




Interoffice Memorandum

DATE: October 1, 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: October 29, 2024, Board-Called Rezoning Request
Applicant: Rosemary Hayes
Case number: RZ-24-06-042
District 5

Please find the attached staff report for the Board-Called Rezoning request scheduled for a Board adoption public hearing on October 29, 2024.

The subject property is located at 7100 Astro Street, generally located west of N. Goldenrod Road, south of University Boulevard, east of N. Forsyth Road, and north of East Colonial Drive. The request is to rezone from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District Light) to allow I-1/I-5 uses including warehouse and office space. A rezoning is required since the current A-2 zoning is inconsistent with the existing Future Land Use Map designation of Industrial which was assigned to the property in 1991 in the County's first Comprehensive Plan Future Land Use Map.

A community meeting was held on July 22, 2024, at Cheney Elementary School with 13 residents in attendance. Some of the main concerns from residents were flooding and stormwater, property values, traffic, and the inconsistent zoning designations. Residents who live along Astro Street were concerned that their zoning would be affected by this request and residents within the subdivision to the north were concerned with hearing and seeing an industrial warehouse from their backyards as well as the increased traffic this development may bring.

The Planning and Zoning Commission hearing was held on August 15, 2024, where the request was approved unanimously. Discussion ensued on the inconsistent Future Land Use Map designation and zoning district and whether there was a wall or landscape buffer to which staff stated there is an existing fence behind the homes.

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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, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the requested I-1/I-5 Restricted (Industrial District Light) zoning subject to one restriction listed under PZC Recommendation in the staff report.
District 5**

AAV/jhs

CASE # RZ-24-06-042

Commission District: #5

GENERAL INFORMATION

APPLICANT: Rosemary Hayes

OWNER: Jason Meredith

HEARING TYPE: Planning and Zoning Commission Recommendation – Board Called Hearing

REQUEST: **A-2** (Farmland Rural District) **to**
I-1 / I-5 Restricted (Industrial District Light)

LOCATION: 7100 Astro Street; generally located west of N. Goldenrod Rd, south of University Blvd, east of N. Forsyth Rd, and north of East Colonial Dr.

PARCEL ID NUMBER: 11-22-30-0000-00-122

SIZE / ACREAGE: 0.67- gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred sixty-two (362) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on July 22, 2024, and is summarized further in this report.

PROPOSED USE: I-1 / I-5 Uses Including Warehouse with Office Space

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested I-1 / I-5 Restricted (Industrial District - Light) zoning, subject to the following restriction:

1. Billboards and pole signs shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property was zoned A-2 (Farmland Rural District) in 1957 prior to the implementation of the Orange County Comprehensive Plan. A rezoning is required since the current A-2 zoning is inconsistent with the existing Future Land Use Map designation

of Industrial which was assigned to the property in 1991 in the County's first Comprehensive Plan Future Land Use Map.

Through this request, the applicant is seeking to rezone from A-2 (Farmland Rural District) to I-1/I-5 Restricted (Industrial District - Light) for the construction of a warehouse with office space and is proposing to combine the subject property with the lot to the west. The property to the west is also zoned I-1/I-5 and has one restriction which is the prohibition of billboards and pole signs.

The immediate area is developed with industrial uses, mobile homes, and detached single-family homes with a variety of zoning designations including I-1/I-5 (Industrial District - Light), R-2 (Residential District), R-3 (Multiple-Family Dwelling District), and A-2 (Farmland Rural District). All the I-1/I-5 Restricted properties in the vicinity have a restriction against billboards and pole signs, the restricted property to the east also restricts outdoor storage of material and equipment.

The subject property is within the City of Winter Park service area for water and wastewater. Connection to water is available and required. Connection to wastewater is considered unavailable. This property is subject to advanced septic requirements.

A Wetland Determination (formerly referred to as a Conservation Area Determination) is required prior to any permits being issued.

Land Use Compatibility

The I-1 / I-5 Restricted (Industrial District - Light) 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 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 Industrial (IND). The proposed I-1 / I-5 Restricted (Industrial District - Light) zoning is consistent with the Industrial (IND) FLUM designation, therefore a CP amendment is not

necessary. 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 trends 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.

