

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON DECEMBER 10, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: Steve Hooks, Mallory Walter, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: David Moon, AICP - Planning Manager, Rogers Beckett – Special Projects Coordinator, Kyle Wilkes, AICP – Planner II, Bob Holston, Amy Ron, Sally Wallace, Gary Daniel, Debbie Williams, Don Williams, David Hepburn, Patricia Hepburn, Mike Cooper, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

OPENING AND INVOCATION: Chairperson Hooks called the meeting to order. He stated this was the first Planning Commission meeting following the death of Mayor John Land. He asked those present to reflect on Mayor Land's dedication and contributions to the City of Apopka and to remember the Land family during a moment of silent prayer. The Pledge of Allegiance followed.

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the November 10, 2014, at 5:01 p.m. minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on October 21, 2014 at 5:01 p.m.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the November 10, 2014 meeting at 5:01, and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

CHANGE IN ZONING/PUD MASTER PLAN – APPY LANE HOLDINGS, LLC – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change in Zoning from R-1AAA (0-2 du/ac) to Planned Unit Development (PUD/R-1A) (0-2 du/ac) for the property located west of Jason Dwelley Parkway and north of Appy Lane. The owner/applicant is Appy Lane Holdings, LLC. The existing use is vacant land and the proposed use is a single family residential subdivision. The future land use is Residential Very Low Suburban (0-2 du/ac). The tract size is 13.04 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcels were annexed into the City of Apopka on April 7, 2004, through the adoption of Ordinance No. 1635. A master site plan for the PUD zoning application proposes 26 residential lots with a minimum of 11,400 sq. ft. Residential density and maximum lot yield remains the same as the current zoning of R-1AAA assigned to the Property. Regardless of the zoning category assigned to the Property, development of the Property is restricted to no more than 26 residential units. By clustering the lots and allowing a minimum lot size of 11,400 sq. ft., a natural landscaped open space buffer can be created along Jason Dwelley Parkway and Apply Lane. Required PUD development standards, the landscape buffer the Landscaped open space buffers along these roads will create a more aesthetic corridor leading to Northwest Regional Park.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed PUD rezoning is consistent with the Future Land Use Designation of Residential Very Low Suburban (0-2 dwelling unit per acre) that is assigned to the property. Minimum lot size for property

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assigned the R-1A zoning category is 11,400 sq. ft. The PUD development standards restricts the minimum lot size to 11,400 sq. ft.

The proposed rezoning will result in the same number of residential units which could be developed at the subject property currently. Zoning currently assigned to the property, R-1AAA, allows a minimum lot size of 16,000 sq. ft. and the Future Land Use Designation and Comprehensive Plan policy restrict residential density to no more than two units per acre. The proposed change of zoning to PUD/R-1A limits lot size to a minimum of 11,400 sq. ft. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be neutral. School concurrency must be met at the final development plan application.

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 September 24, 2014.

The Development Review Committee recommends approval of the change in Zoning from “City” R-1AAA and “City” PUD\R-1A and the Master Plan\Preliminary Development Plan for the parcel owned by Appy Lane Holdings, LLC.

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.

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a two-lane local roadway (Apply Lane) and a two-lane divided collector roadway (Jason Dwelley Parkway). Lot sizes proposed within the Apply Lane Master Plan/PDP range from a minimum size of 11,433 to 31,380 sq. ft. Among the 26 proposed lots average lot size is 12,974 sq. ft.

Northwest of the Property is Orchid Estates, an undeveloped PUD residential community comprising 112 single family lots with a minimum lot size of 8,050 sq. ft. and a minimum lot width of 70 feet. The Orchid Estates PUD is limited to two units per acre, but clustered the density into create additional open space area. City Council approved the final development plan for Orchid Estates in February 2011 with a unanimous recommendation from the Planning Commission (March, 2011).

