



Interoffice Memorandum

DATE: February 17, 2020

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department *JV*

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee *EPR*
Planning Division
(407) 836-5523

SUBJECT: March 10, 2020 – Public Hearing
Planning and Zoning Commission: Board Called Rezoning
Applicant: Ismael Portalatin
Case # RZ-19-12-058 / District 3

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone 1.04 gross acres located at 5350 and 5358 Beatles Lane; or generally south of Hoffner Avenue, east of S. Semoran Boulevard and west of Patch Road, from A-2 (Farmland Rural District) to I-1 / I-5 (Industrial District). The applicant's intent is to allow for an auto dealership with auto repair and outdoor storage of vehicles. On December 19, 2019, the Planning and Zoning Commission recommended approval of the request, subject to restrictions.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the requested I-1/I-5 (Industrial District) zoning, subject to the restrictions listed in the staff report. District 3**

JVW/EPR/ip
Attachment

CASE # RZ-19-12-058

Commission District: #3

GENERAL INFORMATION

APPLICANT	Ismael Portalatin
OWNERS	Portal Developments LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to I-1 / I-5 (Industrial District)
LOCATION	5350 and 5358 Beatles Lane; or generally located south of Hoffner Avenue, east of S. Semoran Boulevard and west of Patch Road
PARCEL ID NUMBER	22-23-30-0000-00-023 and 22-23-30-0000-00-026
TRACT SIZE	1.04 gross-acre
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]. Two hundred seventy-seven (277) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Auto dealership with auto repair and outdoor storage of vehicles

STAFF RECOMMENDATION

PLANNING

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

- 1) New billboards and pole signs shall be prohibited; and
- 2) A Type "B" buffer shall be used to separate industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and

- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses on the property.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is located within an industrial corridor, which is established on the Future Land Use Map (FLUM), extending along the south side of Hoffner Avenue between Semoran Boulevard and S. Goldenrod Road. There are several similar industrial uses surrounding the subject property along this corridor. The parcel to the north was rezoned from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District) in 2000, and is currently operating as an auto dealership and repair shop. The parcel to the south was rezoned from A-2 (Farmland Rural District) to I-2/I-3 (Industrial District) in 2005 and operates as a vehicle storage lot. The parcel to the east was rezoned from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District) in 2019.

Land Use Compatibility

The I-1/I-5 (Industrial 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

	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 checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within “D” and “E” Airport Noise Zones. Any required noise mitigation criteria must be demonstrated at permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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 (Industrial District) zoning is consistent with the Industrial FLUM designation and 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.

FLU1.4.16 states that the Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding

industrial uses. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development. (Added 05/03, Ord. 03-03, Policy 4.1.10-r)

FLU1.4.17 states that Orange County seeks to retain an adequate supply of Industrial during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Lands Analysis and the desire to maintain jobs to housing balance within the County. Industrial requests found to be consistent with the Comprehensive Plan in areas where there are industrial deficits should be supported, provided these locations are found to be compatible and services are available. Further, amendments to DRIs or PDs that have the effect of reducing industrial

FLU1.4.18 states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses – particularly in existing corridors and areas in proximity to Activity Centers – and provide a variety of locations with different transportation accessibility opportunities (such as arterials and highways, airports and railroad). (Added 12/00, Ord. 00-25, Policy 3.2.15)

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.

FLU8.2.11 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

Single-Family Detached Dwelling

- Adjacent Zoning**
- N: I-1/I-5 (Industrial District) (2000)
 - E: I-1/I-5 (Industrial District) (2019)
**New billboards and pole signs shall be prohibited. A Type B buffer shall be used to separate industrial (I-1 / I-5) uses from all residential uses. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements*
 - W: A-2 (Farmland Rural District) (1957)
 - S: I-2/I-3 (Industrial District) (2005)
**Type B buffer, per Chapter 24-5, on the southern property line.*

- Adjacent Land Uses**
- N: Auto Dealership & Repair
 - E: Single-Family Detached Dwellings
 - W: Undeveloped Land
 - S: Vehicle Storage

I-1/I-5 (INDUSTRIAL DISTRICT) 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; woodchipping, 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

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency capacity database dated 10/24/2019, there is one failing segment within the project area, which is Semoran Boulevard from Hoffner Avenue to Pershing Avenue. A traffic study will be required for this project at the time of permitting. This information is dated and subject to change.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting will be held for this request on March 2, 2020 at Shenandoah Elementary School. A summary of that community meeting will be provided at the Board hearing.

Utilities

Water:	Orange County Utilities	A 16-inch watermain is located within the Hoffner Ave. right-of-way
Wastewater:	Orange County Utilities	A 8-inch forcemain is located within Hoffner Ave. right-of-way
Reclaim Water:	Orange County Utilities	Not Currently Available

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 – (December 19, 2019)

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

- 1) New billboards and pole signs shall be prohibited; and
- 2) A Type “B” buffer shall be used to separate industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and
- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses on the property.

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 (Industrial District), subject to three restrictions. The applicant was present and agreed with the staff recommendation.

Staff indicated that 277 notices were mailed to the surrounding property owners within a buffer extending 500 feet from the subject property, with two responses in support of the rezoning and two in opposition. Those in opposition stated concerns related to trucks coming from Beatles Lane through the residential community Conway Manor located on the north. No members of the public were present to speak on this request.

After a brief discussion, a motion was made by Commissioner Cantero and seconded by Commissioner Nazario to recommend approval of the requested I-1 / I-5 (Industrial District) zoning. The motion carried on an 8-0 vote.

Motion / Second	<i>Jose Cantero / Carlos Nazario</i>
Voting in Favor	<i>Jose Cantero, Carlos Nazario, Jimmy Dunn, Diane Velazquez, Yog Melwani, JaJa Wade, Gordon Spears, and Mohammed Abdallah</i>
Voting in Opposition	<i>None</i>
Absent	<i>Eddie Fernandez</i>