FLU8.2.11 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	Manufactured Home
Adjacent Zoning	N: R-2 (Residential District) 1980 E: A-2 (Farmland Rural District) 1957 W: Restricted I-1/I-5 (Industrial District Light) 2005 S: I-1/I-5 (Industrial District Light) 1975
Adjacent Land Uses	N: Single-Family Residential E: Manufactured Home W: Office S: Industrial

I-1 /I-5 (Industrial District Light) Development Standards

Min. Lot Area:	NA
Min. Lot Width:	NA

Max. Height: 50; or 35 within 100 feet of any residential use or district.
Min. Floor Area: NA

Building Setbacks

Front: 35 ft.
Rear: 25, or 50 ft. when abutting residential district^N
Side: 25, or 50 ft. when abutting residential district^{N/O}

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

The intent and purposes of the I-1/I-5 industrial district are as follows:

To provide areas for light manufacturing and industry. It is intended that this district will provide low intensity industrial development which will have minimal impact on the surrounding areas.

(2) To provide space for those industries which require locations accessible to major transportation facilities.

(3) To establish and maintain standards which will protect adjacent residential and commercial developments.

(4) To provide space for those industries and other uses of land which require a location in close proximity to airports.

(5) To provide locations for those industries which employ the processing of bulk material, and which require space for open storage of materials.

(6) To allow industrial uses where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations.

(7) To establish and maintain standards which promote development of a wide variety of industrial and related activities.

A use shall be permitted in the I-1/I-5 district if the use is identified by the letter "P" in the use table set forth in section 38-77.

SPECIAL INFORMATION

Staff Comments

Environmental

Industrial Septic Prohibition - An OSDS may be allowed if the following criteria under Chapter 37, Article XVII Individual On-site Sewage Disposal, Sec. 37-538(6) are met.

Enhanced Septic/Sewer Requirement - This site is located within the Crane Strand Drain Bacteria Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP 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, a RAP Area, or a PRP 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.

CAD Required - An Orange County Conservation Area Determination (CAD) is required to determine the developable acreage. EPD has no record of a CAD for this site. If a CAD has been obtained, or if historical documents are located, then submit a copy to EPD. Otherwise, submit a new CAD application for review by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

Wetland Code Update - Modifications to OC Code Ch. 15, Article X were adopted on December 12, 2023, with an effective date of June 1, 2024. The updated ordinance can be accessed at <https://www.ocfl.net/Environment/Wetlands.aspx>, linked under "Wetland Code Final." Be advised that the new wetland code may be effective for your development. Final determination of the applicability of the new code requirements on your development may be reviewed by the Orange County's Attorney's Office. Contact wetlandpermitting@ocfl.net with any questions.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 05/24/2024, there is a failing roadway segment within the project's impact area along Semoran Blvd, from University Blvd to Seminole County Line. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office will be required, concurrency@ocfl.net. A traffic study may be required at this time.

Schools

No comments.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was held on July 22nd, 2024, at Cheney Elementary School. 13 residents were in attendance. Some of the main concerns from residents were flooding and stormwater, property values, traffic, and the inconsistent zoning designations. Residents who live along Astro Street were concerned that their zoning would be affected by this request and residents within the subdivision to the north were concerned with

hearing/seeing an industrial warehouse from their backyards and increased traffic this development may bring.

Utilities Service Area (Availability of services may vary)

Water: Winter Park

Wastewater: Winter Park

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within the City of Winter Park Water and Wastewater Service Area.

Water: Water is available, the City of Winter Park will require connection.

Wastewater: Wastewater connection is considered unavailable. This property is subject to advanced septic requirements.

This property is within Orange County Utilities Reclaimed Water Service Area. In accordance with Orange County Code Chapter 37:

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 – August 15, 2024

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested I-1 / I-5 Restricted (Industrial District - Light) zoning, subject to the following restriction:

- 1) 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 Approval of the requested I-1 / I-5 Restricted (Industrial District - Light) zoning, subject to one restriction. The applicant was present for the hearing and agreed with staff's recommendation. One speaker was present to speak in opposition of the project during public comment. She raised concerns about this property relying on septic and questioned if this was the best use for the property as housing is needed in Orange County.

Staff indicated that three hundred and sixty-two (362) notices were sent to property owners and residents extending beyond 800 feet surrounding the property, and that staff had received zero (0) responses in favor and two (2) responses in opposition of the request, voicing concerns that this development will lower property values and will increase traffic.