North of the Property is vacant land assigned a Future Land Use Designation of Residential Very Low Suburban and a zoning category of R-1AAA. However, the property owner has conceptually proposed a mixed use development with lot sizes more consistent with that proposed in the Orchid Estates PUD.

South of the property is a vacant residential parcel (7 acres) situated at the corner of Apply Lane and Jason Dwelley Parkway. It has one residential home and is assigned Residential Very Low Suburban future land use designation but has not been assigned a City zoning category. Also, Northwest Recreation Complex is located on the south side of Apply Lane across from a southwest portion of the Property.

East of the Property and across from the 100-foot right-of-way for Jason Dwelley Parkway, is the Rock Springs Ridge residential community. Residential lots with Rock Springs Ridge that abut Jason Dwelley Parkway are typically 85 in width and approximately 13,100 sq. ft.

Comprehensive Plan Compliance: The proposed PUD/R-1A zoning is consistent with the City’s Residential Very Low Suburban Future Land Use category and with the character of the surrounding area

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and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, PUD zoning is one of the acceptable zoning districts allowed within the Residential Very Low Suburban Future Land Use category. Future Land Use Element Policy 3.5. restricts residential density north of Ponkan Road and west of Rock Springs Road to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. The subject site is not located within the Wekiva Parkway Interchange Plan area.

Recommended PUD Standards:

Minimum Living Area:	1,800 sq. ft.
Minimum Lot Area:	11,400 sq. ft.
Minimum Lot Width	85 ft.
Setbacks:	Front: 30 ft.
	Rear: 20 ft.
	Side: 10 ft.
	Corner 25 ft.
Road Buffer	Min. 30-foot wide near-opaque natural landscape buffer along existing public streets (Apply Lane and Jason Dwelley Pkwy.)

Where development standards are not addressed within the PUD master site plan, the R-1A development standards apply. Setbacks for the R-1A district are the same as the R-1AAA district.

Allowable Uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of the Land Development Code and as established within the PUD ordinance. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.

Proposed PUD Recommendations: The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance.
- B. If a final development plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Master Plan\ Preliminary Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.

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C. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:

1. Master Plan\ Preliminary Development Plan provided in Exhibit "A".
2. Minimum lot area for a single family home shall be 11,400 sq. ft.; excepting any lots within 250 feet of the eastern property line shall have a minimum area of 13,175 sq. ft.
3. A minimum 30-foot wide, natural buffer tract shall be located within the PUD along Jason Dwelley Pkwy and along Appy Lane. Landscape plants and shrubs shall create a near-opaque screen to a height not less than six feet. At the final development plan, additional plantings may be required by the City if determined necessary to create this near-opaque screen. Shrubs planted within the 30-foot wide buffer shall reach a height of six feet within two years of planting. Final landscape plan and materials will be determined at the Final Development Plan. At the final development plan, additional plantings may be required by the City if determined necessary to create a near-opaque screen.
4. Minimum livable area for a single family dwelling unit is 2,000 sq. ft.
5. Utility connects at the east end of the project shall be re-engineered at the final development plan application consistent with City codes.
6. At the time of the final development plan, the City may require an easement up to 11 feet wide, dedicated to the City, to be placed with the 30 foot wide buffer tract along Jason Dwelley Parkway and Apply Lane to accommodate bicycle trails. If the bicycle trail easement is required, it will replace the sidewalk required along these roads.
7. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the PUD Property.

In response to a question by Chairperson Hooks, Mr. Moon stated there would be a 250 foot separation between the subject property on the east side and the houses in the Rock Springs Ridge community.

