: March 9, 2021

CASE # SS-21-01-088
RZ-21-01-089

Commission District: #6

GENERAL INFORMATION

APPLICANT	Tiwanne Carter
OWNERS	Tiwanne Carter
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
FLUM REQUEST	LDR (Low Density Residential) to LMDR (Low-Medium Density Residential)
ZONING REQUEST	R-1 (Single-Family Dwelling District) to R-2 Restricted (Residential District - Restricted)
LOCATION	3450 W Jefferson St.; Generally located on the south side of W. Jefferson Street, east of Ferguson Drive, west of N. Goldwyn Avenue, south of State Road 408.
PARCEL ID NUMBER	28-22-29-5600-70-980, 28-22-29-5600-70-990, 28-22-29-5600-71-000, 28-22-29-5600-71-020
TRACT SIZE	0.77-gross acres
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 sixty-eight (168) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on January 19, 2021, and was attended by one resident. No comments were made in favor or against the request.
PROPOSED USE	The applicant is proposing three (3) Residential Lots for Duplexes (6 Units Total).

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.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District - Restricted) zoning with the following restriction:

- 1) A total of six (6) units is permitted (one (1) duplex for each of the three (3) proposed lots, pending lot split approval)

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 0.77 acre subject property from LDR (Low Density Residential) to LMDR (Low-Medium Density Residential) and to rezone from R-1 (Single-Family Dwelling District) to R-2 Restricted (Residential District - Restricted), in order to create three (3) residential lots for duplexes for a total of 6 units.

The proposed restriction is for the purpose of prohibiting triplexes and quadplexes which would put the number of units over the maximum allowed under the LMDR FLU which allows consideration of up to only ten (10) units per acre. With duplexes on each of the three lots, the number of units would be six, equating to 7.79 units per acre.

The subject property is comprised of four vacant lots. The property was rezoned from C-3 to R-1 in 2005 (RZ-05-08-121) with the restriction that there be no more than four (4) lots created. The immediate surrounding area is developed with single-family residences to the west, light industrial to the south and east, and a mixture of vacant land and single-family residences to the north.

Existing FLUM Development Program

The existing development program would allow for construction of four single-family residences permitted under the R-1 zoning district, consistent with the existing LDR (Low Density Residential) land use designation.

Proposed FLUM Development Program

The proposed R-2 (Residential District) zoning with the proposed Future Land Use Map designation of Low-Medium Density Residential (LMDR) will allow the applicant to utilize the property for duplexes. The LMDR FLU allows for consideration of up to 10 units per acre. With the proposed six (6) units, the units per acre would be 7.79. If this request is approved, the applicant intends to reconfigure the land into three (3) residential lots to construct three (3) duplexes, for a total of six (6) units.

Land Use Compatibility

The LMDR Future Land Use and R-2 Restricted 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

The proposed R-2 Restricted (Residential District - Restricted) zoning is consistent with the proposed LMDR (Low 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.

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.

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

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.

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

SITE DATA

Existing Use

Vacant

Adjacent	FLUM	Zoning
North	LDR (Low Density Residential)	R-3 (Multiple-Family Dwelling District) (1976) R-1 (Single-Family Dwelling District) (1957) C-3 (Wholesale Commercial District) (1960)
South	LDR (Low Density Residential)	R-1 (Single-Family Dwelling District) (1957) C-3 (Wholesale Commercial District) (1960)
East	LDR (Low Density Residential)	R-1 (Single-Family Dwelling District) (1957)
West	LDR (Low Density Residential)	R-1 (Single-Family Dwelling District) (1957)

Adjacent Land Uses

N: Single-Family Residential / Vacant

E: Vacant

W: Single-Family Residential

S: Light Industrial / Vacant

R-2 (Residential Dwelling District) Development Standards

Min. Lot Area: 8,000 square feet

Min. Lot Width: 80 feet

Max. Height: 35 feet

Min. Floor Area: 500 square feet

Building Setbacks

Front: 20 feet

Rear: 30 feet

Side: 5 feet

Intent, Purpose, and Uses

The intent and purposes of the R-2 residential district are as follows:

(1) To provide for the development of single-family detached and attached dwelling units containing a maximum of four (4) units per residential building within areas designated in adopted county development plans and policies for low-medium and medium density residential development.

(2) To encourage the development of attached dwelling units in a manner compatible with the detached dwellings permitted in single-family residential districts when and where adequate access and public service are available.

