



ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE

MONTHLY

AMENDMENT

SS-21-04-024 &

2010 - 2030 COMPREHENSIVE PLAN

RZ-21-04-025

BOARD OF COUNTY COMMISSIONERS

JUNE 8, 2021

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

DATE: June 8, 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 – June 8, 2021
Small-Scale Future Land Use Map Amendment and Concurrent Rezoning
Request SS-21-04-024 / RZ-21-04-025

Please find the attached staff reports and associated back-up materials for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on June 8, 2021. The adoption public hearing for Small-Scale Development Amendment SS-21-04-024 and concurrent rezoning RZ-21-04-025 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on April 15, 2021.

If the BCC adopts the proposed amendments, the Small-Scale Development Amendments 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/jhs

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 # SS-21-04-024
RZ-21-04-025**

Commission District: #3

GENERAL INFORMATION

APPLICANT	Quang Lam; Lam Civil Engineering, Inc.
OWNERS	Deworx, Inc.
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	C (Commercial) to IND (Industrial)
ZONING REQUEST	C-3 (Wholesale Commercial District) to I-1 / I-5 (Industrial District - Light)
LOCATION	6018 Tiner Avenue; or generally located on the west side of Tiner Avenue, east of Anno Avenue, and south of Fairlane Avenue.
PARCEL ID NUMBER	24-23-29-8680-08-055
TRACT SIZE	0.31 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and forty-seven (147) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on April 12 th , 2021 and is summarized further in this report.
PROPOSED USE	I-1 / I-5 Industrial Light Uses (Furniture Restoration)

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

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

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

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.31 acre subject property from C (Commercial) to IND (Industrial) and to rezone from C-3 (Wholesale Commercial District) to I-1/I-5 (Industrial District Light) in order to construct a building for furniture restoration.

The subject property is located on the west side of Tiner Ave. Across the street to the east is vacant commercial land, with industrial warehousing beyond that. The immediate surrounding area is developed with commercial or industrial development including vehicle repair and warehousing with single-family residences further to the west beyond Anno Avenue. The area to the immediate south of the subject property is platted but currently vacant.

Existing FLUM Development Program

The property's existing Commercial FLUM designation would allow for a maximum of 20,255 sq.ft. of commercial uses. However, it is unlikely that the built product would achieve this number due to development requirements such as parking, stormwater retention, building height maximum, and impervious surface area limits.

Proposed FLUM Development Program

The proposed I-1/I-5 zoning with the Future Land Use Map designation of Industrial will allow the applicant to do a maximum of 10,127 sq.ft. of light industrial uses. However, it is unlikely that the built product would achieve this number due to development requirements such as parking, stormwater retention, building height maximum, and impervious surface area limits.

Land Use Compatibility

The IND Future Land Use and I-1/I-5 zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

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Rezoning # RZ-21-04-025
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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 I-1/I-5 (Industrial District Light) zoning is consistent with the proposed IND (Industrial) 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.

FLU1.4.21 states that Orange County will encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site.

FLU1.4.24 states that Orange County shall not approve industrial uses that produce or emit noises, significant vibrations or noxious/hazardous wastes/fumes resulting in adverse impacts to adjacent residential uses, unless such impacts are mitigated.

FLU1.4.24 states that Orange County may require appropriate design controls for each industrial district such as, but not limited to, building setbacks, lot size building coverage ratios, impervious surface limitations and landscaping provisions to ensure industrial districts are compatible with surrounding areas.

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.

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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 Vacant

Adjacent	FLUM	Zoning
North	C (Commercial)	C-3 (Wholesale Commercial District) (1963)
South	IND (Industrial)	I-1/I-5 (Industrial District Light) (2017)
East	C (Commercial)	C-3 (Wholesale Commercial District) (1963)
West	C (Commercial)	C-3 (Wholesale Commercial District) (1963)

Adjacent Land Uses N: Vehicle Repair
 E: Vacant Commercial, Self Storage
 W: Warehousing
 S: Vacant

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

Max. Height: 50 ft. (35 within 100 ft. of residential use or district)

Building Setbacks*

Front: 35 ft.
Rear: 25 ft.
Side: 25 ft.

