




Interoffice Memorandum

DATE: May 13, 2024

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

FROM: Tanya Wilson, AICP, Director 
Planning, Environmental, and Development Services
Department

CONTACT PERSON: **Jason Sorensen, AICP, Chief Planner**
407-836-5602

SUBJECT: Adoption Public Hearing – June 4, 2024, Small-Scale
Future Land Use Map Amendment Request
Applicant: Dante J. Sandroni for Sandroni Silver Star,
LLC
SS-24-04-014
District 2

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 4, 2024.

The 0.82 gross-acre site is located at 4001 Silver Star Road; generally located west of Mercy Drive, east of N. Pine Hills Road, north of W. Princeton Street, and south of Shader Road. The request is to change the Future Land Use Map designation from Commercial (C) to Industrial (IND) to provide for consistency with the existing zoning of I-2/I-3 and allow for I-2/I-3 uses including an auto repair garage.

The Planning and Zoning Commission / Local Planning Agency hearing was held on April 18, 2024, where the request was unanimously recommended for approval after a brief discussion regarding uses in the area. No members of the public were present for comment. A community meeting was not required for this amendment.

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 the amendment.

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Clerk of the Board, in accordance with the requirements of Ordinance 2008-14. A copy is attached to this report.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Industrial (IND) Future Land Use map designation (SS-24-04-014) and ADOPT the associated ordinance.
District 2**

TW/JS/kh
Attachments

CASE # SS-24-04-014

Commission District: #2

GENERAL INFORMATION

APPLICANT: Dante J. Sandroni

OWNER: Sandroni Silver Star LLC

HEARING TYPE: Planning and Zoning Commission

FLUM REQUEST: **Commercial (C) to Industrial (IND)**

LOCATION: 4001 Silver Star Rd; generally located west of Mercy Drive, east of N. Pine Hills Rd, north of W. Princeton Street, and south of Shader Rd.

PARCEL ID NUMBER: 08-22-29-1900-00-551

SIZE / ACREAGE: 0.82- gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Fifty-four (54) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: I-2/I-3 Uses including an Auto Repair Garage

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Industrial (IND) Future Land Use Map Designation.

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 0.82 gross acre subject property from Commercial (C) to Industrial (IND) to create consistency between the future land use and zoning designations. The current use of auto repair garage is allowed under the current I-2/I-3 (Industrial District – General) zoning district and no new development is being proposed. The FLUM designation of Industrial is requested because the applicant was denied a Business Tax Receipt due to the Future Land Use and zoning designation inconsistency.

This current Future Land Use designation (Commercial) was established in 1991 when the Orange County Comprehensive Plan was adopted. The Industrial I-2/I-3 zoning designation was established in 1967. The surrounding area has a mix of commercial, industrial, and institutional uses with many of the properties residing in the City of Orlando.

The property is currently reliant on septic, the City of Orlando has indicated that sewer is available to serve the subject property.

Land Use Compatibility

The Industrial (IND) Future Land Use 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 in 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

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed Industrial (IND) FLUM designation is consistent with the existing zoning designation of I-2/I-3 (Industrial District -General). 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.

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 Auto Repair Garage

Adjacent	FLUM	Zoning
North	City of Orlando	City of Orlando
South	Institutional (INST)	R-1A (Single-Family Dwelling District)
East	Industrial (IND)	I-2/I-3 (Industrial District General)
West	City of Orlando	City of Orlando

Adjacent FLUM

- N: City of Orlando
- E: City of Orlando, Industrial (IND)
- W: City of Orlando
- S: Institutional (INST)

Adjacent Land Uses

- N: Industrial Warehouse
- E: Office
- W: Industrial Truck Terminal
- S: County Public School

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 and BMAP Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa/Rock Springs Basin Management Action Plan (BMAP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with Precision Collision INC. located within the project site. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation / Access

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will not result in any change in the number of pm peak trips and therefore will not impact the area roadways. The subject property is located on Silver Star Road. Based on the Concurrency Management System (CMS) database dated March 4, 2024. All roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

Roadway Capacity Analysis

A Traffic Study was not submitted with the case for review and comment.

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

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.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: OUC

Wastewater: City of Orlando

Reclaim Water: City of Orlando

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

This property is within City of Orlando Wastewater and Reclaimed Water Service Area.

The property is currently using a septic system. The City of Orlando has indicated that sewer is available to serve the subject property.

