




Interoffice Memorandum

DATE: May 1, 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 – May 23, 2023, Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request  
Applicant: Christian W. Basso  
SS-23-04-008 and RZ-23-04-009

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 May 23, 2023.

The subject property is located at 5505 Carder Road; generally bounded by Carder Road to the west, Hambleton Avenue to the north, and N. John Young Parkway to the east. The request is to change the Future Land Use Map designation from LMDR (Low-Medium Density Residential) to Commercial (C) and rezone the property from R-2 (Residential District) to C-3 Restricted (Wholesale Commercial District). The applicant is proposing warehouse with outdoor storage.

A virtual community meeting was held on March 20, 2023, with one resident in attendance. The resident did not express any concerns about the requests.

The adoption public hearing for Small-Scale Development Amendment SS-23-04-008 and Rezoning RZ-23-04-009 was conducted before the Planning and Zoning Commission / Local Planning Agency on April 20, 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.

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](mailto:Alberto.Vargas@ocfl.net), or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or [Jason.Sorensen@ocfl.net](mailto:Jason.Sorensen@ocfl.net).

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Commercial (C) Future Land Use Map designation, APPROVE the associated ordinance, and APPROVE the C-3 Restricted Wholesale Commercial District) zoning, subject to the one (1) restriction listed in the staff report.  
District 2**

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

**CASE # SS-23-04-008**  
**RZ-23-04-009**

Commission District: #2

**GENERAL INFORMATION**

**APPLICANT:** Christian W. Basso

**OWNER:** MW Properties Orlando, LLC

**HEARING TYPE:** Local Planning Agency/Planning and Zoning Commission

**FLUM REQUEST:** **LMDR** (Low-Medium Density Residential) **to**  
**C** (Commercial)

**ZONING REQUEST:** **R-2** (Residential District) **to**  
**C-3 Restricted** (Wholesale Commercial District)

**LOCATION:** 5505 Carder Road; generally bounded by Carder Road to the west, Hambleton Avenue to the north, and N. John Young Parkway to the east.

**PARCEL ID NUMBER:** 04-22-29-8764-05-080

**SIZE/ ACREAGE:** 1.44 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]. Eighty-two (82) notices were mailed to those property owners in the surrounding area.

**COMMUNITY MEETING:** A virtual community meeting was held on March 20, 2023, and is summarized further in this report.

**PROPOSED USE:** Warehouse with outdoor storage

**STAFF RECOMMENDATION**

**PLANNING**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use Map designation.**

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restriction:**

- 1) New billboards and pole signs shall be prohibited.

## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

The applicant has requested to change the Future Land Use Map (FLUM) designation from Low Medium Density Residential (LMDR) to Commercial (C) and change the zoning from R-2 (Residential District) to C-3 Restricted (Wholesale Commercial District) in order to allow a legal operation of warehouse with outdoor storage.

The 1.44 gross acres parcel is currently developed with a warehouse, which existed prior the year of 1991, the adoption of Comprehensive plan. This warehouse is currently under operation of ACME Glass, the company that specializes in commercial contract glass work, primarily working with general contractors and directly for building owners.

This application was submitted because of a Code Enforcement citation. Since the property has split zoning of C-3 and R-2, the storage is not permitted in R-2 zoning. The requested C (Commercial) FLUM designation and C-3 zoning would bring the property in compliance with the code and consistency with FLUM.

The subject site is surrounded to the north and west by commercial and industrial uses, to the south and east by stormwater ponds.

### **Existing FLUM**

The subject property has a Future Land Use Designation (FLUM) of Low Medium Density Residential (LMDR) which allows up to ten (10) single-family dwelling units per acre.

### **Proposed FLUM**

The proposed Commercial (C) FLUM designation and C-3 zoning will allow for a warehouse with outdoor storage use.

### **Land Use Compatibility**

The C-3 (Wholesale Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

### **Site Analysis**

#### **Rural Settlement**

The subject property is not located within a Rural Settlement.