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

Motion: Mallory Walters made a motion to recommend approval of the: (1.) Change in Zoning from R-1AAA (0-2 du/ac) to Planned Unit Development (PUD/R-1A) (0-2 du/ac), for the parcel owned by Apply Lane Holdings, LLC subject to the PUD Development Standards and Conditions as well as the findings described within the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

Motion: Mallory Walters made a motion to recommend approval of the PUD Master Plan for the parcel owned by Appy Lane Holdings, LLC subject to the PUD Development Standards and Conditions as well as the findings described within the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

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COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE AMENDMENT – J. WILLIAM ARROWSMITH – Mr. Moon stated this is a request to recommend approval of the Small Scale Future Land Use amendment from Parks & Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith. The property is located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. The existing use is vacant land and the proposed use is a residential development. The existing maximum allowable development is 0 Units and the proposed maximum allowable development is 6 Units. The tract size is 1.29 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

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 (FLU) Designation of Low Density Residential is compatible with the designations assigned to abutting properties. The FLU application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development on abutting parcels, the property is likely limited to one unit per parcel. The subject property is too narrow to accommodate a road that can meet city standards while allowing a suitable lot depth.

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 Future Land Use designation and the City's proposed R-1AA Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to Residential Low Density represents a higher impact on public school capacity than that created by the County Future Land Use assigned to the property. However, the potential net increase in residential units – six – qualifies as a de minimus impact as the next increase is less than nine units. Thus, school capacity enhancement review does not apply. School concurrency will apply at the time of a development plan or building permit application, whichever occurs first.

The property is surrounded by properties that are within the City limits of Apopka; therefore the notice requirements in the JPA do not apply.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from Parks & Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith.

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.

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In response to a question by Chairperson Hooks, Mr. Moon apologized and stated that he did not have information on the typical lot width of the lots located on the east side of the subject property and along Errol Parkway. He said the lots sizes range from 16,500 sq. ft. to 21,416 sq. ft. The largest lot, the 21,416 sq. ft. is at the corner southwest corner of Lake Alden Drive and Errol Parkway.

Chairperson Hooks opened the meeting for public hearing.

In response to a question by Gary Daniel, 1918 Lake Alden Drive, Apopka, Chairperson Hooks stated that if the Future Land Use and Zoning are approved the property could only be development with one house on each parcel.

Mr. Daniel stated that he is the president of the Errol Village Condominium Association and they were opposed to the property being developed. They had been under the impression that the property was greenway and was not to be developed.

In response to a question by Chairperson Hooks, Mr. Moon stated that the overall Errol Estate subdivision will still meet the green space requirements regardless of whether the future land use and zoning are changed on this parcels.

With no one else wishing to speak, Chairperson Hooks closed the public hearing.

Motion: James Greene made a motion to recommend approval of the Small Scale Future Land Use Amendment from Parks and Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith and located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Dove, and subject to the information and findings in the staff report. Motion seconded by Mallory Birdsong. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

CHANGE IN ZONING – J. WILLIAM ARROWSMITH – Mr. Moon stated this is a request to recommend approval of the Change of Zoning from PR to R-1AA (0-5 du/ac) for the property owned by J. William Arrowsmith. The property is located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. The existing use is vacant land and the proposed use is a residential development. The existing maximum allowable development is 0 Units and the proposed maximum allowable development is 6 Units. The tract size is 1.29 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject property was annexed into the City of Apopka on May 17, 1995, through the adoption of Ordinance No. 882. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the R-1AA zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development already exists on abutting parcels, the property is likely limited to one unit per parcel. Along Lake Alden Drive the width of the subject property is too narrow to accommodate a road meeting the City's design standards together with suitable lot depth. Both parcels currently have access to Lake Alden Drive.

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Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed R-1AA rezoning is consistent with the Future Land Use Designation of Residential Low Density (up to five units per acre) that is assigned to the property. Minimum lot size for property assigned the R-1AA zoning category is 12,500 sq. ft.

The proposed rezoning will result in an increase in the number of residential units which could be developed at the subject property. Zoning currently assigned to the property, PR, does not allow residential structures with the zoning district while the proposed change of zoning to R-1AA limits lot size to a minimum of 12,500 sq. ft. 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 September 25, 2014.

The Development Review Committee recommends approval of the change in Zoning from PR to R-1AA for the parcel owned by J. William Arrowsmith.

