



Interoffice Memorandum

DATE: September 15, 2021

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

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

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

SUBJECT: September 28, 2021 – Public Hearing
Planning and Zoning Commission: Board-called Rezoning
Applicant: Randy Turbin
Case # RZ-21-07-045 / District 5

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone a 0.234-gross acre property located at 7328 Aloma Avenue from I-1A (Restricted Industrial District) to I-1 / I-5 Restricted (Industrial District - Light). The applicant's intent is to operate a landscaping business and nursery on the property. A community meeting was not required for this request.

On July 23, 2021, the Planning and Zoning Commission recommended approval of the 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 requested I-1 / I-5 Restricted (Industrial District - Light) zoning, subject to the restrictions listed in the staff report. District 5

JVW/EPR/JHS
Attachment

GENERAL INFORMATION

APPLICANT	Randy Turbin
OWNERS	7328 Aloma, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	I-1A (Restricted Industrial District) to I-1 / I-5 Restricted (Industrial District - Light)
LOCATION	7328 Aloma Ave; generally south of Aloma Avenue, west of Palmetto Avenue and north of Omega Street
PARCEL ID NUMBER	02-22-30-8368-08-010
TRACT SIZE	0.234-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]. One hundred sixty-nine (169) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Landscaping Business / Nursery

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) 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; and
- 3) Only outdoor storage and display of products associated with a nursery or landscaping business shall be permitted. All other outdoor storage or display shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is currently zoned I-1A (Restricted Industrial District) and is currently used for a landscaping business and commercial nursery with outdoor plants. There is a Code Enforcement violation for operation of such uses without a Use Permit. A rezoning is required in order for the Zoning Division to approve both uses.

In 2018, the Zoning Division approved a Business Tax Receipt (BTR) in error for a landscaping business, which isn't allowed in the I-1A zoning district. Zoning rescinded the approval by voiding the BTR permit in the system, but the applicant was not notified and kept paying their BTR renewal on an annual basis. A rezoning to the I-1/ I-5 Restricted (Industrial District - Light) zoning district would allow the owner / applicant to apply for a Use Permit to resolve the outstanding code violation related to the use of the site.

The area surrounding the subject property primarily consists of commercial and industrial uses. The rezoning request is compatible with the surrounding area.

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

	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 checked="" type="checkbox"/>	<input type="checkbox"/>	Fence and an automatic gate installed on the property with no permits. No Use Permit.

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 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.

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

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	Landscaping Business / Nursery
Adjacent Zoning	N: C-1 (Retail Commercial District) (1957) E: C-1 (Retail Commercial District) (1957) W: I-1 / I-5 (Industrial District) (2004) S: C-3 (Wholesale Commercial District) (1965) *No restrictions apply to the above zoning districts
Adjacent Land Uses	N: Office E: Retail W: Warehouse S: Office

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

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

Building Setbacks

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

Intent, Purpose, and Uses

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, to provide space for those industries which required locations accessible to major transportation facilities, to establish and maintain standards which will protect adjacent residential and commercial developments, to provide space for those industries and other uses of land which require a location in close proximity to airports, to provide locations for those industries which employ the processing of bulk material and which require space for open storage of materials, to allow industrial uses where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations, to establish and maintain standards which promote development of a wide variety of industrial and related activities.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: City of Winter Park

Available

Wastewater: City of Winter Park

On septic – Wastewater lines are available; connection would require extension to a forcemain and installation of a pump station. The requirement to connect will be determined at the time of permitting.

Reclaim Water: Orange County Utilities

Not 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 – (July 23, 2021)

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) 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; and
- 3) Only outdoor storage and display of products associated with a nursery or landscaping business shall be permitted. All other outdoor storage or display 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. The applicant was present and agreed with the staff recommendation subject to three restrictions. No members of the public appeared in favor or in opposition during public comment of the request.

