

## Interoffice Memorandum

**DATE:** April 14, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

**CONTACT:** Jim Resta, AICP, Chief Planner

**PHONE:** (407) 836-5624

**DIVISION:** Planning Division

**ACTION REQUESTED:**

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested Commercial (C) Future Land Use. Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) Restricted zoning.

**PROJECT:** Superior Sheds East Orlando Sales Center – SS-25-02-073 & RZ-25-02-073

**PURPOSE:** The subject site consists of 1.3 acres in size generally located south of East Colonial Drive, east of S. Tanner Road, and north of Old Cheney Highway. SS-25-02-073 & RZ-25-02-073 will amend the Future Land Use Map designation from Rural Settlement 1/1 (RS 1/1) to Commercial (C) and change the zoning from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) to allow general commercial uses including outdoor storage and sales of sheds.

A community meeting was held on February 19, 2025 at Castle Creek Elementary School. The applicant and 30 members of the community were in attendance. A quarter of the people in attendance supported the proposed project while a plurality were opposed. Many residents were concerned about traffic, flooding, crime, lighting, heavy trucks, and non-compatibility. Some residents were in favor of the project, stating commercial would be a better land use along East colonial Drive than residential.

This proposal received a recommendation of denial from the P&Z on March 20, 2025.

**BUDGET:** N/A

Case Planner:  
Justin Lee

**Rezoning and Small-Scale Amendment Staff Report**  
**Orange County Planning Division**  
**BCC Hearing Date: April 22, 2025**

**CASE# SS-25-02-073 & RZ-25-02-073**

Commission District: 5

**GENERAL INFORMATION**

|                            |   |
|----------------------------|---|
| <b>APPLICANT</b>           | Carlos Rivero, Diana Almodovar, & Marcos Marchena   |
| <b>OWNERS</b>              | Vansop Trust & Michelle Rivero Family Trust with Carlos Rivero  |
| <b>HEARING TYPE</b>        | Local Planning Agency / Planning & Zoning Commission  |
| <b>FLUM REQUEST</b>        | <b>Rural Settlement 1/1 (RS 1/1) to Commercial (C)</b>  |
| <b>ZONING REQUEST</b>      | <b>C-1 (Retail Commercial District) to C-2 (General Commercial District) Restricted</b>   |
| <b>LOCATION</b>            | 15816 E. Colonial Drive; generally located south of E. Colonial Drive, east of S. Tanner Road, north of Old Cheney Highway  |
| <b>PARCEL ID NUMBER</b>    | 19-22-32-7876-03-060  |
| <b>TRACT SIZE</b>          | 1.38 gross acres  |
| <b>PUBLIC NOTIFICATION</b> | The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-two (82) notices were mailed to those property owners in the mailing area.  |
| <b>COMMUNITY MEETING</b>   | A community meeting was scheduled and held on February 19, 2025. The applicant and 30 members of the public were present. Many were opposed, raising concerns about traffic, crime, lighting, heavy trucks, and non-compatibility. Some residents were in favor of the project, stating commercial would be a better land use along East colonial Drive than residential. |
| <b>PROPOSED USE</b>        | Superior Sheds East Orlando Sales Center.   |

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**STAFF RECOMMENDATION**

**PLANNING**

**Future Land Use Map Amendment**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested Commercial (C) Future Land Use.**

**Rezoning**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is requesting a Small-Scale Future Land Use Map (FLUM) Amendment to change the FLUM designation of the subject property from Rural Settlement 1/1 (RS 1/1) to Commercial (C) to allow for a sale center for sheds.

The subject property is currently undeveloped. This section of East Colonial Drive is predominantly C-1 and A-2 uses.

**Existing FLUM Development Program**

The existing development program would allow for residential development, potentially, at a rate of up to one (1) dwelling units per acre. The existing C-1 zoning district does not allow for sales of sheds.

**Proposed FLUM Development Program**

The proposed Commercial FLU designation would allow for a Floor Area Ratio up to 0.15.

**Land Use Compatibility**

The proposed C-2 Restricted zoning would allow for development that is incompatible with the character of the surrounding area, inconsistent with adjacent uses, and would adversely impact adjacent properties.

**Site Analysis**

|                            | Yes                                 | No                                  | Information        |
|----------------------------|-------------------------------------|-------------------------------------|--------------------|
| Rural Settlement           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Sunflower Trail RS |
| 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 C-2 Restricted zoning is consistent with the proposed Commercial designation. Additionally, 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.

**FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**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.

Additionally, the proposed request is inconsistent with the following Comprehensive Plan provisions:

**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

## Small-Scale Amendment & Rezoning # SS-25-02-073 / RZ-25-02-073

Orange County Planning Division

BCC Hearing Date: April 22, 2025

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.

**FLU6.2.12** states that Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

**FLU6.2.13** states that any proposed use within a Rural Settlement intended for the construction of a structure(s) with a Gross Buildable Area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- A. The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements;
- B. It is determined that the proposed use(s) by size, massing, and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- C. The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement; and
- D. It is not demonstrated that other potential sites were evaluated as being suitable.

### **SITE DATA**

**Existing Use:** Vacant

| Adjacent | FLUM         | Zoning   |
|----------|--------------|--|
| North    | Lake Pickett | PD (Planned Development)                                       |
| South    | RS 1/1       | A-2 (Agricultural District)                                    |
| East     | RS 1/1       | A-2 (Agricultural District) / C-1 (Retail Commercial District) |
| West     | RS 1/1       | A-2 (Agricultural District) / C-1 (Retail Commercial District) |

**Adjacent Land Uses:** N: Vacant  
E: Vacant  
W: Vacant  
S: Residential

### **C-2 [General Commercial] Development Standards**

Min. Lot Area: 8,000 sq. ft. (0.2 acre)  
Min. Lot Width: 80 ft.  
Max. Height: 50 ft. (35 ft. within 100 ft. of a residential use)  
Min. Living Area: N/A

**Small-Scale Amendment & Rezoning # SS-25-02-073 / RZ-25-02-073****Orange County Planning Division****BCC Hearing Date: April 22, 2025****Building Setbacks**

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

**Intent, Purpose, and Uses**

Per Section 38-851 of the Orange County Code, the intent and purpose of the C-2 general commercial district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district will be encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood.

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"/> |                           |

**\*Environmental Comments:**

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.

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations regarding gopher tortoises and all other listed species found on site. Forward any related permits to the Orange County Environmental Protection Division.

WD Required - An Orange County Wetland Determination (WD) is required to determine the developable acreage. EPD has no record of a WD for this site. If a WD has been obtained, or if historical documents are located, then submit a copy to EPD. Otherwise,

submit a new WD application for review by mail or email to [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net). Reference OC Code Chapter 15, Article X Wetland and Surface Water Protection.

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a wetland/surface water, or within an upland buffer, without first obtaining a Natural Resource Impact Permit (NRIP) approved by the County and obtaining other applicable jurisdictional agency permits. Submit a NRIP permit application to Orange County Environmental Protection Division by mail or email to [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net). Reference OC Code Chapter 15, Article X Wetland and Surface Water Protection.

Dust Control - No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc.) and other measures. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 89.1 Air Pollution Prohibited, Subsection B.

**\*Transportation Comments:**

The Applicant is requesting to change ~1.38 acres from RS to C and rezone from C-1 and A-1 to C-2 restricted with outdoor display.

The subject property is located at 15816 E. Colonial Drive. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in an increase of 3 pm peak trips, and therefore, the impact is considered de minimis.

For the purposes of transportation analysis, a project is considered de minimis if its impacts are less than a total p.m. peak of five (5) peak hour trips on the roadways within the area of influence. When evaluating for school concurrency, any residential development that creates an impact of less than one (1) student shall be considered de minimis. The subject property is located on Beta Avenue, west of Avalon Road.

**Community Meeting Summary**

A community meeting was held on February 19<sup>th</sup> at Castle Creek Elementary School. The applicant and 30 members of the community were in attendance. A quarter of the people in attendance supported the proposed project, while many were opposed. Many residents were concerned about traffic, flooding, crime, lighting, heavy trucks, and non-compatibility. Some residents were in favor of the project, stating commercial would be a better land use along East colonial Drive than residential.

**Utilities**

|                  |                         |
|------------------|-------------------------|
| Water:           | Orange County Utilities |
| Wastewater:      | Orange County Utilities |
| Reclaimed Water: | Orange County Utilities |

**Detailed Utility Comments:**

There are comprehensive plan policies that restrict the extension of utilities and utilities service outside the urban service area and into rural settlements. It must be determined if connection to water and wastewater is consistent with Comprehensive Plan Elements WAT1.4.3, WAT1.5.3, and WAT1.6.2.



