



**City of Apopka  
Planning Commission  
Meeting Agenda  
November 14, 2016  
5:30 PM @ City Council Chambers**

**I. CALL TO ORDER**

If you wish to appear before the Planning Commission, please submit a "Notice of Intent to Speak" card to the Recording Secretary.

**II. OPENING AND INVOCATION**

**III. APPROVAL OF MINUTES:**

1. Approve minutes of the Planning Commission regular meeting held October 11, 2016, at 5:30 p.m.

**IV. PUBLIC HEARING:**

1. ORDINANCE NO. 2526 – An ordinance establishing a temporary Moratorium on the dispensing of medical cannabis within the City of Apopka.
2. COMPREHENSIVE PLAN AMENDMENT – CAPITAL IMPROVEMENTS ELEMENT – Annual update to the City's Five-Year Capital Improvements Plan, and incorporation into the City of Apopka Comprehensive Plan, Capital Improvements Element.
3. SIGN VARIANCE – TRACTOR SUPPLY – APOPKA – Owned by Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP, requesting a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article VIII, Sections 8.03.03 AND 8.04.02, for property located at 180 West 1st Street. (PARCEL ID #s: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122)
4. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Central Florida Expressway Authority, from "County" Rural (1 du/10 ac) to "City" Residential Low Suburban (3.5 du/ac), for property located west of Plymouth Sorrento Road south of Yothers Road. (Parcel ID #s: 36-20-27-0000-00-124 & 36-20-27-0000-00-126)
5. CHANGE OF ZONING – Owned by Central Florida Expressway Authority, from "County" A-1 (Rural) to "City" R1-A (Residential), for property located west of Plymouth Sorrento Road south of Yothers Road. (Parcel ID #s: 36-20-27-0000-00-124 & 36-20-27-0000-00-126)
6. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Marshall Howard, from Residential High (0-15 du/ac) to Commercial (Max. 0.25 FAR), for property located at 1351 Tropical Circle. (Parcel ID #: 13-21-28-5300-03-100)

7. CHANGE OF ZONING – Owned by Marshall Howard, from R-3 (Residential) to C-1 (Retail Commercial), for property located at 1351 Tropical Circle. (Parcel ID #: 13-21-28-5300-03-100)
8. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Property Industrial Enterprises, LLC, from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Max. FAR 0.6), for property located at 202 South Hawthorne Avenue and 300 West 2nd Street. (Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240)
9. CHANGE OF ZONING – Owned by Property Industrial Enterprises, LLC, from “County” R-2 (ZIP) to “City” I-1(Restricted Industrial), for property located at 202 South Hawthorne Avenue and 300 West 2nd Street. (Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240)
10. CHANGE OF ZONING – Owned by Jack & Joyce Cravey, from “County” A-1 (ZIP) to “City” AG (Agriculture), for property located west of Phils Lane, east of Golden Gem Road. (Parcel ID #s: 24-20-27-0000-00-056 & 24-20-27-0000-00-112)
11. CHANGE OF ZONING – Owned by South Pass, LLC, from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates), for property located at 2228 Vick Road. (Parcel ID #: 29-20-28-0000-00-034)

**V. SITE PLANS:**

1. FINAL DEVELOPMENT PLAN/PLAT – MAUDEHELEN, PHASE 4 – Owned by GK Maudehelen, LLLP, property located south of Beardsley Drive and east of Binion Road. (Parcel ID #s: 07-21-28-0000-00-052; 07-21-28-0000-00-054)

**VI. OLD BUSINESS:**

**VII. NEW BUSINESS:**

**VIII. ADJOURNMENT:**

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All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.

**Backup material for agenda item:**

- 1 Approve minutes of the Planning Commission regular meeting held October 11, 2016, at 5:30 p.m.

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 11, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, Jose Molina, and Roger Simpson

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

**OTHERS PRESENT:** David Moon, AICP - Planning Manager, Andrew Hand, Esq., Rogers Beckett – Special Project Coordinator, Kyle Wilkes, AICP – Planner II, Robert Sargent – Public Information Officer, Robert Hafer, Dr. Tony W. Shaw, Dr. Harbinder Ghulldu, Philip R. Forde, Trevor Walfall, Christian Swann, Jeff Banker, Will Anderson, Jeremy Anderson, Nathan Wolfe, Reggie Connell, Marc Stehli, Matt Wiesenfeld, Ed Velazquez, Suzanne Kidd, Hans Pistor, Vicky Denning, Theresa Sargent, 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 September 13, 2016, at 5:30 p.m. minutes.

**Motion:** Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on September 13, 2016, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0).

**SWEARING-IN** - Ms. Green swore-in staff, the petitioners, and affected parties.

Mr. Hand arrived at 5:37 p.m.

**LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC** - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Office (Max. 0.30 FAR) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Office (Max. 0.30 FAR) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. The existing use is a vacant boarding house and a single family residence. The proposed use is a mental health and rehabilitation clinic, including in-patient residential treatment. The current zoning designation is “County” R-3 (ZIP) and is being amended at the same time as the future land use amendment. The proposed zoning designation is “City” Planned Unit Development (PUD-PO/I-Residential). The existing maximum allowable development is a 29 bed boarding house and a single family home. The proposed maximum allowable development is a 1,933 sq. ft. medical office facility and a 6,896 sq. ft. in-patient rehabilitation and residential facility for up to 40 patients. The tract size is 5.6 +/- acres.

Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Office (max FAR of 0.3) to the property.

The subject properties were annexed into the City of Apopka on February 17, 2016, through the adoption of Ordinance No. 2387. The proposed Small-Scale Future Land Use Amendment is being requested by the



**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 11, 2016, AT 5:30 P.M.**

owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.52 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Zoning report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

The existing and proposed use of the property is consistent with the Office (max FAR 0.3) Future Land Use designation and the City's proposed PUD/PO/I/Residential Zoning so long as existing building floor area is not expanded above on the existing land area comprising the subject site.

Because this Change of Zoning represents a change to a non-residential underlying zoning classification and any residential is ancillary to medical treatment, 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 January 8, 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 Future Land Use from "County" Low Density Residential (0-4 du/ac) to "City" Office (max FAR 0.3) for the property owned by Apopka Holdings LLC and located at 1120 Clarcona Road & 1124 S Park Avenue.

The Planning Commission is asked to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend to amend the Future Land Use Map designation from "County" Low Density Residential to "City" Planning Unit Development allowing limited Professional Office/Intuitional uses and Residential.

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.

The applicant intends to redevelop the property for use as a mental health and substance abuse treatment facility, including inpatient residential care. The proposed future land use of Office and use for the property is compatible with the general character of the surrounding neighborhood. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Commercial and industrial uses occur in the general vicinity to the north and south along Park Avenue\Clarcona Avenue.

Abutting the subject property to the north and along Park Avenue are: a private park owned by the St. Paul AME Church, the St. Paul Church, and then parcels zoned C-1 commercial and I-1 industrial. Industrial-zoned property is located 250 feet to the north along Park Avenue, on the east side of Park Avenue. This industrial-zoned property is currently vacant along Park Avenue. Parcels abutting to the north are used for a church – the St. Paul African Methodist Episcopal Church. The commercial-zoned properties are occupied by vacant single family homes, Bethel Baptist Church, or occupied single family residential.

The Lighthouse Tabernacle church abuts part of the western (rear) property line, and single family residential abuts the northern half of the subject site's western property lines. Northwest of the site is New Hope Baptist Church.

On the south there are single family homes about the subject property directly to the south. While the areas to the south are predominantly single family residential, commercial-zoned nodes do occur approximately 600 feet away.

On the east Apopka Holdings LLC, the applicant, recently purchased the two parcel directly to the northeast, on the other side of Clarcona Avenue\Park Avenue. Single family homes are located on the parcels to the southeast.

The proposed future land use designation of "City" Office serves as a transitional land use between the residential uses to the east, south and west, and to the institutional, commercial and industrial zoning and uses to the north and northeast of the subject properties.

Other Information:

Wekiva River Protection Area: No

Area of Critical State Concern: No

DRI / FQD: No

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

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

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

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

Analysis of the character of the Property: The property fronts Clarcona Rd\Park Avenue. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Office (max FAR 0.3). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

**CALCULATIONS:**

ADOPTED (County designation): 2 Unit(s) x 2.659 p/h = 5 persons

PROPOSED (City designation): N/A

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 392 GPD
3. Projected total demand under proposed designation: 1921 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 908 GPD
3. Projected total demand under proposed designation: 2561 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 20 lbs./person/day
4. Projected LOS under proposed designation: 25 lbs./day/1000 sf
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 GPD

Total design capacity of the water treatment plant(s): 33.696 GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: No

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 25 hour design storm
3. Projected LOS under proposed designation: 100 year - 25 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.015 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.

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 the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from “County” Low Density Residential (0-4 du/ac) to “City” Planned Unit Development (PUD-PO/I-Residential) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Roger Simpson. Jose Molina voted nay. (5-1). (Vote taken by poll.)

**QUASI-JUDICIAL - CHANGE OF ZONING – EQUITY WATERS EDGE, LLC** - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” R-3 (Residential) to “City” Planned Unit Development (PUD-PO/I-Residential) for property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue.

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. No one spoke.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change of Zoning from “County” R-3 (Residential) to “City” Planned Unit Development (PUD-PO/I-Residential) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. The existing use is a vacant boarding house and a single family residence. The proposed use is a mental health and rehabilitation clinic, including in-patient residential treatment. The current zoning designation is “County” R-3 (ZIP) and is being amended at the same time as the future land use amendment. The proposed zoning designation is “City” Planned Unit Development (PUD-PO/I-Residential). The existing maximum allowable development is a 29 bed boarding house and a single family home. The proposed maximum allowable development is a 1,933 sq. ft. medical office facility and a 6,896 sq. ft. in-patient rehabilitation and residential facility for up to 40 patients. The tract size is 5.6 +/- acres.

The subject properties are currently in the process of being annexed into the City of Apopka. If approved by City Council, the annexations will occur on February 17, 2016, through the adoption of Ordinance No. 2387. The proposed change of zoning is being requested by the owner.

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

The applicant proposes to redevelop the property for use as a mental health and substance abuse rehabilitation center with inpatient care. An existing 1,933 sq. ft. single-family house will be converted to office and rehabilitation services, and the existing rooming house (29 bed capacity; 6,896 sq. ft.) will be converted to a residential facility for up to 40 resident patients. In addition, a community bathroom facilities, kitchen, and dining facilities will be provided inside an enclosed building. With a maximum floor area ratio standard of 0.30, a maximum of 6,795 sq. ft. of building floor area is allowed on the .52 acre site. The combined floor area of the two existing buildings is 8,829 sq. ft. or 2,033 square feet above the maximum allowed for acreage on this property. The current floor area ratio of existing buildings is 0.389, while the maximum floor area ratio for the zoning district is 0.30. Existing buildings cannot be expanded or additional buildings constructed until additional land is added to the subject site to meet the 0.30 FAR.