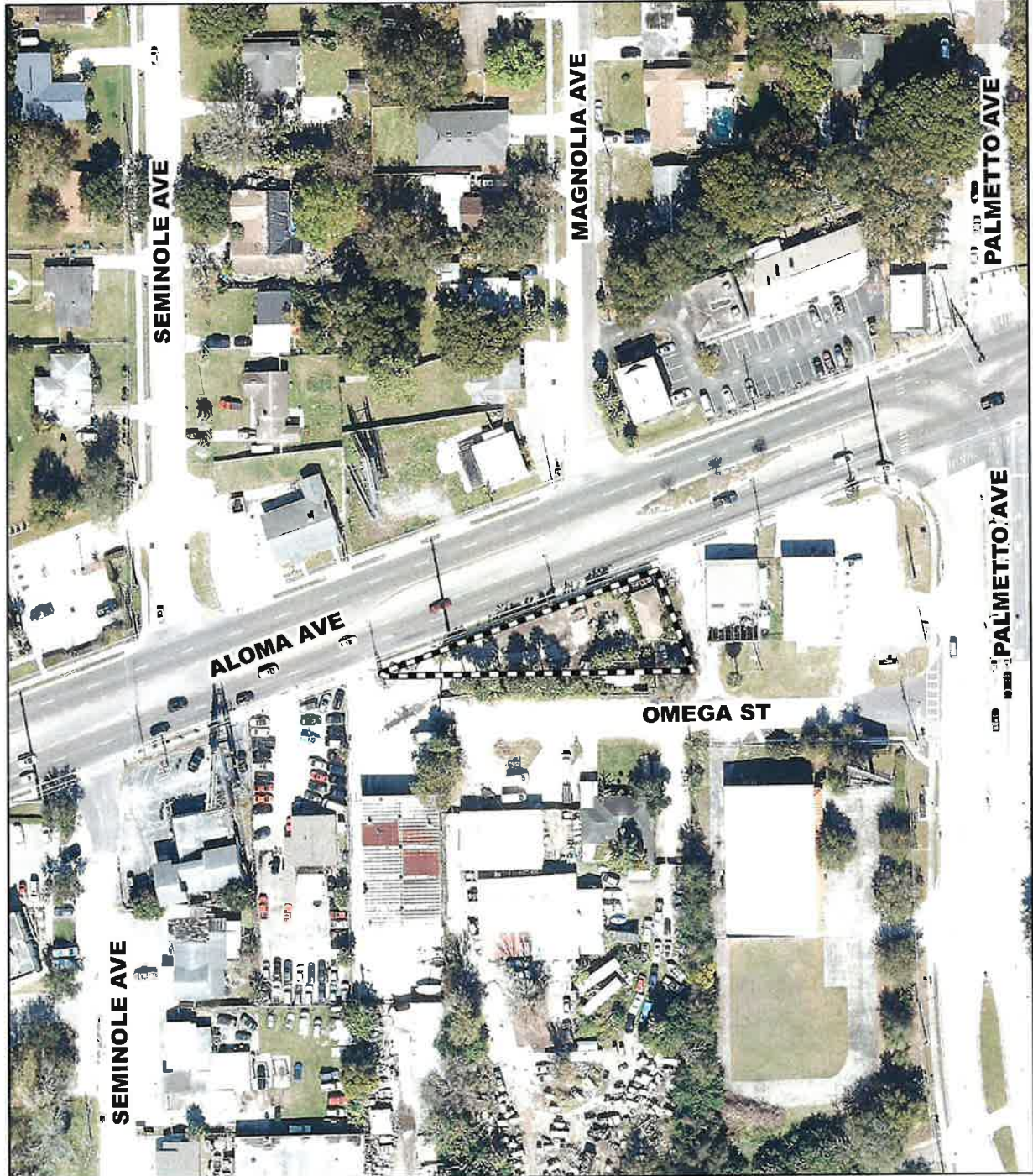
Staff indicated that one hundred sixty-nine (169) notices were sent to property owners within 800 feet surrounding the subject property, and that staff had received zero (0) responses in favor and one (1) response in opposition of the request.