A short discussion ensued about the residential subdivision to the north and the existing fences and landscaping. Commissioner Spears noticed south of the property appears to be wetlands, staff clarified that a wetland determination will be required by Orange County EPD prior to any permit approvals. Staff also clarified the zoning and future land use inconsistency before a motion was made.

A motion was made by Commissioner Spears and seconded by Commissioner Fernandez to recommend approval of the requested I-1/I-5 Restricted (Industrial District - Light) zoning. The motion carried on a 7-0 vote.

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

RZ-24-06-042



 Subject Property

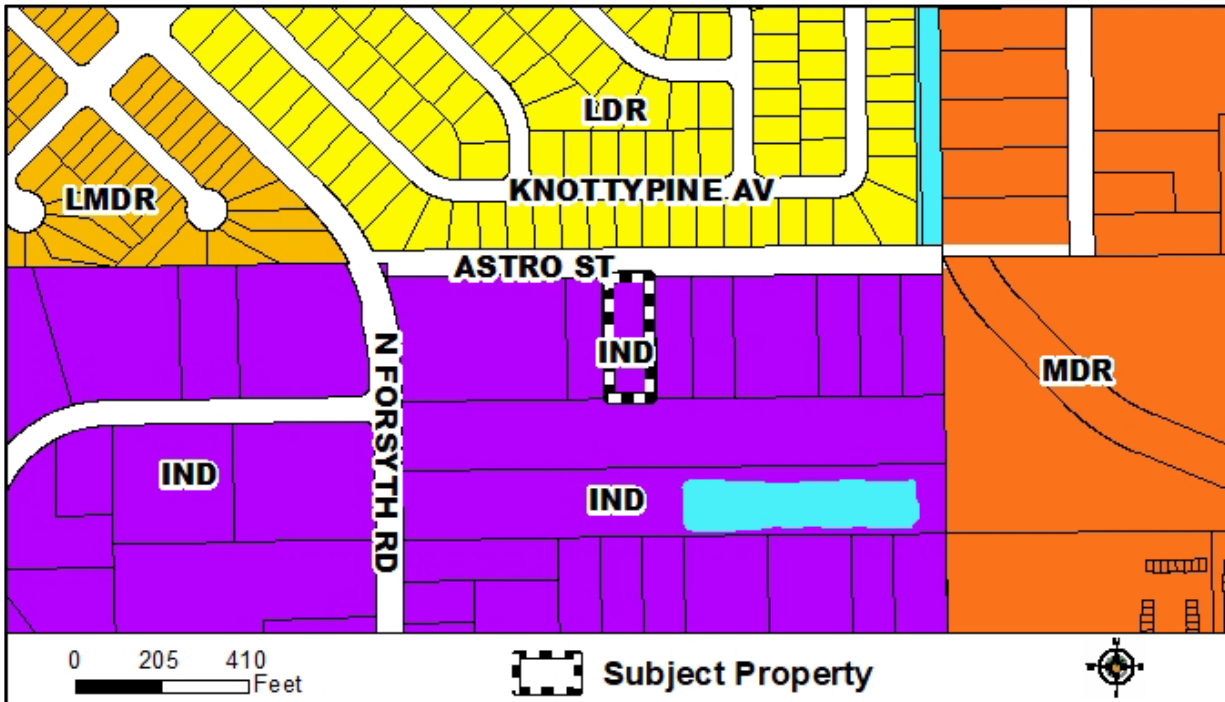


0 200 400 Feet

A horizontal scale bar with markings at 0, 200, and 400 feet.