Small parcel size and use of existing buildings prevents sufficient space to accommodate the necessary parking spaces to meet anticipated demand. Temporary off-site parking is proposed at the New Hope Baptist Church on

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 subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: all such uses permitted within the PO/I (Professional Office/Institutional POI (zoning category) except for following PO\I uses shall be prohibited:
  - 1. Hospitals, museums, libraries or cultural institutions;
  - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
  - 3. Boarding or rooming house(s);
  - 4. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
  - 5. All uses permitted through a special exception within the Professional Office/Institutional zoning district.
- B. Over-night inpatient rooming facilities shall be permitted as an ancillary use if the site is used for medical care; all other residential uses shall be prohibited. Permitted residential shall be limited as follows:
  - 1. Full-time residential shall be permitted for an on-site caretaker or property manager.
  - 2. Residents at the site shall only be patients served by the on-site medical services.
  - 3. Residents typically will not have automobiles parked at the residential facilities (Parcels 09-21-28-0197-10-211 & 09-21-28-0197-10-213). As insufficient land area occurs at the business site. Satellite parking will be provided at the New Hope Missionary Baptist Church subject to a parking agreement acceptable to the city attorney. A certificate of occupancy shall not be issued to the applicant until off-site parking is confirmed through a permanent parking agreement, recorded with the land, and acceptable to the city attorney. Any other off-site parking location shall require approval by City Council.
  - 4. No outdoor group activities shall occur from 10 p.m. to 7 a.m. due to the proximity of residential homes abutting and near the site.
- C. If the mental health facility ceases to operate at the subject property for more than 180 consecutive days, such use shall not continue and the PUD ordinance shall expire. In such case, the City at its discretion may assign another zoning category to the subject property.
- D. If a Final Development Plan associated with the PUD district has not been approved by the City within three 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 Final 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.
- E. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health, safety and welfare, the following zoning and development standards shall apply to the development of the Property and for the master site plan:
1. A rooming house\boarding house is not allowed at the subject site after a zoning category of PUD zoning is assigned to it by the City.
  2. Any new structures shall meet the architectural design standards set forth in the Apopka Development Design Guidelines dated May 2000, or as amended by the Apopka City Council. Any building, whether residential or non-residential, shall be designed with a residential architecture style and shall have a pitched roof. Any new building shall require the site to comply with the maximum floor area ratio of 0.30.
  3. The existing two buildings may be used for medical treatment and residential facilities but the gross building floor area shall not be expanded. Buildings may be used for medical office (drug, alcohol and mental health medical treatment and associated residential care uses only). No new buildings or expansion of existing buildings shall occur unless the total floor area of all buildings complies with the floor area ratio for the Professional Office\Institutional (.i.e., .030 FAR).
  4. The site shall provide a six-foot brick/masonry wall along the western and southern portions of the subject properties adjacent to residential uses.
  5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code, to the greatest extent practical.
  6. All services occurring at the site, including dining and cooking facilities, shall occur inside an enclosed building.
  7. At the Final Development Plan, if the subject site cannot accommodate the required number of parking spaces, applicant must either obtain long-term contracts with abutting churches to use their parking spaces to meet the parking requirement, or the Final Development Plan shall not be approved. Medical patients residing at the residential facility shall not be allowed to park at the site unless a Final Development Plan demonstrates sufficient parking is available.
  8. No more than 40 patients or the maximum number of occupants allowed by building code, whichever is lower, shall reside at the residential facilities. Only patients and employees of the medical provider may reside at approved residential facilities.
  9. Connection to City central water and sewer service is required prior to issuance of a certificate of occupancy.

10. Unless otherwise provided herein, the design of the site through a Master Plan\Final Development Plan shall occur consistent with development standards for the PO/I zoning district. Modifications to the Final Development Plan may be approved by the Development Review Committee if determined to be an insubstantial change by the Community Development Director.

The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City's proposed Planned Unit Development (PUD/PO/I) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Change of Zoning represents a change to a non-residential underlying zoning classification and any residential is ancillary to medical treatment, 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 January 8, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from R-3 (ZIP) to Planned Unit Development (PUD/PO/I/Residential) subject to the PUD zoning and developments standards for the property owned by Apopka Holdings, LLC.

The recommended motion is to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the change in zoning from R-3 (ZIP) to Planned Unit Development (PUD/PO/I/Residential) and the Master Plan\Final Development Plan subject to the PUD zoning and developments standards for the property owned by Apopka 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.

The proposed zoning and use is compatible with adjacent zoning districts and the general character of the surrounding area. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Parcels abutting to the north are used for a church – the St. Paul African Methodist Episcopal Church, and Lighthouse Tabernacle church abuts part of the western (rear) property line, which are both institutional uses. In addition, the area contains other non-residential land uses, including industrial to the northeast and commercial to the south of the subject sites. Furthermore, the applicant – Apopka Holdings LLC – has recently purchased properties east of the sites, across Park Avenue, to incorporate into the proposed use at a later date.

The underlying PO/I and Residential zoning serves as a transitional zoning between the residential uses to the east, south and west, and to the institutional, commercial and industrial zoning and uses to the north and northeast of the subject properties.

The Land Use Compatibility supporting information from the Future Land Use amendment is incorporated into the findings of the Zoning Report.

The property has access to a Minor Arterial roadway (Clarcona Road). A medical office/clinic is a permissible use within the PO/I zoning category. Future land use designations and zoning categories assigned to properties to the north, south, east, and west is predominantly residential, industrial and commercial.



The proposed PUD/PO/I/Residential zoning is compatible with policies set forth in the Comprehensive Plan.

PO/I District Requirements:

FAR:	0.30 (max.)
Open Space:	30 percent
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width:	85 ft.
Setbacks:	Front: 25 ft.
	Side: 10 ft.
	Corner: 25 ft.
	Rear: 10 ft.
Adjacent to Residential:	25 ft.

Areas adjacent to all road rights-of-way shall provide a minimum ten (10) foot landscaped bufferyard. Areas adjacent residential use shall provide a minimum six (6) foot masonry wall within a ten (10) foot landscaped bufferyard.

Allowable uses are professional offices, medical or dental clinics and offices, establishments for the retail sale of pharmaceutical, medical and dental supplies, hospitals, museums, libraries, churches and educational facilities.

Petitioner Presentation: Robert Hafer, 1325 Welch Ridge Terrace, Apopka, stated that Central Florida Recovery Centers has been in existence since 2001. Their out-patient facility is located at 6900 Turkey Lake Road. Between Dr. Ghulldu, Dr. Shaw, and himself they have approximately 75 years of experience in recovery treatment facilities. We goal is to help people recover from addictions or minor mental health issues. Most of the clients that come in will be ready to make changes in their lives and embrace recovery. Some will come in with minor mental health issues but that will be addressed at the facility. We are proposing that the front building be the offices and all the medical facilities. The back building will be for people recovering and they will be there from 5 to 30 days.

In response to questions by Ms. Laurendeau, Dr. Harbinder Ghulldu, Central Florida Rehabilitation Center, stated that this will be a residential facility. The front building will be used for the primary mental health unit. We will provide a whole comprehensive medical and mental health unit. The back building will be used as a detox and residential unit. Our clients will be local and as well as from all over the country. The clients will admit themselves voluntarily. He said they will provide services to walk-ins as well. They will being treating all types of addictions but mostly alcohol and opioids.

In response to a question by Mr. Birdsong, Dr. Ghulldu stated that there will be security procedures and that the clients will be persons who are there voluntarily seeking help.

Mr. Hafer stated that the Center will be licensed through the Florida Department of Children and Families Substance Abuse and Mental Health Program Office and will have to abide by all of their regulations as required by Rule 65-D-30 of F.S. 397.321(5).

In response to a question by Ms. Laurendeau, Dr. Ghulldu stated they are licensed through the Florida Department of Children and Families Substance Abuse and Mental Health Program Office. Additionally, they are accredited with the Commission on Accreditation of Rehabilitation Facilities (CARF).

In response to questions by Mr. Molina:

Dr. Tony Shaw, Central Florida Treatment Centers, stated the Center will only be assisting clients who have mild to moderate addictions. There will be security but not raised to the level of intensified law

enforcement onsite. We comply with the national standards provided by the American Society of Addiction Medicine (ASAM) criteria for placement. There will not be security officers. There will be residence assistances who will provide security.

Dr. Ghulldu stated that when patients are in detox they are not permitted to leave the facility. When in residence there are designated areas the patients may go to that will be staffed. There will also be doors with alarms that will be monitored. The patients being served will be people who have voluntarily admitted themselves will also be able to walk out of the facility. It is not a prison. He said that drugs will not be sold or accessible from this location. The facility provides short term rehabilitation of approximately 30 days.

Mr. Hafer stated there are Florida Department of Children and Families mandates for residential treatment centers that includes 24-hour supervised care and the number of staff.

Dr. Shaw stated that the state of mind of the client will dictate what, if any, actions are taken if they want to leave the facility.

Dr. Ghulldu explained that a discharge nurse handles the discharge of a client; however, it is unlikely there will be an unplanned discharge, such as someone walking out, because most of the clients will be from out of town and will have to have a plan. If we deem that the person should not be allowed the leave then we would call located authorities. They follow the Florida Department of Children and Families minimum staffing requirements for residential treatment centers.

Mr. Hafer stated that all of the counselors are going to be certified addiction professionals, or CABs, and/or licensed mental health counselors or social workers. There is always going to be a professional available to assist a patient. The nursing staff requirements is one nurse for every fifteen patients.

Dr. Ghulldu stated that there will be a resident assistant, a nurse, and a counselor available. At night there will be a minimum of four people on duty.

Mr. Molina reiterated his concerns regarding security and staffing.

Dr. Shaw stated that each client goes through a risk assessment and the standard of care will be based on that assessment.

Mr. Hafer stated there will be Certified Addiction Professionals (CAPs) on staff at all times to supervise people.

Dr. Ghulldu stated there will also be a night nurse and resident assistants.

Mr. Molina requested copies of the rules and regulations for this type of facility.

In response to questions by Mr. Simpson, Dr. Ghulldu stated that if someone leaves the facility unexpectedly and then wishes to come back they would be required to go through the risk assessment process to determine if their program would be appropriate for the patient. They treat with non-addictive drugs such as *Vivitrol* which takes away the cravings for alcohol or opioids. When a patient comes in they go through an intake process where everything is checked out. All of their belongings are taken away from them and they just get what is provided by the facility. This includes any prescription medications that may be harmful and are destroyed.

Mr. Hafer stated that if a patient walks out it would be noticed because all patients are checked every fifteen minutes by staff.

In response to a question by Mr. Molina, Mr. Hafer stated when a patient is admitted they sign a document that they will be searched if staff deems it necessary.

Further discussion occurred regarding the safeguards to be implemented by the Center and the safety of the public and the patients.

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 the change of zoning from “County” R-3 (Residential) to “City” Planned Unit Development (PUD-PO/I-Residential) for property owned by Apopka Holdings, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Roger Simpson. Jose Molina voted nay. (5-1). (Vote taken by poll.)

**QUASI-JUDICIAL – PLATS – PHASES 1 & 2 – SILVER OAK SUBDIVISION** - Chairperson Greene stated this is a request to recommend approval of the plats for Phases 1 and 2 of the Silver Oak Subdivision owned by Development Solutions SH, LLC, c/o Christian Swann and located north of East Keene Road, west of Sheeler Avenue.

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. No one spoke.

Staff Presentation: David Moon, AICP, Planning Manager stated this is a request to recommend approval of the plats for Phases 1 and 2 of the Silver Oak Subdivision owned by Development Solutions SH, LLC, c/o Christian Swann and located north of East Keene Road, west of Sheeler Avenue. The engineer is Poulos & Bennett, LLC, c/o Mark Stehli, P.E. The future land use is Residential High (0-15 du/ac) and the zoning is R-3 (Residential). The property has been designated a Small Lot Overlay District. The proposed development for Phase 1 is 116 lots and 66 lot in Phase 2. The tract size is 50.83 +/- acres.

The Silver Oaks Subdivision proposes a total of 210 single family residential units separated into phases. Phase 1 will consist of 116 residential lots and Phase 2 will have 66 residential lots in phase 2. The developer has placed a blanket easement across all residential lots to allow HOA access for lawn maintenance. All residential lawns will be maintained by the HOA. The Phase 1 and 2 plats are consistent with the Final Development Plan and the Preliminary Development Plan.

