

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MARCH 8, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler

ABSENT: Melvin Birdsong, Robert Ryan, Orange County Public Schools (Non-voting)

OTHERS PRESENT: David Moon, AICP - Planning Manager, Andrew Hand, Esq., Kyle Wilkes, AICP – Planner II, Andrew McCown, Anthony Call, Gabriel Valladares, Francine Boykin, Jacqueline Bridges, Maxine Higgins, Jarette Schofield, S. Geneva Jennett, Carmen Colon, Lorenzo Bridges, Mildred L. White, Pamela K. White, Ed Fore, Al Coleman, Teresa Sargeant, Doug Bankson, Mitchell Koebke, Wilbert Chisholm, Suzanne Kidd, Althea McRoy, Tangela M. Martin Bridges, Peter Wood, Frank Connor, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of February 9, 2016, at 5:30 p.m. minutes.

Motion: **Tony Foster made a motion to approve the Planning Commission minutes from the regular meeting held on February 9, 2016, at 5:30 p.m. and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0).**

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to recommend approval of the Large Scale Future Land Use amendment from “County” Medium Density Residential (0-10 du/ac) to “City” Commercial (Max. 0.25 FAR); and to transmit the amendment to the Florida Department of Economic Opportunities for review, for property owned by Emerson Point Phase 2, LLC, located north of S.R. 414, east of Marden Road.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Comprehensive Plan Large Scale Future Land Use amendment from “County” Medium Density Residential (0-10 du/ac) to “City” Commercial (Max. 0.25 FAR); and transmittal to the Florida Department of Economic Opportunity for review. The property is owned by Emerson Point Phase 2, LLC, and located north of S.R. 414, east of Marden Road. The existing use is vacant land and the proposed development is a commercial development. The tract size is 51.88 +/- acres. The existing maximum allowable development is 518 units and the proposed maximum allowable development is 564,973 sq. ft.

The subject parcels were annexed into the City of Apopka on December 30, 1991 through Ordinance 694. The applicant requests a future land use designation of Commercial. The request is compatible with surrounding future land use designations and adjacent uses. As a “Large-Scale” Future Land use Amendment (i.e., ten or more acres), this application will be transferred to State agencies for consistency review with State policies.

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The proposed use of the property is compatible with the character of the surrounding area, abuts a limited access highway (S.R. 414) with a planned interchange at Marden Road, and is consistent with the Commercial Future Land Use designation. City Planning staff supports the FLUM amendment subject to construction of a highway interchange for S.R. 414 at Marden Road. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the policies below support a Commercial FLUM designation at the subject site:

Future Land Use Element

1. **Policy 3.1.i** Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acre; and public facilities or utilities of less than five acres. The expansion of strip commercial areas shall be prohibited except in infill area.

The applicant's wish to develop the property for retail commercial development to serve existing and future residential communities along and near Marden Road. Therefore, the request is compatible with Policy 3.1.i.

2. **Policy 3.2** Development and redevelopment shall be integrated with the adjacent land uses through: (1) the creation of like uses; or (2) creation of complementary uses; or (3) mitigation of adverse impacts.

The proposed use for the subject properties as retail commercial is compatible with the land uses and general character of the surrounding area. The future land use designation of surrounding properties predominantly is Mixed Use to the southwest and Commercial and High Density Residential to the west, making the requested future land use change is consistent with Policy 3.2.

Transportation Element

1. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.

The proposed Commercial future land use designation and subsequent retail commercial development would promote shorter trip lengths and reduced travel demand by providing commercial for existing and proposed residential development within the area.

The request is for a non-residential future land use designation; therefore, a school capacity agreement 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 February 5, 2016.

The Development Review Committee recommends approval to transmit a change in Future Land Use from Residential Medium (0-10 du/ac) to Commercial (max 0.25 FAR) for the property owned by Emerson Point Phase II LLC, subject to the information and findings in the staff report.

Staff requests that the Commission find the Commercial Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from “County” Residential Medium Density to “City” Commercial for the property owned by Emerson Point Phase II LLC, subject to the information and findings in the staff report.

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

The property has access from west from Marden Road

Land Use Analysis: The subject properties are located within an area with land uses that permit both residential and non-residential uses, which makes the request for a Commercial future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Property to the west is under development for multi-family apartment residences. The subject properties are adjacent to a proposed half-interchange to State Road 414, a limited access highway, which makes the subject properties conducive for retail commercial development.

The proposed Commercial future land use designation is consistent with the general future land use character of the surrounding area.

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 the “Western Conceptual Master Plan” of the JPA. Orange County government has been notified of the proposed FLUM amendment and has not objected. The Western Conceptual Master Plan proposed Medium Density Residential for the subject Property but did not contemplate an interchange for S.R. 414 at Marden Road, nor did it anticipate changes in land use patterns generated by the proposed medical campus along Ocoee Apopka Road. This property was included in the Ocoee Apopka Road Small Area Study and is consistent with the recommendations contained within that Study. Orange County was notified and attend workshops on the Small Area Study.