*50 feet required setback when abutting residential zoning.

Intent, Purpose, and Uses

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

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Rezoning # RZ-21-04-025
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- (1) 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 required 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.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below table
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"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

EPD Comments:

This site is included in a Orange County Board of County Commissioners 8/1/2017 approved Resolution #2017-M-27 regarding designating certain land as the Pine Castle Urban Center: ROCC (Redeveloping Orange County Communities) as a "Brownfield Area" for the purpose of environmental remediation, rehabilitation, economic development pursuant to criteria set forth in Section 376.80(2)(a), Florida Statutes.

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If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information. .

Transportation Planning Comments:

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed FLUM to Industrial (I) will result in a decrease of 162 in the number of pm peak trips and therefore will not impact the area roadways.

- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- 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.

Due to the scale of the proposed site, staff may be able to conduct the alternative mobility analysis at the building permit stage.

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 April 12th, 2021. One hundred forty-seven (147) notices were mailed to nearby property owners in a 600ft buffer. One (1) community member was in attendance who expressed no opinion on the proposed changes.

Utilities

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orlando Utilities Commission's Water Service Area.

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

- Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.
- Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered unavailable.

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 15, 2021)

Future Land Use Map Amendment

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

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend 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 APPROVAL of both applications for the requested IND (Industrial) Future Land Use Designation, and the I-1/I-5 (Industrial District Light) zoning. The applicant was present.

Staff indicated that one hundred forty-seven (147) notices were mailed to those property owners in the mailing area extending beyond 600 feet surrounding the property, and that staff received one comment in opposition. During public comments no member of the public was present to speak.

After discussion addressing the proposed use of the property, and compatibility with the surrounding area, a motion was made by Commissioner McQuade, and seconded by Commissioner Spears to recommend ADOPTION of the requested IND (Industrial) Future Land Use designation and APPROVAL of the requested I-1/I-5 (Industrial District Light) zoning designation. The motion carried on a 8-0 vote