Ingress/egress for the development will occur from internal public roads connecting at two locations -- Sheeler Avenue and East Keene Road. All subdivision roads are publicly owned and maintained. All alleyways are owned and maintained by the homeowners association.

The stormwater management system includes on-site retention areas designed to meet the City’s Land Development Code requirements.

Phase 1 and 2 plats do not create any additional residential lots, resulting in no additional impacts to public schools.

Phase 1 and 2 plats do not create any additional residential lots, nor creates impacts on any County utilities or road, notification of the County is not necessary.

A condition of approval is that the applicant will need to revise Phase 1- Note 11 on Sheet 1 to read, "Tract LS-1 (Lift Station Tract) and the 5.00 foot wide utility easement (U.E) adjacent to Tract LS-1 is hereby dedicated to the City of Apopka. Tract LS-1 shall be maintained by the City of Apopka. The 5.00 U.E. shall be maintained by the Silver Oaks Homeowners Association, Inc."

The Development Review Committee recommends approval of the Silver Oak Subdivision - Phase 1 and 2 Plats, subject to the finding of this staff report and conditions.

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.

Petitioner Presentation: Marc Stehli, Poulos & Bennett, LLC, 2602 East Livingston Street, Orlando, concurred with staff and stated the request is to clean up the plat so that it can be processed.

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: Robert Ryan made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Plats for Phases 1 and 2 of the Silver Oak Subdivision located north of East Keene Road, west of Sheeler Avenue. Motion seconded by Roger Simpson.**

In response to a question by Mr. Molina, Mr. Moon stated the driveways will be 50 to 70 feet in length and 30 feet in width which should provide adequate parking. On street parking will be available and the parking spaces provided far exceed the requirements.

In response to a question by Mr. Simpson, Mr. Moon stated the closest City recreational facility to this property would be either Alonzo Williams's park or Kit Land Nelson park. The subject project will provide a pool, club house, dog park and a dry retention area with a trail.

**Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (7-0). (Vote taken by poll.)**

**QUASI-JUDICIAL - PRELIMINARY DEVELOPMENT PLAN – TRACTOR SUPPLY –** Chairperson Greene stated this is a request to recommend approval of the Preliminary Development Plan for the Tractor Supply owned by Michael L. Hart, Margie A. Hart, and Apopka Regional Properties, LLP. The engineer is Hanlex Civil, LLC, c/o Nathan Bullard, MBA, P.E. and the architect is Rabits and Romano Architecture. The property is located at 180 West 1<sup>st</sup> Street.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Paul Faircloth, Mosquito Creek, 620 East 6<sup>th</sup> Street, Apopka, requested affected party status due to his business is located adjacent to this project and the owners are his relatives.

Vicky Denning, 5604 Bear Lake Circle, Apopka, stated that she owns property adjacent to the project.

The Commission unanimously agreed to grant affected party status to Mr. Faircloth and Ms. Dennings.

Mr. Hand swore-in the affected parties.

**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 11, 2016, AT 5:30 P.M.**

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item.

Mr. Ryan stated that he had made a site visit and then called Mr. Moon with some questions. He said that he was advised by Mr. Moon that his questions would be answered during the public hearing on the project.

Staff Presentation: Rogers Beckett, Special Projects Coordinator, stated this is a request to recommend approval of the Preliminary Development Plan for the Tractor Supply owned by Michael L. Hart, Margie A. Hart, and Apopka Regional Properties, LLP. The engineer is Hanlex Civil, LLC, c/o Nathan Bullard, MBA, P.E. and the architect is Rabits and Romano Architecture. The property is located at 180 West 1<sup>st</sup> Street. The land use is Commercial and the zoning is C-2. The existing use is a horticultural nursery and the proposed use is a retail center. The building size is 19,027 sq. ft. with an 18,000 sq. ft. outdoor display area and the building height is 30 feet. The floor area ratio (FAR) is 0.14. The tract size is 3.09 +/- acres.

The Tractor Supply - Apopka Preliminary Development Plan proposes 19,027 square feet of commercial retail space with an 18,000 square feet outdoor display area. The 3.9 acres site is located south of West 1st Street and East of Washington Ave.

A total of 89 parking spaces are being proposed (133 required by code) of which three (3) are reserved as handicapped parking spaces. In accordance with LDC 6.03.02, the number of proposed parking spaces are 24 less the required amount. The applicant is requesting a waiver to adjust the parking requirements in accordance with LDC 6.03.01.H. Traffic & Mobility Consultants (TMC) has prepared a parking analysis in response to the applicant's parking waiver request.

The design of the building exterior meets the intent of the City's Development Design Guidelines.

Stormwater run-off and drainage will be accommodated by an on-site retention pond. The on-site stormwater management system shall be designed to meet standards set forth in the Land Development Code prior to Final Development Plan approval.

A minimum ten foot landscape buffer is provided along 1<sup>st</sup>, Washington Ave and 2<sup>nd</sup> Street. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The following is a summary of the tree replacement program for this project:

Total inches on-site:	606
Total number of specimen trees:	8
Total specimen removed:	5
Total specimen inches retained:	130
Total specimen inches removed:	150
Total non-specimen inches removed:	274
Total non-specimen inches retained:	52
Total inches replaced:	243.5
Total inches post development:	485.5

The City's Land Development Code and Tree Bank policy permit the applicant to make a contribution to the City's Tree Bank to mitigate the remaining deficient tree inches at \$10.00 per inch. The total amount required to be paid into the Tree Bank will be (\$1700) dollars.

The applicant has submitted a variance application requesting to install a monument sign at the southwest corner of the site and to increase the height. The variance requests are handled through a separate application and stand along separate from the Preliminary Development Plan. Should the variance fail, the applicant must modify the Preliminary Development Plan to comply with the Land Development Code. The proposed sign locations shown on the site plan are subject to Planning Commission approval.

A condition of approval is that the Applicant will need to provide the City's Public Service Department with an on-site stormwater management plan consistent with the Land Development Code prior to Final Development Plan being reviewed by City Council.

The Development Review Committee recommends approval of the – Tractor Supply-Apopka Preliminary Development Plan, subject to the findings of this staff report and conditions of approval.

The recommended motion is that the Planning Commission finds the application and parking waiver request consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the Tractor Supply-Apopka Preliminary Development Plan and parking waiver request, subject to the findings of this staff report and conditions of approval.

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.

Mr. Moon stated that due to this being a stand-alone site, staff required the applicant to provide comparisons of the number of parking spaces required for other comparable Tractor Supply locations. He said that most are in shopping centers.

Petitioner Presentation: Jeremy Anderson, Hanlex Development, LLC, 1000 Colour Place, Apopka, stated he was the representative for the project. He said the outdoor display is not very dense. He said the three Tractor Supply locations used for the parking comparison are all new and have met the most current codes. He stated the older stores have less parking. He stated that he did not understand why staff was requiring so many parking spaces.

Will Anderson, Hanlex Development, LLC, 1000 Colour Place, Apopka, provided a history of Tractor Supply and an overview of the company's community involvement.

In response to Jeremy Anderson's comment regarding the number of parking spaces being required, Mr. Beckett stated staff compared the two most recently approved projects that are comparable to Tractor Supply. Those are the Home Depot and Lowes. For the parking required at Home Depot the outdoor display square footage was included in the overall building square footage. This was not the case for Lowes because they kept the large oak trees in place. Based on that comparison, higher restrictions were placed on the parking requirements for this project. Additionally, the outdoor display was included in the square footage for this project because it is an integral part of the project.

Affected Party Presentation:

Paul Faircloth, expressed his support for the project and community involvement by Tractor Supply such as sponsoring 4-H Clubs.

Vicky Dennings, 5604 Bear Lake Circle, Apopka, expressed her concerns regarding property values and the possibility of one of the side streets being closed to traffic.

In response to concerns expressed by Mr. Ryan, Mr. Moon stated that the City, through its traffic consultant, HDR, will be coordinating with the Florida Department of Transportation on reconfiguring the intersection of U.S. 441, Washington Avenue, and 2<sup>nd</sup> Street.

Mr. Moon added that due to the configuration of the intersection, the applicant is claiming a hardship and has requested a sign variance that will be brought to the Planning Commission at the November 14, 2016, meeting.

In response to a question by Ms. Laurendeau, Mr. Moon stated that 2<sup>nd</sup> Street will not be closed.

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

**Motion:** Melvin Birdsong made a motion to find that the Tractor Supply – Apopka Preliminary Development Plan is consistent with the Comprehensive Plan and Land Development Code; and recommends approval of the Preliminary Development Plan with the parking waiver request subject to the findings and information in the staff report for the property owned by Michael L. Hart, Margie A. Hart, and Apopka Regional Properties, LLP, and located at 180 West 1<sup>st</sup> Street. The motion was seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** Mr. Moon announced that due to the General Election to be held on Tuesday, November 8<sup>th</sup>, the Planning Commission meeting had been rescheduled to Monday, November 14<sup>th</sup> at 5:30 p.m.

**ADJOURNMENT:** The meeting was adjourned at 7:25 p.m.

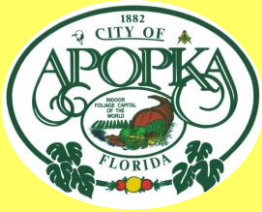
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James Greene, Chairperson

**Backup material for agenda item:**

1. ORDINANCE NO. 2526 – An ordinance establishing a temporary Moratorium on the dispensing of medical cannabis within the City of Apopka.





## CITY OF APOPKA PLANNING COMMISSION

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER: Ordinance

MEETING OF: November 14, 2016  
FROM: Community Development  
EXHIBITS: Ordinance No. 2526  
Ordinance No. 2388

**SUBJECT: ORDINANCE NO. 2526 – ESTABLISHING A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNIBIS WITHIN THE CITY OF APOPKA**

**REQUEST: ESTABLISHING A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNIBIS WITHIN THE CITY OF APOPKA; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNIBIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITION; AND PROVIDING AN EFFECTIVE DATE.**

**SUMMARY:**

On May 6, 2015 City Council adopted a medical marijuana ordinance that establishes regulations for the cultivation and processing of cannabis, and dispensing of medical marijuana within the City of Apopka through Ordinance No. 2388. City Council's adoption of the current medical marijuana ordinance occurred in reaction to Florida government enacting the Compassionate Medical Cannabis Act of 2014, which became effective on January 1, 2015. On November 8 Florida voters will decide whether Florida medical marijuana laws and administrative rules should be change to expand applications for medical use of marijuana. The proposed 2016 constitutional amendment addresses has three components: (1) Physician certification, (2) Patient and caregiver identification cards, and (3) Medical Marijuana Treatment Center registration and regulation.

Although the 2014 State Constitutional Amendment and the 2016 Amendment are both designed to legalize medical marijuana, there are some differences between the two proposals. In general, the 2016 measure clarifies requirements for parental consent for the use of medical marijuana by minors and also further defines what is meant by "debilitating" illnesses that would qualify for marijuana as a treatment option.

If the 2016 referendum is passed at the November 8 elections, the Florida Department of Health (DOH) has approximately six months to adopt new rules for the cultivation, processing and dispensing of cannabis\medical marijuana. The DOH must promulgate rules by June 2017 to implement the program regulation outlined in the Constitutional Amendment.