### **ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation** – (March 20, 2025)

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested Commercial (C) Future Land Use.**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) Restricted 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 inconsistency with the Comprehensive Plan and recommend DO NOT ADOPT of the requested Commercial (C) Future Land Use Designation, and DENIAL of the C-2 Restricted (General Commercial District) zoning. The applicant was present and did not agree with the staff's recommendation. Several residents were present to speak in opposition to the request. After public comments, the PZC members discussed compatibility.

### **Future Land Use Map Amendment**

|                        |   |
|------------------------|---|
| <b>Motion / Second</b> | <i>Holt/Gray</i>                          |
| <b>Voting in Favor</b> | <i>Arrington/Boers/Evans/Pena/Wiggins</i> |
| <b>Opposed</b>         | <i>Fernandez/Cardenas</i>                 |

### **Rezoning**

|                        |   |
|------------------------|---|
| <b>Motion / Second</b> | <i>Holt/Gray</i>                          |
| <b>Voting in Favor</b> | <i>Arrington/Boers/Evans/Pena/Wiggins</i> |
| <b>Opposed</b>         | <i>Fernandez/Cardenas</i>                 |

Aerial View



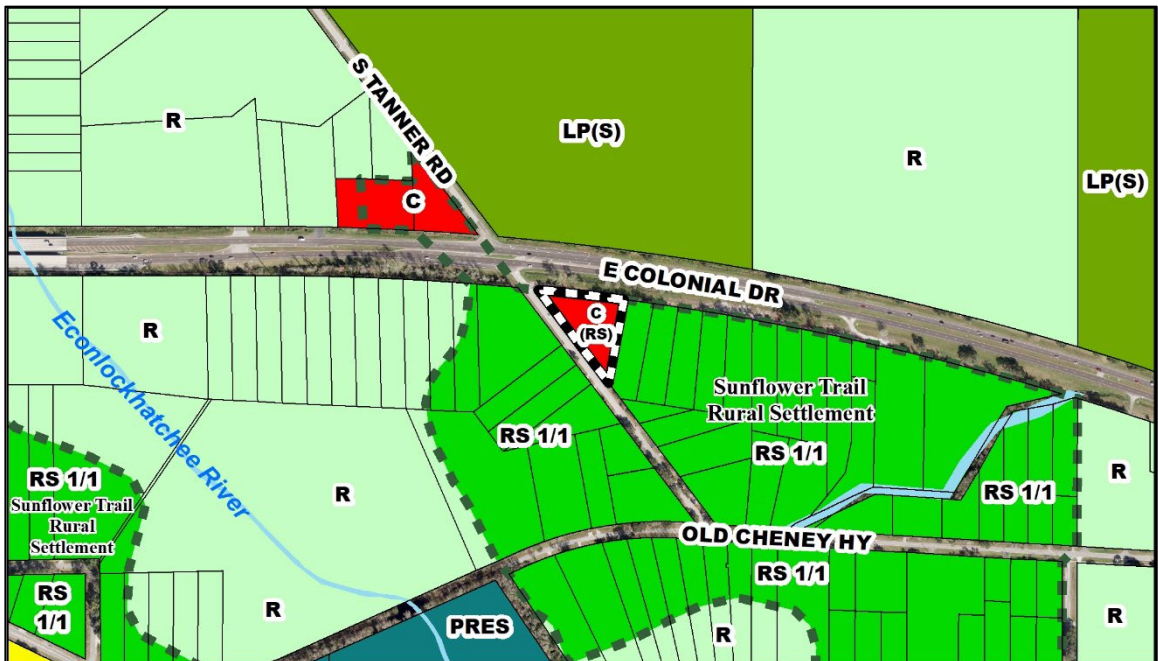
**FUTURE LAND USE - CURRENT**

Rural Settlement 1/1 (RS 1/1)