#### **Joint Planning Area (JPA)**

The subject property is not located in a JPA.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### **Airport Noise Zone**

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

#### **Code Enforcement**

1. Parcel#:04-22-29-8764-05-080

Inspector: Nichole Holton  
Case #: SM-2022-464540Z / Incident #: 605748  
Description: ACME glass/utilizing rear vacant residential section for storage.

**Comprehensive Plan (CP) Consistency**

The proposed CP amendment to Commercial (C) Future Land Use Map (FLUM) designation and the proposed C-3 (Wholesale Commercial District) zoning would allow consistency of FLUM and zoning designations.

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.

**FLU8.2.2** 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.

**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.

**FLU8.2.11** 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**                      Warehouse

<b>Adjacent</b>	<b>FLUM</b>	<b>Zoning</b>
<b>North</b>	Commercial (C) and Low-Medium Density Residential (LMDR)	C-3 Restricted (Wholesale Commercial District) (2007) and R-3 (Multiple –Family Dwelling District) (1966)
<b>East</b>	Low Medium Density Residential (LMDR)	R-2 (Residential District) (1957)
<b>West</b>	Commercial (C)	I-4 (Industrial District) (1965)
<b>South</b>	N/A	N/A

**Adjacent Land Uses**     N: Warehouse  
                                       E: DOT Stormwater Pond  
                                       W: Warehouse  
                                       S: Detention Pond

**C-3 (Wholesale Commercial District) Development Standards**

Min. Lot Area:            12,000 sq. ft.  
 Min. Lot Width:        125 ft. (on major streets, see Article XV)  
                                       100 ft. (on all other streets)  
 Max. Height:            75 ft. (35 ft. within 100 ft. of residential)  
 Min. Floor Area:        500 sq. ft.

**Building Setbacks**

Front:                      25 ft.  
 Rear:                      15 ft. (20 ft. when abutting residential)  
 Side:                      5 ft. (25 ft. when abutting residential)

**Intent, Purpose, and Uses**

The intent and purpose of the C-3 district is to implement and be consistent with the commercial land use designation of the future land use map. The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

## **SPECIAL INFORMATION**

### **Staff Comments**

#### **Environmental**

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

#### **Transportation / Access**

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed commercial use will result in an increase in the number of pm peak trips and therefore will impact the area roadways.

#### **Roadway Capacity Analysis**

A Traffic Study was not submitted with the case for review and comment. The subject property is bounded by Carder Road to the west, Hambleton Avenue to the north, and John Young Parkway to the south and east. Based on Concurrency management database dated March 9, 2023, there are multiple failing roadways within the impact area. John Young Parkway from Princeton Street to Orange Blossom Trail and Kennedy Boulevard/Lake Avenue from Forest City Road to Keller Road.

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.

#### **Schools**

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

### **Community Meeting Summary**

A community meeting was held on March 20, 2023, with one person in attendance who had expressed no concerns on the request.

**Utilities**

Water: OUC  
Wastewater: City of Orlando  
Reclaim Water: City of Orlando

**Detailed Utility Information:**

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

This property is within the Orlando Utilities Commission Water Service Area.

This property is within City of Orlando's Wastewater and 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**

**Planning and Zoning Commission (PZC) Recommendation**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use Map designation.**

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to the following restriction:**

- 1) New billboards and pole signs shall be prohibited.

**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 adoption of the requested Commercial (C) Future Land Use Map designation and make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public spoke during public comment of the request.

Staff indicated that eighty-two (82) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

A motion was made by Commissioner Spears, and seconded by Commissioner Cardenas to recommend ADOPTION of the requested Commercial (C) Future Land Use and APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning subject to one (1) restriction. The motion carried unanimously.