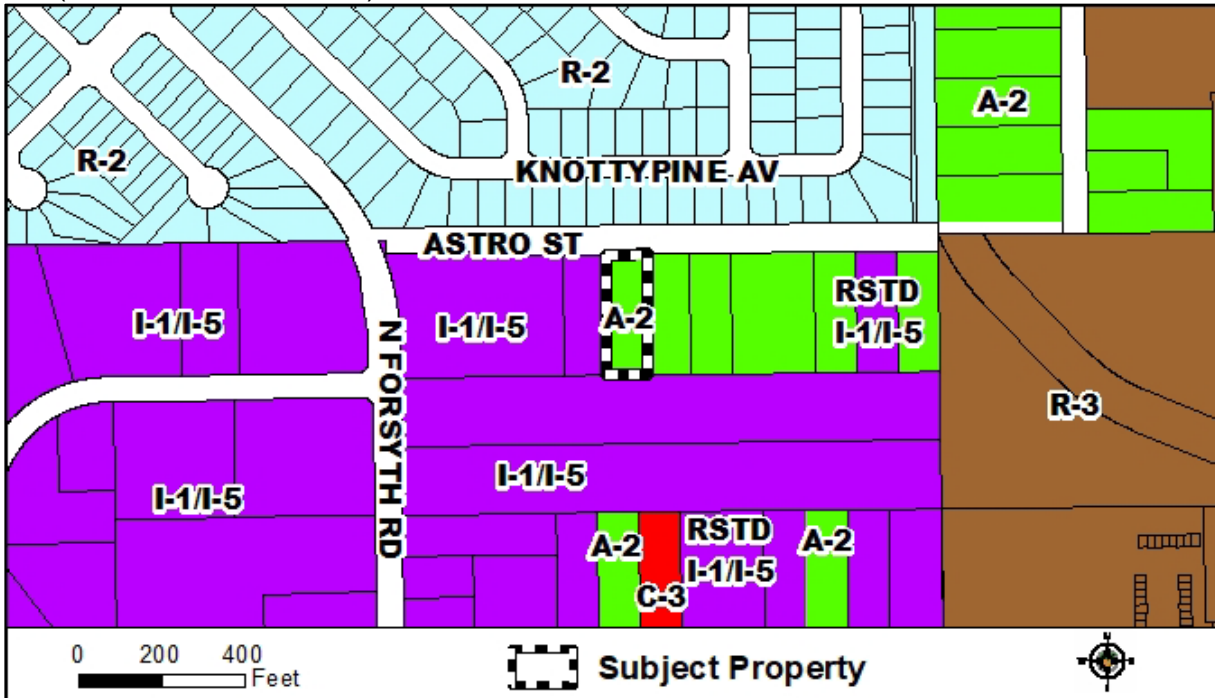
FUTURE LAND USE – CURRENT

Industrial (IND)



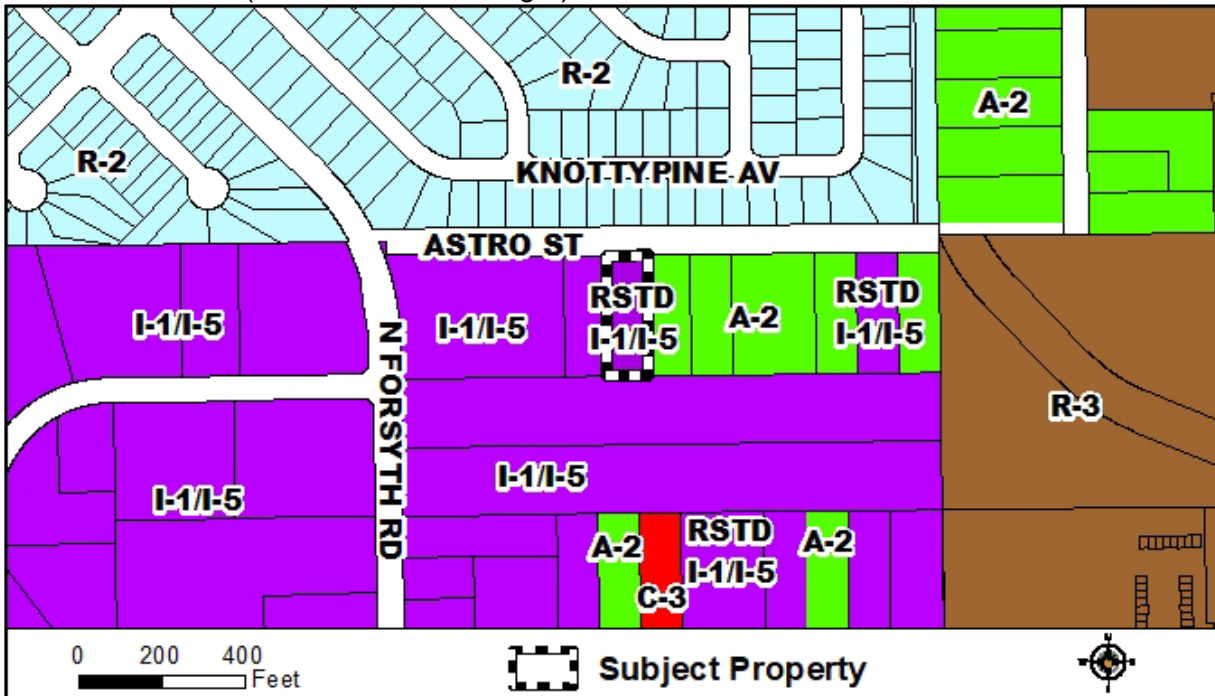
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