As the new DOH rules may not be known until as late as June 2017, staff has concerns about how the new regulations may regulate the dispensing of medical marijuana within our community. These regulations could allow dispensing at locations that could place potential detrimental impacts on nearby residential neighborhoods, schools, religious facilities, and the community in general based on observations from practices within other States. Also, the new rules for dispensing may affect the ability of Apopka law enforcement to adequately respond to any associated problems generated from medical businesses dispensing medical marijuana.

**PLANNING COMMISSION – NOVEMBER 14, 2016**  
**TEMPORARY MORATORIUM – DISPENSING MEDICAL CANNIBIS**  
**PAGE 2**

Staff's believes that the City's current medical marijuana ordinance adequately protects the City regarding the cultivation and processing of marijuana for medical purposes. Current City regulations limit cultivation and processing to two Designated Grow Areas, and limits dispensing to these two Grow Areas with the exception that hospitals and pharmacies -- licensed by the State -- are exempt from the dispensing regulations.

Until the new DOH rules are established and implemented, staff believes it is in the best interest of the City to place a temporary moratorium on the dispensing of medical marijuana. Staff will monitor the development of the new DOH rules and recommend amendments to the City's current medical marijuana ordinance based on the effect that these new rules may have on the interests and goals City Council desires for the Apopka community.

The moratorium is temporary and will terminate on May 31, 2017. If the constitutional amendment fails on November 8, staff may change its recommendation regarding the adoption of Ordinance 2526.

**DULY ADVERTISED:**      October 21, 2016 – Public Hearing Notice  
November 4, 2015 – Ordinance Heading

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**FUNDING SOURCE:**

N/A

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**RECOMMENDATION ACTION:**

**Recommended Motion:** recommend adoption of Ordinance No. 2526.

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

## **ORDINANCE NO. 2526**

### **AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS WITHIN THE CITY OF APOPKA; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, in 2014, the Florida Legislature passed the Compassionate Medical Cannabis Act, Florida Statute 381.986, which legalized the cultivation, processing, and dispensing of certain “Low-THC Cannabis” to “qualified patients” as defined by the Act.

**WHEREAS**, in 2015, the City of Apopka adopted Ordinance 2388 to address zoning and distribution of medical cannabis based on the 2014 legislation.

**WHEREAS**, the State of Florida amended Florida Statute 381.986 by modifying the definition of a “qualified patient” and added multiple new regulations to the Statute.

**WHEREAS**, in November 2016, the citizens of Florida will vote on whether to adopt a Constitutional Amendment which broadens access to Medical Cannabis.

**WHEREAS**, if the ballot initiative is adopted in November 2016, the Department of Health will have six (6) months to establish regulations for the growing and distribution of this newly expanded Cannabis Amendment.

**WHEREAS**, the Orange County Government and other municipalities within Orange County are establishing a temporary moratorium on Medical Cannabis Activities until recommendations can be made for appropriate zoning rules to be established.

**WHEREAS**, the City of Apopka finds that due to the subsequent revision of Florida State Statute in 2016 and the possible enactment of a Constitutional Amendment to allow for Medical Cannabis, the City should put in place a temporary moratorium on dispensing medical cannabis until May 31, 2017 to analyze whether changes to the zoning code or municipal regulations should be amended to ensure compliance with State Law and the Department of Health regulations. Additionally, the City shall reanalyze the impact on newly annexed property and its proximity to previously designated zones for permitted cannabis distribution.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA.**

**SECTION 1: FINDINGS OF FACT.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

#### **SECTION 2: DEFINITIONS**

- (a) Medical Cannabis – Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.

**SECTION 3: STUDY AND REVIEW PROCESS.**

(a) During the temporary moratorium period designated in Section 4 of this ordinance, the City staff, including the Zoning Department, is hereby directed to study the new legislation regarding Medical Cannabis and, if passed, the Constitutional Amendment for Medical Cannabis to determine the impact any changes have on the health, safety, and welfare of the residents and businesses of the City of Apopka. Additionally, City staff shall monitor the regulations adopted by the Department of Health, as it relates to medical cannabis, to ensure consistency with the Apopka Code of Ordinances. Finally, the City staff shall analyze all new development and annexation since the adoption of Ordinance 2388 to identify whether any permissible zones should be amended.

(b) The ultimate purpose of such a review and study by the staff is to propose amendments to the Apopka Ordinances.

**SECTION 4: TEMPORARY MORATORIUM PERIOD.** Until the effective date of an ordinance establishing a new or amended land development regulations concerning dispensing Medical Cannabis, or until May 31, 2017, whichever date is earlier, no permits shall be issued to allow the dispensing of Medical Cannabis. Furthermore, the review of any applications for the dispensing of Medical Cannabis Activities that may be pending, shall be abated, and no new applications for such permits shall be accepted or processed during the moratorium period.

**SECTION 5: CODIFICATION.** This ordinance shall be temporarily codified, being entitled "Moratorium regarding the Dispensing of Medical Cannabis within the City of Apopka."

**SECTION 6: CONFLICTS.** Any ordinance, resolution, or part thereof, in conflict with this ordinance, or any part hereof is repealed to the extent of such conflict.

**SECTION 7: SEVERABILITY.** If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance, such holding shall not affect its applicability to any other person, property or circumstances.

**SECTION 8: EFFECTIVE DATE.** This ordinance shall be effective immediately upon adoption.

READ FIRST TIME: November 2, 2016

READ SECOND TIME  
AND ADOPTED: November 16, 2016

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda G. Goff, City Clerk

APPROVED as to form and legality for  
use and reliance by the City of Apopka,  
Florida.

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Erin DeYoung, Apopka Police Department Attorney

DULY ADVERTISED FOR PUBLIC HEARING: October 21, 2016

**ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED "DESIGNATED GROW AREA OVERLAY DISTRICT", PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A "DESIGNATED GROW AREA OVERLAY DISTRICT" AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida is considering legalizing the cultivation and processing of cannabis and the dispensing of marijuana; and

**WHEREAS**, the purpose and intent of this Ordinance is to regulate the cultivation and processing of cannabis and the dispensing of non-medical\medical marijuana in order to promote the health, safety, and general welfare of the residents and businesses within the City.

**WHEREAS**, the City Council has determined that it is in the best interest of the citizenry and general public to regulate the location of cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers in the event the State of Florida legalizes said dispensaries, whether for medical use or non-medical use; and

**WHEREAS**, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

**WHEREAS**, the City Council has determined that given the potential impact on the surrounding area, cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers should only be permitted within a limited areas of the municipal limits, and non-medical marijuana sales should be prohibited within the municipal limits;

**WHEREAS**, the City Council has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of cannabis cultivation or processing or marijuana dispensaries/medical marijuana treatment centers; and

**WHEREAS**, the City Council of the City of Apopka finds that this ordinance promotes the general welfare and is consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF APOPKA, FLORIDA, as follows:**

**SECTION 1. DEFINITIONS:**

- a. **Agriculture:** means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.
- b. **Cannabis:** Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.
- c. **Cannabis Cultivation:** the planting, tending, improving, farming, drying or harvesting of cannabis plants from seed, juvenile stock, or grafting.
- d. **Cannabis Processing:** the preparation of the cannabis plant intended for use as medicine or medical purposes as prescribed by a licensed Florida physician.
- e. **Designated Grow Area (DGA) Overlay District.** The following areas are defined as a "Designated Grow Area" Overlay District:
  - 1) **Keene\Clarcona DGA:** All Agriculture or Industrial zoned property in the general area west of the S.R. 414 bridge at E. Keene Road, east of McQueen Road, and south of S.R. 414, as depicted in Map A: Keene\Clarcona Road DGA as delineated in Map A: Keene\Clarcona DGA.
  - 2) **Hermit Smith\Hogshead DGA:** All Agriculture or Industrial zoned property within the area west of S.R. 429, south of U.S. 441, and north of Lust Road, as delineated in Map B: Hermit Smith\Hogshead DGA.
- f. **Fully enclosed and secure structure:** A space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- g. **Horticulture Nursery:** an agriculture operation limited to the cultivation of fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, algae, flowers, seaweeds and non-food crops such as grass and ornamental trees and plants.
- h. **Legacy Grow Site:** Property actively operated as a registered nursery within a Designated Grow Area for at least five continuous years preceding and measured from the effective date of this ordinance.
- i. **Marijuana Dispensary:** A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local and state laws.

- j. **Marijuana Treatment Center:** A medical marijuana dispensary where qualifying patients are administered medical marijuana by medical professional licensed by the State of Florida to patients in accordance with all local and state laws.
- k. **Medical Use:** The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment, as identified by a physician licensed by the State of Florida.
- l. **Non-Medical Marijuana Sales.** The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under state law.

## **SECTION 2. CANNABIS CULTIVATION AND PROCESSING PROHIBITED.**

Cultivation or processing of cannabis for non-medical marijuana purposes is prohibited within the City of Apopka. Excepting the Designated Grow Areas described in Sec. 3a., cultivation or processing of cannabis for medical use is prohibited in all other areas of the City of Apopka. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the City of Apopka to cause or allow such parcel to be used for the cultivation or processing of cannabis plants within a fully enclosed and secure structure on the parcel, except as outlined below in Section 3.

## **SECTION 3. CANNABIS CULTIVATION AND PROCESSING.**

- a. Cultivation or processing of cannabis for medical marijuana is allowed as a Special Exception use approved by the Planning Commission within an Agriculture or Industrial I-1 district located within a DGA or Legacy Grow Site located within a DGA as delineated in Maps "A" and "B". If a parcel, lot, or legal lot-of-record straddles the DGA boundary, no cultivation or processing can occur outside the DGA boundary.
- b. Horticulture Nursery Special Exception Prohibition. Cultivation or processing of cannabis for medical or non-medical use is prohibited as a special exception use for horticulture nursery operations. Any Special Exception approved by the City prior to the effective date of this ordinance is not allowed to cultivate or process cannabis.
- c. Enclosed Cultivation. Any cultivation of cannabis shall occur within a fully enclosed and secure structure. Outdoor cultivation is prohibited
- d. Enclosed Processing. All cannabis processing, laboratories, research activities and associated equipment occur within a fully enclosed and secured building that has been issued a building permit by the City of Apopka or Orange County.
- e. License. A valid license must be obtained from the State of Florida and remain in effect during the operation of the cannabis business. All cultivation and processing activities shall cease if a license has expired. At least seventy-two (72) hours before a cannabis cultivation or processing business terminates operation, the owner must notify the Police Chief of the City of Apopka.
- f. **Additional Special Exception Criteria:**
  - 1). Street Access. All cannabis cultivation and processing sites within the Keene\Clarcona DGA must directly access Keene Road or Clarcona Road. All cannabis cultivation and



processing sites within the Hermit Smith\Hogshead DGA must directly access Hermit Smith Road, Hogshead Road, Peterson Street, or Binion Road.

A stabilized surface acceptable to the city engineer shall be provided from the public street to any onsite processing buildings.

- 2) **Utilities.** All cannabis processing sites shall connect to a central water and sewer system unless otherwise temporarily waived by the City Administrator until a development agreement addresses a schedule for connecting the site to such services. Onsite wells and septic tanks may be allowed on a temporary basis through a development agreement that ensures connection to a central water and sewer systems within five years.
- 3) **Employee Parking.** All employee vehicle parking areas shall occur within a paved, lighted parking lot.
- 4) **Distance Separation.** Cultivation or processing buildings or structures shall be separated from other uses according to the following separation minimum standard:

Location of Cultivation or Processing Buildings or Structure	Affected Property (feet)			
	Vacant Parcel Assigned a Residential Zoning District	Church or Place of Worship, School, Hospital, County or Municipal Park, Day Care (F.S. 402.302)	Platted Residential Subdivision; Residential Parcel less than 5 acres	Occupied Residential Parcel Greater than 5 acres
Designated Grow Area	100	500	250	200

Distances shall be measured by drawing a straight line between the closest point of the cannabis cultivation or processing building or nursery structure to the closest property line or edge of leased space (whichever is closer) of the affected property.