**Motion / Second**

*Gordon Spears / Evelyn Cardenas*

**Voting in Favor**

*Gordon Spears, David Boers, Evelyn Cardenas, Nelson Pena and Eddie Fernandez*

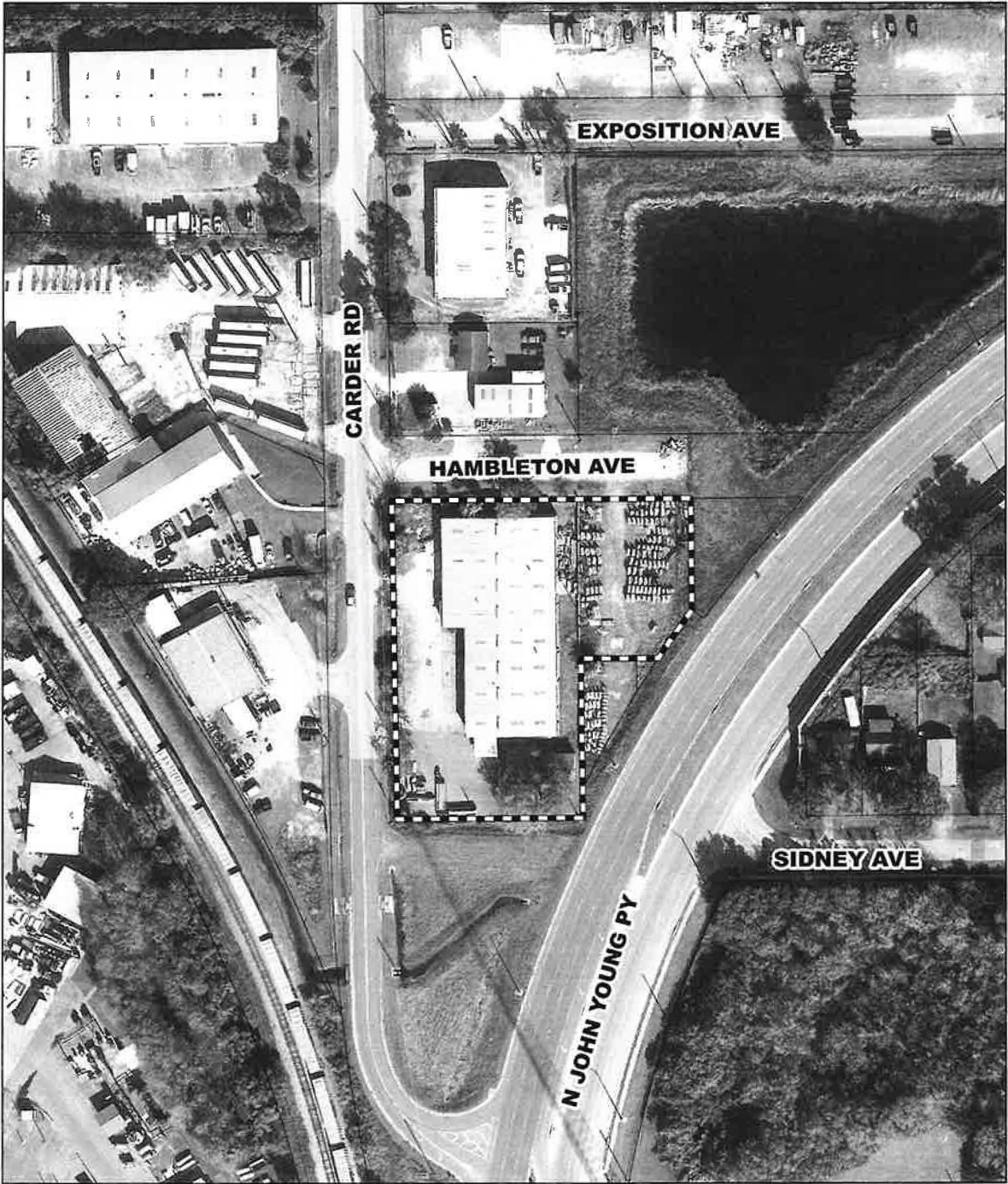