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 18, 2024

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Industrial (IND) Future Land Use Map Designation.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

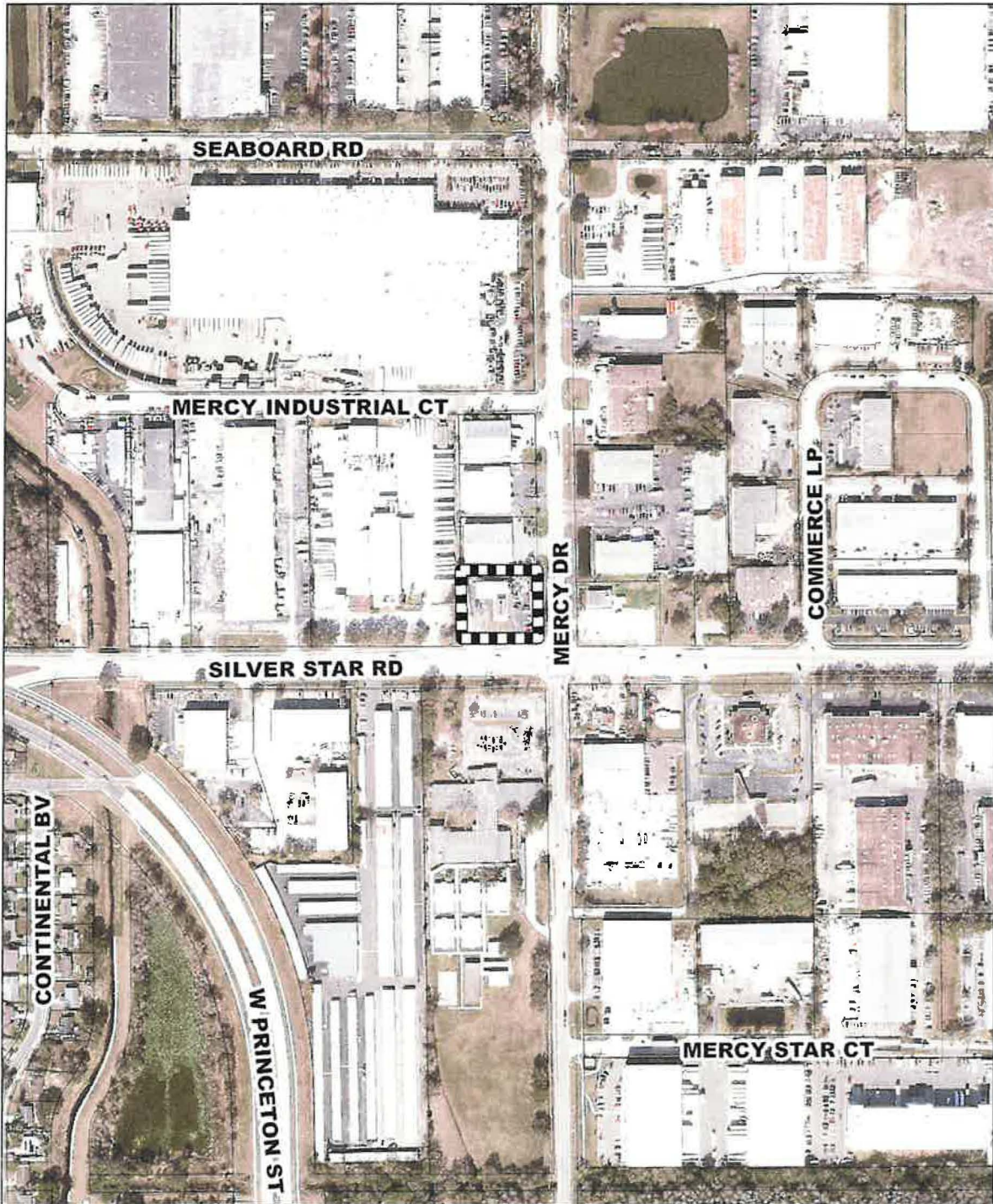
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Industrial (IND) Future Land Use Map Designation. The applicant was present for the hearing and agreed with staff’s recommendation. No speakers were present to speak during the public comment portion.

Staff indicated that fifty-four (54) notices were sent to property owners and residents extending 900 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

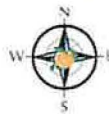
After a brief discussion involving the surrounding uses, a motion was made by Commissioner Wiggins and seconded by Commissioner Arrington to recommend ADOPTION of the requested Industrial (IND) Future Land Use Map Designation. The motion carried on a 7-0 Vote.