(3) To establish standards for low-medium and medium density residential development adequate to protect the public health, safety, and general welfare.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	* see comments below table
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<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"/>	

* The applicant is requesting to change 0.77 acres from LDR to LMDR and request approval to develop up to 6 Residential Units. Based on the existing versus the proposed change in land use requested, the subject property would be increased by a total of three (3) dwelling units and would therefore, be considered DeMinimus.

The subject property is within the AMA, but not backlogged or constrained roadway. Note: This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit; provided, however, if the County removes the Alternative Mobility Area from its Code prior to approval of the first building permit, then this project shall comply with the County's then-current transportation concurrency requirements.

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 community meeting was held on January 19, 2021. The meeting was attended by one resident who had no comments. The general tone of the meeting was neutral.

Utilities

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaim Water: City of Orlando

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 – (January 21, 2021)

Future Land Use Map Amendment

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

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District - Restricted) zoning with the following restriction:

- 1) A total of six (6) units is permitted (one (1) duplex for each of the three (3) proposed lots, pending lot split approval)

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

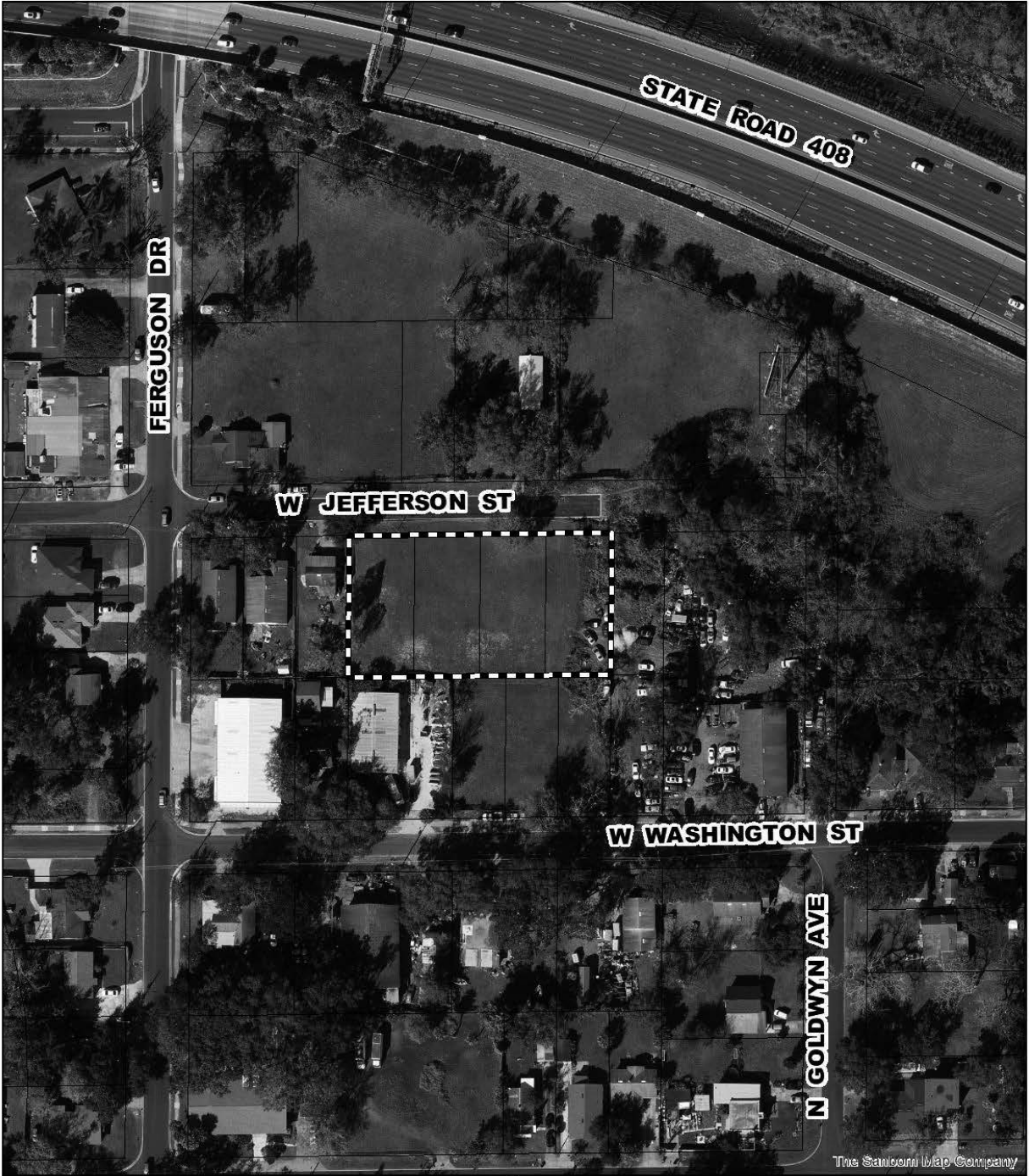
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of both applications for the requested LMDR (Low Medium Density Residential) Future Land Use Designation, and the R-2 Restricted (Residential District – Restricted) zoning, subject to one condition. The applicant was present.