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.

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

The zoning application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development already exists on abutting parcels, the property is likely limited to one unit per parcel. Along Lake Alden Drive the width of the subject property is too narrow to accommodate a road meeting the City's design standards together with suitable lot depth. Along Lake Aden Drive, the subject property has a width of 100 feet. Considering a street must have a minimum width of 50 feet, only 50 feet would be available to accommodate lot depth, which is not sufficient to meet front and rear yard setbacks. Therefore, the subject parcel will remain as two parcels. Both parcels currently have access to Lake Alden Drive.

Townhomes are located on the property abutting the subject property's western boundary. Existing single family homes to the east are assigned a zoning category of R-1AA, minimum lot size of 12,500 sq. ft., and have lot size ranging from 16,500 to 21,416 sq. ft. with the largest lot representing a corner lot. Each of the two parcels comprising the subject property contains 34,787 and 21,253 sq. ft., respectively.

The proposed R-1AA zoning is consistent with the City's Residential Low (0-5 du/ac) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, R-1AA zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

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R-1AA District Requirements:

Minimum Living Area:	1,700 sq. ft.
Minimum Site Area:	12,500 sq. ft.
Minimum Lot Width	Ninety Five feet, measured at the front the building line.
Setbacks:	Front: 25 ft.
	Rear: 20 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 1.24 acre parcel complies with code requirements for the R-1AA district.

Bufferyard Requirements: Developments shall provide a minimum six-foot high brick, stone or decorative block 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. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis. [This requirement is not applicable if the front of the home faces an existing street.]

Allowable Uses: Single-family dwellings and their customary accessory structures provided they are consistent with the stated purpose of this zoning district.

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

Motion: Mallory Walters made a motion to recommend approval of the Change of Zoning from PR to R-1AA (0-5 du/ac) for the property owned by J. William Arrowsmith and located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Dove, and subject to the information and findings in the staff report. Motion seconded by James Greene. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE AMENDMENT – PROPERTY INDUSTRIAL ENTERPRISES, LLC – Mr. Moon stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Restricted) (0.6 FAR) for the property located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line. Owner/Applicant is Property Industrial Enterprises, LLC. The existing uses are two single family residences and proposed use is industrial, commercial or office development consistent with I-1 zoning. The existing maximum allowable development is 2 residential units and the proposed future land use would allow a maximum allowable development of 21,954 sq. ft. The tract size is 0.84 +/- acre. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcel was annexed into the City of Apopka on October 1, 2014, through the adoption of Ordinance No. 2381. The proposed Small-Scale Future Land Use Amendment is being requested by the

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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 an I-1 (Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 0.84 acre and represents two platted lots within the Bradshaw and Thompsons Addition to Apopka City, Plat Book B, Page 25, Lot 26, Block A. Each lot is over 18,000 sq. ft., exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant and assigned an Industrial FLUM designation. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with Industrial FLUM designation and I-1 zoning category.

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 Industrial Future Land Use designation and the City's proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

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 November 12, 2014.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from "County" Low-Medium Density Residential (0-10 du/ac) to "City" Industrial (0.6 FAR) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

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.

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

Motion: Mallory Walters made a motion to recommend approval of the Small Scale Future Land Use Amendment from "County" Low-Medium Density Residential (0-10 du/ac) to "City" Industrial (Restricted)(0.6 FAR) for the property owned by the Property Industrial Enterprises, LLC and located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line, and subject to the information and findings in the staff report. Motion seconded by Melvin Birdsong. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

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CHANGE IN ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC - Mr. Moon stated this is a request to recommend approval of the Change of Zoning from “County” R-2 (0-10 du/ac) to “City” I-1 (Restricted) (0.6 FAR) for the property located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line. Owner/Applicant is Property Industrial Enterprises, LLC. The existing uses are two single family residences and proposed use is industrial, commercial or office development consistent with I-1 zoning. The existing maximum allowable development is 2 residential units and the proposed future land use would allow a maximum allowable development of 21,954 sq. ft. The tract size is 0.84 +/- acre. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcel was annexed into the City of Apopka on October 1, 2014, through the adoption of Ordinance No. 2381. The proposed Change of Zoning is being requested by the owner/applicant.