Motion / Second	<i>George Wiggins / Michael Arrington</i>
Voting in Favor	<i>Camille Evans, George Wiggins, Eddie Fernandez, Michael Arrington, Evelyn Cardenas, David Boers and Gordon Spears</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena and Walter Pavon</i>

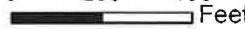
SS-24-04-014



 Subject Property

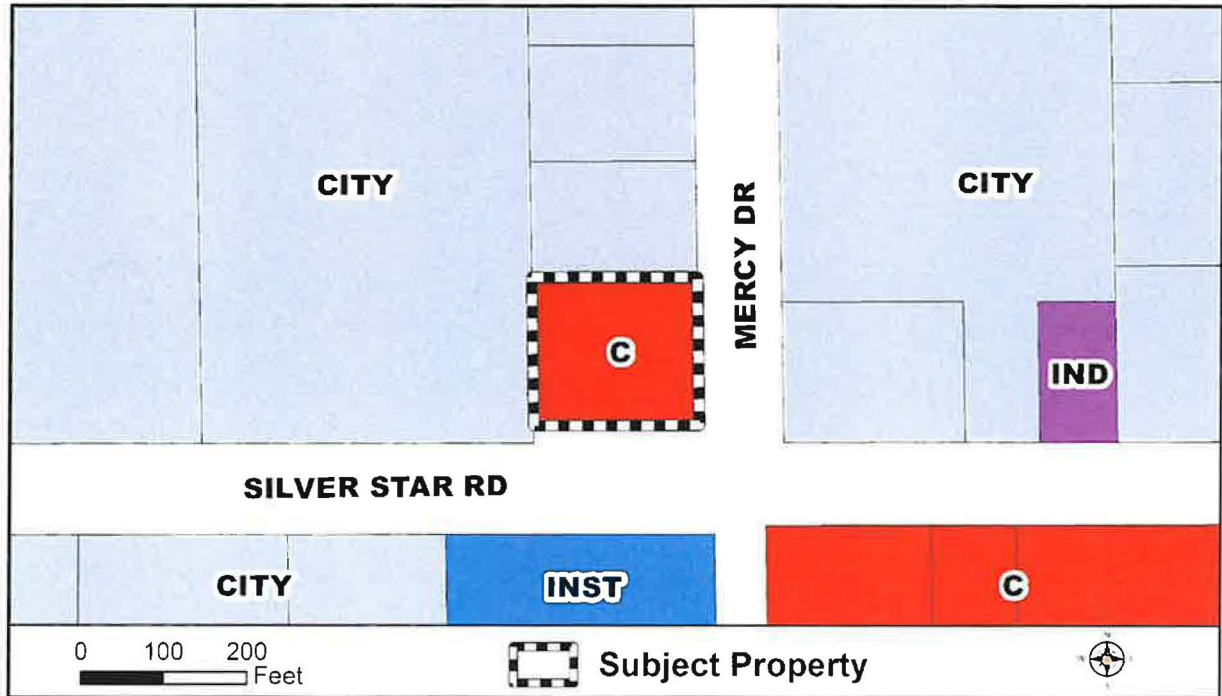


0 200 400
Feet

A horizontal scale bar with three segments, labeled 0, 200, and 400, with the word "Feet" at the right end.