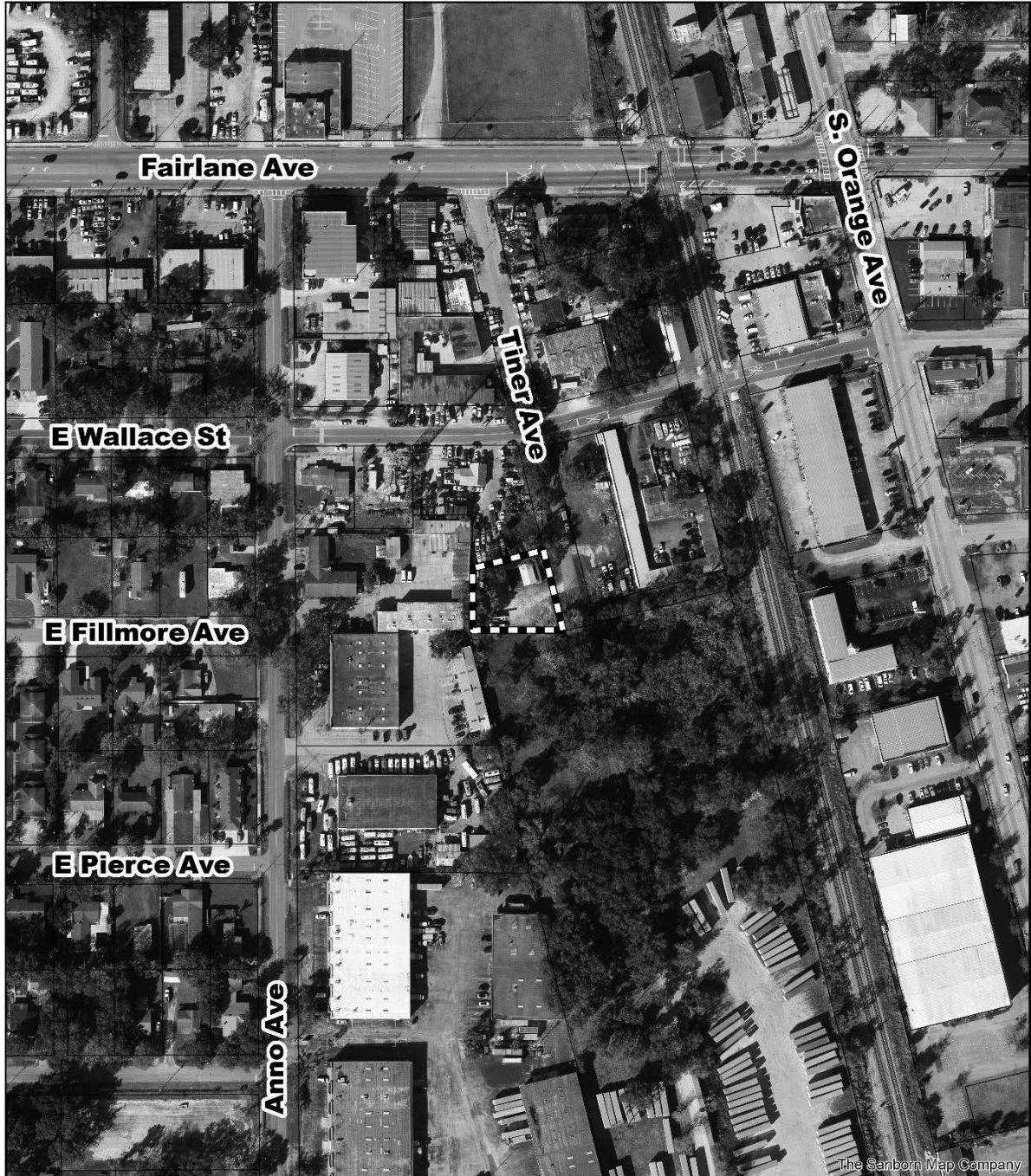
Motion / Second

Gordon Spears / Trevor Sorbo

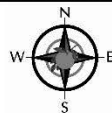
Voting in Favor

Sean McQuade, Carlos Nazario, JaJa