A request to assign a zoning category of I-1 Industrial (Restricted) to the Property. The zoning application covers approximately 0.84 acre and represents two lots within the Bradshaw and Thompsons Addition to Apopka City B/25 Lot 26 Block A plat. Each lot is over 18,000 sq. ft., exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with I-1 zoning.

The general area surrounding the subject property is transitioning to industrial, commercial and warehouse uses.

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

The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City’s proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

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 November 12, 2014.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the Change in Zoning from “County” R-2 (0-10 du/ac) to “City” I-1 (Restricted) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

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.

Land Use & Traffic Compatibility: The property has access to a Cooper Palms Parkway. Access will occur from Cooper Palms Parkway and not from Second Street. Properties to the north, south, and west are assigned Industrial Future Land Use Designation and an I-1 zoning category. Lands to the east side of Hawthorne Avenue are assigned a zoning category of C-2 and C-3 commercial. Minimum lot size for I-1

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is 15,000 sq. ft. The subject property comprises two lots, each exceeding 18,000 sq. ft. Although the subject property comprises two lots, development must occur on both lots to meet the minimum lot size requirement under the I-1 zoning district.

I-1 DISTRICT REQUIREMENTS:

Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Front Setback:	25 ft.
Side Setback:	10 ft.
Rear Setback:	10 ft. (30 ft. abutting residential)
Corner Setback:	25 ft.
FAR:	0.60

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum twenty-five (25) foot landscaped bufferyard. Areas adjacent to residential uses or residentially zoned lands shall provide a minimum six foot-high masonry wall within a fifty foot landscaped bufferyard.

Allowable Uses: Any non-residential use permitted in the PO/I Professional Office, CN Commercial Neighborhood, C-1 Retail Commercial, C-2 General Commercial, or C-3 Wholesale Commercial zoning districts are allowed within the I-1 Industrial category. Land uses allowed in the I-1 Industrial district also include manufacturing, bus and truck repair, machinery sales, machinery shops, meat storage, warehouses, frozen food lockers, book binding, guard or custodian living quarters, adult entertainment or similar types of uses consistent with the standards of the Apopka Municipal Code.

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

Motion: Mallory Walters made a motion to recommend approval of the Change in Zoning from “County” R-2 to “City” I-1 (Restricted)(0.6 FAR) for the property owned by the Property Industrial Enterprises, LLC and located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line, and the information and findings in the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

VARIANCE – DONALD E. WILLIAMS, JR. – 145 W. MAGNOLIA STREET – David Moon, Planning Manager, stated this is a request for approval of a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E.3 to allow a reduction in the lot width from 95 feet to 75 feet to accommodate a lot split; and Section 2.02.05.B.1 to allow a single family residence to be constructed on the non-conforming lot. The owner is Donald E. Williams, Jr. The property is located at 145 W. Magnolia Street. The future land use is Residential Low (0-5 du/ac) and the zoning is R-1AA. The existing and proposed uses are single family homes. The combined tract size is 0.24 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The applicant is requesting a variance to allow a 20 foot reduction in the R-1AA minimum lot width standard of ninety-five (95) feet, resulting in a minimum lot width of 75 feet. The intent of the applicant is to split an existing residential parcel with a width of 150 feet into two parcels, each with a width of seventy-five (75) feet. Each of the two resulting parcels will have a dimension of 75 feet by 180.5 feet and a parcel area of 13,537 sq. ft. The resulting parcel area will exceed the minimum lot area standard of

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12,500 sq. ft. for the R-1AA zoning district. While the western parcel will contain an existing house, the proposed eastern parcel will accommodate a second new house. Both the existing house and the proposed new house will meet the minimum setback and lot area standards for the R-1AA district. A variance approval is necessary for the property owner to split the parent parcel (150 ft. wide) into two new parcels each having a width of 75 feet.