Transportation: Road access to the site is from Marden Road, which connects to Ocoee Apopka Road to the north, and to Keene Road to the south. In addition, a proposed (and approved) half-interchange at Marden Road slated for construction will provide access to State Road 414. The owner of the Emerson Point Phase II property has entered into an agreement with the City to construct an interchange for S.R. 414 at Marden Road. City planning staff only supports the Commercial FLUM amendment based on the developer’s agreement addressing construction of the new (half) interchange for S.R. 414 at Marden Road.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the

adopted Wekiva Study Area Comprehensive Plan policies. 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 karst features on this property.

Analysis of the character of the Property: The current use of the Property is vacant. The dominant soil, Lake Fine Sand, has a 0-5 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on December 30, 1991. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will not increase the population if developed.

CALCULATIONS:

ADOPTED: 518 Unit(s) x 2.659 p/h = 1,377 persons

PROPOSED: N/A x 2.659 p/h = N/A

Housing Needs: This amendment is to change the future land use to a non-residential designation, and will not impact the number of available housing units in the City of Apopka.

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. At the time the Master Site Plan or Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 101,528 GPD
3. Projected total demand under proposed designation: 84,746 GPD
4. Capacity available: Yes

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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: None; 177 GPCD; 177 GPD

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

2. Projected total demand under existing designation: 108,780 GPD
3. Projected total demand under proposed designation: 112,995 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPCD
6. Projected LOS under proposed designation: 177 GPCD
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: 4 lbs./person/day
4. Projected LOS under proposed designation: 2 lbs./cap/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.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: Lake Doe
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
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: 4.131 AC
3. Projected facility under proposed designation: N/A 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. Foster, Mr. Moon stated that when the Ocoee Apopka Road Small Area Study was conducted a couple of years ago, there were, two at the University of Florida IFAS center because it was close to the property owners who were affected by that study. The property owners in that area were notified of those meetings.

Andrew McCown, Planning Manager, GAI Consultants, Inc., 618 E. South Street, Suite 700, Orlando, stated he is the applicant representing Emerson Point Phase 2, LLC, for this property. He said they are in agreement with staff and the recommendation for transmittal. As a part of the small area study, falling under the small area gateway, we believe this is a great opportunity for the residents to be served by commercial more approximate to their location. He stated he was available to answer any questions. He added that, as required, they sent out notifications of the proposed future land use amendment to the property owners within 300 feet of the property. He provided the return receipts to the Recording Secretary.

Chairperson Greene opened the meeting for public hearing.

In response to concerns expressed by Francina Boykin, 1484 Elderton Drive, Apopka, regarding

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notification of the small area study meetings, Mr. Moon stated that the owners who would be directly affected by that study were sent notices. The study was used as a point of information and not the sole finding of fact that staff used for their recommendation. The primary attribute has to do with the half diamond interchange at Marden Road and S.R. 414.

In response to questions by Chairperson Greene, Mr. Moon stated this is a future land use amendment and not a zoning change. This amendment involves a three hearing process. This one before the Planning Commission. The first reading of the amendment ordinance before City Council. Then the amendment is transmitted to various State agencies for their review. They have 60 days to provide the City with comments then the City and the applicant has 180 days to address those comments. Once the comments are addressed, then the amendment moves forward to the final hearing in front of the City Council. The next step would be hearings for the change of zoning so that the zoning is compatible with the future land use. The change of zoning could be C-1 or it could be a planned unit development depending on what type of commercial product is proposed by the applicant. The next step would be a preliminary development plan that shows the general layout of the project. The following step would be a final development plan that may also be called the construction plans.

In response to a question by Chairperson Greene, Ms. Boykin said that the residents in the area would like to be informed as each step is moving forward. She said they want to know what kind of commercial business or businesses would be at that location.

Mr. Moon stated that the applicant would be the one to address what type of uses they plan for the site. The City will be evaluating intensity of the commercial use during the change of zoning phase. That will not occur until final adoption of the future land use amendment.

In response to a question by Ms. Laurendeau, Mr. Moon stated that if Ms. Boykin provides her contact she could receive future notices for proposed changes to this property.

Ms. Boykin stated that she would like to see something positive happen with this property. She said that the residents of Blueberry Hill or Chantilly Hill have not been affected by any development in the area other than the noise from S.R. 414.

Anthony Call, P.E., GAI Consultants, Inc., 618 E. South Street, Suite 700, Orlando, said he was the Civil Engineer for the project. The small area study was conducted a couple of years ago and was created to study what could be done to redevelop south Apopka to stimulate growth and bring in economic development. Part of that was to have the land owners in that area come in for several work sessions to strategize on what could be done to bring revitalization and rebranding the south Apopka area. In doing that, the study prepared by Littlejohn Engineering Associates, and this parcel was classified as commercial and gateway. So what we did with this parcel and the parcel next to it the owner of those parcels has set aside real estate to create an iconic gateway component that would be a nice branding tool a real nice graphic aesthetic for a "welcome to south Apopka" feel. The owner has also worked with the City on a funding program to build the half diamond interchange. That will promote the growth of the economics in that area. The future land use process is one of the steps what we have to do to get that property ready and entitled so that it is ready for any commercial parties that want to come in and bring their business. The portion of the property that include the Lake Opal wetland area will remain R-2.