**Voting in Opposition**

*None*

**Absent**

*Walter Pavon, George Wiggins, Camelle Evans, Michael Arrington*

SS-23-04-008 / RZ-23-04-009

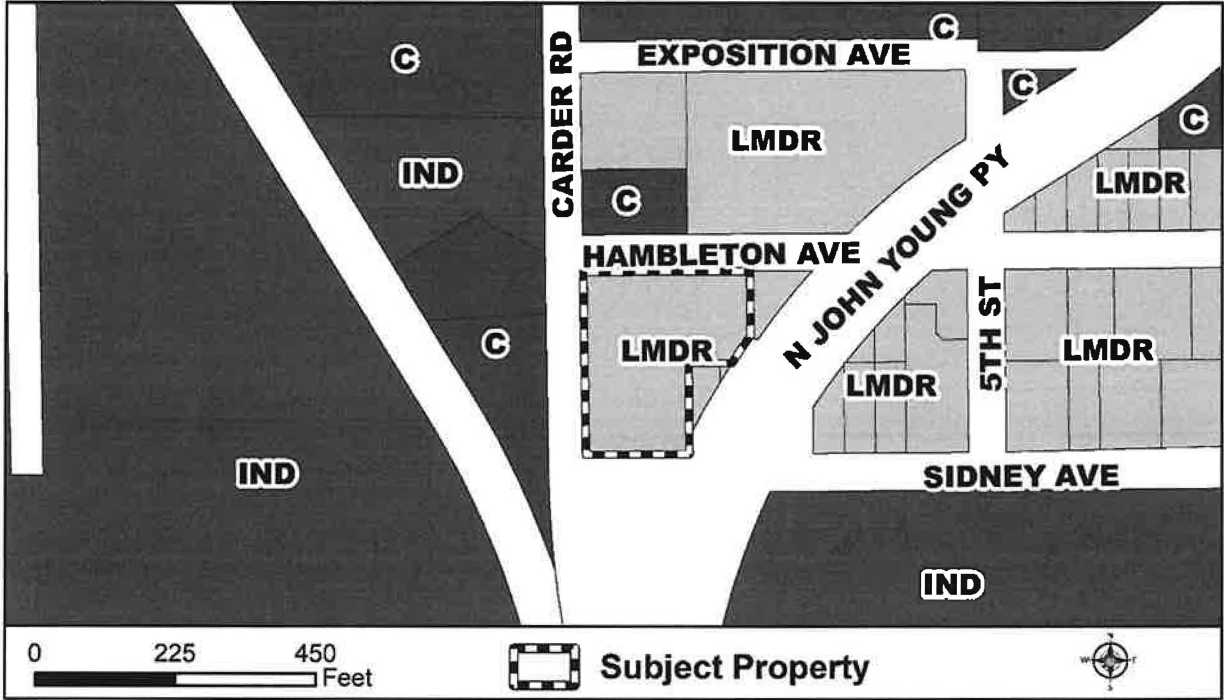


