



Interoffice Memorandum

DATE: September 9, 2022

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

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

CONTACT PERSON: **Jason H. Sorensen, AICP**
Chief Planner
Orange County Planning Division
(407) 836-5602

SUBJECT: September 27, 2022 – Public Hearing
Planning and Zoning Commission: Board-called Rezoning
Applicant: Bryan Potts, P.E., Tannath Design, Inc.
Case # RZ-22-05-039 / District 4

This is a Board-called rezoning hearing in which the applicant is seeking to rezone 4.73 acres located at 12081 Airport Park Drive from A-2 (Farmland Rural District) to I-1 / I-5 Restricted (Industrial District – Light), with the intent to allow for dual rear-wheel vehicle (semi-truck) parking. An in-person community meeting was held for this request on August 3, 2022, with no attendees.

On May 19, 2022, the Planning and Zoning Commission recommended the approval of the requested I-1 / I-5 Restricted (Industrial District – Light) zoning, subject to three 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 I-1 / I-5 Restricted (Industrial District - Light) zoning, subject to the restrictions listed in the staff report.
District 4

JVW/JHS/NP
Attachment

CASE # RZ-22-05-039

Commission District: #4

GENERAL INFORMATION

APPLICANT	Mr. Bryan Potts, P.E., Tannath Design, Inc.
OWNERS	SR 11699 Airport Park Drive, LLC 11699 Airport Park Drive Trust, LLC
HEARING TYPE	Rezoning – Board Called Hearing
REQUEST	A-2 (Farmland Rural District) to I-1 / I-5 Restricted (Industrial District - Light)
LOCATION	12081 Airport Park Drive; generally located north of E. Wetherbee Road and east of Airport Park Drive.
PARCEL ID NUMBER	17-24-30-0000-00-011
TRACT SIZE	4.73-gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. one hundred seventy-nine (179) notices were mailed to those property owners and residents in the surrounding area. A community meeting was held on August 3, 2022, with no attendees.
PROPOSED USE	Dual Rear Wheel Vehicle (Semi-Truck) Parking

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 restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) A masonry wall measuring six (6) feet in height, and a Type B Buffer measuring 25 feet in width shall be constructed along the western property boundary; 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 I-1/I-5 uses.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant's intent is to rezone the subject property from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District - Light) to extend the existing truck parking use located on the east adjacent parent parcel (17-24-30-0000-00-016) onto the subject site. The site is currently developed with a structure that is proposed to be demolished.

The subject property's Industrial Future Land Use designation is inconsistent with the current A-2 zoning classification on the site. Through this request, the proposed I-1 / I-5 (Industrial District-Light) zoning district will correct the inconsistency.

Based on the concept plan provided by the applicant no access is proposed from the west property line on Airport Park Drive to the subject property. The existing access point is located on the north property line of the parent parcel.

The immediate area can be categorized as being developed with I-1/I-5 zoning along Boggy Creek Road and Airport Park Drive. The adjacent property to the north is zoned as Restricted I-1/I-5, it was approved in 2006, with a standard condition of "new billboards or pole signs shall be prohibited". A Development Plan for the adjacent parcel to the south of the subject property (Orlando Airport Park PD) is for a truck storage and leasing facility. The property located across Airport Park Drive to the west is designated as a Planned Development for a 3-story Multi-Family development. Staff recommends a condition for a wall and vegetation buffer to be located along the west property line of the subject property to establish compatibility with the 3-story Multi-Family development.

Land Use Compatibility

The 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

	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"/>	This Subject property is located within Airport Noise Zone "C" and "D". Any required noise mitigation will be required 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 - Light) zoning is consistent with

the Industrial 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.

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.

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 Residence
Adjacent Zoning	N: I-1/I-5 Restricted (Industrial District - Light) (2007)
	E: I-1/I-5 (Industrial District - Light) (1988)
	W: Planned Development (Harness Acres PD) (2007)

S: Planned Development (Orlando Airport Park PD) (2009)

Adjacent Land Uses

N: Industrial use
E: Industrial use
W: Multi-Family apartments
S: Industrial use

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 ft 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:

- (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.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the Concurrency Management database (CMS) dated 3/1/2022, there is a failing roadway segment within the project's impact area. This information is dated and subject to change. A traffic study may be required prior to building permit approval.