After a brief discussion on Code Enforcement violation that lead to removal of a fence, a motion was made by Commissioner Spears, and seconded by Commissioner Sorbo, to

recommend APPROVAL of the requested I-1 / I-5 Restricted (Industrial District - Light) zoning subject to three restrictions. The motion carried unanimously.

Motion / Second*Gordon Spears / Trevor Sorbo***Voting in Favor***Gordon Spears, Trevor Sorbo, JaJa Wade, Evelyn Cardenas, Sean McQuade, Mohammed Abdallah, and Eddie Fernandez***Voting in Oppostion***None***Absent***Nelson Pena*

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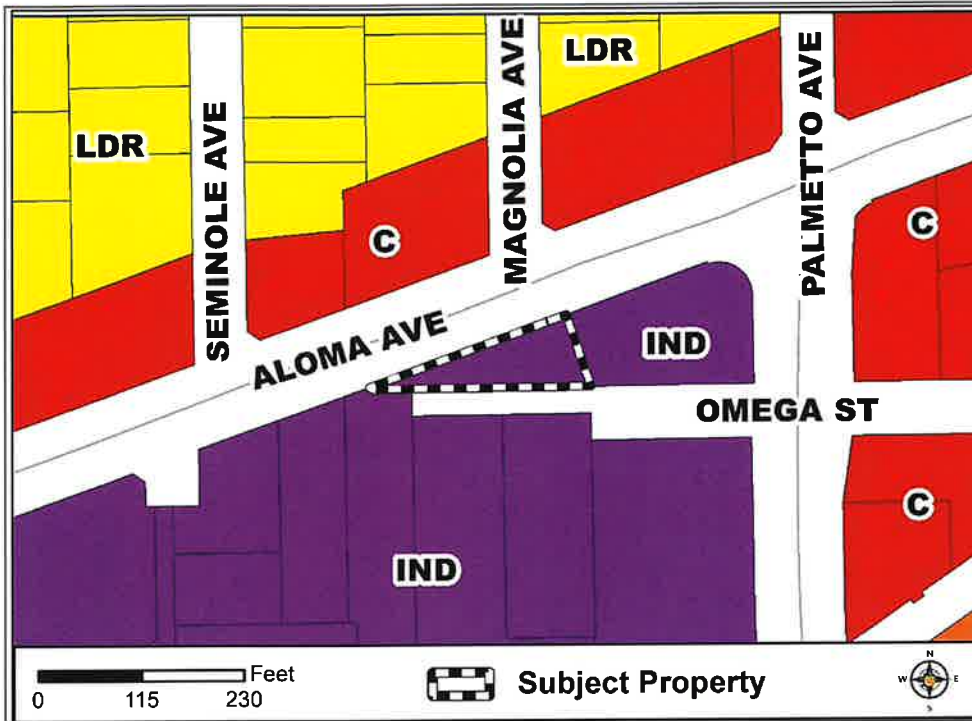