In response to a question by Mr. Foster, Ms. Green stated that the applicant is responsible for send out

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the notifications to the property owners. She stated that Mr. McCown had given her the return receipt packet for the record.

Mr. Call stated that the notifications were sent to the property owners within 300 feet of the subject property. That list is generated by the City. Then once the notifications have been sent, they track them, and then provide that return receipts to the City for the record.

In response to a question by Ms. Toler, Mr. Call stated that the City has a list of those property owners.

Mr. Moon stated that City prepares the notice and the 300 foot list that is provided to the applicant. The applicant is responsible for mailing those notices via certified mail to those owners. The notice includes the dates and times of the meeting. The applicant is also responsible for posting the property; and a notice is also put in the newspaper.

In response to a question by Ms. Boykin, Mr. Call stated that although she resides in unincorporated Orange County, if she is within 300 feet of the property, she would have received a notice.

Pamela White, 1741 South Hawthorne Drive, Apopka, stated that she was speaking on behalf of her mother, who was in attendance. She expressed concerns about the impacts to her mother's property that is on the perimeter of the subject property.

In response to Ms. White's concerns, Mr. Moon stated that there are regulations in the Land Development Code that addresses buffering between commercial and residential properties. The developer of the subject property would be required to install a six foot masonry wall with landscaping and trees to buffer the commercial activities from the residential area.

In response to a statement by Chairperson Greene, Mr. Call stated that at this stage there is no site plan for the property and with the processes involved, as Mr. Moon explained earlier, there will be several opportunities for public hearings to get input on any proposed development that occurs on this site.

In response to questions by Jarette Schofield, 1489 Lake Opal Drive, Mr. Moon stated the intent of requiring a wall is to provide a visual screen and a barrier to deflect noise that may be generated from the site. The wall would be permanent.

In response to questions by Frank Connor, 1450 South Hawthorne Avenue, Apopka, Mr. Moon stated that the information regarding this property is available to the public via the internet on the City's website. Additionally, the public can contact staff to obtain a hard copy of the staff report; however, a fee would be charged. He reiterated that public notices were sent out to property owners within 300 feet of the property and advertised in The Apopka Chief prior to the beginning of the public hearing process. If anyone has any questions regarding a property or project, they may contact staff for clarification.

In response to a question by Ms. Laurendeau, Mr. Hand advised that information should be provided upon request. That is the purpose of the public records laws.

Ms. Laurendeau provided steps to the attendees on how to access the meeting packets on the City's website, www.apopka.net.

Chairperson Greene reminded the attendees that there will be several future public hearings on this property. Additionally, as the process moves forward the property owners within 300 feet would be notified of any pending public hearings.

Mr. Connor expressed his concern that the elderly in the area would find it difficult to get the information and to understand it.

Chairperson Greene stated that anyone can call staff to get information on the project.

In response to a question by Mr. Jaspon, Mr. Moon stated that at this time there are too many variables to say how long this project would take or what exactly would be built on the property. Once the future land use and zoning are adopted, and the interchange is built, the applicant will then be able to market the property. It will be at that time that the applicant will prepare and submit development plans to the City for review and approval.

In response to questions by Ms. Toler, Mr. Moon stated that the half diamond ramp has been approved by the Central Florida Expressway Authority. The interlocal agreement to finance the construction of that interchange has been made a part of the staff report. The interchange will be reviewed by the state agencies as a part of the large scale comprehensive plan transmittal packet.

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

Motion: **Jeremiah Jaspon made a motion to find the application consistent with the Apopka Comprehensive Plan, and recommended transmittal of the large scale future land use map amendment for properties owned by Emerson Point Phase 2 LLC from “City” Medium Density Residential (0-10 du/ac) to “City” Commercial (max FAR 0.25) to the Florida Department of Economic Opportunity; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)**

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

QUASI-JUDICIAL - CHANGE OF ZONING – LITTLE BROWNIE PROPERTIES, INC. – Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” IND-2 and IND-3 to “City” I-1 (Restricted Industrial) for property owned by Little Brownie Properties, Inc., and located at 532 East 13th Street.

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: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Change of Zoning from “County” IND-2 and IND-3 to “City” I-1 (Restricted Industrial) for property owned by Little Brownie Properties, Inc., and located at 532 East 13th Street. The existing use is vacant land. The proposed use is a light industrial development/wholesale warehousing. The

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existing maximum allowable development is 380,496 sq. ft. and the proposed maximum allowable development is 456,595 sq. ft. The tract size is 17.47 +/- acres.