 Subject Property

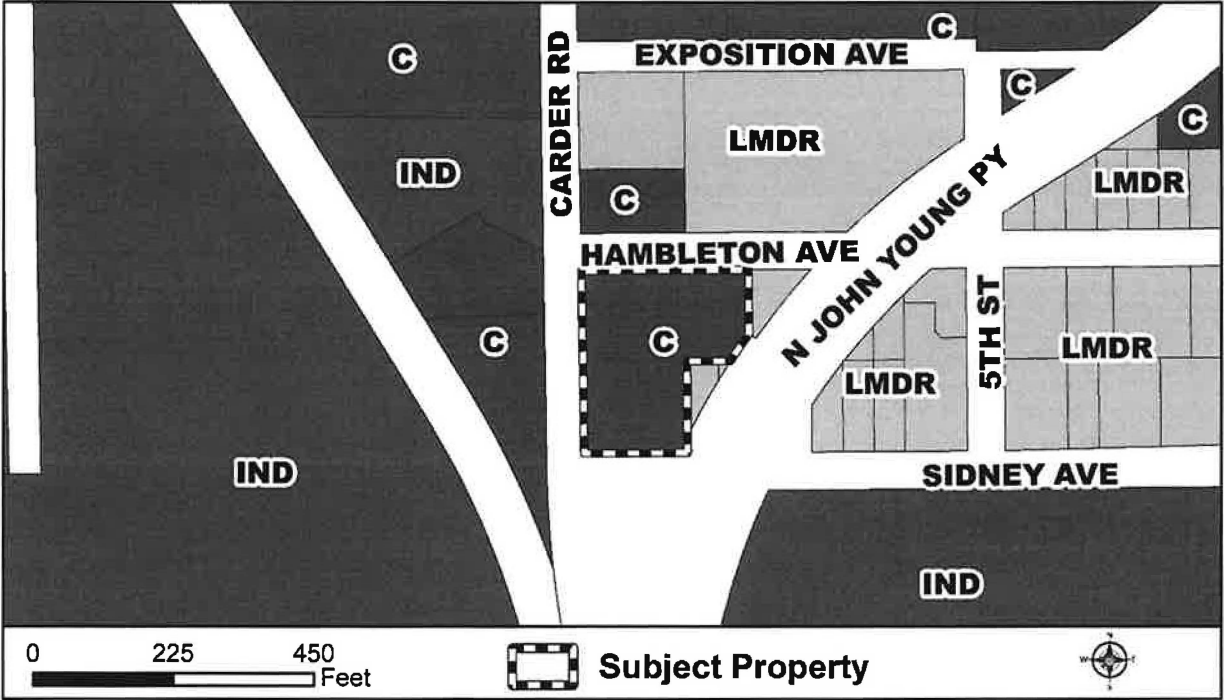


1 inch = 115 feet

**FUTURE LAND USE – CURRENT**  
LMDR (Low Medium Density Residential)

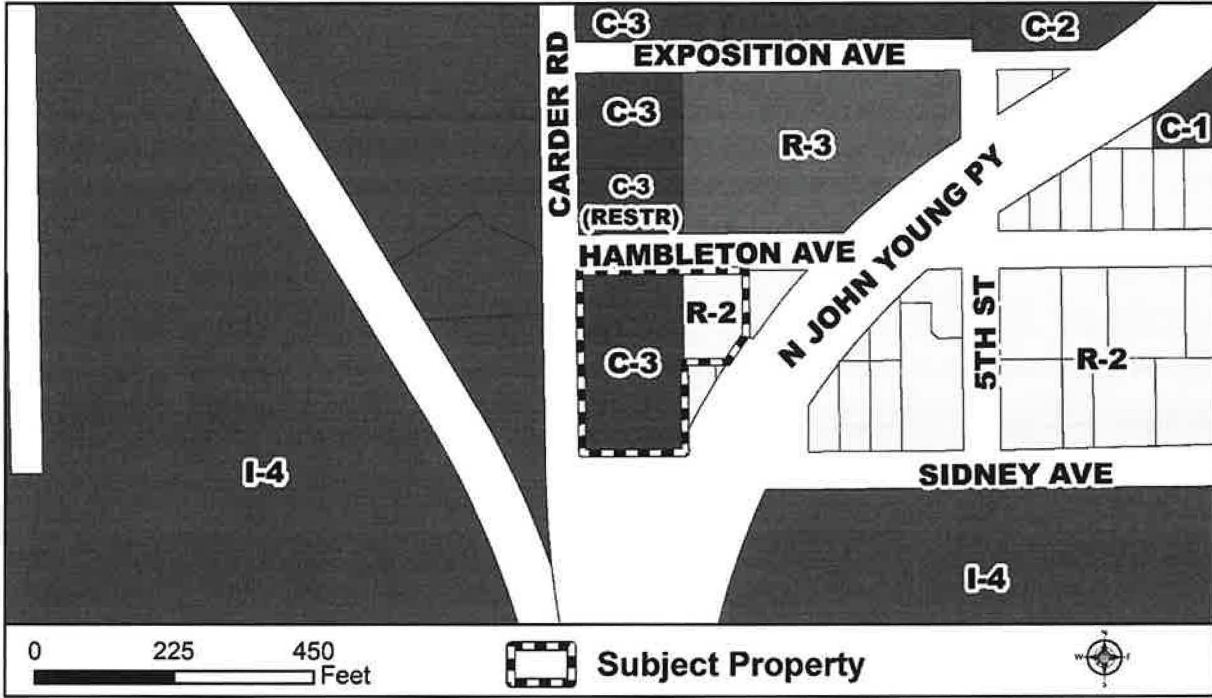