Wade, Trevor Sorbo, Evelyn Cardenas, Nelson Pena, Gordon Spears and Mohammed Abdallah.

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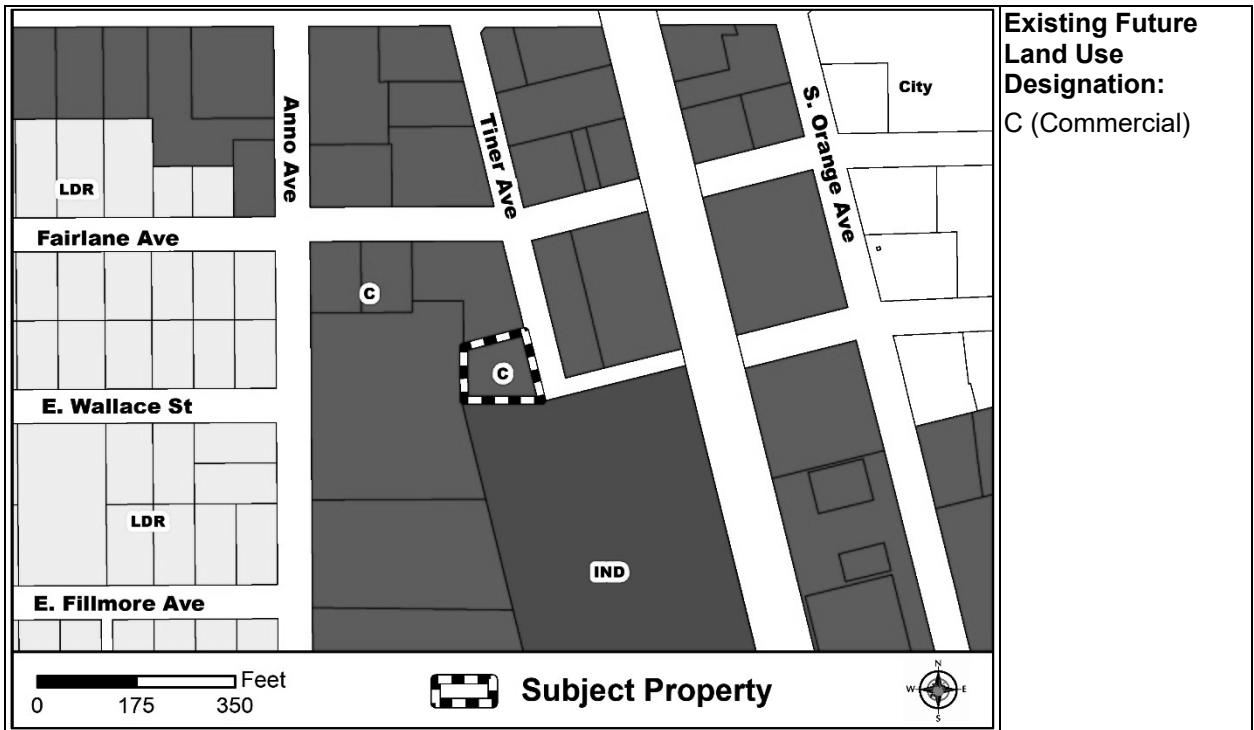


