




Interoffice Memorandum

DATE: October 1, 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: October 29, 2024, Board-Called Rezoning Request  
Applicant: Kendell Keith  
Case number: RZ-24-07-045  
District 5

Please find the attached staff report for the Board-Called Rezoning request scheduled for a Board adoption public hearing on October 29, 2024.

The subject property is located at 16870 Old Cheney Hwy., generally located south of Old Cheney Hwy, west of River Falcons Way, north of East River High school, with a Future Land Use Map designation of Commercial (C) and a zoning of C-1 (Retail Commercial District). The request is to rezone from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) to allow C-2 uses limited for RV and boat parking. A rezoning is required since the current C-1 zoning does not permit outdoor storage.

A community meeting was held on July 23, 2024, at Corner Lake Middle School with eight residents in attendance. The residents had two major concerns regarding too much outside storage existing in the Rural Settlement and that the proposed use of RV and boat parking would be for customers outside of the Rural Settlement.

The Planning and Zoning Commission hearing was held on August 15, 2024, where the request was approved on a vote of 6-1 with Commissioner Wiggins voting for denial. There was discussion regarding the current and proposed use. Commissioners expressed concern regarding the ability of RV's to maneuver through the site. The applicant's site plan was not engineered so it was not a good example of what the parking spaces would look like. Commissioners expressed the desire to limit parking to the west and south portions of the site.

Board-Called Rezoning Request  
RZ-24-07-045  
October 29, 2024  
Page 2

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](mailto:Alberto.Vargas@ocfl.net), or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or [Jason.Sorensen@ocfl.net](mailto:Jason.Sorensen@ocfl.net).

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the requested C-2 Restricted (General Commercial District) zoning subject to two restrictions as listed under PZC Recommendation in the staff report. District 5**

AAV/jhs

**CASE # RZ-24-07-045**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Kendell Keith

**OWNER:** Panafric, LLC

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** C-1 (Retail Commercial District) **to**  
C-2 (General Commercial District)

**LOCATION:** 16870 Old Cheney Hwy., generally located south of Old Cheney Hwy, west of River Falcons Way, north of of East River High school.

**PARCEL ID NUMBER:** 20-22-32-4910-00-030

**SIZE / ACREAGE:** 8.20 gross acres

**PUBLIC NOTIFICATION:** The notification area for this public hearing was greater than 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three thousand one hundred fifty (3,150) notices were mailed to those property owners in the surrounding area.

**COMMUNITY MEETING:** An in-person community meeting was held on July 23, 2024, and is summarized further in this report.

**PROPOSED USE:** RV and Boat Parking (including the existing self-storage business)

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of inconsistency with the Comprehensive Plan and recommend Denial of the requested C-2 (General Commercial District) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property is currently developed with a public storage facility. Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to permit overnight recreational vehicle (RV) and boat parking.

In September 1981, the property consisted of 18.7 acres and was rezoned from A-2 to C-1 restricted to a restaurant and lounge with entertainment. The Board amended the restriction to "Restaurant and lounge only, with entertainment, but no topless entertainment." In December 2001, the restriction was removed to allow all C-1 uses. The northern portion of the property was subdivided and developed with several retail uses such as a drug store, 2 fast food restaurants and a bank. The southern portion (the subject property) stayed vacant until 2023 at which time it was developed with a self-storage facility.

Currently, the subject property consists of 8.20 gross acres and is located within the Bithlo Rural Settlement, outside of Urban Service area. Nearby are the Corner Lake Rural Settlement and the Sunflower Trail Rural Settlement. Rural Settlements were implemented to recognize communities that existed at the time of the 1991 Comprehensive Policy Plan adoption. They were intended to recognize and preserve existing development patterns, to recognize the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

The subject property is north of East River High School and in close proximity to the Chuluota Road and E. Colonial Drive intersection. The property is surrounded on three sides by C-1 zoning and A-2 zoning is to the west. The properties to the north of along E. Colonial and are developed with C-1 uses. The A-2 property to the west is undeveloped. In 2017, a property to the northeast along E. Colonial Drive was approved for C-3 zoning with two restrictions prohibiting new billboards and pole signs, and requiring a site plan prior to the expansion of any existing structures or new site improvements to accommodate C-3 uses.