Presently, the subject property has not yet been assigned a “City” zoning category. Applicant is requesting the City to assign a zoning classification of I-1 (Restricted Industrial) to the property.

The subject property was annexed into the City of Apopka on January 20, 2010, through the adoption of Ordinance No. 2143. The proposed change of zoning is being requested by the owner/applicant.

A request to assign a change of zoning to I-1 (Restricted Industrial) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the I-1 (Restricted Industrial) zoning classification to accommodate the use of the property for light industrial/wholesale warehousing. This use is consistent with the existing future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 17.47 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 Industrial (max 0.60 FAR) Future Land Use designation and the City’s proposed I-1 (Restricted Industrial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies. Based on the adjacent road system and nearby residential neighborhoods, I-1 (Restricted Industrial) Industrial is more suitable and compatible than I-2 Industrial zoning.

The proposed rezoning is to a non-residential zoning district and, therefore, a capacity enhancement agreement with OCPS is not necessary.

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 February 5, 2016

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” IND-2/IND-3 (ZIP) to “City” I-1 (Restricted Industrial) for the property owned by Little Brownie Properties, Inc., located at 532 E 13th Street.

Staff requests the Commission find the change of zoning to “City” I-1 (Restricted Industrial) consistent with the Comprehensive Plan and recommend adoption.

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 (E 13th Street).

Comprehensive Plan Compliance: The proposed I-1 (Restricted Industrial) zoning is consistent with the City's Industrial (max 0.60 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 (Restricted Industrial) zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

I-1 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 25 ft.
	Rear: 10 ft. (30 ft. to residential)
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the I-1 (Restricted Industrial) district.

Bufferyard Requirements: (1.) Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard. (2) Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall. (3) Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard. (4) Industrial uses adjacent to nonresidential, nonindustrial uses or districts shall provide one of the following: [a.] A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or [b.] A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

Allowable Uses: Any C-3 Commercial District permitted use and wholesale distribution, storage and light manufacturing, including: manufacture and processing of novelties, bakery and confectionary products, garments, scientific, electrical, instruments or equipment. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales and machine shops. Cold storage and frozen food lockers. All other uses not prohibited, and similar and compatible to those within the I-1 Restricted Industrial Zoning District.

Mr. Hand swore in Peter Wood, President, Little Brownie Properties, Inc.

Petitioner Presentation: Mr. Wood said they are located at 1350 Sheeler Avenue. They are looking to change the zoning for light industrial because they found out this property is in the hub area of south Apopka. They are considering some future development or a sale it to a manufacturer or a labor intensive operation that will encourage employment in the hub zone.

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: Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning request for properties owned by Little Brownie Properties, Inc., located at 532 East 13th Street, from “County” IND-2/IND-3 (ZIP) to “City” I-1 (Restricted Industrial); and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

QUASI-JUDICIAL - 2016 ADMINISTRATIVE REZONINGS

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 these items. None.

Mr. Moon stated that Pursuant to the Interlocal Agreement between the City and Orange County (2004), policy of the City’s Comprehensive Plan (Policy 3.9) and State law (s 163.3202, F.S.), the City is required to assign a zoning category to lands that are annexed into the City’s jurisdiction. To comply with these requirements, city staff is recommending that the City assign a zoning category that is most compatible to the current zoning category that was assigned by Orange County.

The impact on the number of residential units under the proposed rezoning for the following cases will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendments and determined that adequate public facilities exist to support these zoning changes.

The proposed zoning classifications are consistent with the Future Land Use Designation assigned to each of the properties.

The requests of the proposed rezonings would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

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 February 5, 2016.

The property owners were notified via certified mail of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

The Development Review Committee recommends approval of the 2016 Administrative Rezonings as shown in the staff reports.

These items are considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

ITEM NO. 1 (ORD. NO. 2476) – FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (AGRICULTURE) – Chairperson Greene stated this is a request to recommend approval of the 2016 Administrative Rezoning from “County” A-1 (ZIP) to “City” AG (Agriculture).

This is a request to recommend approval of the 2016 Administrative Rezoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for property owned by Donald S. and Kathleen V. Smithers, located south of West Kelly Park Road and west of Anton Avenue. The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 1999. The existing use is vacant land. The proposed use is a light industrial development/wholesale warehousing. The existing maximum allowable development is 380,496 sq. ft. and the proposed maximum allowable development is 456,595 sq. ft. The tract size is 17.47 +/- acres.

The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject property is not located within any other city overall or protection area.

The character of the area is predominantly single-family residential, with “City” RCE-1 zoning to the west and “County” A-1 zoning to the north and east. Single-family residential is present to the south of the subject property. The current and proposed use of the site is for a manufactured home, which is a permitted use within the proposed “City” AG is zoning district. It is compatible with the uses in the surrounding area, which is predominantly rural.

The one parcel, comprising a total of 6.14 +/- acres, has been annexed into the City of Apopka and has been assigned Future Land Use designations compatible with the proposed AG zoning designation. The subject property currently has a City Future Land Use Designation of Agriculture (AG) and a County zoning category of A-1 assigned to it. A summary of the zoning case is provided in Exhibit “A”.