**FUTURE LAND USE - PROPOSED**

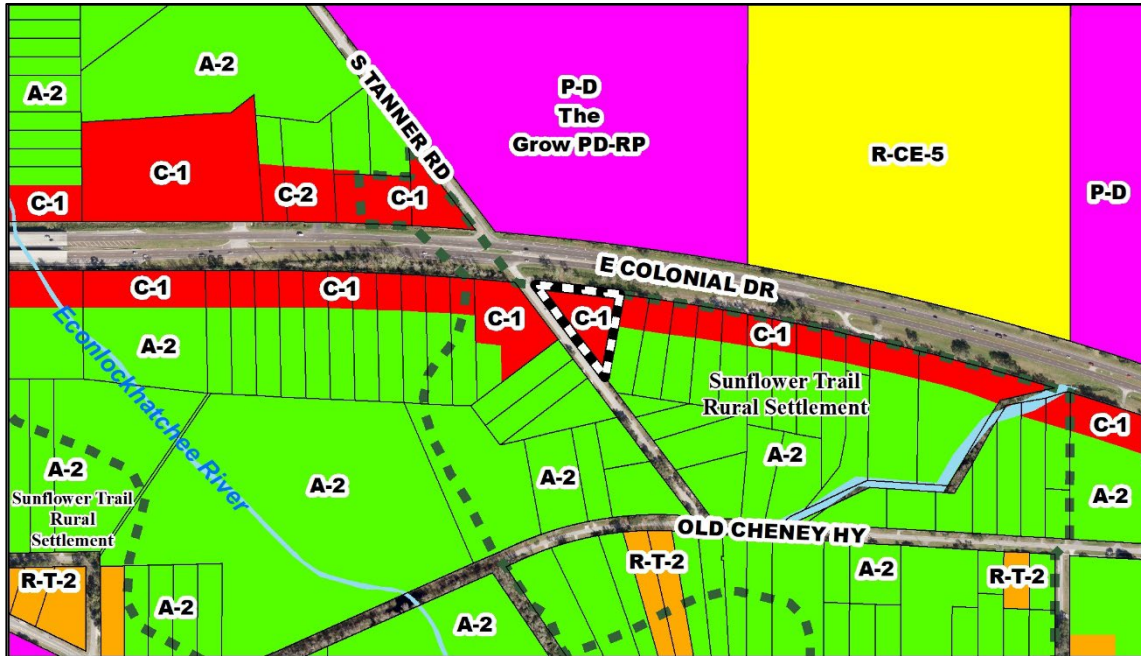
Commercial (C)





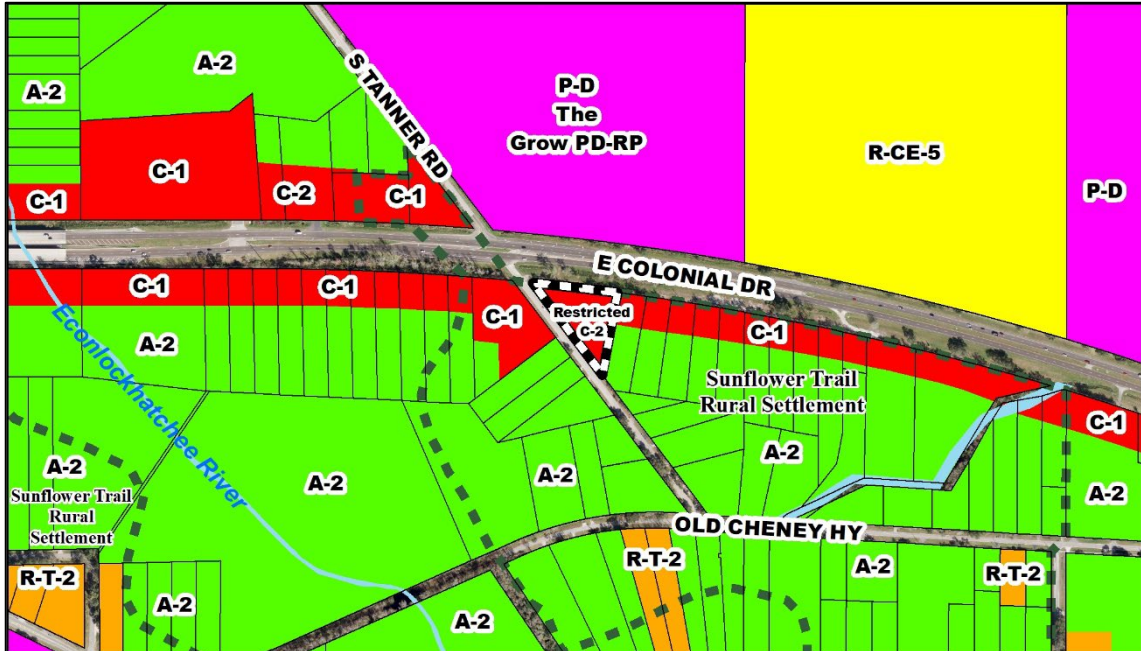
## ZONING – CURRENT

C-1 (Retail Commercial District) & A-2 (Agricultural District)



## ZONING – PROPOSED

C-2 (General Commercial District)



## Notification Map