- 5) **Minimum Parcel Size.** A minimum parcel size necessary for cultivation, processing, or combined operations within a DGA is two (2) compact and contiguous acres.
- 6) **Parcel.** Cannabis cultivation or processing shall occur on a separate parcel, lot, or legal lot-of-record than that on which a medical marijuana dispensaries/medical marijuana treatment centers is located.
- 7) **Signage.** No business identification sign (i.e., wall, monument, pole, directional) shall include the words "marijuana", "cannabis", or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs for any business cultivation, processing or dispensing business. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed.

- 8) Security and Safety Plan. A security and safety plan will be reviewed and approved by the chief of police or designee. The security and safety plan shall at minimum address but not be limited to, locking options, alarm systems, and video surveillance, and as otherwise determined necessary by the Police Chief. Any such documents or information for review shall be transmitted directly to the police chief's office for review and not attached to the permit as may be required by the Community Development Department. The police chief or designee will respond to the development review committee approval or denial of said plan. Any information, records, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems or other sensitive information gathered will be exempt from public records in accordance with FSS 119.071, "General exemptions from inspection or copying of public records."

**SECTION 4. MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS.**

- a. *Applicable Zoning District.* Marijuana dispensaries/medical marijuana treatment centers for marijuana medical use are allowed as a Special Exception within a Commercial C-1, Industrial I-1 or Agriculture District located within a Designated Grow Area subject to compliance with the standards set forth below. No more than five (5) medical marijuana dispensary/medical marijuana treatment center establishments shall locate within each of the Designated Grow Areas.
- b. *Prohibited Locations.* Non-medical marijuana dispensaries/medical treatment centers or sales are prohibited within the jurisdictional area of the City of Apopka. Medical Marijuana dispensaries/medical marijuana treatment centers are prohibited in the City of Apopka except as allowed in Section 4.a. Zoning Districts where medical marijuana dispensaries/medical marijuana treatment centers are prohibited also include: the Downtown Development Overlay District, Community Redevelopment Area (CRA), Planned Unit Development, Mixed-EC, and Mixed-CC zoning categories.
- c. No other business shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located. This requirement does not apply to licensed nursery businesses that were operating prior to the effective date of this ordinance.
- d. Any parking demand created by marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations.
- e. *Controlled Substances.* The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by state law.
- f. *Loitering.* A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.

- g. *Queuing of Vehicles.* The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- h. *No Drive-Through Service.* No marijuana dispensary/medical marijuana treatment center shall have a drive-through or drive-in service aisle. All onsite dispensing, payment for and receipt of said marijuana shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.
- i. *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way except for medical marijuana treatment centers. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- j. *Signage.* No business identification sign (i.e., wall, monument, pole, directional, human) shall include the words "marijuana", "cannabis", or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs or on any building or structure used a marijuana dispensing/marijuana treatment center. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed
- k. *Hours of Operation.* Marijuana dispensaries/medical marijuana treatment centers shall only dispense or treat patrons between 7:00 A.M. and 8:00 P.M.
- l. *Customer Waiting Area.* All customer waiting areas shall occur within in an enclosed building. No customer waiting areas shall occur outdoors or within a porch area, whether covered or not.
- m. *Building Orientation and Design.* All customer building entrances shall be oriented to and visible from a public street. Color of any wall or roof of any marijuana dispensaries/medical marijuana treatment centers shall comply with the City's Development Design Guidelines.
- n. *Distance Separation.* No marijuana dispensary/medical marijuana treatment center shall be located within five hundred (500) feet of any school or church, or within two hundred (200) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the marijuana dispensary/medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.
- o. *Compliance with Other Laws.* All marijuana dispensaries/medical marijuana treatment centers shall at all times be in compliance with all state regulations and the Apopka City Code of Ordinances and Land Development Code, as may be applicable and amended from time to time.
- p. *Security and Safety Plan.* Compliance with Section 3.f.8. of this ordinance is required.
- q. *Special Exception Standards.* When considering an application for marijuana dispensaries/medical marijuana treatment centers, the Planning Commission must consider the special exception criteria listed in paragraph d below, in addition to that criteria listed in subsection 2.02.B.5. The Planning Commission may deny the request, approve the request, or approve the request with conditions, based upon a review of these considerations. The Planning Commission may assign additional conditions and safeguards as deemed necessary:

- 1) Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
  - 2) No other business, aside or separate from the dispensing of marijuana shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located.
  - 3) The parcel, lot, or lot-of-record shall access a collector or arterial road.
  - 4) Additional Hours of Operation Restrictions. Hours of operation can be further restricted based on proximity of residential development or to protect the character and environment of developed surrounding areas.
- r. Exemptions. Hospitals and pharmacies licensed by the State of Florida are exempt from Section 4.

**SECTION 5. GENERAL USE. PROHIBITION ON STREETS, SIDEWALKS, ALLEYS, ETC.**

- 1) Regulations applicable to the consumption of medical marijuana. No person shall smoke, ingest, or otherwise consume medical marijuana in the City of Apopka unless such smoking, ingesting or consumption occurs entirely within a private residence, or within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of Florida Statutes.
- 2) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume, or carry any non-medical\medical marijuana in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alleys, within the Municipal Corporate Limits of the City of Apopka Florida.
- 3) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume or carry non-medical\medical marijuana or carry in or upon any parking area open to public use or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property.
- 4) It is unlawful for any person to smoke, ingest, or otherwise consume or carry or use non-medical\medical marijuana while such person is in or on any vehicle which is located in or upon any parking area open to public use, or in or upon any private property without consent of the owner or in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alley.
- 5) It is unlawful for any person to smoke, ingest or otherwise consume or use any non-medical\medical marijuana on the streets, sidewalks or alleys within the city, while such person is an operator or passenger in or on any vehicle, whether moving or stopped, and such consumption is open to public view.

**SECTION 6.** Notwithstanding any other provision, it is unlawful for any person to utilize medical marijuana in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys, within the city; in or upon any parking area open to public use, or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property; or when such person is in or on any vehicle which is located in or upon any parking area open to public use, or

in or upon any private property or in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys.

**SECTION 7.** It is unlawful for any vendor, or for any agent, servant or employee of such vendor, to permit the use of medical marijuana in or upon any parking or other area outside of the vendor's building or room if such parking or other area is adjacent to the building or premises in which the business licensed is operated, when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or any agent, servant or employee of such licensed vendor. A licensed vendor may post and maintain a legible painted or printed sign in at least two separate prominent places on such parking or other area, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters not less than three inches in height, stating the following: "WARNING: Utilization of medical marijuana on this Lot Prohibited—\$500.00 Fine and/or 60 days in Jail—City Ordinance." Posting of such signs shall constitute prima facie evidence that such vendor is not operating in violation of subsection (a) of this section. If any licensed vendor mentioned in this section is a corporation, then the officers of such corporation shall be regarded as the owners thereof for the purposes of enforcement of this section.

**SECTION 8. PENALTIES.** Any person violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 162.22, (1997). Each incident or separate occurrence of any act that violates this article shall be deemed a separate offense. In addition to the penalties provided under this section, violators of this article shall be subject to any other appropriate civil or criminal action provided by law in a court of competent jurisdiction, including, but not limited to, injunctive relief.

**SECTION 9. CONFLICTS.** Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

**SECTION 10. SEVERABILITY.** If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**SECTION 11. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and adoption by the City Council as to the acceptable siting locations for marijuana dispensaries/medical marijuana treatment centers, however the designation of a marijuana dispensary/medical marijuana treatment center and the selling of marijuana products as defined by the Florida Constitution or Florida Law shall occur only upon and after the official date in which the sale and distribution of marijuana has been deemed legal by the State of Florida.

**SECTION 12. REPEALER.** Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Land Development Code, Chapter III, Article 3, Section 3-11, Subsection E, Paragraph 15 titles "Pain Management Clinics."

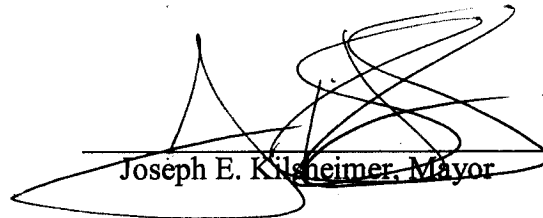
**SECTION 13. INCLUSION INTO THE LAND DEVELOPMENT CODE.** It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Apopka Land Development Code, re-arranged to meet existing codification, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Passed on the first reading on the 6<sup>th</sup> day of May, 2015.

FIRST READING: April 1, 2015

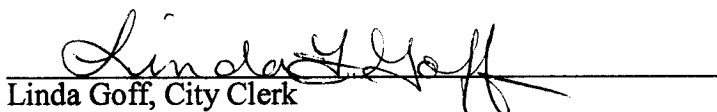
SECOND READING: April 15, 2015

THIRD READING  
AND ADOPTION: May 6, 2015

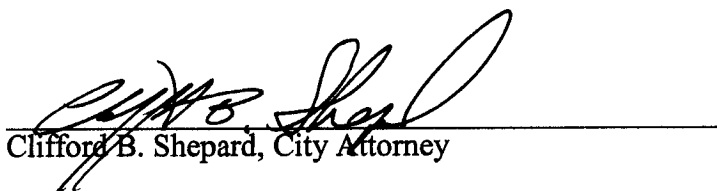
  
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Joseph E. Kilsheimer, Mayor

Attorney signature recommended for this ordinance.

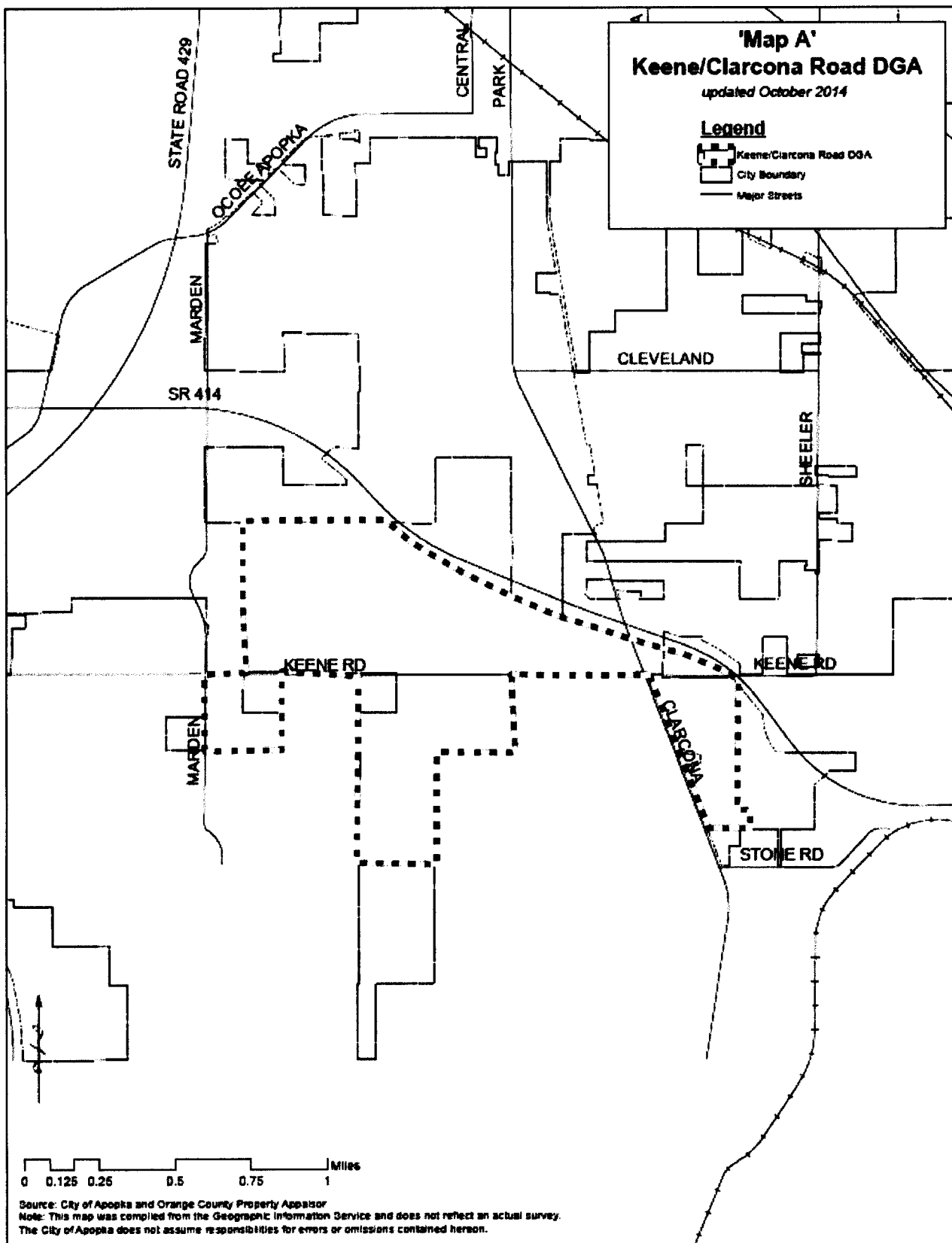
ATTEST:

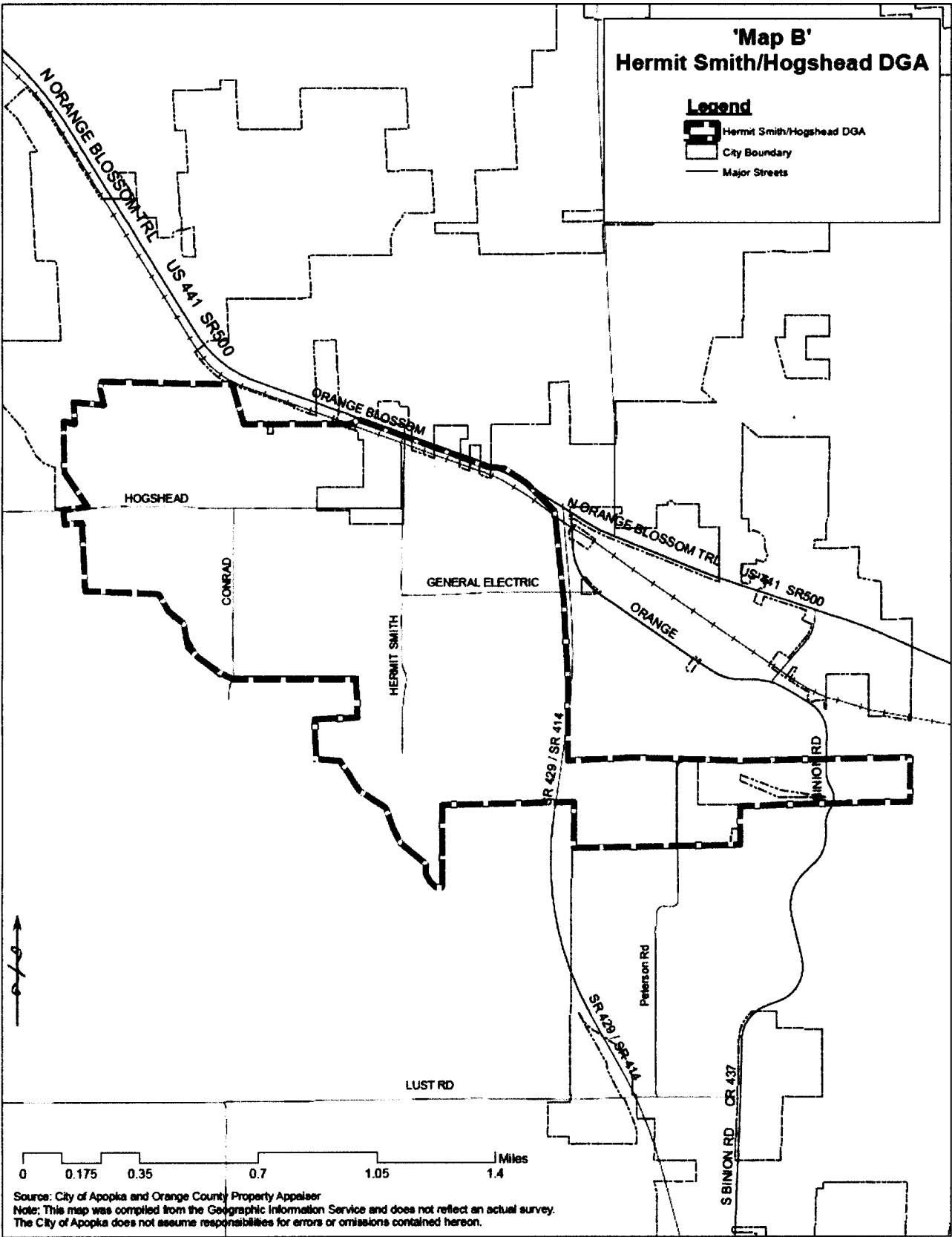
  
\_\_\_\_\_  
Linda Goff, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: March 13, 2015  
April 3, 2015  
April 24, 2015







**Backup material for agenda item:**

2. COMPREHENSIVE PLAN AMENDMENT – CAPITAL IMPROVEMENTS ELEMENT – Annual update to the City's Five-Year Capital Improvements Plan, and incorporation into the City of Apopka Comprehensive Plan, Capital Improvements Element.



## CITY OF APOPKA PLANNING COMMISSION

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**CONSENT AGENDA**

**X PUBLIC HEARING**

**SPECIAL REPORTS**

**OTHER:**

**MEETING OF:** November 14, 2016  
**FROM:** Community Development  
**EXHIBITS:** Appendix 7-1 – Capital  
Improvements Element –  
Five-Year CIP

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**SUBJECT:** ANNUAL UPDATE TO THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENTS PLAN, AND INCORPORATING INTO THE CITY OF APOPKA, COMPREHENSIVE PLAN, CAPITAL IMPROVEMENTS ELEMENT.

**Request:** RECOMMEND APPROVAL OF THE ANNUAL UPDATE TO THE CITY OF APOPKA, FIVE-YEAR CAPITAL IMPROVEMENTS PLAN AND INCORPORATE INTO THE CITY OF APOPKA COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT.

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**SUMMARY:**

Policy 1.4 of the Apopka Comprehensive Plan's Capital Improvements Element requires that the City's five-year Capital Improvements Program (CIP), be updated on an annual basis after review by several city departments. This annual update of the five-year CIP is intended to schedule capital projects that are necessary to meet accepted levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development. The Five-Year Capital Improvement Program only addresses major public facilities, infrastructure and road that are addressed within the City's Comprehensive Plan – road, potable water, sanitary sewer, reclaimed water, recreation and parks, stormwater management, and solid waste.

The proposed annual update of the City's Five-Year CIP incorporates capital facility maintenance and capacity upgrades for the Public Services and Recreation Departments. Exhibit 'A' of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element. This appendix identifies the proposed improvements, proposed financial outlays for each project, as well as funding sources.

Furthermore, the City of Apopka submitted a Florida Recreation Development Assistance Program grant (FRDAP) for recreation improvements to Alonzo Williams and Kit Land Nelson parks. As part of the grant submittal requirements, the City indicated support for these proposed improvements, through approval of Resolutions 2015-14 & 2015-15. The City was awarded the FRDAP grant, and as a condition of receiving funding disbursement, the City must incorporate the Kit Land Nelson and Alonzo Williams Park grant-funded improvements into the Five-Year CIP as a requirement of the FRDAP grant funding process. In addition, additional FRDAP grant funding has been requested for renovations and new construction at the Apopka Athletic Complex (AAC) in the amount of \$50,000. These proposed improvements have been incorporated into this annual update, per the aforementioned FRDAP grant application requirements.

Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP by ordinance, and is not considered a comprehensive plan policy amendment. Therefore, incorporation of the updated CIP into the Capital Improvements Element does not require transmittal to the Florida Department of Economic Opportunity for state agency review.

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**DISTRIBUTION:**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Director

Finance Director  
HR Director  
IT Director  
Police Chief

Fire Chief  
Public Ser. Director  
City Clerk  
Recreation Director

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 – Planning Commission (5:30 pm)  
December 7, 2016 – City Council 1<sup>st</sup> Reading (1:30 pm)  
December 21, 2016 – City Council 2<sup>nd</sup> Reading (7:00 pm)

**DULY ADVERTISED:**

September 30, 2016 – Public Hearing Notice  
December 9, 2016 – Ordinance Adoption Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the annual update of the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

**RECOMMENDED MOTION:** Find the proposed annual update of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan and recommend approval of the Five-Year Capital Improvements Plan annual update, and incorporation into the Capital Improvements Element of the Comprehensive Plan.

**Note:** This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

**APPENDIX 7-1: FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS - RECREATION**

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Concession, bathrooms, building and sidewalks at NWRC	General Fund		\$300,000					\$300,000
Parking Lot-NWRC Little League Fields			\$510,000					\$510,000
Picnic Pavilions			\$100,000		\$100,000		\$100,000	\$300,000
NWRC Ball Field Renovations		\$23,900	\$50,000	\$50,000	\$50,000			\$173,900
Fitness Equipment for Kit Land Nelson Park (with grant)								\$23,900
Bleacher Covers Over Quad 3			\$60,000					\$60,000
Tennis Court Resurfacing – NWRC					\$50,000			\$50,000
Basketball Resurfacing – NWRC					\$50,000			\$50,000
Lk. Ave. Park – Playground, Pavilion, Shade Structure				\$350,000				\$350,000
Old Little League Fields New Park					\$200,000			\$200,000
NWRC Scoreboards for (1) Quad			\$30,000	\$30,000				\$60,000
New ball fields (Baseball, soccer, etc.)				\$2,200,000				\$2,200,000
Alonzo Williams Park Improvements (Contingent upon CDBG grant award)			\$50,000					\$50,000
<b>TOTAL GENERAL FUND</b>		<b>\$23,900</b>	<b>\$1,100,000</b>	<b>\$2,630,000</b>	<b>\$450,000</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$3,205,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Recreation Splash Pad at NWRC	Recreation Impact Fund					\$400,000		\$400,000
Skate Park			\$300,000					\$300,000
Playground at Apopka Athletic Complex (AAC)			\$75,000					\$75,000
Splash Pad w/ Restrooms (Kit Land Nelson Park)		\$750,000						\$750,000
Park Lot - NWRC				\$267,000	\$865,000		\$1,165,000	\$2,297,000
<b>TOTAL RECREATION IMPACT FUND</b>		<b>\$750,000</b>	<b>\$375,000</b>	<b>\$267,000</b>	<b>\$865,000</b>	<b>\$400,000</b>	<b>\$1,650,000</b>	<b>\$4,307,000</b>
Alonzo Williams Community Center Bldg.	CDBG		\$750,000					\$750,000
<b>TOTAL CDBG</b>			<b>\$750,000</b>					<b>\$750,000</b>
Alonzo Williams Park <sup>1</sup> Renovations	FRDAP Grant	\$28,000						\$28,000
Alonzo Williams Park New Construction <sup>2</sup>		\$22,000						\$22,000
Kit Land Nelson Park Renovations <sup>3</sup>		\$3,700						\$3,700
Kit Land Nelson Park New Construction <sup>4</sup>		\$42,500						\$42,500
AAC Renovations <sup>5</sup>			\$17,000					\$17,000
AAC New Construction <sup>6</sup>			\$33,000					\$33,000
Old Little League Fields New Park Construction					\$200,000			\$200,000
<b>TOTAL FRDAP GRANT FUNDS</b>		<b>\$96,200</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$346,200</b>