Staff indicated that one hundred and ten (110) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

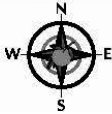
After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, a motion was made by Commissioner Wade, and seconded by Commissioner Spears to recommend **ADOPTION** of the requested LMDR (Low Medium Density Residential) Future Land Use designation and **APPROVAL** of the requested R-2 Restricted (Residential District – Restricted) zoning designation, subject to one restriction. The motion carried on a 6-0 vote.

Motion / Second	<i>Jaja Wade / Gordon Spears</i>
Voting in Favor	<i>JaJa Wade, Gordon Spears, Mohammed Abdallah, Trevor Sorbo, Eddie Fernandez, and Sean McQuade.</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena, Carlos Nazario, and Evelyn Cardenas</i>

SS-21-01-088/RZ-21-01-089

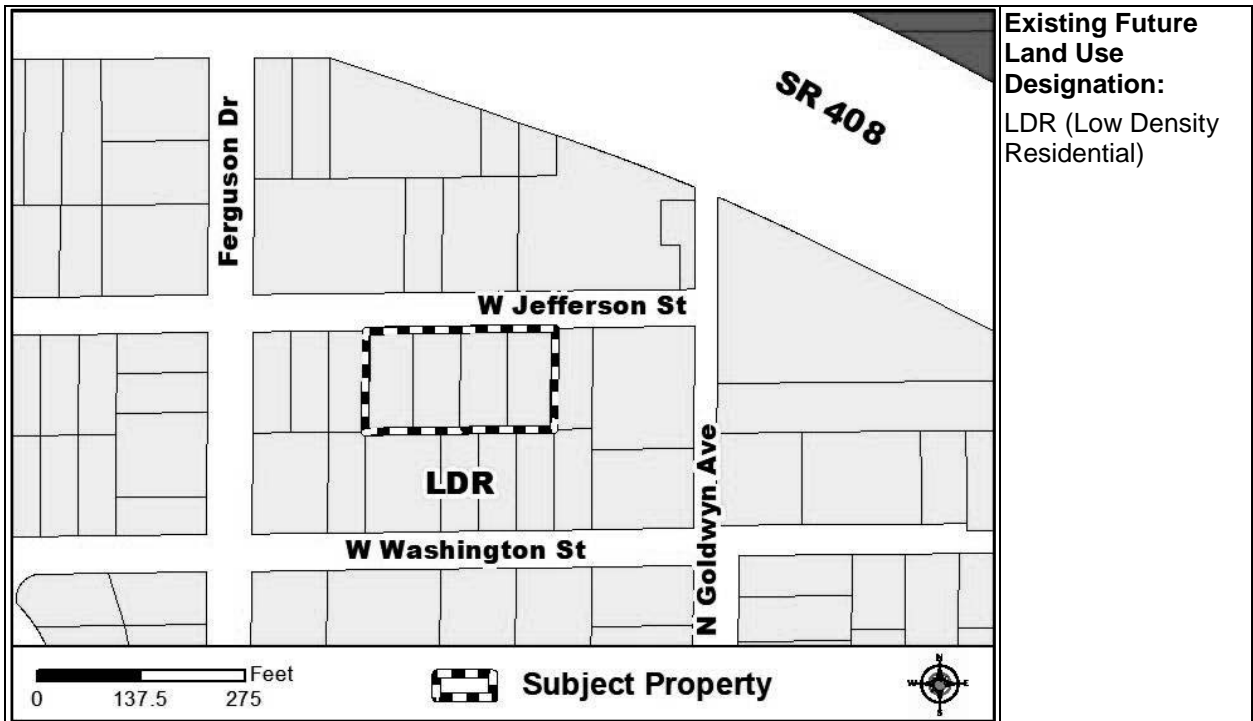


Subject Property

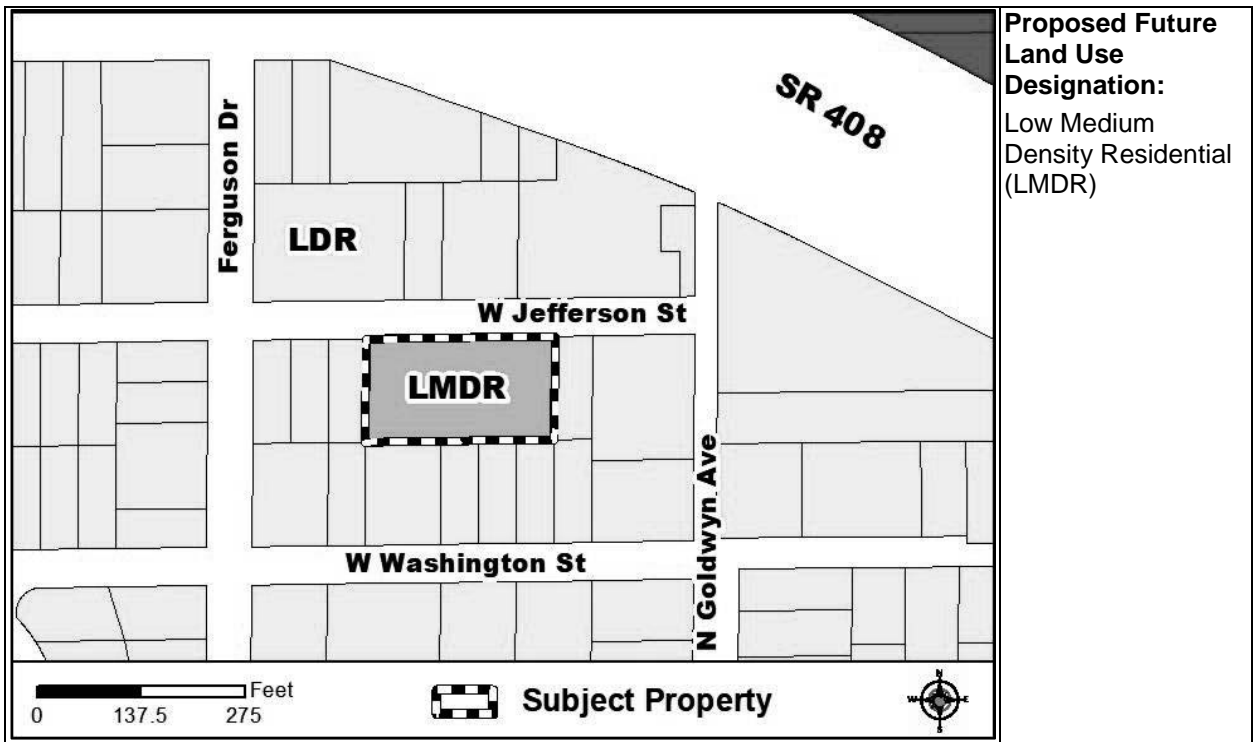


1 inch = 125 feet

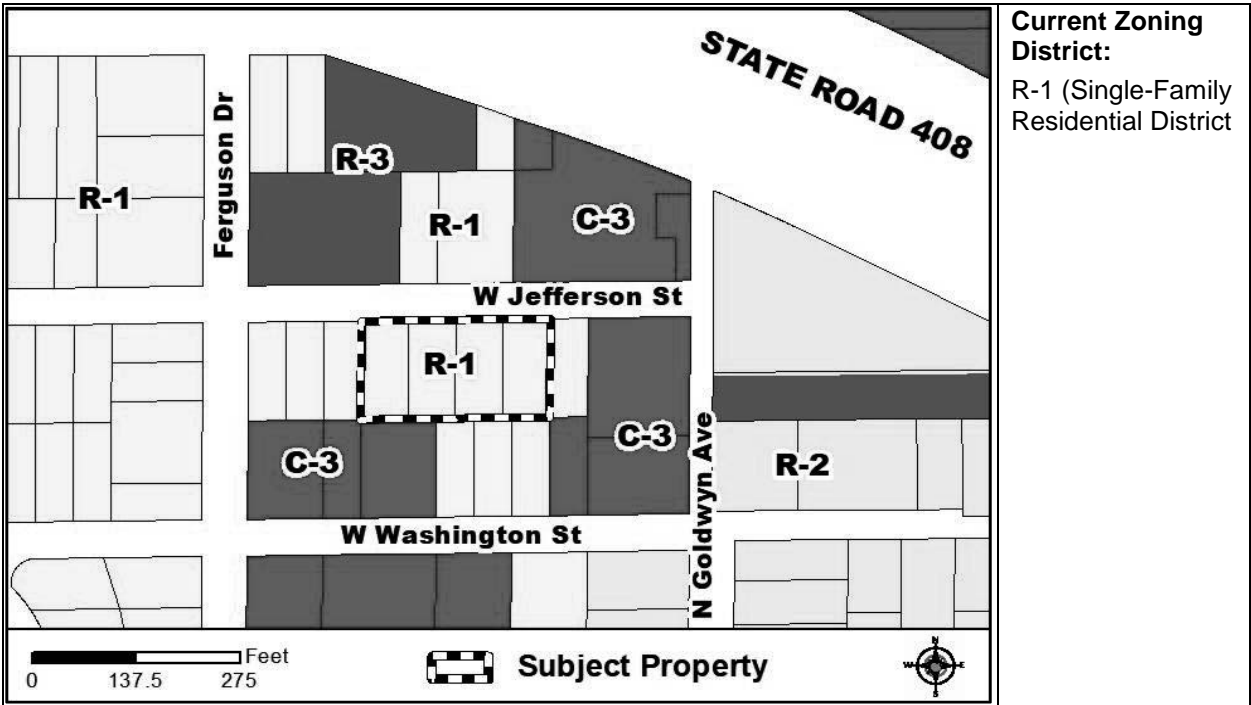
