



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 and Concurrent
Rezoning Request
Applicant: John Dennis Henderson II, Anderson Place
Construction, LLC
SS-23-10-075 and RZ-23-10-076
District 6

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 June 4, 2024.

The 1.13 gross-acre site is located at 3800 New W. Hampshire Street; generally bounded by W. New Hampshire Street to the north, Sampson Drive to the south, Mercy Drive to the west, and W. Princeton Street to the north. The request is to change the Future Land Use Map designation from Medium Density Residential (MDR) to Industrial (IND) and rezone the property from R-3 (Multiple-Family Dwelling District) to I-1/I-5 (Industrial District Light) to allow I-1/I-5 uses including office space and warehouse storage.

The Planning and Zoning Commission / Local Planning Agency hearing was held on April 18, 2024, where the requests were unanimously recommended for approval after discussion of the surrounding uses. A community meeting was held on October 17, 2023, but no members of the public attended.

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-23-10-075), ADOPT the associated ordinance, and APPROVE the I-1/I-5 (Industrial District Light) zoning (RZ-23-10-076). District 6

Attachments

c: Jon V. Weiss, P.E., Deputy County Administrator
Georgiana Holmes, Deputy County Attorney
Whitney Evers, Senior Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Jim Resta, 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: June 4, 2024

CASE # SS-23-10-075

RZ-23-10-076

Commission District: #6

GENERAL INFORMATION

APPLICANT: John Dennis Henderson II

OWNERS: John Dennis Henderson II, Anderson Place Construction, LLC

HEARING TYPE: Local Planning Agency/Planning and Zoning Commission

FLUM REQUEST: **Medium Density Residential (MDR) to Industrial (IND)**

ZONING REQUEST: **R-3 (Multiple-Family Dwelling District) to I-1/I-5 (Industrial District Light)**

LOCATION: 3800 New Hampshire Street; generally bounded by W. New Hampshire St. to the north, 423 to the east, Sampson Dr. to the south, Mercy Dr. to the west, and W. Princeton St. to the north.

PARCEL ID NUMBER: 20-22-29-0000-00-046

SIZE/ ACREAGE: 1.13 gross acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Forty-four (44) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on October 17, 2023, with no residents in attendance.

PROPOSED USE: Office/Warehouse

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

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

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District Light) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant has requested to change the Future Land Use Map (FLUM) designation from Medium Density Residential (MDR) to Industrial (IND) and change the zoning from R-3 (Multiple-Family Dwelling District) to I-1/I-5 (Industrial District Light) in order to allow an office and warehouse use.

The 1.13 gross acres parcel is currently undeveloped. The proposed warehouse would be under operation of Anderson Place Construction, the company that specializes in site work, pre-construction, design, construction management etc.

The area surrounding the subject property consist of a religious, industrial and residential uses.

Land Use Compatibility

The proposed FLUM Industrial (IND) designation and I-1/I-5 (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 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

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Medium Density Residential (MDR). The proposed FLUM Industrial (IND) Future Land Use Map (FLUM) designation is consistent with the proposed I-1/I-5 (Industrial District Light) 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.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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

I-1/I-5 (INDUSTRIAL DISTRICT-LIGHT) DEVELOPMENT STANDARDS

Floor Area Ratio: ≤0.75
Max. Height: 50 ft. (35 ft. within 100 ft. of a residential zoning district)
Building Setbacks
Front: 35 ft.
Rear: 25 ft.
Side: 25 ft.

Intent, Purpose, and Uses

The I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial uses.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; wood chipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

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.

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.

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

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).

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities,(g).

Transportation / Access

Since the project impact is minimal, the applicant will be required to submit a De Minimis Application prior to obtaining a building permit approval. The project will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. It should be noted by the Applicant that capacities indicated on this information sheet are a snapshot at this specific date and time. Available capacities are dated and subject to change at anytime.

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 held on October 17, 2023, with zero residents in attendance.

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 the Orlando Utilities Commission Water Service area.

This property is within City of Orlando 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 – 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 and APPROVAL of the requested I-1/I-5 (Industrial District Light) zoning.