Zoning District	Min. Site Area Sq. Ft.	Min. Lot Width	Min. Living Area Sq. Ft.	Setbacks
R-1AA (Overlay District: Community Business District)	12,500	95'	1,700	Front: 25' Side: 10' Rear: 20' Corner: 25'
(Current) Home Site	13,537.5	75'	1,712	Front: 25' Side: 10' Rear: 20' Corner: N/A
(Vacant) Home Site	13,537.5	75'	1,700	Front: 25' Side: 10' Rear: 20' Corner: N/A

APPLICABLE CITY CODES:

1. City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.05.E.3. - 95 feet, measured at the front property line and the building line. Lots located on cul-de-sacs and curves shall be permitted up to a 40 percent reduction of the minimum width at the property line, but shall be required to maintain 95 feet at the building line.
2. City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, 2.02.05.B.1.B. - Permitted uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code.

Applicant’s Response to the Seven Variance Criteria: When evaluating a variance application, the Planning Commission shall not vary from the requirements of the code unless it makes a positive finding, based on substantial competent evidence on each of the following:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

Applicant Response: Unable to increase the lot width to accommodate 95ft lot width requirements. Lot square footage exceeds requirements.

Staff Response: The current parcel meets the R-1AA zoning requirements, including the minimum setbacks, minimum lot area, and minimum lot width. Splitting the parcel into two development sites will create two non-conforming parcels. The intent of the lot split is to meet the needs of the owner. No wetland or water bodies occur on the subject property; unsuitable soils do not occur on any portion of the parcel, nor does any other environmental circumstance causes a hardship. Staff does not identify a hardship related to the characteristics of the site. Section 3.02.02, Central Business District Development Standards, requires that the lot size “shall be in

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conformance with surrounding existing site areas, however, all other requirements except those exceptions . . . shall remain intact.” While site area does not have to follow the strict requirements of Section 2.02.02 (min. lot size) of the Land Development code, Section 3.02.02 does not exempt the minimum lot width requirement.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant’s Response: Variance will have no effect on site development, there will be no site development necessary to build a single family residence.

Staff Response: To comply with the R-1AA lot width standard, the adjacent non-conforming eastern lot (50 foot wide) would have to be acquired or combined with the subject parcel. Such acquisition would allow for the creation of two parcels each having a width of at least 95 feet. The variance request, if granted, reduces the land cost necessary to create a conforming lot or parcel.

The current parcel and house were purchased on June 12, 2014 by the applicant from the Federal Home Loan Mortgage Corporation. Applicant had opportunity prior to purchase to research the ability to split the subject parcel without need of a variance.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant’s Response: One single family residence will not have a substantial effect on congestion.

Staff Response: The granting of this variance will have minimal effect on the amount of additional traffic generated on the surrounding public streets. One additional house will have a minimal impact on public streets.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant’s Response: The variance will allow the construction of a single family residence that will actually have a positive effect on the property values and fall in line with current character of neighborhood. See Attachment “C.”

Staff Response: The proposed variance will not interfere with the ability of abutting property owners to use their property. However, other parcels in the surrounding area have been assembled from two or three lots to meet the minimum lot width. Many of the parcels with the block have a width of 100 feet, 90 feet or 85 feet. Abutting occupied lots to the east and west and across the street to the south are non-conforming lots with a lot width of 50 feet. As a building permit or house plan has not been submitted to the City, it is difficult to determine whether the future home, its size or design, will influence property values. Abutting homes range from 792 sq. ft. to 3,384 sq. ft. The minimum livable area for a house in the R-1AA district is 1,700 sq. ft. A new home could be larger or smaller than those in the surrounding area. Insufficient information is available to determine if the variance will positively or negatively affect property values in the surrounding area. Granting the variance without identifying a clear hardship will set a precedent that may allow other property owners to pursue a similar variance request, allowing the character of the area to change to smaller lots over time.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

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Applicant's Response: Many homes in the surrounding area don't meet the lot width requirements. An additional lot will not have an effect on surrounding homes. See Attachment "D."