 Subject Property

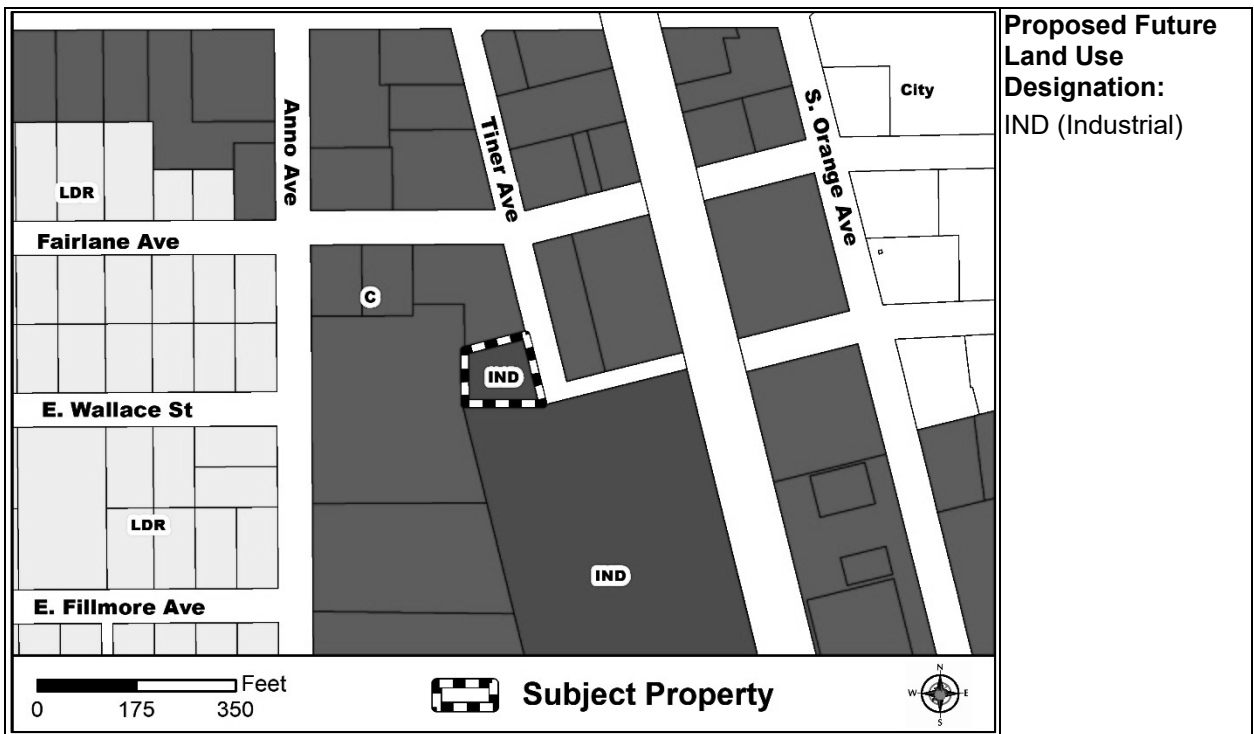


1 inch = 200 feet

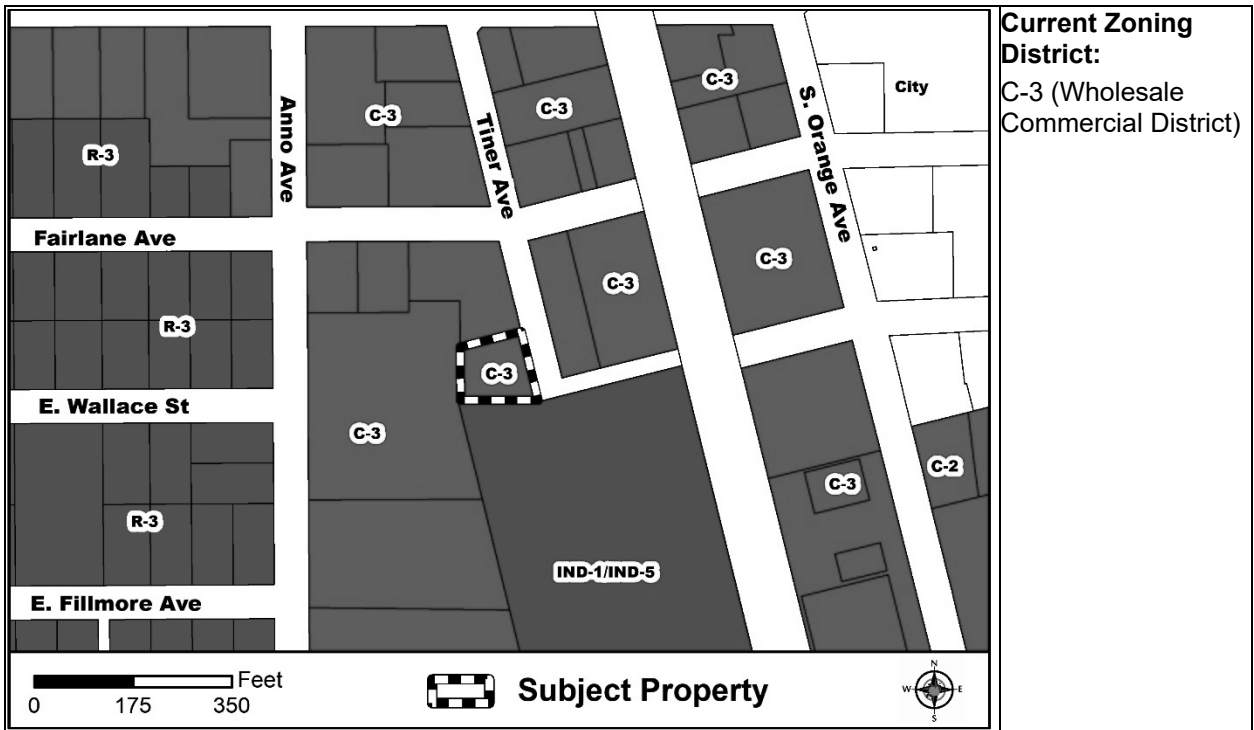
FUTURE LAND USE – CURRENT



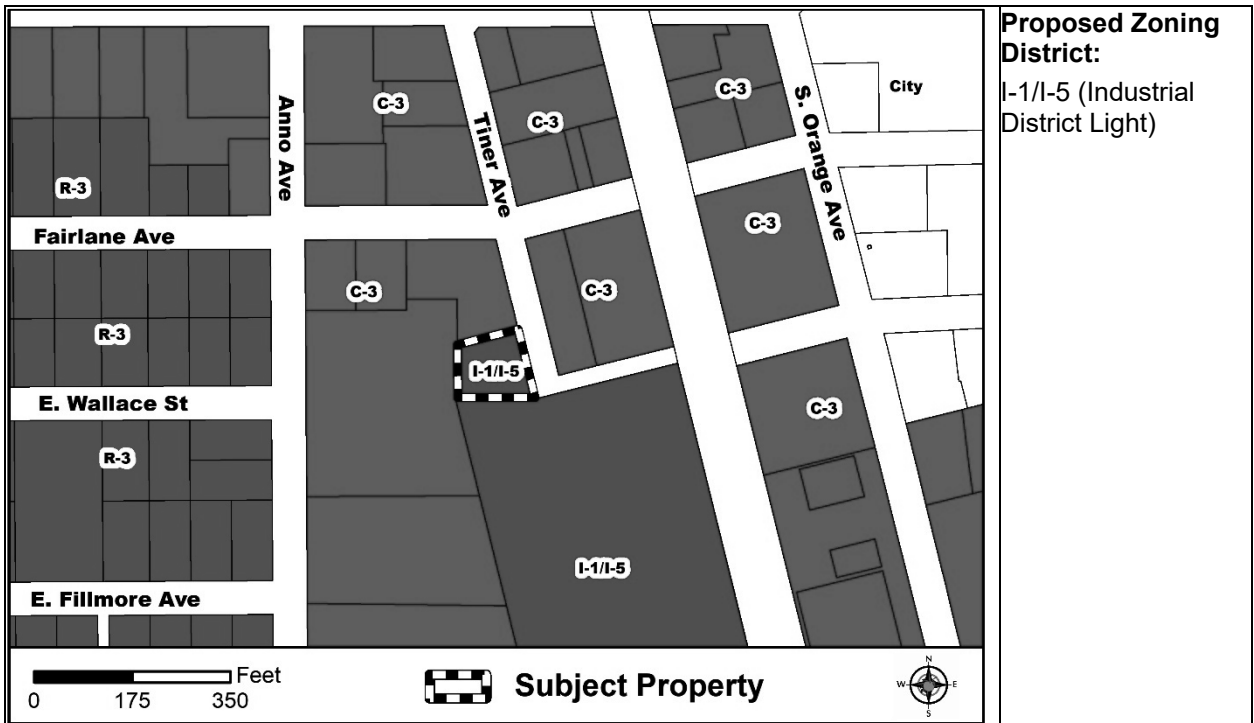
FUTURE LAND USE - PROPOSED



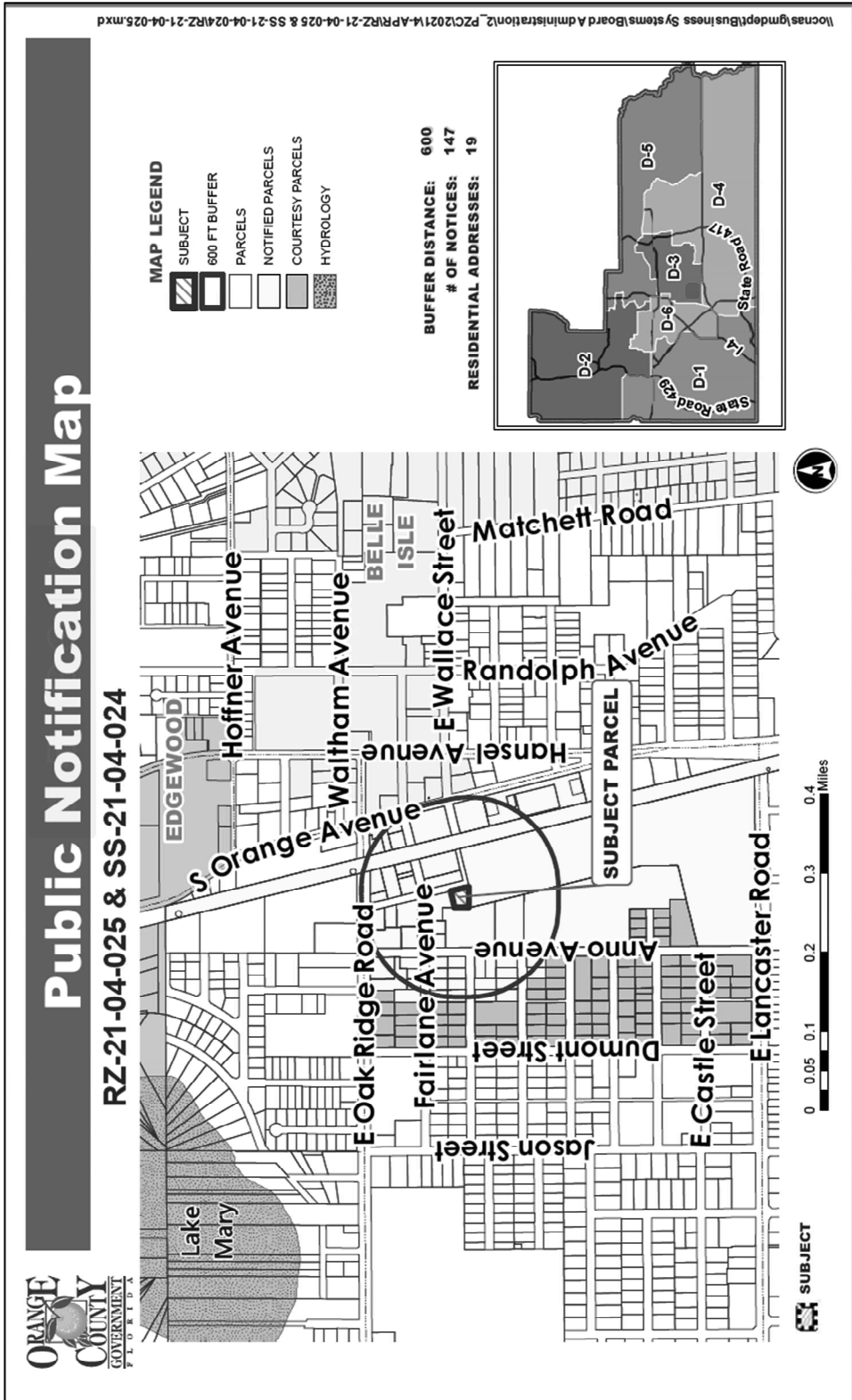
ZONING - CURRENT



ZONING - PROPOSED



Notification Map



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4 **ORDINANCE NO. 2021-_____**
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6 **AN ORDINANCE PERTAINING TO COMPREHENSIVE**
7 **PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING**
8 **THE ORANGE COUNTY COMPREHENSIVE PLAN,**
9 **COMMONLY KNOWN AS THE “2010-2030**
10 **COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING**
11 **SMALL SCALE DEVELOPMENT AMENDMENTS**
12 **PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;**
13 **AND PROVIDING EFFECTIVE DATES.**
14

15 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
16 **ORANGE COUNTY:**

17 ***Section 1. Legislative Findings, Purpose, and Intent.***

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

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

24 c. On June 8, 2021, the Board held a public hearing on the adoption of the proposed
25 amendment, as described in this ordinance, and decided to adopt it.

26 ***Section 2. Authority.*** This ordinance is adopted in compliance with and pursuant to
27 Part II of Chapter 163, Florida Statutes.

28 ***Section 3. Amendments to Future Land Use Map.*** The Comprehensive Plan is
29 hereby amended by amending the Future Land Use Map designation as described at **Appendix**
30 **“A,”** attached hereto and incorporated herein.

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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 8th DAY OF JUNE, 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

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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-21-04-024	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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