***Wells & Septic** - Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

Solid Waste - 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

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Section-250 Open Drainage Facilities, Subsection (g). This may require periodic street sweeping.

Demolition - 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. Reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Section 108 Notification procedure and requirements, Subsection A(1)

Habitat - 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).

Community Meeting Summary

A community meeting for this request was held on August 3, 2022, with no attendees.

Utilities

Water: OUC

Waste Water: 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 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 – (May 19, 2022)

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 restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) A masonry wall measuring six (6) feet in height, and a Type B Buffer measuring 25 feet in width shall be constructed along the western property boundary; 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 I-1/I-5 uses.

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 three (3) restrictions. The Applicant was present and agreed with the staff recommendation. No member of the public appeared in favor or in opposition during public comment of the request. Commissioner Abdallah had a question for staff regarding the restriction for a six (6) foot high masonry wall, which staff explained that the wall is necessary due to the multi-family development to the west of the subject property. There was no further discussion for this case.

Staff indicated that one hundred seventy-nine (179) notices were sent to property owners and residents extending beyond 1,500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

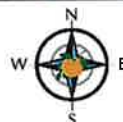
A motion was made by Commissioner Pena, and seconded by Commissioner Abdallah to recommend APPROVAL of the requested I-1/I-5 Restricted (Industrial District - Light). The motion carried 5 - 0.

Motion / Second	<i>Nelson Pena / Mohammed Abdallah</i>
Voting in Favor	<i>George Wiggins, Mohammed Abdallah, Evelyn Cardenas, Eddie Fernandez, and Nelson Pena</i>
Voting in Opposition	<i>None</i>
Absent	<i>JaJa Wade, Trevor Sorbo, Gordon Spears, Walter Pavon</i>

