

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 12, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Robert Ryan, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler

ABSENT: Melvin Birdsong, Tony Foster, Orange County Public Schools (Non-voting)

OTHERS PRESENT: David Moon, AICP - Planning Manager, Kyle Wilkes, AICP - Planner II, Andrew Hand, Esq., Suzanne Kidd, Doug Bankson, Huy Tran, Ed Velazquez, Teresa Sargeant, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

OPENING AND INVOCATION: Mr. Greene called the meeting to order and asked for a moment of silent prayer. The Pledge of Allegiance followed.

ELECTION OF OFFICERS:

CHAIRPERSON:

MOTION: Pam Toler nominated James Greene as Chairperson of the Planning Commission and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Robert Ryan, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0).

VICE - CHAIRPERSON:

MOTION: James Greene nominated Robert Ryan as Vice-Chairperson of the Planning Commission and seconded by Jeremiah Jaspon. Aye votes were cast by James Greene, Robert Ryan, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0).

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of December 8, 2015, at 5:01 p.m. minutes.

Motion: Jeremiah Jaspon made a motion to approve the Planning Commission minutes from the meeting held on December 8, 2015, regular meeting at 5:01 and seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0).

SWEARING-IN - Mr. Hand swore-in staff, the petitioners, and affected parties.

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Residential Low Density (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for property owned by the Huy Tran and Hai Anh Nguyen and located at 904 Schopke Lester Road.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from “County” Residential Low Density (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for property owned by the Huy Tran and Hai Anh Nguyen and located at 904 Schopke Lester Road. The existing and proposed use is a single-family residence and aquaponics. The tract size is 4.42 +/- acres. The existing maximum allowable development is 8 units and the proposed maximum allowable development is 1 unit.

Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low (0 – 5 du/acre) to the property.

The subject property was annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinance No. 2460. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed

as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 4.42 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report).

The existing and proposed use of the property is consistent with the Residential Low (0-5 du/ac) Future Land Use designation and the City's proposed AG-E Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 11, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from "County" Low Density Residential (0-4 du/ac) to "City" Residential Low (0-5 du/ac) for the property owned by Huy Train and Hai Anh Nguyen and located at 904 Schopke Lester Road.

This item is considered Legislative. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

LAND USE REPORT

Land Use Analysis:

The general character of the area surrounding the subject property is compatible with the development of residential uses. The property lies south of West Schopke Lester Road and north of West Highland Avenue.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within "Core Area" of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts Schopke Lester Rd. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.e Residential Low Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Residential Low (0-5 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 18 Unit(s) x 2.659 p/h = 48 persons

PROPOSED (City designation): 22 Unit(s) x 2.659 p/h = 59 persons

Housing Needs: This amendment will negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita;
81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 3528 GPD
3. Projected total demand under proposed designation: 4312 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka; 177 GPD/Capita;

177 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 3780 GPD
3. Projected total demand under proposed designation: 4620 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 192 lbs./person/day
4. Projected LOS under proposed designation: 236 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Drainage Analysis

1. Facilities serving the site: Lake Standish
2. Projected LOS under existing designation: 25 year - 96 hour design storm
3. Projected LOS under proposed designation: 25 year - 96 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.144 AC
3. Projected facility under proposed designation: 0.177 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development

approval.

In response to a question by Mr. Jaspon, Huy Tran, 904 Schopke Lester Road, stated that the use of the property would remain the same. He stated that Aquaponics is the merging together of aquaculture and hydroponics. The way the system works is the nutrients from the fish water is pumped through the hydroponic system and then back to the fish tank. He said this could be an opportunity for Apopka to get back into agriculture.

In response to a question by Ms. Toler, Mr. Tran stated that eventual he would like to offer tours on his facility.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Pam Toler made a motion to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from “County” Residential Low Density (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for property owned by Huy Tran and Hai Anh Nguyen and located at 904 Schopke Lester Road, subject to the information and findings in the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – CITY OF APOPKA - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG-E (Agricultural Estate), for property owned by Huy Tran and Hai Anh Nguyen and located at 904 Schopke Lester Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. None.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG-E (Agricultural Estate), for property owned by Huy Tran and Hai Anh Nguyen and located at 904 Schopke Lester Road.

Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a zoning classification of AG-E to the property.

The subject property was annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinance No. 2460. The proposed change of zoning is being requested by the owner/applicant.

A request to assign a change of zoning to AG-E is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the AG-E zoning classification to accommodate the use of an existing single-family residential home, as well as an aquaponics garden for hobby use. According to the Merriam-Webster Dictionary, aquaponics is a “system of growing plants in the water that has been used to cultivate aquatic organisms,” which normally includes fish. The systems use a closed-loop system in which plants are grown in water tank systems concurrently with fish. The fish waste is used to fertilize the plants, which helps to reduce the need for fertilizer and reduces water use, according the University of Florida. The property owner intends to have an aquaponic garden for hobby use only, not for commercial sales which makes the use compatible with the requested AG-E zoning district.

The change of zoning application covers approximately 4.42 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that

adequate public facilities exist to support this land use change (see attached Zoning Report).

The existing and proposed use of the property is consistent with the Residential Low (0-5 du/ac) Future Land Use designation and the City's proposed AG-E Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 11, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in zoning from "County" A-1 (ZIP) to "City" AG-E (Agricultural Estate) for the property owned by Huy Train and Hai Anh Nguyen, located at 904 Schopke Lester Road.

This item is considered Quasi-Judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

ZONING REPORT

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (Schopke Lester Road).

Comprehensive Plan Compliance: The proposed AG-E zoning is consistent with the City's Residential Low (0 - 5 du/acre) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG-E zoning classification is one of the acceptable zoning categories allowed within the Residential Low Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

Ag-E District Requirements:

Minimum Living Area:	2,200 sq. ft.
Minimum Site Area:	At 2.5 acres (or 108,900 sq. ft)
Minimum Lot Width	150
Setbacks:	Front: 45 ft.
	Rear: 50 ft.
	Side: 35 ft.
	Corner 35 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the AG-E district.

Bufferyard Requirements: Developments shall provide a minimum six-foot high brick or stone finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. Areas adjacent to agriculture districts or activities shall provide a minimum five foot bufferyard and a minimum six-foot high

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brick or stone finished wall unless acceptable alternatives are submitted for approval.

Allowable Uses: Single-family dwellings providing they are consistent with the stated purpose of this zoning district, commercial wholesale foliage plant production nursery, livestock barns and stables, crop and animal production and the buildings and structures necessary to support such production and other accessory uses in accordance with article VII of the Apopka Land Development Code.

Petitioner Presentation: None.

Affected Party Presentation: None

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Jeremiah Jaspon made a motion to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG-E (Agricultural Estate), for property owned by the Huy Tran and Hai Anh Nguyen and located at 904 Schopke Lester Road, subject to the information and findings in the staff report; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

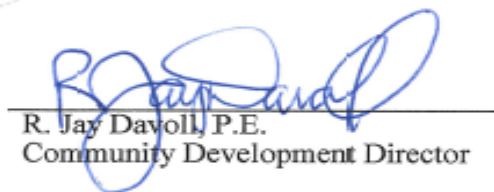
OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 5:42 p.m.



James Greene, Chairperson



R. Jay Davoll, P.E.
Community Development Director