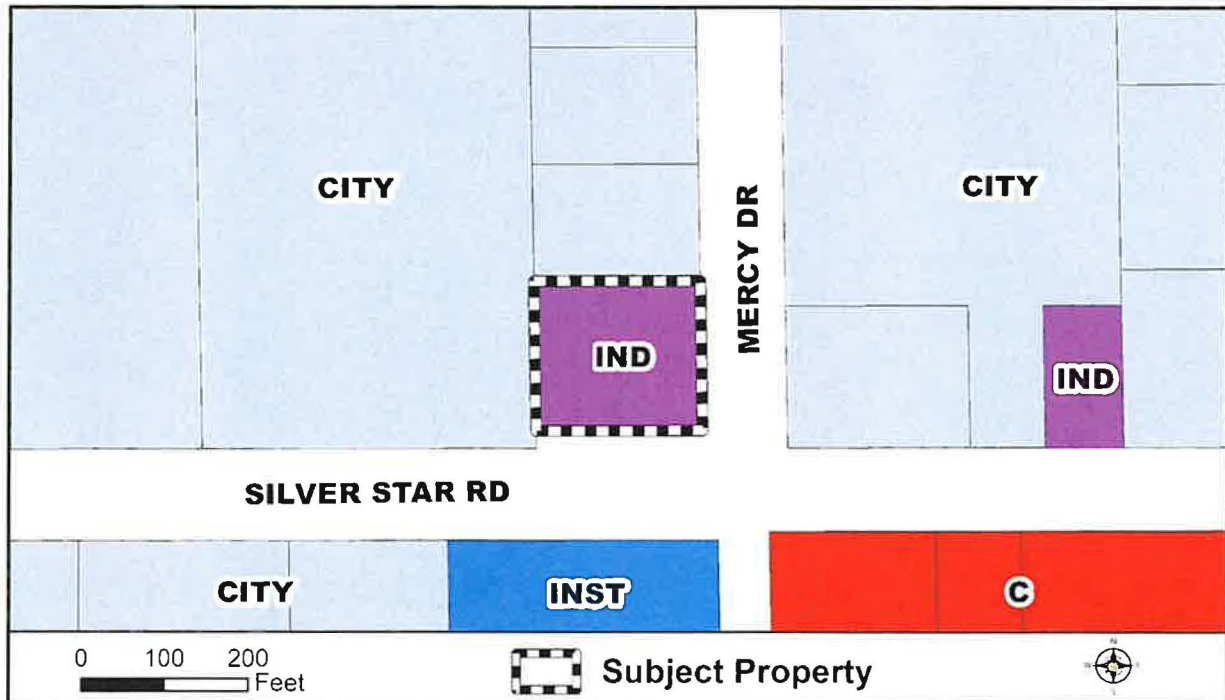
FUTURE LAND USE – CURRENT

Commercial (C)

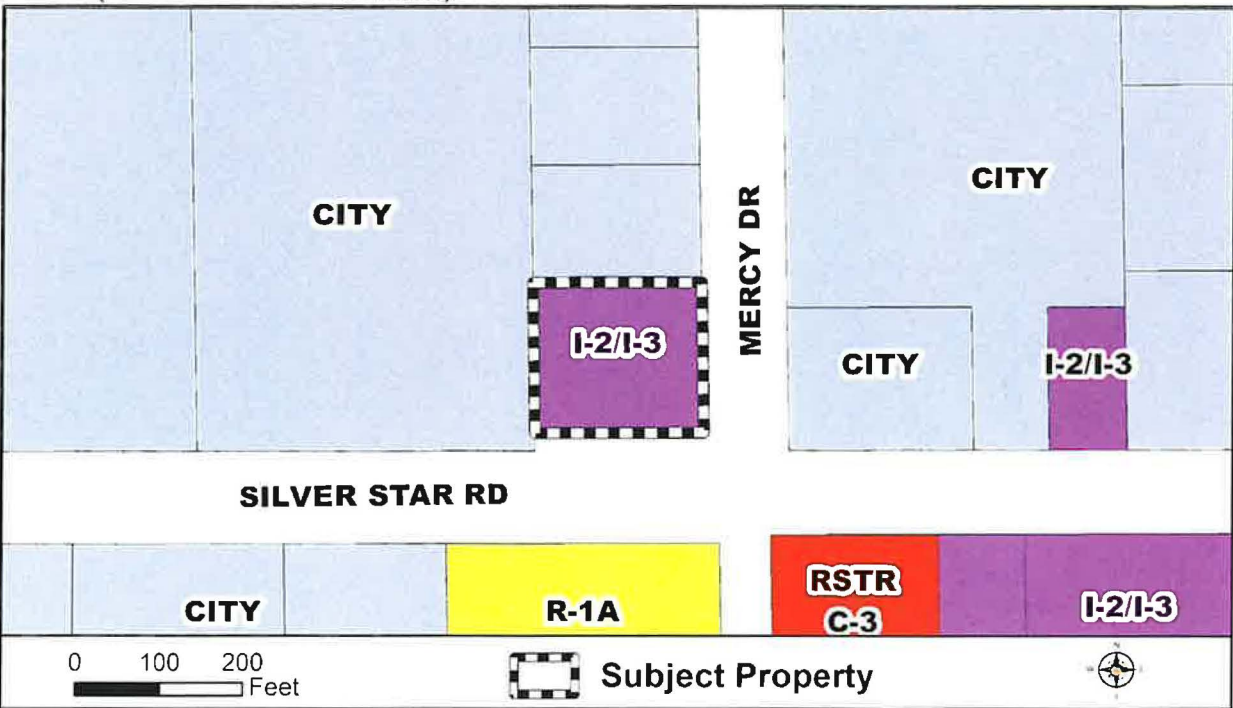


FUTURE LAND USE – PROPOSED

Industrial (IND)