FUTURE LAND USE – CURRENT



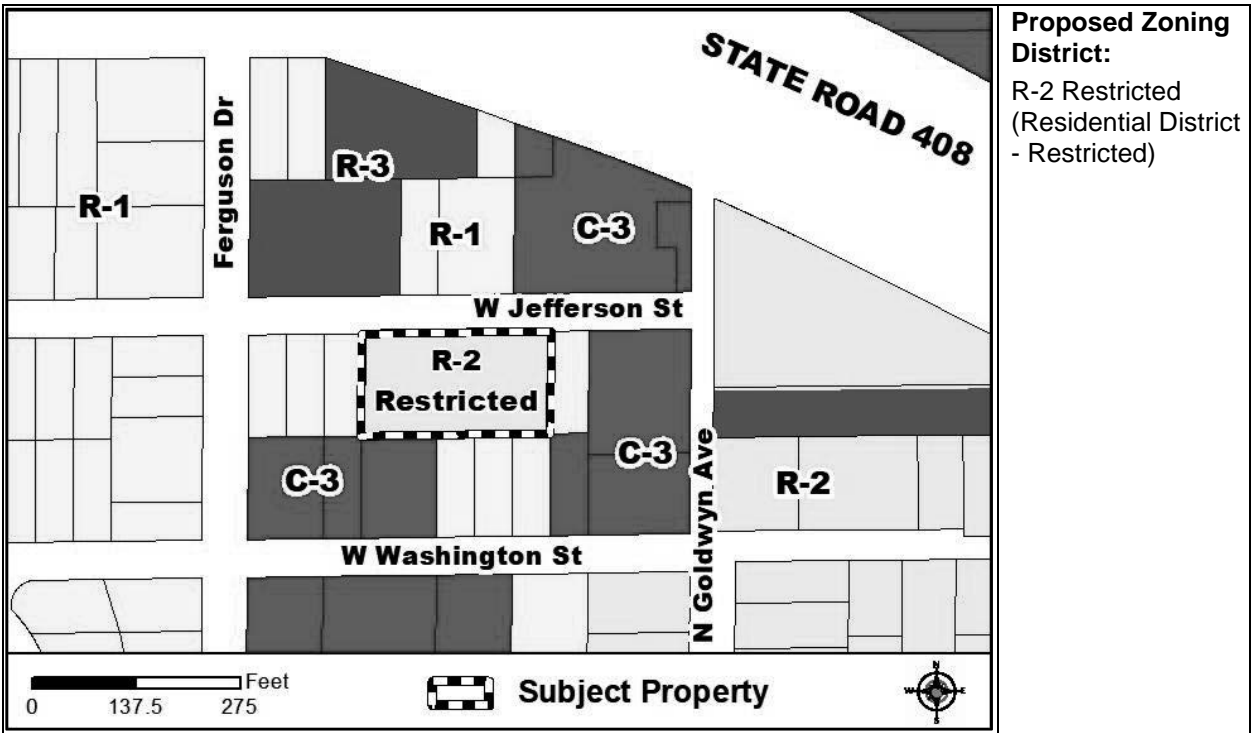
FUTURE LAND USE - PROPOSED



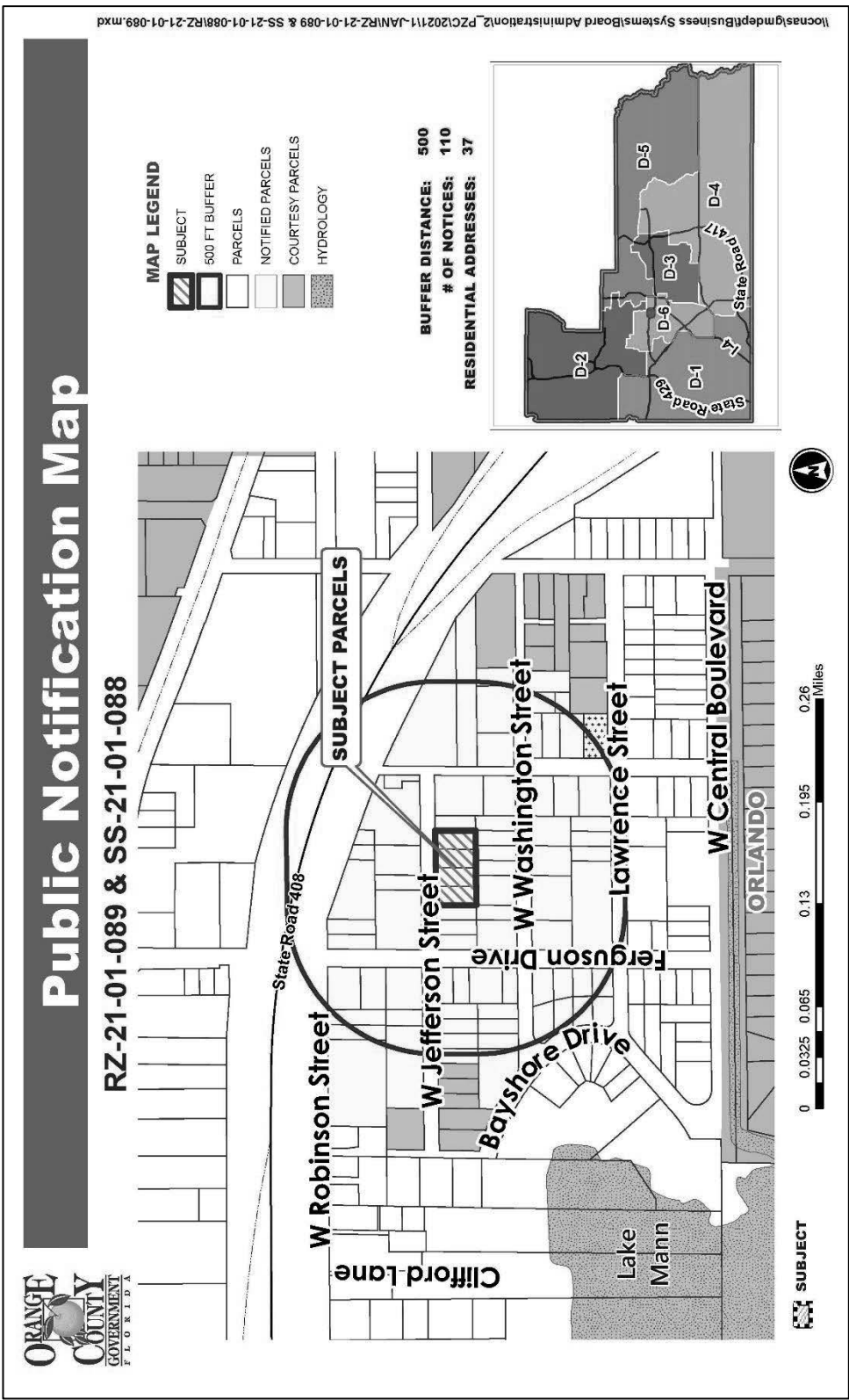
ZONING - CURRENT



ZONING - PROPOSED



Notification Map



ORDINANCE NO. 2021-_____

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

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

Section 1. Legislative Findings, Purpose, and Intent.

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

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

c. On March 9, 2021, 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.

* * *

Section 4. Effective Dates for Ordinance and Amendments.

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

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

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

ADOPTED THIS 9th DAY OF MARCH, 2021.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

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-21-01-088	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.		