I-1 / I-5 Restricted (Industrial District - Light)

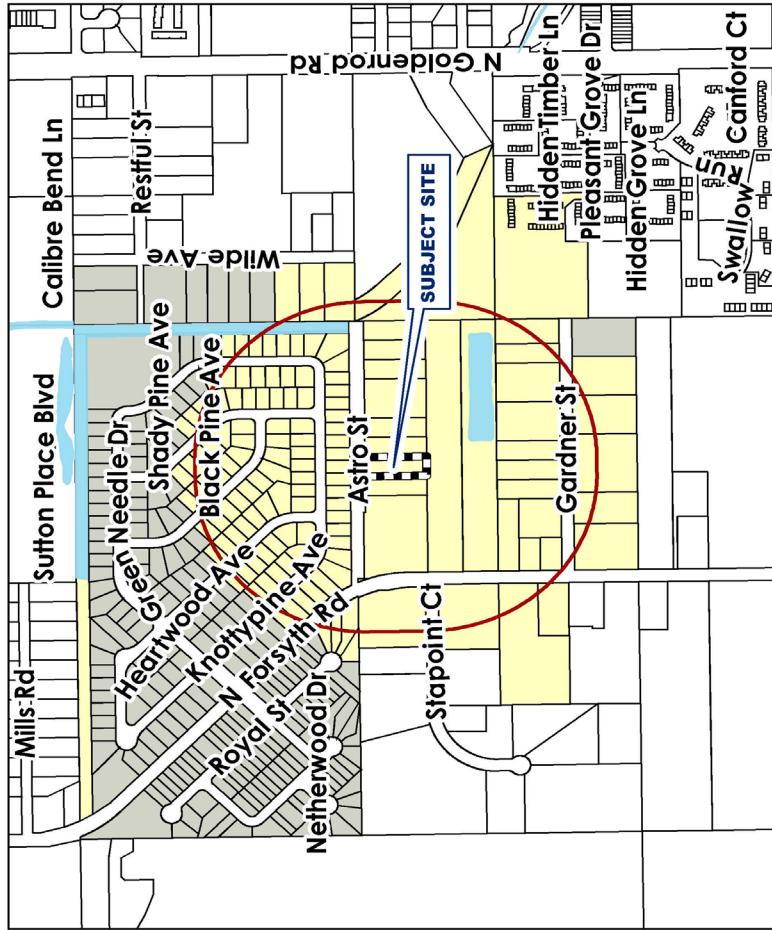




Public Notification Map

RZ-24-06-042

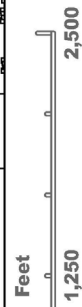
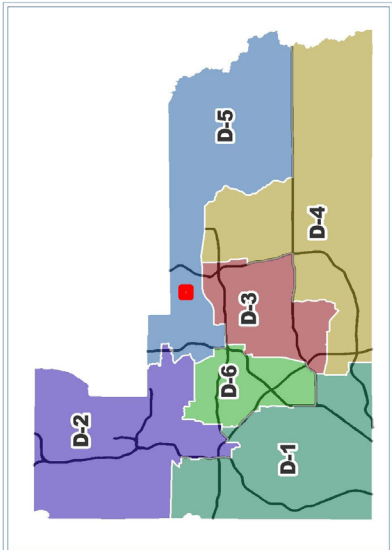
NOTIFICATION MAP



MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	800 FT BUFFER		COURTESY PARCELS
	HYDROLOGY		PARCELS

BUFFER DISTANCE: 800
 # OF NOTICES: 362



SUBJECT SITE



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