RZ-22-05-039



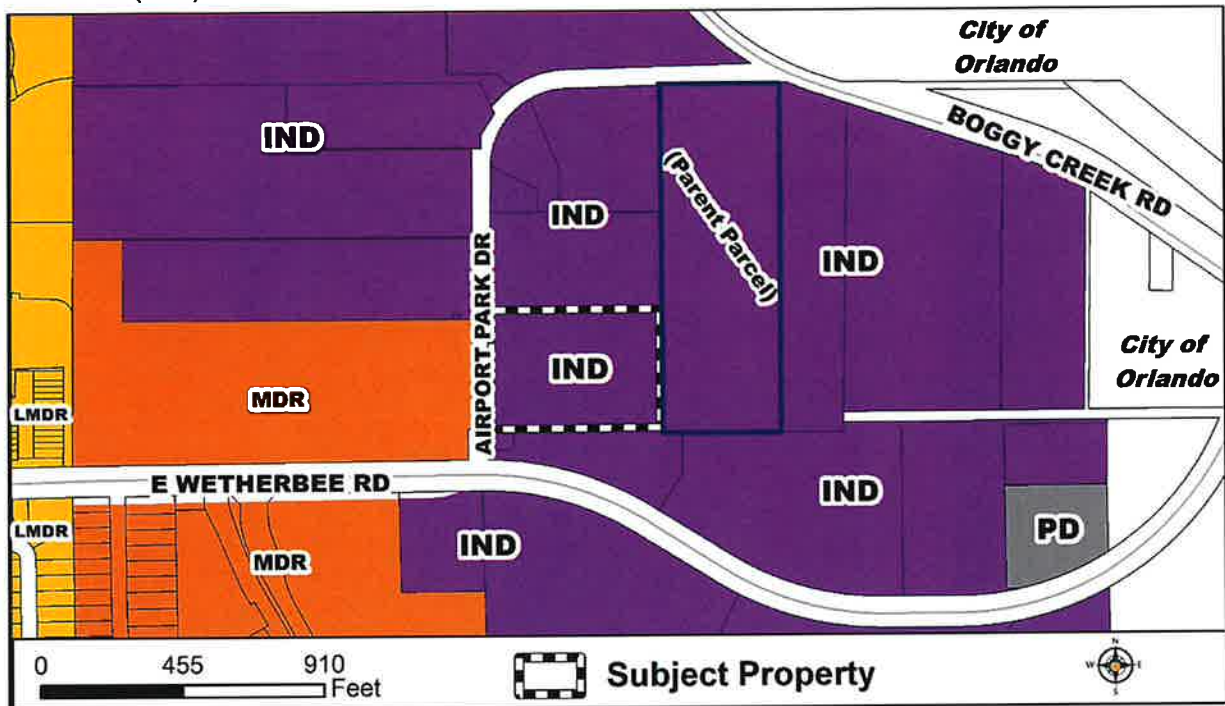
 Subject Property



1 inch = 330 feet

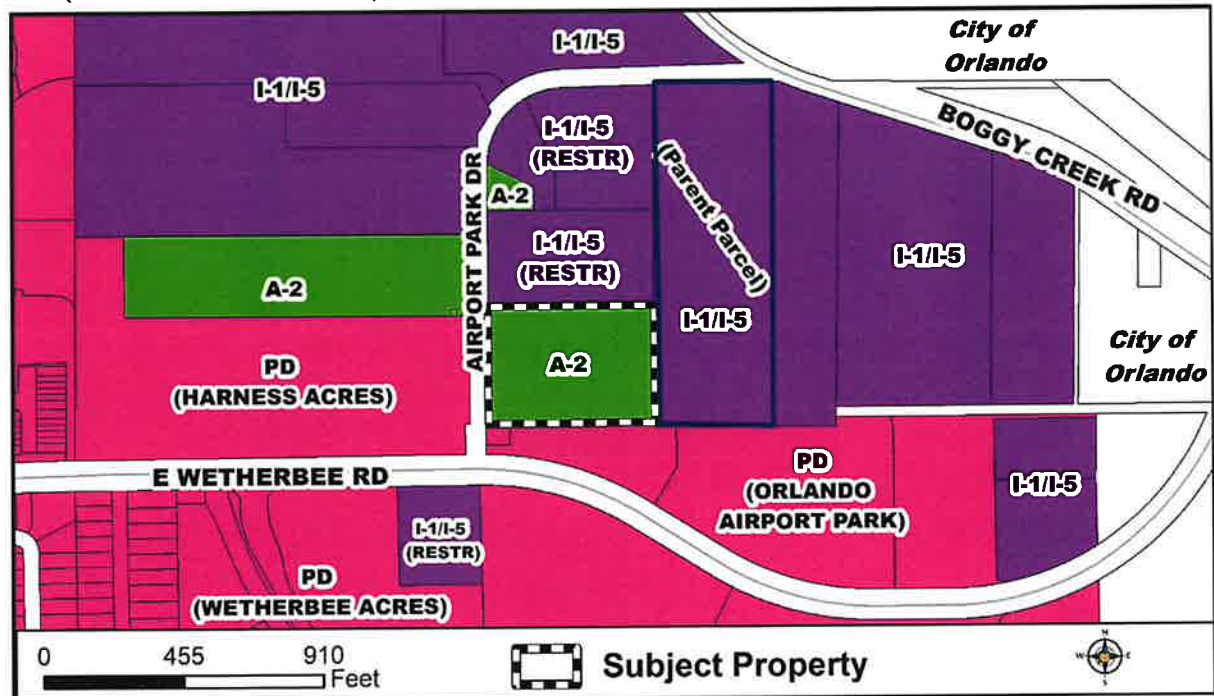
FUTURE LAND USE - CURRENT

Industrial (IND)