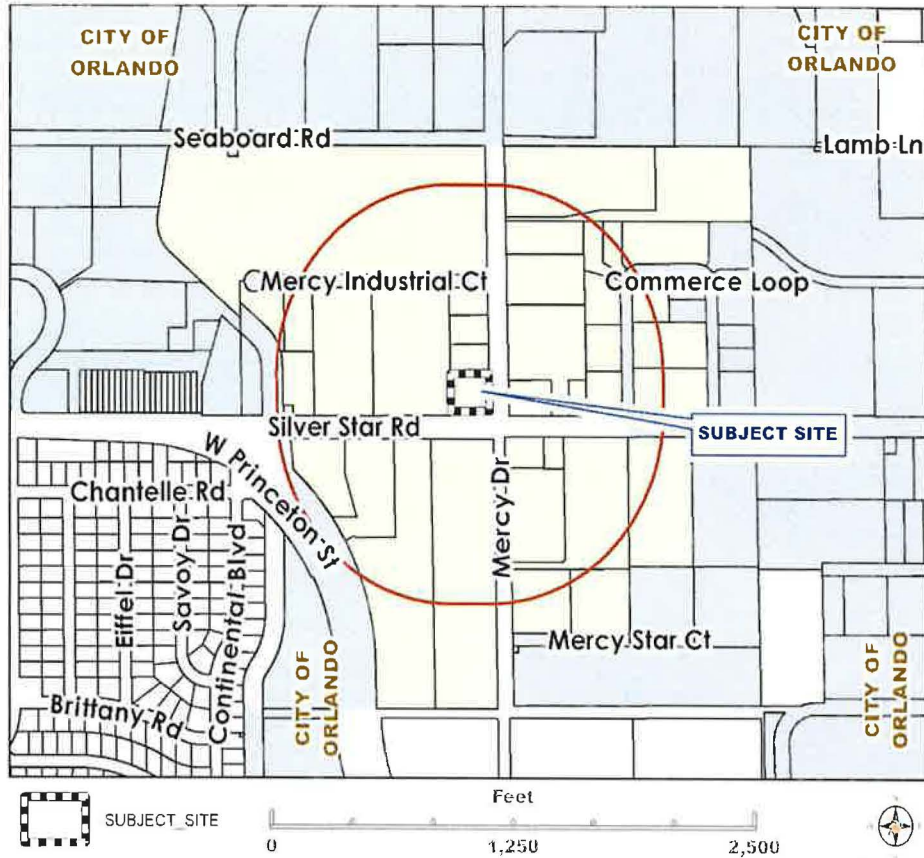
ZONING – CURRENT
I-2/I-3 (Industrial District -General)





Public Notification Map

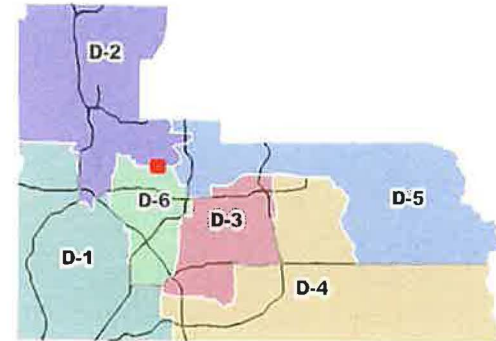
SS-24-04-014



MAP LEGEND

- SUBJECT_SITE
- 900 FT BUFFER
- PARCELS
- NOTIFIED PARCELS

BUFFER DISTANCE: 900
OF NOTICES: 54



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NOTIFICATION MAP

Case # SS-24-04-014
Orange County Planning Division
BCC Hearing Date: June 4, 2024

ORDINANCE NO. 2024-_____

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 June 4, 2024, 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 Commerce or the Administration
39 Commission issues a final order determining that the adopted amendment is in compliance.

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

45 ADOPTED THIS 4TH DAY OF JUNE, 2024.

46 **ORANGE COUNTY, FLORIDA**
47 By: Board of County Commissioners

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51 By: _____
52 Jerry L. Demings
53 Orange County Mayor

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

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60 By: _____
61 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-24-04-014	Commercial (C)	Industrial (IND)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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