A brief summary of the administrative rezoning case:

<u>A-1 Properties</u>	
# of Parcels:	1
# of Property Owners:	1
Acreage:	6.14 +/- acres

ZONING REPORT

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (W Kelly Park Rd).

Comprehensive Plan Compliance: The proposed AG zoning is consistent with the City’s Agriculture Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Agriculture Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG District Requirements:

Minimum Living Area: 1,200 sq. ft. (Single-family)

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		400 sq. ft. (mobile home)
Minimum Site Area:		5 acres
Minimum Lot Width		NA
Setbacks:	Front:	25 ft. (100 ft. non-residential uses)
	Rear:	25 ft. (100 ft. non-residential uses)
	Side:	25 ft. (100 ft. non-residential uses)
	Corner	25 ft. (100 ft. non-residential uses)
Based on the above zoning standards, the subject site complies with code requirements for the AG district.		

Bufferyard Requirements: Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines.

Allowable Uses: Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.

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: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of Ordinance 2476, administratively changing the zoning classification from “County” A-1 (ZIP) to “City” AG (Agriculture) for property owned by Donald S. and Kathleen V. Smithers, and located south of West Kelly Park Road and west of Anton Avenue; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

ITEM NO. 2 (ORD. NO. 2477) – QUASI-JUDICIAL – FROM “COUNTY” A-1 & A-2 (ZIP) TO “CITY” AG (AGRICULTURE) – Chairperson Greene stated this is a request to recommend approval of the 2016 Administrative Rezoning from “County” A-1 and A-2 (ZIP) to “City” AG (Agriculture) for the following owners and properties:

Robert and Joyce Ayres: The owners are Robert and Joyce Ayers. The applicant is the City of Apopka. The location is west of Mt. Plymouth Road, north of Longhorn Drive. The existing and proposed use is a manufactured home. The existing and proposed maximum allowable development is one (1) residential unit. The tract size is 9.88 +/- acres. The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1777.

James and Pamela Wright: The owners are James and Pamela Wright. The applicant is the City of

Apopka. The location is north of Haas Road, east of Foliage Way. The existing and proposed use is a single-family home. The existing and proposed maximum allowable development is one (1) residential unit. The tract size is 1.21 +/- acres. The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1776.

Michael and Melessa Hardy: The owners are Michael and Melessa Handy. The applicant is the City of Apopka. The location is west of Plymouth Sorrento Road, north of Lent Road. The existing and proposed use is a single-family home. The existing and proposed maximum allowable development is one (1) residential unit. The tract size is 2.23 +/- acres. The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1964.

ZONING REPORT

Land Use & Traffic Compatibility: (1) Robert and Joyce Ayres - The subject property fronts and is accessed by a local roadway (Mt. Plymouth Rd); (2) James and Pamela Wright - The subject property fronts and is accessed by a local roadway (Haas Rd); and (3) Michael and Melessa Handy - The subject property fronts and is accessed by a minor arterial roadway (Plymouth Sorrento Rd).

Comprehensive Plan Compliance: The proposed AG zoning is consistent with the City's Rural Settlement Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG District Requirements:

Minimum Living Area:	1,200 sq. ft. (Single-family) 400 sq. ft. (mobile home)
Minimum Site Area:	5 acres
Minimum Lot Width	NA
Setbacks:	Front: 25 ft. (100 ft. non-residential uses) Rear: 25 ft. (100 ft. non-residential uses) Side: 25 ft. (100 ft. non-residential uses) Corner 25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

Bufferyard Requirements: Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines.

Allowable Uses: Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.

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 find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of Ordinance 2477, administratively changing the zoning classification for various properties from “County” A-1 and A-2 (ZIP) to “City” AG (Agriculture) for properties owned by Robert and Joyce Ayres, located west of Mt. Plymouth Road, north of Longhorn Drive; James and Pamela Wright, located north of Haas Road, east of Foliage Way; and Michael and Melessa Hardy, located west of Plymouth Sorrento Road, north of Lent Road; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

ITEM NO. 3 (ORD. NO. 2478) – QUASI-JUDICIAL – FROM “COUNTY” A-1 & C-1 (ZIP) TO “CITY” PO/I (PROFESSIONAL OFFICE/INSTITUTION) – Chairperson Greene stated this is a request to recommend approval of the 2016 Administrative Rezoning from “County” A-1 and C-1 (ZIP) to “City” PO/I (Professional Office/Institution).

This is a request to recommend approval of the 2016 Administrative Rezoning from “County” A-1 and C-1 (ZIP) to “City” PO/I (Professional Office/Institution) for the following owners and properties:

Trinity Baptist Church of Apopka, Inc.: The owner is Trinity Baptist Church of Apopka, Inc. The applicant is the City of Apopka. The location is south of South Orange Blossom Trail, west of Roger Williams Road. The existing and proposed uses are a church and school. The existing maximum allowable development is one (1) residential unit and the proposed maximum allowable development is 147,929 sq. ft. The tract size is 11.32 +/- acres. The subject property was annexed into the City of Apopka on April 2, 2003, through the adoption of Ordinance No. 1588.