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 and recommend APPROVAL of the requested I-1/I-5 (Industrial District Light) 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 forty-four (44) notices were sent to property owners and residents extending beyond 1,000 feet surrounding the property and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

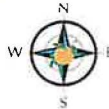
After a brief discussion regarding the surrounding uses, a motion was made by Commissioner Evans and seconded by Commissioner Arrington to recommend ADOPTION of the requested Industrial (IND) Future Land Use and APPROVAL of the requested I-1/I-5 (Industrial District Light), zoning. The motion carried unanimously.

Motion / Second	<i>Camille Evans / 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-23-10-075 & RZ-23-10-076



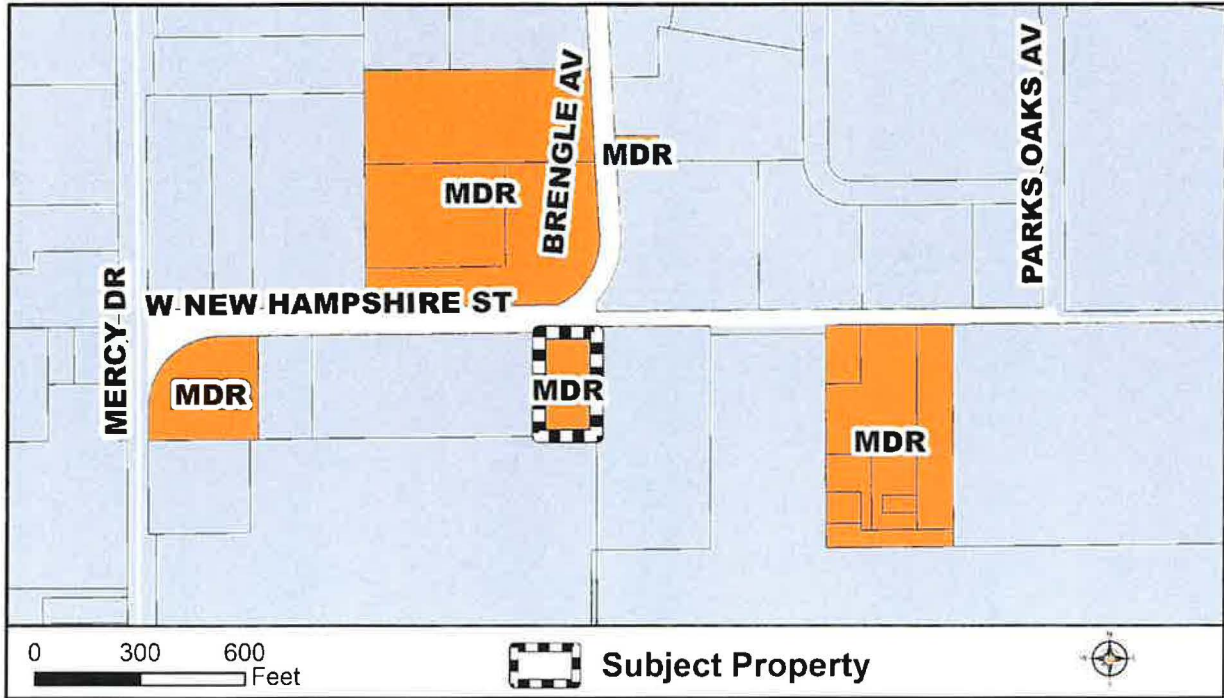
 Subject Property



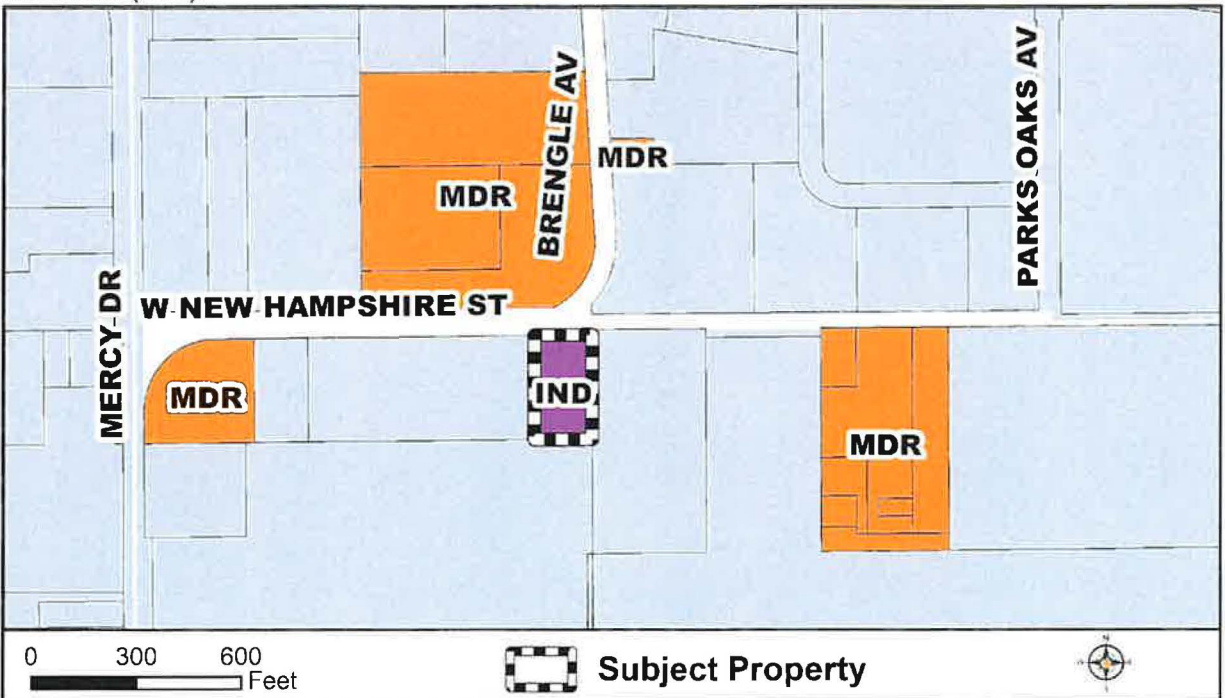
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FUTURE LAND USE – CURRENT
Medium Density Residential (MDR)

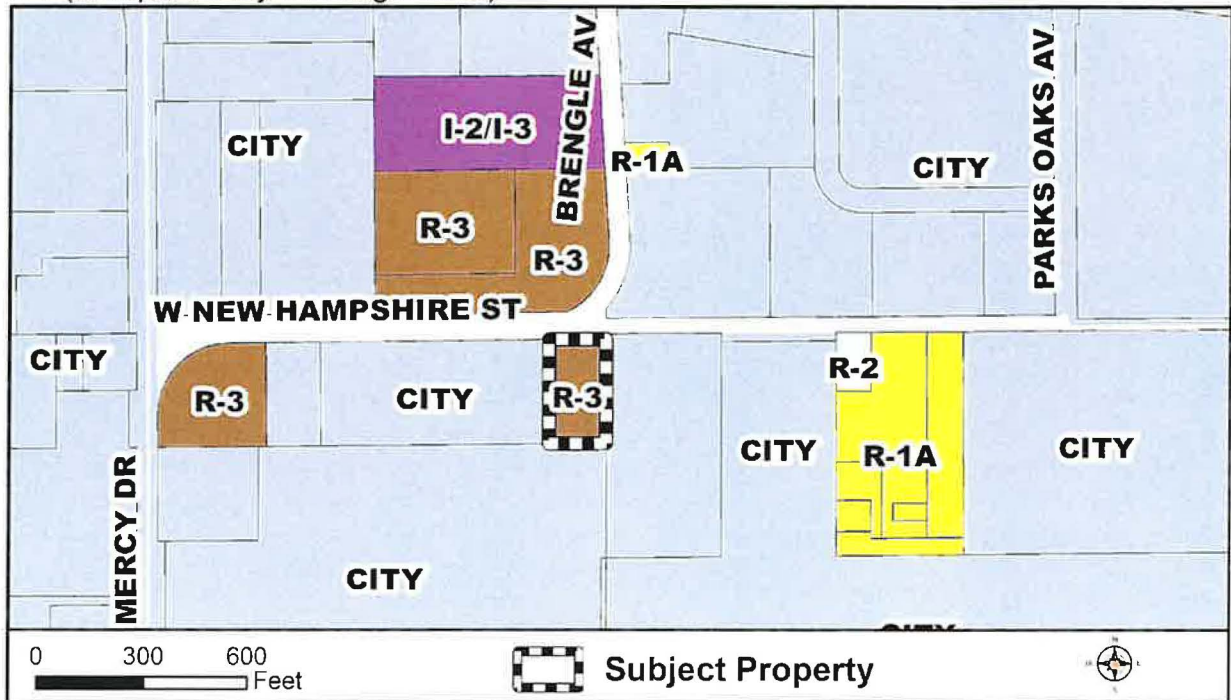


FUTURE LAND USE – PROPOSED
Industrial (IND)