Per the Comprehensive Policy FLU6.2.11, neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores or professional services that utilize existing structures and small-scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

Staff is recommending denial of this application due to the nature of the business and it's inconsistency with the Policy FLU6.2.11. The intent of Rural Settlements is provide for low intensity, neighborhood serving uses. The proposed storage of RV's and boats would likely be used by others outside of the Rural Settlement. There would be no means by which to regulate parking of RV's and boats to only those living in the Rural Settlement.

#### **Land Use Compatibility**

The C-2 (General Commercial District) zoning would allow for development that is incompatible with the character of the surrounding area and would adversely impact adjacent properties.

#### **Site Analysis**

##### **Rural Settlement**

The subject property is located in the Bithlo 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 Commercial (C). The proposed C-2 (General Commercial District) zoning is consistent with the Commercial (C) FLUM designation, therefore a CP amendment is not necessary. However, the proposed request is inconsistent 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.

**FLU6.2.11** states that neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores or professional services that utilize existing structures and small-scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

**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.

**SITE DATA**

<b>Existing Use</b>	Public Storage Facility
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) 2001 E: C-1 (Retail Commercial District) 1985 W: A-2 (Farmland Rural District) 1957 S: C-1 (Retail Commercial District) 2001
<b>Adjacent Land Uses</b>	N: Retail, fast food restaurant, bank E: Fast food restaurant W: Government Vacant Land S: Pond

**C-2 (General Commercial District) Development Standards**

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.

**Building Setbacks**

Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

**Intent, Purpose, and Uses**

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

## **SPECIAL INFORMATION**

### **Staff Comments**

#### **Environmental**

Conservation Adjacent - This site is located adjacent to Conservation Tract B associated with PB 63 P 18 and recorded conservation easement B 8248 P 2821.

Econ River Ordinance - This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference OC Code Chapter 15, Article XI Econlockhatchee River Protection.

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#### **Transportation / Access**

Based on the Concurrency Management database (CMS) dated 06/17/2024, there are multiple failing roadway segments within the project's impact area. Chuluota Rd, from Colonial Dr to Lake Pickett Rd (1 segment(s)), Colonial Dr (E), and from Lake Pickett Rd to Chuluota Rd (3 segment(s)), are failing. This information is dated and subject to change. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required, concurrency@ocfl.net. A parking study may be required.

#### **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 July 23<sup>rd</sup> at Corner Lake Middle School with an attendance of 8 residents. The residents had two major concerns regarding too much outside storage existing in the Rural Settlement and that the proposed use of RV and boat parking would be for customers outside of the Rural Settlement. The applicant stated that their current customer base for the self-storage is within 1-3 miles. An area of 1-3 miles would include areas outside of the Rural Settlement.

It was discussed whether the proposed use would be allowed in the Rural Settlement given policy language that says the use should be neighborhood serving and neighborhood type commercial uses. Staff stated that there are C-2 and C-3 uses existing in the Rural Settlement and that there is a policy that says development needs to be compatible with the development trend in the area which includes existing C-2 and C-3 uses. However, the policy also states that uses should be neighborhood serving.

**Utilities Service Area (Availability of services may vary)**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas.

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

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 – August 15, 2024**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested C-2 Restricted (General Commercial District) zoning.**

- 1) Development shall be limited to C-1 uses and the C-2 use of RV and boat parking; and
- 2) Parking of RV's and boats shall be limited to the south and west portions of 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 inconsistency with the Comprehensive Plan and recommend Denial of the requested C-2 (General Commercial District) zoning. The applicant was present for the hearing and disagreed with the staff's recommendation. Two speakers were present to speak in apposition during the public comment.

Staff indicated that three thousand one hundred fifty (3,150) notices were sent to the property owners and residents extending beyond 800 feet surrounding the property, and that staff had received three (3) responses in favor and twenty-two (22) responses in opposition of the request. Some opposed residents are concerned that this property is located in a rural settlement which should be protected and if this rezoning gets approved it can happen to other rural settlements. Other residents commented that the intersection of East River Falcons Way and E. Colonial Drive is busy, and the request will not serve the community.

The applicant made a presentation stating that there are no physical changes requested on the property except the stripes placed on existing paved areas, which would make for approximately 75 parking spaces.