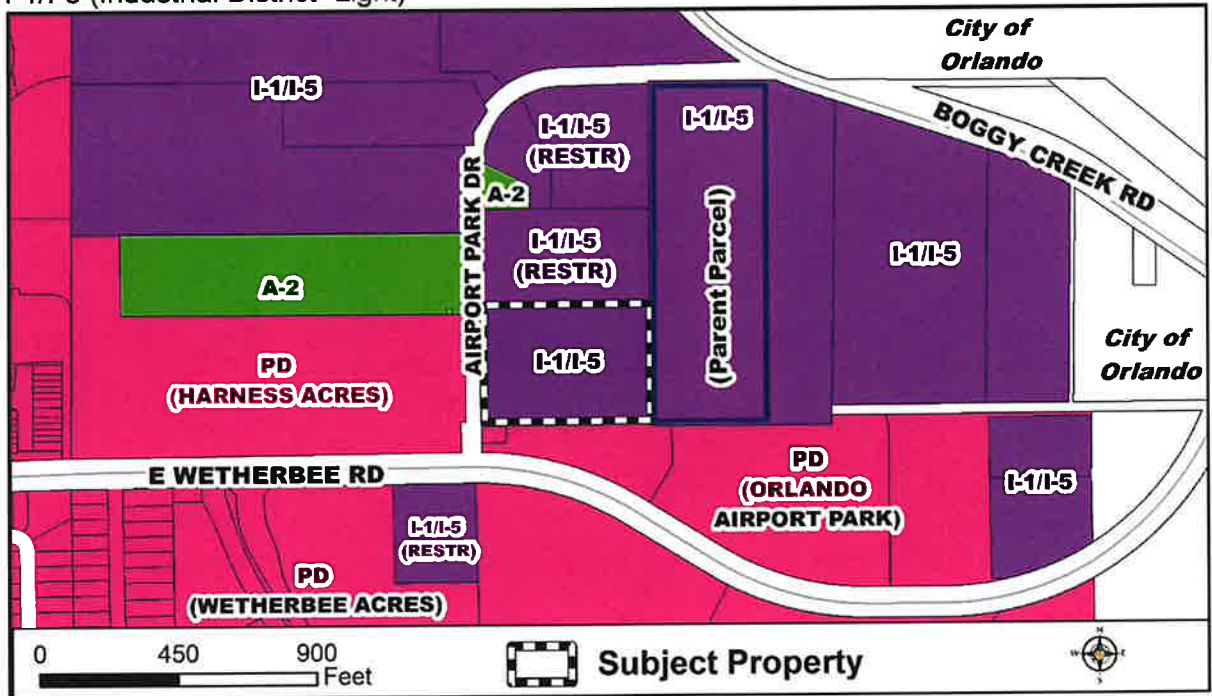
ZONING – CURRENT

A-2 (Farmland Rural District)