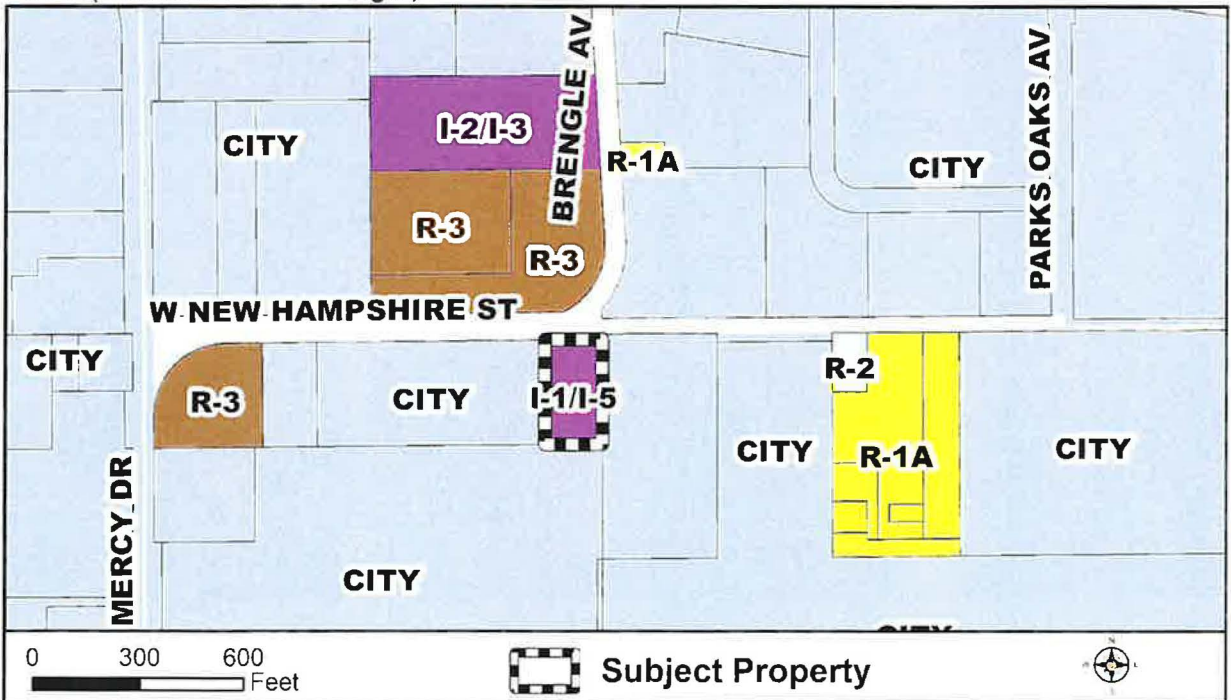
ZONING – CURRENT

R-3 (Multiple-Family Dwelling District)



ZONING – PROPOSED

I-1/I-5 (Industrial District – Light)





Public Notification Map

SS-23-10-075 & RZ-23-10-076



SUBJECT SITE



MAP LEGEND



SUBJECT SITE

NOTIFIED PARCELS



1000 FT BUFFER



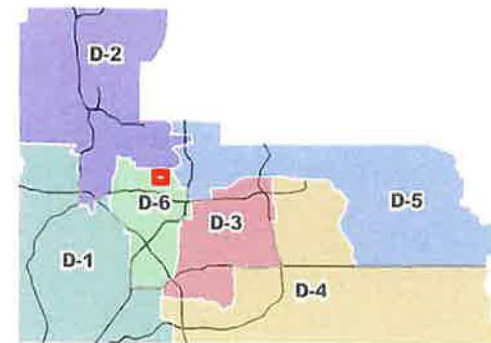
HYDROLOGY



PARCELS

BUFFER DISTANCE: 1000

OF NOTICES: 44



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NOTIFICATION MAP

Case # SS-23-10-075 & RZ-23-10-076
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-23-10-075	Medium Density Residential (MDR)	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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