Staff Response: The intent of the code is to have lot or parcels with a minimum width of 95 feet and a lot or parcel area of at least 12,500 sq. ft. There are a number of R-1AA zoned properties surrounding the applicant's site with lot widths ranging from 50 to 150 feet; with lot sizes ranging from 8,975 to 26,925 square feet. All homes abutting the rear of the subject property have a lot width of 100 feet or 150 feet. Along Magnolia Street within the street block, two homes have a lot or parcel with a width of 100 feet; four homes are on a 50 foot wide lot; three homes are on a 65 to 75 wide parcel; and one home is on a 90 foot wide parcel. The intent of the code is to have a minimum lot width of 95 feet. Each of the parcels created by the lot split will not meet the minimum lot width standard but will exceed the minimum lot size requirement by over 1,000 sq. ft.

Allowing a lot width reduction of by 20 feet (95 to 75) is a 21% change from the lot width standard for the R-1AA district. Creation of two new 75 foot wide lots may allow other property owners with current conforming lots to seek the same.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: Lot was already platted previous to ownership of property. Lots were actually separate with individual tax i.d.'s. Lots were combined in 2006 by previous owner. See Attachment "B."

Staff Response: The current property owner acquired the parcel on June 12, 2014 from the Federal Mortgage Association. Prior to acquisition the property owner had opportunity to research whether the parcel could be split to comply with the City codes. The need for the variance only arises from the applicant's interest to obtain a lot split, allowing the creation of an additional lot.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: The variance will allow the lot to be buildable, thus increasing to the local tax base, improving value to surrounding homes. No safety hazards or other detriments will occur due to variance.

Staff Response: The variance request only grants a reduction in the lot width standard for the site. Each of the resulting two lots will exceed the minimum lot area requirement for the zoning district. The applicant will be required to comply with all other development standards within the R-1AA zoning district. The variance will be the minimum necessary to minimize the extent of the non-conforming. If approved, the variance converts an existing conforming parcel into two non-conforming parcels. The variance will not create a safety hazard or other detriments to the public related to public health or safety. The variance may create a precedent that will allow other parcels of similar size to split into two parcels.

The Development Review Committee finds that a valid hardship does not exist based on the established criteria and information submitted by the applicant. While the neighborhood was constructed according to an antiquated plan, other parcels have been assembled by combining lots or portions of lots or both to obtain a larger lot area more consistent with the minimum lot width requirement.

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As per the Land Development Code, Article XI - 11.05.00.A. - The Planning Commission has been established as a citizen board to review and approve variances. Conditions may be established by the Planning Commission to reduce the impacts of the effects of the variance. The Planning Commission can approve the variance if it finds that a hardship exists. It can authorize the approval of a variance to City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Sections 2.02.05.E.3; 2.02.05.B.1.B; 2.02.01.A; and 2.02.15.F to allow a decrease to the lot width from ninety-five (95) feet to seventy-five (75) feet; or may deny the variance based on inconsistency with the minimum lot width for the R-1AA district and that a hardship has not been demonstrated.

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.

In response to a question by Chairperson Hooks, Mr. Moon stated that there should be a positive finding for all seven of the criteria to grant a variance.

Ms. Walters commented on the number of existing non-conforming lots within the downtown area. She cited an example of a lot split that was approved by the City at 102 S. Central Avenue. The property owner split the lot, built a home on the conforming lot and the other lot is now a non-conforming lot.