City of Apopka: The owner/applicant is the City of Apopka. The location is west of Vick Road, north of West Lester Road. The existing and proposed use is vacant land. The existing maximum allowable development is one (1) residential unit and the proposed maximum allowable development is 104,805 sq. ft. The tract size is 8.02 +/- acres. The subject property was annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1701.

ZONING REPORT

Land Use & Traffic Compatibility: The subject properties front and is accessed by a local roadway (Vick Road).

Comprehensive Plan Compliance: The proposed PO/I zoning is consistent with the City’s Institutional/Public Use Future Land Use designation and with the character of the surrounding area and future proposed development. The PO/I zoning classification is one of the acceptable zoning categories allowed within the Institutional/Public Use Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

PO/I District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	85 ft.
Setbacks: Front:	25 ft.
Rear:	10 ft. (25 ft. from Residential)

Side: 10 ft.
Corner 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the PO/I district.

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to nonresidential uses or districts shall provide a minimum of five-foot landscaped bufferyard. Landscaping requirements for existing platted lots of record and structures may be approved in a lesser amount than required after review by the development review committee.

Allowable Uses: Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc. Medical or dental clinics and offices. Churches and attendant educational facilities, educational facilities and day nurseries, public and private utilities, supporting infrastructure and public facilities. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.

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: Pam Toler made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of Ordinance 2478, administratively changing the zoning classification for various properties from “County” A-1 AND C-1 (ZIP) to “City” PO/I (Professional Office/Institutional) for properties owned by Trinity Baptist Church of Apopka, Inc., located south of South Orange Blossom Trail, west of Roger Williams Road; and the City of Apopka, located west of Vick Road, north of West Lester Road; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

ITEM NO. 4 (ORD. NO. 2479) – QUASI-JUDICIAL – FROM “COUNTY” C-3 (ZIP) TO “CITY” C-1 (RETAIL COMMERCIAL) – Chairperson Greene stated this is a request to recommend approval of the 2016 Administrative Rezoning from “County” C-3 (ZIP) to “City” C-1 (Retail Commercial) for the following owners and properties:

Norman E. Sawyer: The owner is Norman E. Sawyer and the applicant is the City of Apopka. The location is west of North Rock Springs Road, north of East Nancy Lee Lane. The existing and proposed use is warehousing. The existing maximum allowable development is 6,011 sq. ft. and the proposed maximum allowable development is 5,009 sq. ft. The tract size is 0.46 +/- acre. The subject property was annexed into the City of Apopka on December 1, 2005, through the adoption of Ordinance No. 1702.

Inglesia El Getsemani, Inc.: The owner is Inglesia El Getsemani, Inc. and the applicant is the City of Apopka. The location is north of North Orange Blossom Trail, east of Stewart Avenue. The existing and proposed use is an office. The existing maximum allowable development is 37,374 sq. ft. and the proposed maximum allowable development is 31,145 sq. ft. The tract size is 2.86 +/- acres. The subject property was annexed into the City of Apopka on June 4, 2008, through the adoption of Ordinance No. 2031.

ZONING REPORT

Land Use & Traffic Compatibility: (1) Norman E. Sawyer - The subject property is accessed by a minor arterial (N Rock Springs Road); and Inglesia El Getsemani, Inc. - The subject property fronts and is accessed by a major collector (S Orange Blossom Trail).

Comprehensive Plan Compliance: The proposed C-1 zoning is consistent with the City's Commercial Future Land Use designation and with the character of the surrounding area and future proposed development. The C-1 zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

C-1 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 10 ft.
	Rear: 10 ft. (30 ft. from Residential)
	Side: 10 ft. (15ft. corner lots)
	Corner 15 ft.

Based on the above zoning standards, the subject site complies with code requirements for the C-1 district.

Bufferyard Requirements: Areas adjacent to all road right-of-ways shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five-foot landscaped bufferyard.

Allowable Uses: Retail establishments, banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building. Churches and schools and any non-residential permitted use in the PO/I or CN districts.