 Subject Property



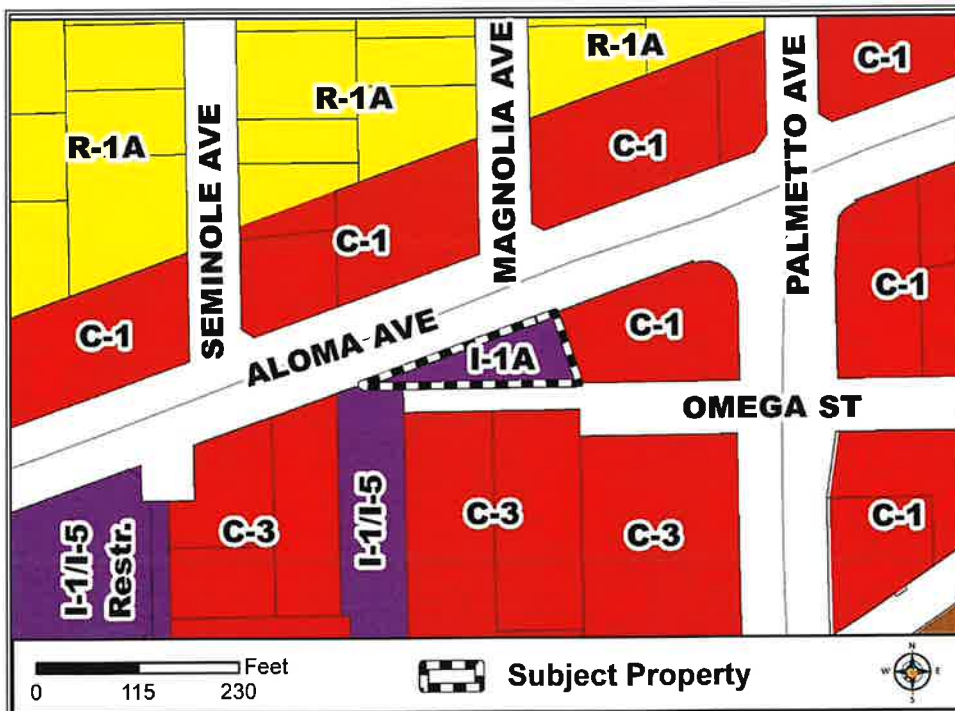
1 inch = 104 feet

FUTURE LAND USE – CURRENT



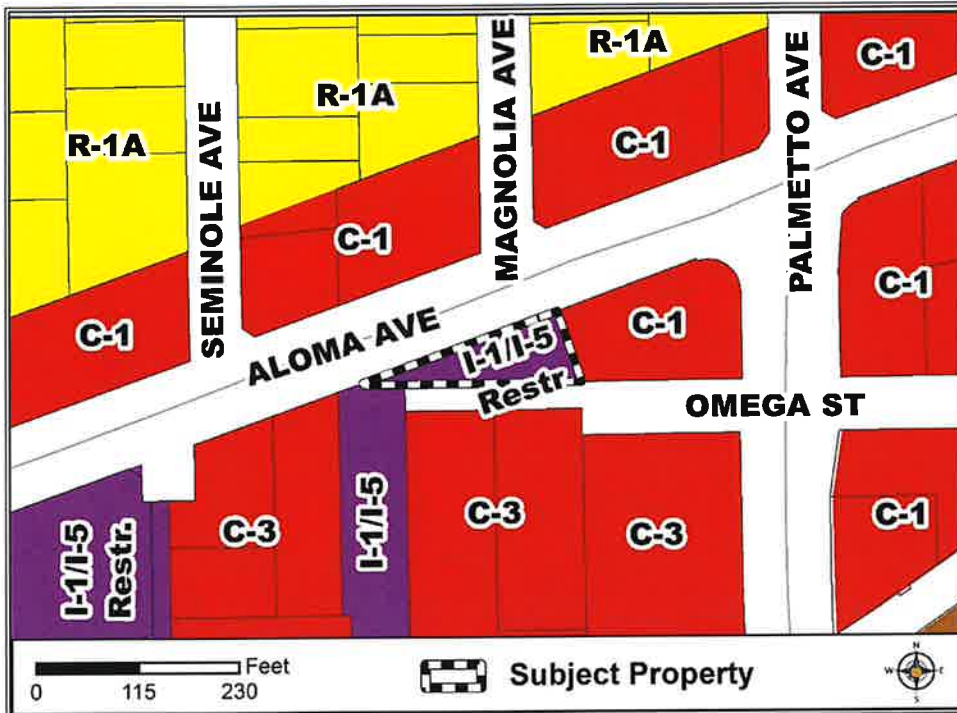
Future Land Use Designation:
IND (Industrial)

ZONING - CURRENT



Current Zoning District:
I-1A (Restricted Industrial District)

ZONING - PROPOSED



Proposed Zoning District:

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

Notification Map