**FUTURE LAND USE – PROPOSED**  
C (Commercial)



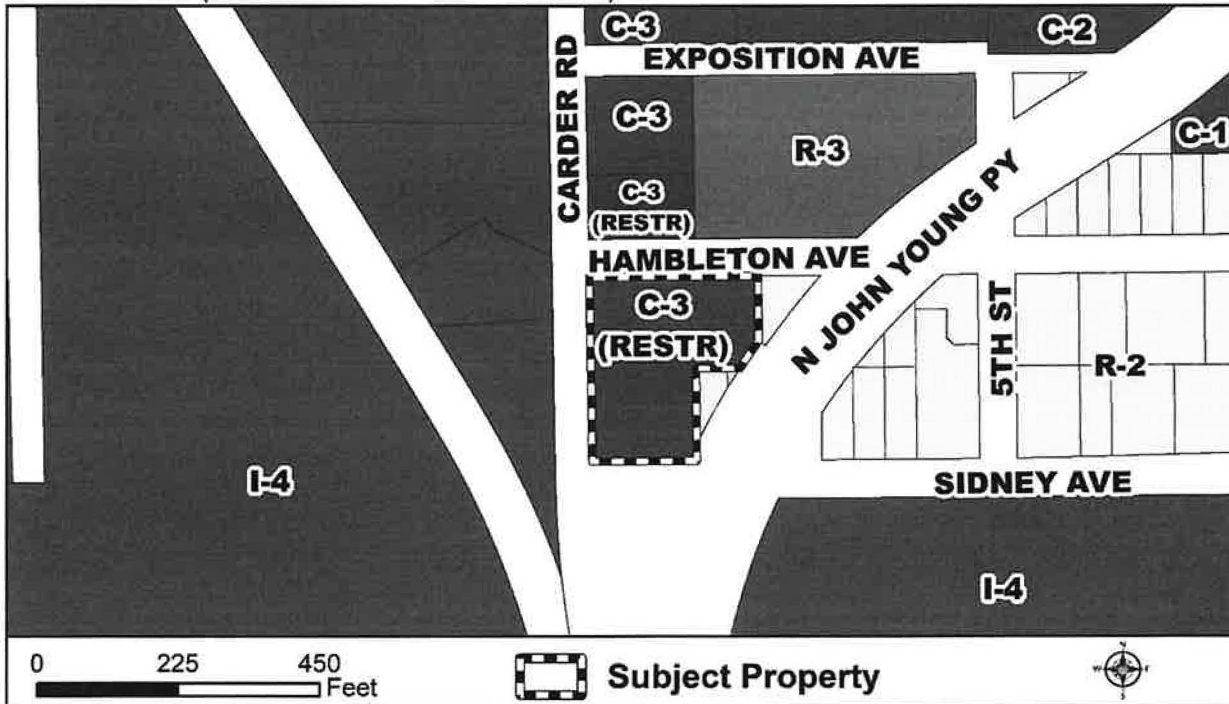
**ZONING – CURRENT**

C-3 (Wholesale Commercial District), R-2 (Residential District)