<sup>1</sup> Resurfacing, irrigation, drinking fountain, picnic facilities

<sup>2</sup> Playground, security lighting

<sup>3</sup> Resurfacing, tennis court maintenance, drinking fountain, picnic facilities, miscellaneous maintenance

<sup>4</sup> New playground, bike rack, picnic facilities

<sup>5</sup> Restrooms, playground surface materials, baseball dugout shelters, drinking fountain & picnic facilities

<sup>6</sup> Playground, landscaping, picnic facilities

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Gymnasium/Aquatic Center (GO Bond)	Other Funds		\$20,000,000					\$20,000,000
Fitness Equipment for Kit Land Nelson Park/Outdoor Fitness Grant		\$9,560						\$9,560
<b>TOTAL OTHER FUNDS</b>		<b>\$9,560</b>	<b>\$20,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20,009,560</b>

**APPENDIX 7-1 (CONT'D) : FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS - PUBLIC SERVICES**

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Downtown Parking Lot	CRA	\$200,000						\$200,000
Downtown Park Lot Upgrades			\$500,000					\$500,000
<b>TOTAL CRA FUND</b>								<b>\$700,000</b>
Brick Streets, Repair & Restoration	Street Improve- ment Fund		\$500,000					\$500,000
Equipment (3412 Streets- 6400)		\$60,000	\$60,000	\$60,000	\$50,000	\$50,000	\$50,000	\$330,000
New Sidewalk & Curb Construction (3412 Streets- 6304)		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$300,000
Paving & Resurfacing (3412 Streets-6304)		\$600,000	\$600,000	\$600,000	\$600,000	\$600,000		\$3,000,000
8 <sup>th</sup> Street Complex (Renovation/or Relocate) Split with 3412/3513/3181)		\$300,000						\$300,000
<b>TOTAL STREET IMPROVEMENT FUND</b>		<b>\$1,010,000</b>	<b>\$1,410,000</b>	<b>\$710,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$100,000</b>	<b>\$4,630,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
6 <sup>th</sup> Street Reconstruction & Downtown Related Street Improvements, Central Ave to US 441	Traffic Impact Fee	\$500,000	\$500,000	\$1,000,000				\$2,000,000
Bradshaw Rd US 441 Traffic Signal		\$400,000						\$400,000
Peterson Rd (End of pavement to Hermit Smirth Rd) 2 lanes				\$750,000				\$750,000
Maine Ave, Martin St to Old Dixie Hwy (2 lanes)					\$1,000,000			\$1,000,000
Martin St, Maine Ave between Park Ave					\$1,600,000			\$1,600,000
Marden Rd (Keene Rd to CR 437A) 2 lanes, Urban Section Improvement		\$500,000	\$500,000					\$100,000
New Sidewalks		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		\$250,000
Rogers Rd, Lester Rd to Ponkan Rd				\$1,400,000				\$1,400,000
Old Dixie (Hawthorne Ave to Schopke Lester Rd) turn lane, curb, gutter		\$1,000,000						\$1,000,000
Sheeler Ave/Cleveland St Intersection Improvement (turn lanes/traffic light)			\$500,000					\$500,000
Plymouth Rd/Yothers Rd Intersection Improvements		\$500,000						\$500,000

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Piedmont-Wekiwa Rd/Greenacres Rd (Traffic Light)	Traffic Impact Fee (Cont'd)			\$350,000				\$350,000
<b>TOTAL TRAFFIC IMPACT FUND</b>		<b>\$2,950,000</b>	<b>\$1,550,000</b>	<b>\$3,550,000</b>	<b>\$2,650,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$9,850,000</b>
Drainage Upgrading – Citywide (6308)	Stormwater Fund	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$2,100,000
<b>TOTAL STORMWATER FUND</b>		<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$2,100,000</b>
Miscellaneous Water Mains (2)	Water Impact Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
<b>TOTAL WATER IMPACT FUND</b>		<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$600,000</b>
Binion Rd RWM, IFAS to Ocoee Apopka Rd, 5,329 LF,	Reclaim Fund				\$511,584			\$511,584
16” Golden Gem Reuse Station HSP						\$6,500,000		\$6,500,000
Keene Rd RWM, Marden Rd to Ocoee Apopka Rd, 4,413 LF, 36”		\$794,340						\$794,340
Kelly Park Rd RMW II, Jason Dwelley Pkwy to Rock Springs Rd 16”, 8,801 LF (2)				\$705,000				\$705,000
Kelly Park Rd RWM, Golden Gem Rd to Round Lake Rd 24”			\$371,400					\$371,400



<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Miscellaneous RWM (5)	Reclaim Fund (Cont'd)	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$600,000
Northwest Reclaim Water Pump Station, 2 @ \$3,000			\$700,000					\$700,000
Northwest Reclaim Water Pond 2 & 3		\$250,000						\$250,000
Ocoee Apopka Rd, RWM, Harmon Rd to Alston Bay Blvd, 2,500 LF, 30"		\$412,500						\$412,500
Ocoee Apopka Rd RWM, Keene Rd to Alston Bay Blvd, 4,000 LF 30"		\$660,000						\$600,000
Plymouth Sorrento Rd RWM, Yothers Rd to Ponkan Rd, 4,654 LF 24" (2)			\$670,176					\$670,176
Ocoee Apopka Rd RWM, Keene Rd to Binion Rd, 3,500 LF 30"		\$308,000						\$308,000
Plymouth Sorrento Rd RWM, Ponkan Rd to Kelly Park Rd 2,745 LF, 20" (2)			\$645,000					\$645,000
<b>TOTAL RECLAIM FUND</b>		<b>\$2,524,840</b>	<b>\$2,486,576</b>	<b>\$805,000</b>	<b>\$611,584</b>	<b>\$6,600,000</b>	<b>\$100,000</b>	<b>\$13,128,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Grossenbacher WTP, Replace Well	Water Impact Fee				\$910,000			<b>\$910,000</b>
Haas Rd WM, Mt. Plymouth Rd to Round Lake Rd, 22,708 LF 12" (1)					\$1,634,976			<b>\$1,634,976</b>
Kelly Park Rd WM, Golden Gem Rd to Round Lake Rd, 4,035 LF 16" (1)			\$387,360					<b>\$387,360</b>
Kelly Park Rd WM, Plymouth Sorrento Rd to Golden Gem, 6,672 LF 12" (1)		\$400,320						<b>\$400,320</b>
Miscellaneous Water Mains (2)		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	<b>\$600,000</b>
Mt. Plymouth Water Plant (Well #1) modifications and improvements		\$700,000						<b>\$700,000</b>
Mt. Plymouth Water Plant (Well #4) modifications and improvements			\$900,000					<b>\$900,000</b>
NW WTP (1 MG Storage Tank) (1)				\$850,000				<b>\$850,000</b>
Plymouth Sorrento Rd WM Ponkan Rd to Kelly Park Rd, 10,720 LF 16" (1)				\$1,030,000				<b>\$1,030,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Plymouth Sorrento Rd WM, Yothers Rd to Ponkan Rd, 5,423 LF 12" (1)	Water Impact Fund (Cont'd)	\$390,456						<b>\$390,456</b>
Plymouth Regional Water Plant, modifications and improvements Wells #1 & 2			\$900,000					<b>\$900,000</b>
Ponkan Rd, Ponkan Pines to Golden Gem 8,271 LF 12"			\$595,572					<b>\$595,572</b>
Sheeler Oaks WTP 65T .75 MG (1)			\$750,000					<b>\$750,000</b>
Southwest Water Plant (1)						\$4,500,000		<b>\$4,500,000</b>
US 441 WM, Roger Williams Rd to Sheeler Rd (1)				\$240,000				<b>\$240,000</b>
<b>TOTAL WATER IMPACT FUND</b>		<b>\$1,590,776</b>	<b>\$2,245,572</b>	<b>\$2,220,000</b>	<b>\$2,644,976</b>	<b>\$4,600,000</b>	<b>\$100,000</b>	<b>\$13,401,324</b>
Martin's Pond Improvements	Other Funds (TBD)							<b>TBD</b>
<b>TOTAL OTHER FUNDS</b>								<b>TBD</b>

**Backup material for agenda item:**

3. SIGN VARIANCE – TRACTOR SUPPLY – APOPKA – Owned by Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP, requesting a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article VIII, Sections 8.03.03 AND 8.04.02, for property located at 180 West 1st Street. (PARCEL ID #s: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122)



## CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	MEETING OF:	November 14, 2016
<input type="checkbox"/> SPECIAL REPORTS	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input checked="" type="checkbox"/> OTHER: Variance		Applicant Request

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**SUBJECT: TRACTOR SUPPLY – APOPKA – SIGN VARIANCE REQUEST**

**Request: APPROVE A VARIANCE OF THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II, SECTIONS 8.03.03 AND 8.04.02 OF THE SIGN CODE.**

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**SUMMARY:**

OWNER: Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP.

ENGINEER: Hanlex Civil, LLC. c/o Nathan Bullard, MBA P.E.

ARCHITECT: Rabits and Romano Architecture

LOCATION: 80 West 1<sup>st</sup> Street  
(South of 1<sup>st</sup> Street and East of Washington Avenue)

PARCEL ID #: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122

LAND USE: Commercial

ZONING: C-2

EXISTING USE: Horticultural Nursery

PROPOSED USE: Retail Center

TRACT SIZE: 3.09 +/- Acres (S.F.)

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**DISTRIBUTION:**

Mayor Kilsheimer	Finance Director	Public Ser. Director
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Director	Police Chief	Recreation Director

### **VARIANCE REQUEST SUMMARY**

1. Variance Request No. 1 - Code Standard, Sec. 8.08.03.A. - Placement Standards – Near street and driveway intersections. Monument signs and portable signs shall not be placed closer than 50 feet to the intersection of two streets.
  - a. *Applicant Request* -- Allow a sign location at the intersection of S. Washington Avenue, US 441, and W. 2nd Street, a variance of fifty (50) feet.
2. Variance Request No. 2 - Code Standard, Section 8.04.02.D. – Height of Freestanding Signs – Location, Arterial Street Frontage -- Maximum height of sign is eight feet.
  - a. *Applicant Request* – maximum height of ten feet for the sign at the intersection of S. Washington Avenue, US 441 and W. 2nd Street.

### **VARIANCE PROCESS**

Per Section 10.02.00, LDC, the Planning Commission must follow two steps to approve a variance:

- Step 1: Section 10.02.02.A, Limitations on Granting Variances, states that the Planning Commission “shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” This is known as a physical hardship. If the Planning Commission makes this determination, then it must take action on the seven variance criteria set forth in Section 10.02.02.B.
- Step 2: Section 10.02.02.B, Required Findings. Once a “physical hardship” has been determined, the Planning Commission shall not vary from the requirements of any provision of the LDC unless it makes a positive finding, based on substantial competent evidence, on the seven variance criteria.