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 find the application consistent with the Apopka**

Comprehensive Plan and Land Development Code, and recommend adoption of Ordinance 2479 administratively changing the zoning classification for various properties from “County” C-3 (ZIP) to “City” C-1 (Commercial) for properties owned by Norman E. Sawyer, located west of North Rock Springs Road, north of East Nancy Lee Lane; and Inglesia El Getsemani, Inc., located north of North Orange Blossom Trail, east of Stewart Avenue, subject to the information and findings in the staff report; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

ITEM NO. 5 (ORD. NO. 2480) – QUASI-JUDICIAL – FROM “COUNTY” C-1 (ZIP) TO “CITY” C-2 (GENERAL COMMERCIAL) – Chairperson Greene stated this is a request to recommend approval of the 2016 Administrative Rezoning from “County” C-1 (ZIP) to “City” C-2 (General Commercial) for the following properties:

7-Eleven, Inc.: The owner is 7-Eleven, Inc. and the applicant is the City of Apopka. The location is north of East Semoran Boulevard, west of South Wekiwa Springs Road. The existing and proposed use is a gas station and convenience store. The existing maximum allowable development is 16,727 sq. ft. and the proposed maximum allowable development is 13,939 sq. ft. The tract size is 1.28 +/- acres. The subject property was annexed into the City of Apopka on December 5, 2001, through the adoption of Ordinance No. 1417.

Action Gator Tire: The owner is Action Gator Tire and the applicant is the City of Apopka. The location is north of East Semoran Boulevard, west of South Wekiwa Springs Road. The existing and proposed use is a tire and auto repair shop. The existing maximum allowable development is 7,971 sq. ft. and the proposed maximum allowable development is 6,642 sq. ft. The tract size is 0.61 +/- acre. The subject property was annexed into the City of Apopka on December 5, 2001, through the adoption of Ordinance No. 1416.

RaceTrac Petroleum, Inc.: The owner is RaceTrac Petroleum, Inc. and the applicant is the City of Apopka. The location is north of East Semoran Boulevard, west of South Lake Cortez Drive. The existing and proposed use is a gas station and convenience store. The existing maximum allowable development is 17,119 sq. ft. and the proposed maximum allowable development is 14,265 sq. ft. The tract size is 1.31 +/- acres. The subject property was annexed into the City of Apopka on July 3, 1996, through the adoption of Ordinance No. 943.

ZONING REPORT

Land Use & Traffic Compatibility: The subject properties are accessed by a major collector (E Semoran Boulevard).

Comprehensive Plan Compliance: The proposed C-2 zoning is consistent with the City’s Commercial Future Land Use designation and with the character of the surrounding area and future proposed development. The C-2 zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

C-2 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	100 ft.

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Setbacks: Front: 10 ft.
 Rear: 10 ft. (30 ft. from Residential)
 Side: 10 ft.
 Corner 15 ft.

Based on the above zoning standards, the subject site complies with code requirements for the C-2 district.

Bufferyard Requirements: Areas adjacent to all road right-of-ways shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five-foot landscaped bufferyard.

Allowable Uses: Automobile service stations, not including truck stops, mechanical garages provided no body work or painting services are provided on-site. New and used cars, modular and pre-fab home displays, and boat sales and mechanical services. Nurseries and greenhouses which sell and/or distribute products wholesale. Radio broadcasting and telecasting stations, studios and offices. Motorcycle sales and services. Any permitted use in the PO/I, CN, and C-1 districts. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this 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: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of Ordinance 2480 administratively changing the zoning classification for various properties from “County” C-1 (ZIP) to “City” C-2 (Commercial) for properties owned by 7-Eleven, Inc. located north of East Semoran Boulevard, west of South Wekiwa Springs Road; Action Gator Tire, located north of East Semoran Boulevard, west of South Wekiwa Springs Road; and RaceTrac Petroleum, Inc., located north of East Semoran Boulevard, west of S Lake Cortez Drive, subject to the information and findings in the staff report; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

ITEM NO. 6 (ORD. NO. 2481) – QUASI-JUDICIAL – FROM “COUNTY” IND-2 & IND-4 (ZIP) TO “CITY” I-1 (RESTRICTED INDUSTRIAL) – Chairperson Greene stated this is a request to recommend approval of the 2016 Administrative Rezoning from “County” IND-2 AND IND-4 (ZIP) to “City” I-1 (Restricted Industrial) for the following properties:

David L. Potopas: The owner is David L. Potopas and the applicant is the City of Apopka. The location is south of Apopka Boulevard, east of North Hiawasse Road. The existing and proposed use is outdoor storage of amusement rides and trailers. The existing maximum allowable development is 22,476 sq. ft. and the proposed maximum allowable development is 44,953 sq. ft. The tract size is

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1.72 +/- acres. The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2012.

Marilyn Boughan Trust: The owner is Marilyn Boughan Trust and the applicant is the City of Apopka. The location is east of Hermit Smith Road, south of Superior Commerce. The existing and proposed use is outdoor semi-trailer storage. The existing maximum allowable development is 164,656 sq. ft. and the proposed maximum allowable development is 109,771 sq. ft. The tract size is 5.04 +/- acres. The subject property was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733.

Patricia & Irvin Leaders Trust: The owner is Patricia & Irvin Leaders Trust and the applicant is the City of Apopka. The location is north of General Electric Road, east of Hermit Smith Road. The existing and proposed use is warehousing and wholesale/light industrial suppliers. The existing maximum allowable development is 32,931 sq. ft. and the proposed maximum allowable development is 54,885 sq. ft. The tract size is 2.52 +/- acres. The subject property was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733.