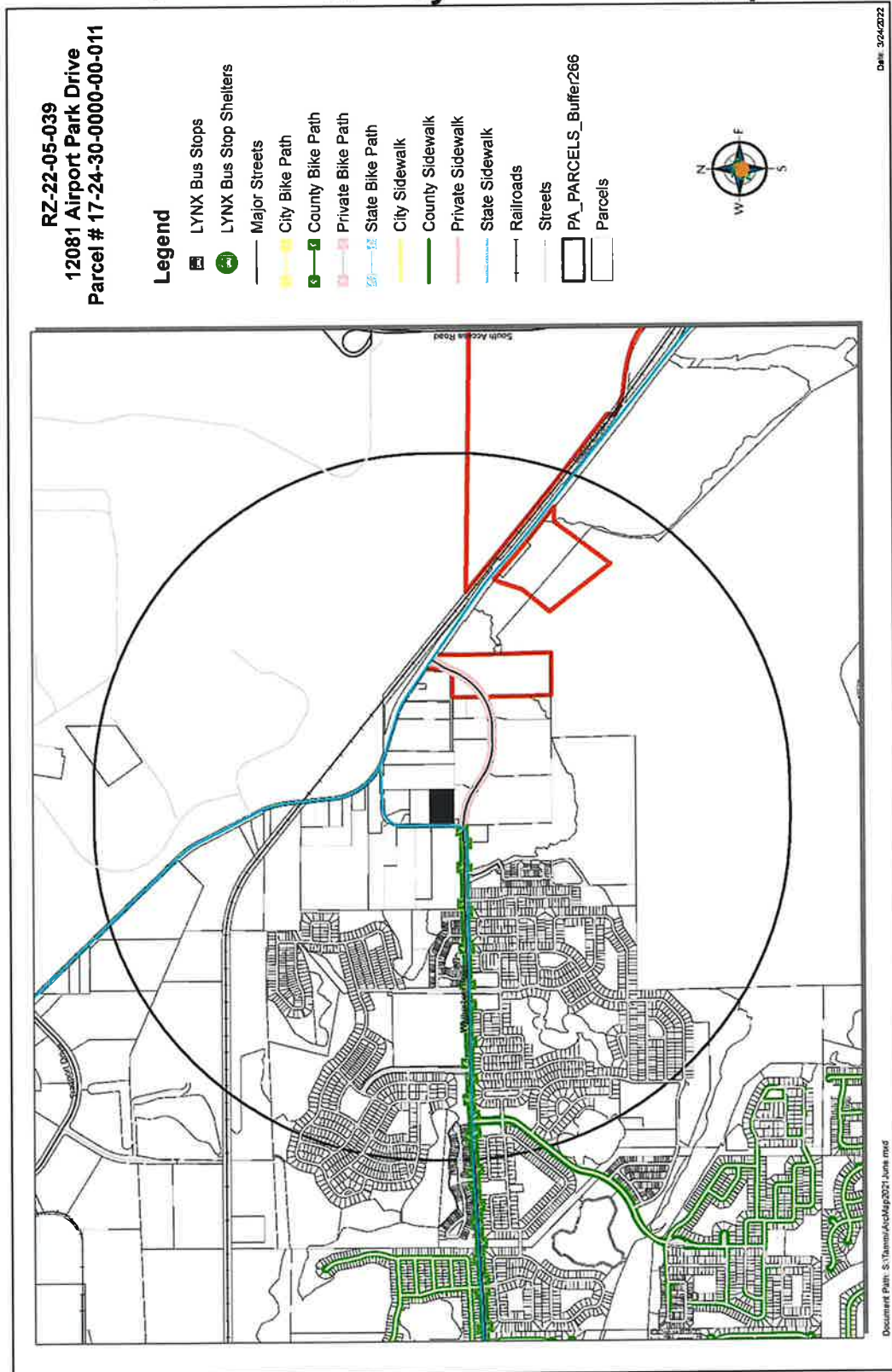


ZONING – PROPOSED

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



Alternative Mobilty Area Context Map





*Planning and Zoning
Commission /
Local Planning Agency
(PZC/LPA)*

*Chairman:
Nelson Pena
At-Large*

*Vice-Chairman:
Trevor Sorbo
District 1*

*Commissioners:
George Wiggins
District 2*

*Eddie Fernandez
District 3*

*Walter Pavon
District 4*

*J. Gordon Spears
District 5*

*JaJa Wade
District 6*

*Mohammed Abdallah
At-Large*

*Evelyn Cardenas
At-Large*

DATE: September 8, 2022

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

FROM: Nelson Pena, Chairman

SUBJECT: Case RZ-22-05-039 PZC/LPA Hearing Summary

At the May 19, 2022 Planning and Zoning Commission / Local Planning Agency (Commission) hearing, the applicant's request to rezone the subject property for Case RZ-22-05-039 from A-2 to I-1 / I-5 Restricted was reviewed.

The applicant was present for the hearing and agreed with the staff recommendation of approval. No members of the public appeared in favor or in opposition during public comment of the request.

After a brief discussion regarding the staff proposed restriction requiring a wall on the western property boundary to which staff stated that it is was due to the multi-family residential across the street to the west, a motion was made by Commissioner Pena, and seconded by Commissioner Abdallah, to recommend APPROVAL of the requested I-1 / I-5 Restricted (Industrial District - Light) zoning subject to three restrictions. The motion carried on a 5 to 0 vote.

NP/JHS

Notification Map