There was discussion regarding the current and proposed use. Commissioners expressed concern regarding the ability of RV's to maneuver through the site. The applicant's site plan was not engineered so it was not a good example of what the parking spaces would look like. Commissioners expressed the desire to limit parking to the west and south portions of the site. A motion was made by Commissioner Spears and seconded by Commissioner Evans to recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning with two restrictions. The motion carried on a 6-1 vote.

<b>Motion / Second</b>	<i>Gordon Spears / Camille Evans</i>
<b>Voting in Favor</b>	<i>Gordon Spears, Camille Evans, Michael Arrington, Eric Gray, Eddie Fernandez, and Evelyn Cardenas</i>
<b>Voting in Opposition</b>	<i>George Wiggins</i>
<b>Absent</b>	<i>Nelson Pena and David Boers</i>

RZ-24-07-045



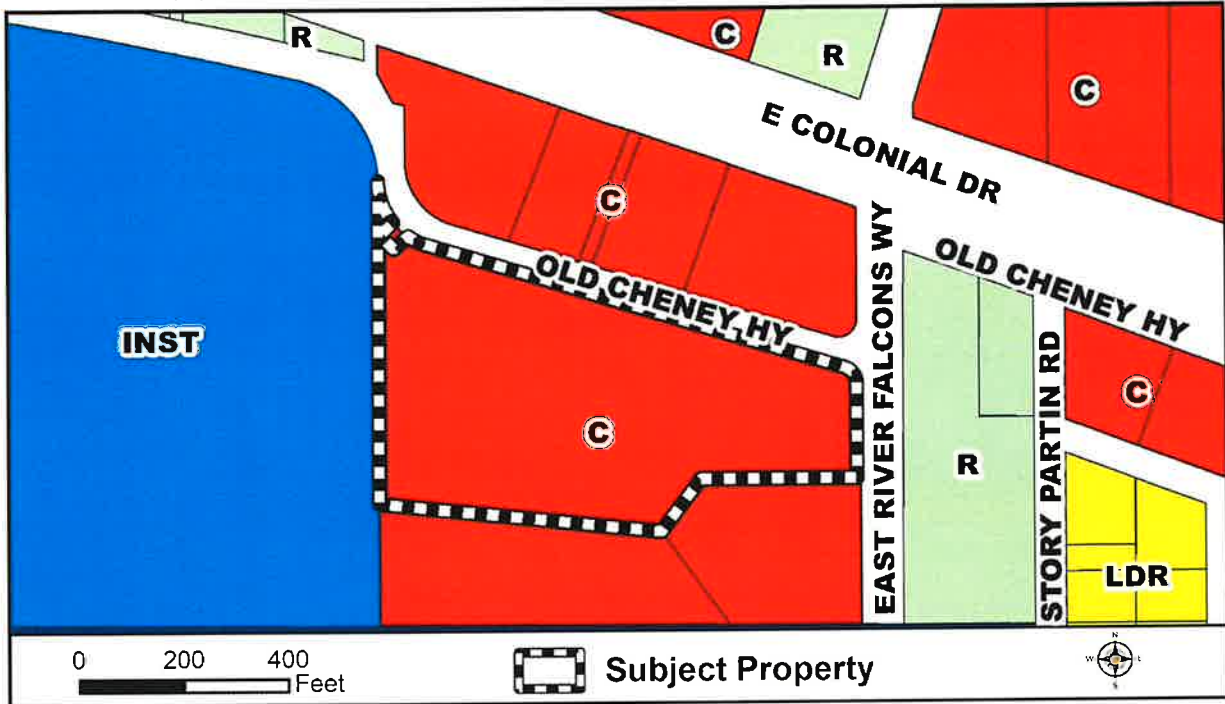
 Subject Property



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Feet

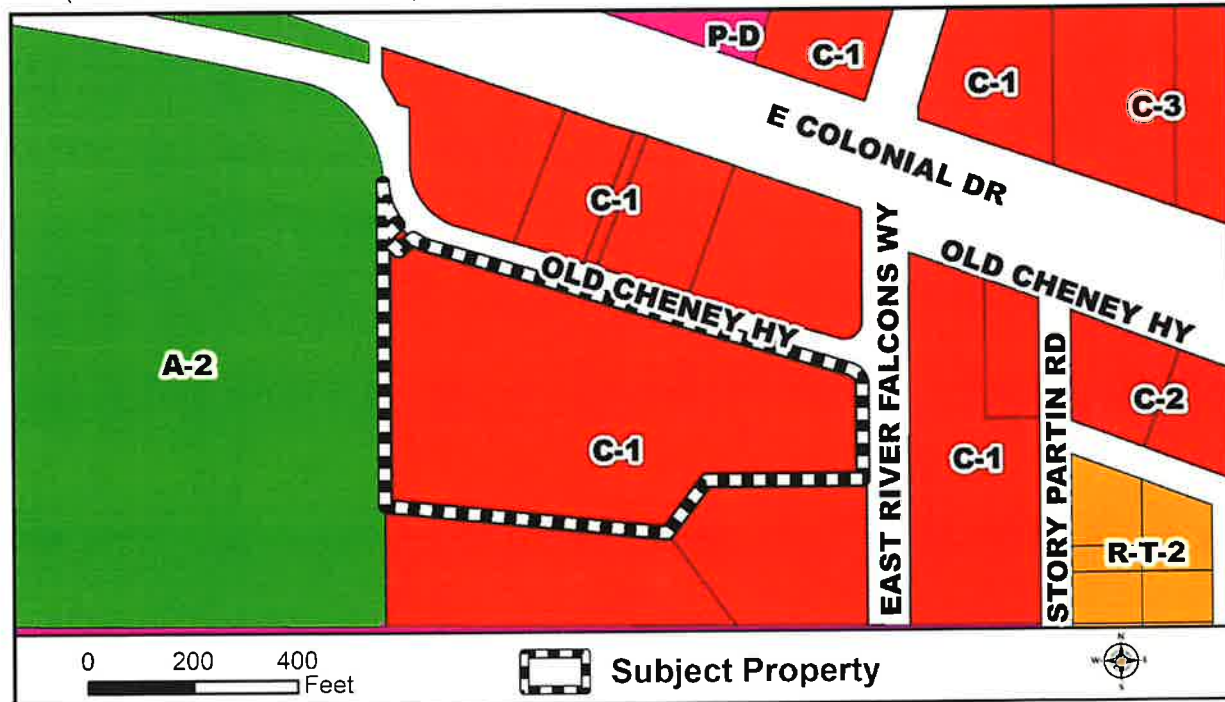
**FUTURE LAND USE – CURRENT**

Commercial (C)