In response to questions by Ms. Walters, Mr. Moon stated that he would need to seek the advice from the City Attorney regarding rebuilding a home that is currently located on a non-conforming lot after a fire destroyed the home. He said that typically, in that situation, the property owner would have 180 days from the date of the fire to apply for a variance to rebuild the home.

In response to a question by Ms. Toler, Mr. Moon stated that he was not aware of any variances being applied for or approved in the area of the subject property.

Ms. Walters stated that originally, the subject property was bought as three lots. At that time, many people bought multiple lots to build on. The house that was built on the subject property has been there for a very long time.

In response to a question by Chairperson Hooks, Mr. Moon stated that the Community Redevelopment Area was established in 1992.

Chairperson Hooks opened the meeting for public hearing.

Donald Williams, Jr., 221 N. Central Avenue, Apopka, presented a packet of information to the Commission. The information included a list of recently built on non-conforming lots in the area; surrounding properties lot width comparisons; rebuilding or remodeling projects recently completed in the area; a copy of the boundary survey, and a copy of the warranty deed (incorporated into the record). Mr. Williams reviewed that information and requested the Planning Commission approve his request.

With no one else wishing to speak, Chairperson Hooks closed the public hearing.

Based on the testimony and evidence produced the Planning Commission (PC) findings are:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

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PC FINDING: The Planning Commission found a Negative Finding for this criteria because there are no practical difficulties in carrying out the strict letter of the regulation that the requested variance relates to a hardship due to the characteristics of the land and is solely on the needs of the owner.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

PC FINDING: The Planning Commission found that this criteria related to a desire to reduce the cost of developing the site is not applicable in this particular case.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because the proposed variance will not substantially increase congestion on surrounding public streets.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because the proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

PC FINDING: The Planning Commission found a Negative Finding for this criteria because the effect of the proposed variance is not in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

6. Special conditions and circumstances do not result from the actions of the applicant.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because there are no special conditions or circumstances that resulted from the actions of the applicant.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

CONCLUSION: Per the Code requirements, due to there not being a positive finding for all seven criteria, the Planning Commission must deny the variance request of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E.3 to allow a reduction in the lot width from 95 feet to 75 feet to accommodate a lot split; and Section 2.02.05.B.1 to allow a single family residence to be constructed on the non-conforming lot for the owner, Donald E. Williams, Jr., for the property is located at 145 W. Magnolia Street.

In response to comments by Ms. Walters, Mr. Moon stated that staff would need to go back and review lot split requests in the north area of the City.

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In response to questions by Chairperson Hooks, Mr. Moon stated that should the applicant appeal the Planning Commission's decision, City Council would be bound by the same seven criteria. He stated that assigned a zoning category to a single parcel that is not consistent with surrounding zoning and uses, is called "spot zoning." Spot zoning is considered arbitrary and is not allowed.

Mr. Williams stated that he was not made aware that he would have to meet all seven of the criteria otherwise is he had been told he may have chosen not to seek a variance.

Motion: Based on the testimony and evidence presented, James Greene made a motion to deny the request for variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Sections 2.02.05.E.3; 2.02.05.B.1.B; 2.02.01.A; and 2.02.15.F due to there not being a Positive Finding for all seven (7) criteria that must be met per the Code for property owned by Donald E. Williams, Jr. located at 145 West Magnolia Street; and Robert Ryan seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

OLD BUSINESS:

Planning Commission - None.

Public - None.

NEW BUSINESS:

Planning Commission:

In response to a question by Mr. Ryan, Chairperson Hooks stated that he had a meeting with Mayor Kilsheimer and the City is looking into having an attorney attend the Planning Commission meetings as well as providing training for the Commission members on their duties and responsibilities.

Chairperson Hooks said the Code states that Commission members are to be appointed by the City Council to a three year term. He stated that was not done in the past; however he has requested that City Council take that up in the new year.

Public - None.

ADJOURNMENT: The meeting was adjourned at 6:29 p.m.

s/s

Steve Hooks, Chairperson

s/s

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