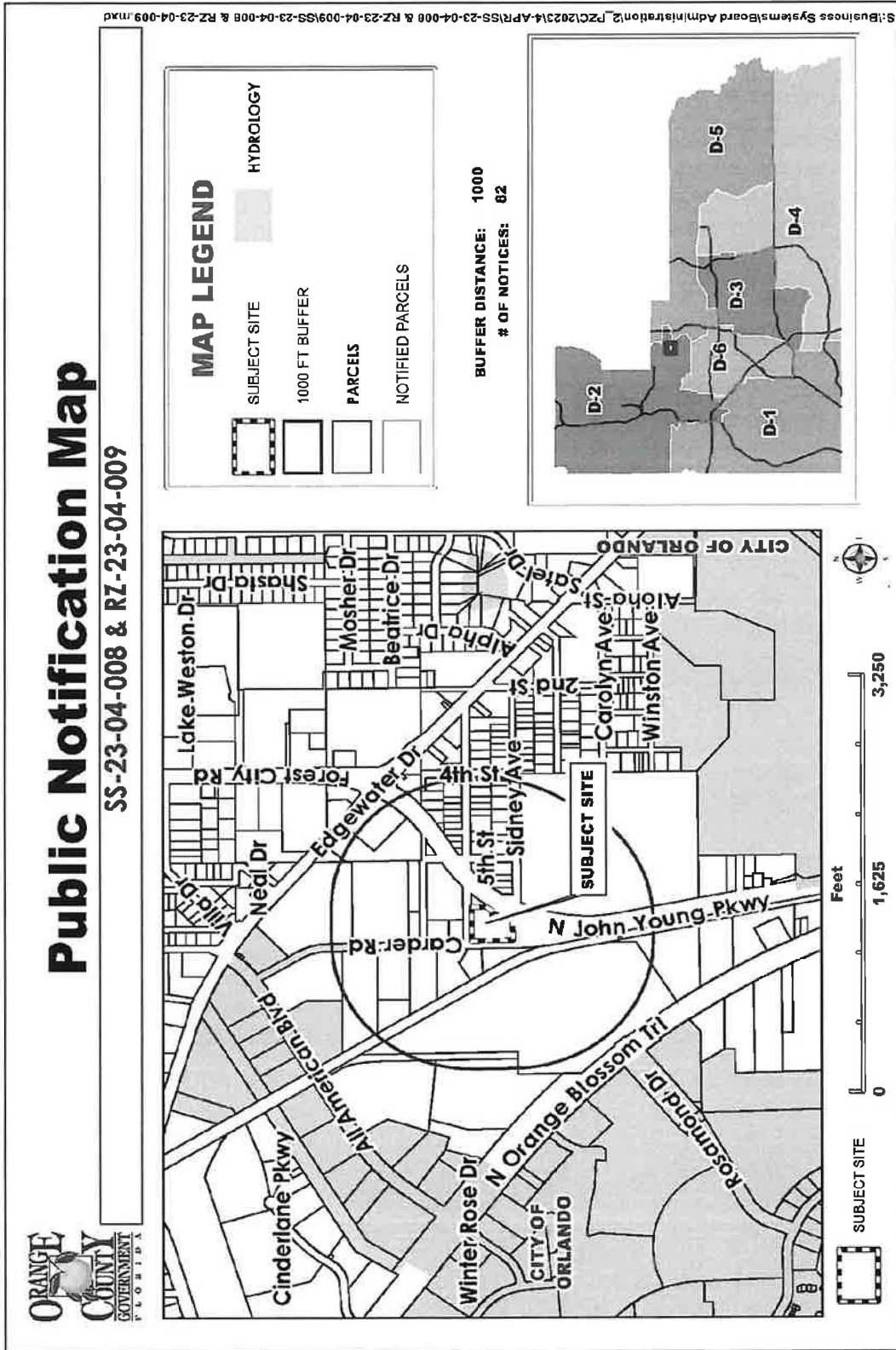


**ZONING – PROPOSED**

C-3 Restricted (Wholesale Commercial 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 May 23, 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 23rd DAY OF MAY, 2023.

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

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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>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>SS-23-04-008</b>	<b>Low-Medium Density Residential (LMDR)</b>	<b>Commercial (C)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b>		

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