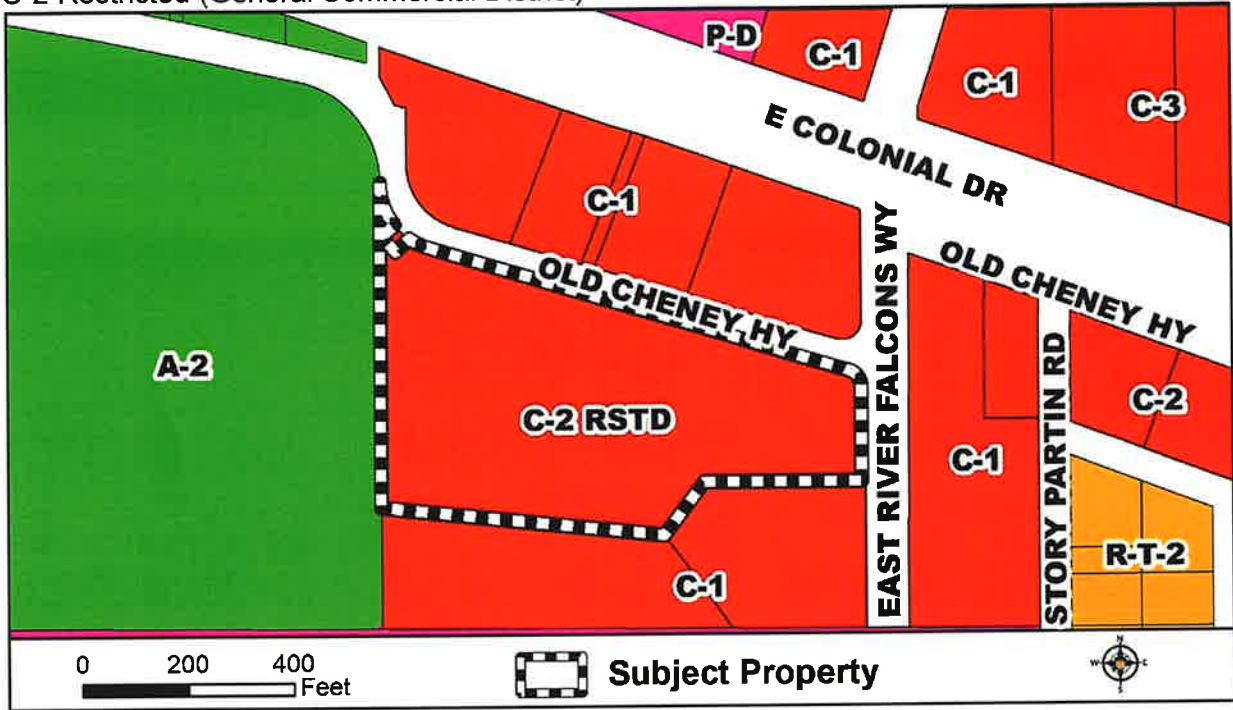
**ZONING – CURRENT**

C-1 (Retail Commercial District)



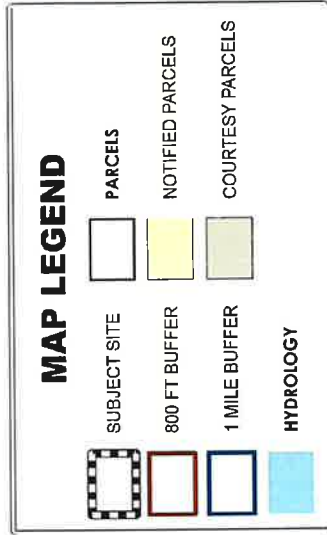
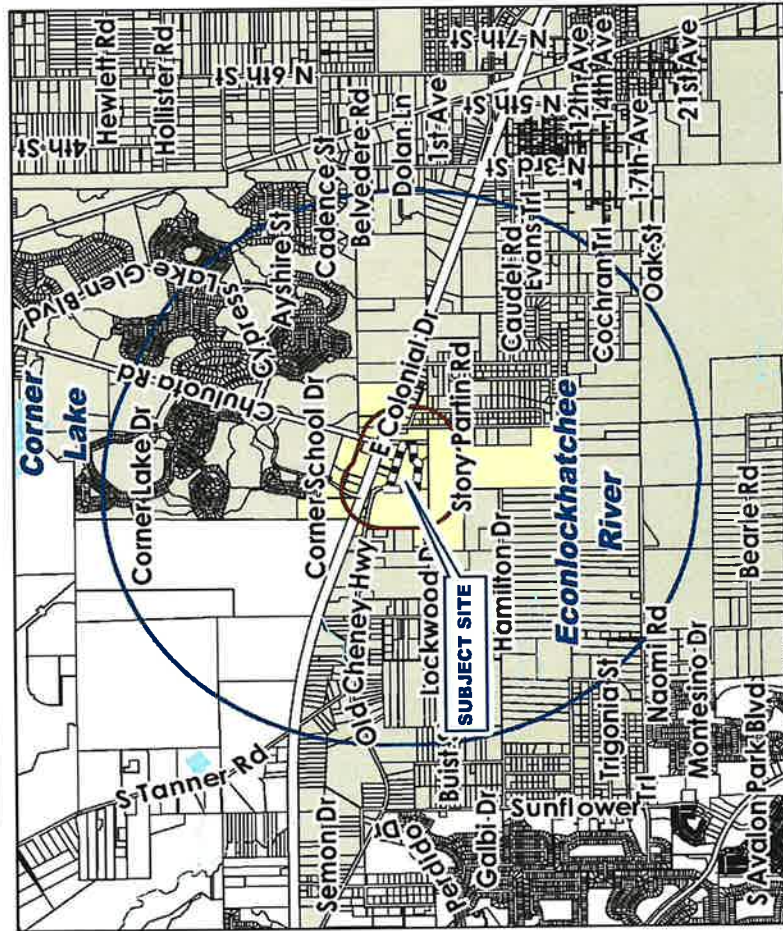
**ZONING – PROPOSED**

C-2 Restricted (General Commercial District)



# Public Notification Map

RZ-24-07-045



**BUFFER DISTANCE:** 800  
**# OF NOTICES:** 3150