LTR Properties, Inc.: The owner is LTR Properties, Inc. and the applicant is the City of Apopka. The location is north of General Electric Road, east of Hermit Smith Road. The existing and proposed use is warehousing and wholesale/light industrial. The existing maximum allowable development is 16,465 sq. ft. and the proposed maximum allowable development is 27,442 sq. ft. The tract size is 1.26 +/- acres. The subject property was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733.

ZONING REPORT

Land Use & Traffic Compatibility: (1) David L. Potopas – The subject property is accessed by a local roadway [South Apopka Boulevard]; (2) Marilyn Boughan Trust - The subject property is accessed by a local roadway [Hermit Smith Road]; (3) Patricia & Irvin Leaders Trust - The subject property is accessed by a local roadway [General Electric Road]; and (4) LTR Properties, Inc. - The subject property is accessed by a local roadway [General Electric Road].

Comprehensive Plan Compliance: The proposed I-1 zoning is consistent with the City’s Industrial Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

I-1 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 25 ft.
	Rear: 10 ft. (30 ft. from Residential)
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the I-1 district.

Bufferyard Requirements: Areas adjacent to all road right-of-ways shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard. Industrial uses adjacent to nonresidential, non-industrial uses or districts shall provide one of the following: (a.) A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or (b.) A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard. Industrial uses occurring adjacent to existing industrial districts or uses shall be required to provide a ten-foot landscaped bufferyard.

Allowable Uses: Manufacture and processing of novelties, souvenirs, bakery or confectionery products, garments, scientific, electrical, optical, furniture, ceramics, and other manufacturing. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Warehouses, bottling and distribution plants; ice cream manufacturers. Cold storage and frozen food lockers, and other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Any C-3 Commercial District permitted use.

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: Pam Toler made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of Ordinance 2481 administratively changing the zoning classification for various properties from “County” IND-2 & IND-4 (ZIP) to “City” I-1 (Restricted Industrial), for properties owned by David L. Potopas, located south of Apopka Boulevard, east of North Hiawassee Road; Marilyn Boughan, located east of Hermit Smith Road, south of Superior Commerce Boulevard; Patricia & Irvin Leaders Trust, located north of General Electric Road, east of Hermit Smith Road ; and LTR Properties, Inc., located north of General Electric Road, east of Hermit Smith Road, subject to the information and findings in the staff report; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

ITEM NO. 7 (ORD. NO. 2482) – QUASI-JUDICIAL –FROM “COUNTY” R-1 (ZIP) TO “CITY” R-1 (RESIDENTIAL) – Chairperson Greene stated this is a request to recommend approval of the 2016 Administrative Rezoning from “County” R-1 (ZIP) to “City” R-1 (Residential) for following properties:

This is a request to recommend approval of the 2016 Administrative Rezoning from “County” R-1 (ZIP) to “City” R-1 (Residential) for property owned by Brian and Christian Anderson, located west of

Armitage Drive, south of 7th Street. The applicant is the City of Apopka. The existing and proposed use is a single-family residence. The existing maximum allowable development is 12 residential units and the proposed maximum allowable development is 15 residential units. The tract size is 3.15 +/- acres. The subject property was annexed into the City of Apopka on November 19, 2008, through the adoption of Ordinance No. 2052.

ZONING REPORT

Land Use & Traffic Compatibility: The subject property is accessed by a local roadway (Armitage Drive).

Comprehensive Plan Compliance: The proposed R-1 zoning is consistent with the City's Residential Low Future Land Use designation and with the character of the surrounding area and future proposed development. The R-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-1 District Requirements:

Minimum Living Area:	1,500 sq. ft.
Minimum Site Area:	8,000 sq. ft.
Minimum Lot Width	75 ft.
Setbacks:	Front: 25 ft.
	Rear: 20 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the R-1 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 to 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.

Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

Allowable Uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with Section 2.02.01.

Petitioner Presentation: None.

Affected Party Presentation: None.

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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 find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of Ordinance 2482 administratively changing the zoning classification for various properties from “County” R-1 to “City” R-1 (Residential), for property owned by Brian and Christian Anderson, located west of Armitage Drive, south of 7th Street, subject to the information and findings in the staff report; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler. (5-0) (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: Tony Foster announced that his daughter, Laila Foster, a graduate of Apopka High School, is competing in the National Indoor Track and Field Championship in Pittsburgh, Missouri this weekend. KJ Dillon, an Apopka High School graduate is entering the National Football League (NFL). KJ used to always say at practice, “Everybody wants to be famous but no one wants to do the work.” Mr. Foster said that resonates with him. He add that KJ has suffered with diabetes his whole life but has not let that stop him from achieving his goals. He said he is very proud of both of them and, added that they were the Apopka High School Homecoming King and Queen in 2011.

ADJOURNMENT: The meeting was adjourned at 6:39 p.m.

/s/

James Greene, Chairperson

/s/

Mark Reggentin, AICP
Community Development Director