### **APPLICABLE CITY CODES:**

1. Sec. 8.08.03.A. - Placement Standards – Near street and driveway intersections. Monument signs and portable signs shall not be placed closer than 50 feet to the intersection of two streets. To allow a sign location at the intersection of S. Washington Avenue and W. 2<sup>nd</sup> Street – variance from 50’ setback.
2. Sec. 8.04.02. – Height of Freestanding Signs – To allow a maximum sign height of 10’

**Variance Request No. 1:** Allow placement of a monument sign near the intersection of US 441, S. Washinton Avenue and W. 2nd Street, requesting a variance of 50 feet.

**Variance Hardship Determination (Step 1):** The first step of the variance determination process is to determine if a hardship occurs pursuant to Section 10.02.02.A, “whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.”

***Applicant’s Response.*** Due to the existing intersection configuration and relative placement of the subject lot, the property does not directly abut US 441, which is an arterial road that will generate the primary traffic to the business. Furthermore, the adjacent properties in the area that do abut US 441 further restrict site visibility to the proposed business.

**Staff Response.** No objection. Only the southwest corner of the Tractor Supply site has exposure to US. 441, the road from which most customers and deliver trucks will use to access the site pursuant to the Tractor Supply traffic study. Buildings located at the south side of W. 2nd Street limit sight angle and visibility of the Tractor Supply store from vehicles traveling northbound on US. 441. The same visibility constraint occurs for southbound traffic on US 441 because of buildings on the west side S. Washington Street. Placement of the signs fifty feet away from the US 441\Washington\2nd Street. Visibility constraints occur primarily because US 441 was constructed diagonally on a southeast to northwest pattern across a pre-existing street grid system running on a north-south and east-west pattern.

**Seven Variance Criteria Findings (Step 2):** If the Planning Commission finds accepts the hardship in Paragraph A. above, the second step is to make a finding on the seven below criteria. The Planning Commission must make a positive finding, based on substantial competent evidence, on each of the following seven criteria:

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's Response:** Due to the existing intersection configuration and relative placement of the subject lot, the property does not directly abut US 441, which is an arterial road that will generate the primary traffic to the business. Furthermore, the adjacent properties in the area that do abut US 441 further restrict site visibility to the proposed business. The proposed sign location is outside of the required 50' corner clip required by code to the travel lanes. However, the 50' corner clip is not achieved from the right-of-way line. This is a condition specific to this property and the applicant asks for a variance to permit the proposed corner monument sign.

**Staff's Response:** No objection.

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

**Applicant's Response:** The proposed variances increase the cost of construction.

**Staff's Response:** No objection.

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

**Applicant's Response:** The proposed variances will not increase congestion on the surrounding streets. Rather, the proposed variance will decrease congestion on surrounding streets, because the applicant's customers will better understand how to access their intended destination.

**Staff's Response:** No objection.

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 requested 50' corner clip variance will not diminish property values, nor alter the essential character of the area surrounding the store, because the proposed monument sign location meets the corner clip from the travel lanes, which is the intent of this safety consideration.

**Staff's Response:** City staff does not hold professional expertise to address property values. The sign faces the road and not the director of the driver's line of sight. It is placed parallel to the street; not perpendicular. The location of the monument sign at the intersection of US 441/Washington/2nd will not alter the character of the area as limited number of businesses are located at a similar intersection at an odd angle. Other properties surrounding the intersection are zoned for and used as commercial retail. The sign will have not exposure to residential areas.

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.

**Applicant's Response:** The effect of the approval of the requested 50' corner clip variance is in harmony with the general intent of this code, because the proposed monument sign location meets the corner clip from the travel lanes, which is the intent of this safety consideration.

**Staff Response:** No objection. The sign location at the intersection, based on the configuration of the property and the road system, provides greater notice to traveler's on US. 441 and likely will avoid quick stops on US. 441.

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

**Applicant's Response:** Due to the existing intersection configuration and relative placement of the subject lot, the property does not directly abut us 441, which is an arterial road that will generate the primary traffic to the business. Furthermore, the adjacent properties in the area that do abut us 441 further restrict site visibility to the proposed business. These existing conditions are not a result of the actions by the applicant.

Due to these physical site restraints that are unique to this property, the applicant is requesting a monument sign at the corner of the intersection between Washington Ave. and 2nd street. The proposed sign location is outside of the required 50' corner clip required by code to the travel lanes. However, the 50' corner clip is not achieved from the right-of-way line. This is a condition specific to this property and the applicant asks for a variance to permit the proposed corner monument sign.

**Staff Response:** No objections.

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 proposed 50' corner clip variance is the minimum variance that will make possible the reasonable use of the land, nor will it create safety hazards and other detriments to the public, because the proposed sign location is outside of the required 50' corner clip required by code to the travel lanes.

**Staff Response:** No objections.

**Variance Request No. 2:** Maximum height of monument sign is 8 feet; applicant is requesting a height of 10 feet, a variance of 2 feet.



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's Response:*** Due to these physical site restraints that are unique to this property, the applicant is requesting an increase in the sign height for the proposed monument sign nearest the intersection. This will allow customers traveling on us 441 to more easily identify the business, which will result in a safer condition. Further, the proposed sign height is compatible with nearby properties.

***Staff Response:*** No substantial competent evidence is provided that indicates that the height is needed to avoid visual obstructions or blocked line of sight, grade elevations concerns, crown of the road, travel time\stop time related to US 441\Washington Street turn. Sign faces US 441 and is not perpendicular. Height of sign does not provide any advanced notice to drivers from the south or north as sign does not face the driver. Staff does not support request. If height increase accepted by Planning Commission, sign code should be amended.

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

***Applicant's Response:*** Not applicable.

***Staff Response:*** No objection.

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

***Applicant's Response:*** Not applicable.

***Staff Response:*** No objection.

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 increased monument sign height will not diminish property values or alter the character of the area surrounding the site as the sign is designed to be compatible with the building architecture. In addition, the properties that would be impacted by the design are zoned commercial and positioned on the US 441 corridor, and many have pole or monument signage in excess of 10' in height.

***Staff's Response:*** The increase in height by two feet will not alter the character of as non-conforming signs in the area are already at a height greater than eight feet. However, the increase of height is not consistent with the sign code standard of a maximum height of eight feet. Applicant has not demonstrated that height is needed because of a hardship. An amendment to the sign code to allow for a sign height of ten feet will need to occur if the sign height is increased without substantial competent information to support the deviation for the standard.

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.

***Applicant's response:*** The effect of the approval of the 10' tall monument sign variance is in harmony with the general intent of this code, because the purpose of monument signs is to alert a driver she has arrived at her destination. Due to the unique physical conditions of this property, the approval of this variance will allow customers traveling on us 441 to more

easily identify the business, which will result in a safer condition, which is in harmony with the monument signage code.

**Staff Response:** Staff does not support this argument. All businesses can argue that a sign has more visibility if raised to a greater height. Sign is parallel to the street, not perpendicular. Most signs in the area are perpendicular to the street to promote visibility to the drive.

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

**Applicant Response:** due to these physical site restraints that are unique to this property, the applicant is requesting an increase in the sign height for the proposed monument sign nearest the intersection. This will allow customers traveling on us 441 to more easily identify the business, which will result in a safer condition.

**Staff Response:** Staff does not support this argument. Applicant has not provided sufficient substantial competent information to demonstrate that a hardship creating the need for a greater sign height.

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 Response:** The increased monument sign height will allow reasonable use of the land, allowing for better site visibility. The proposed sign will not create safety hazards as the placement is outside the required sight distance triangle and will not impede traffic flow.

**Staff Response:** Staff has not identified a safety hazard resulting for an increase in sign height be two feet. The sign height has no relationship to allow reasonable use of the land.

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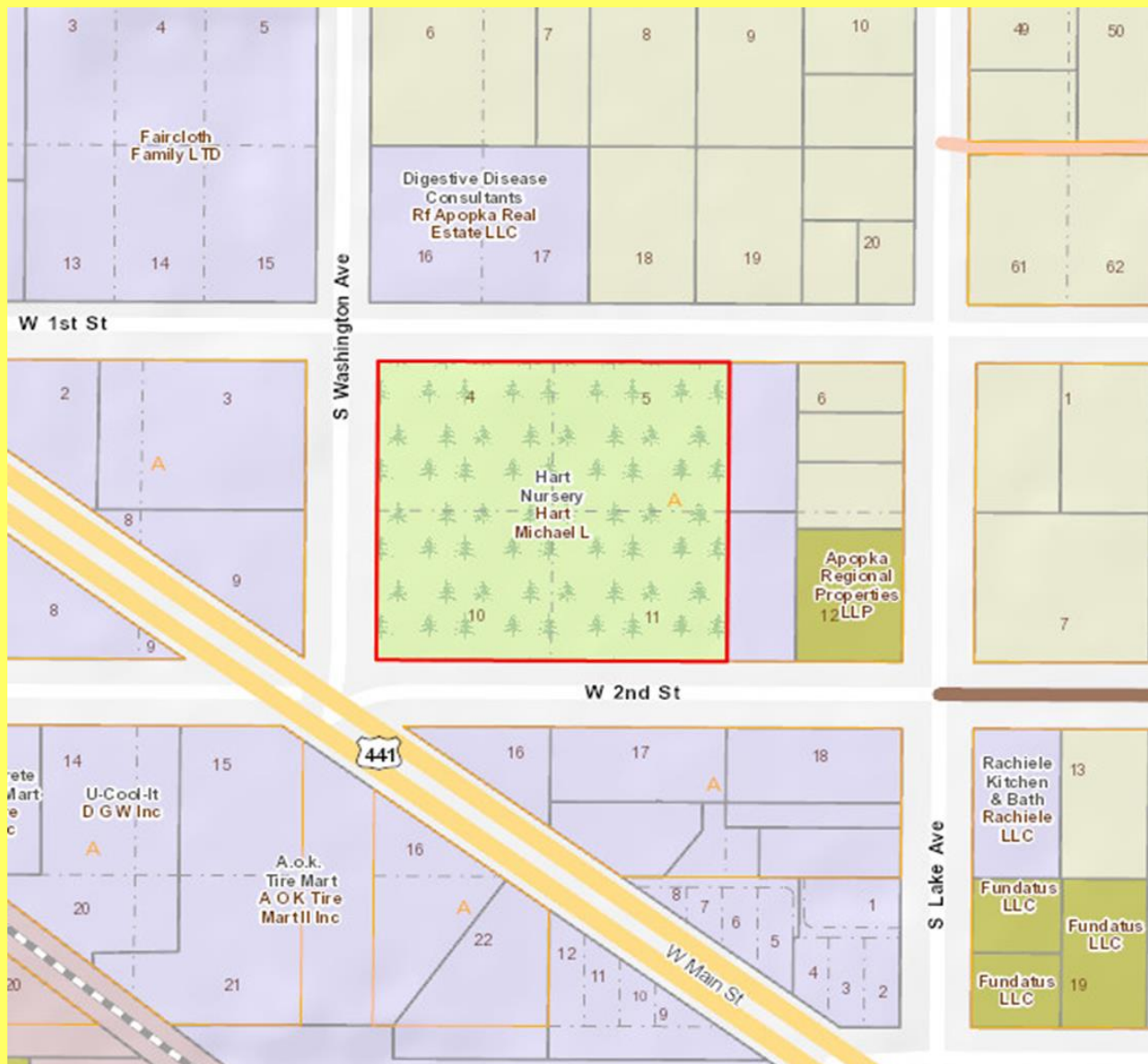
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**RECOMMENDED ACTION:**

Planning Commission Role: Based on the information provided by the applicant at the hearing for each of the two variances requested, Planning Commission must first determine that sufficient substantially competent information indicates “whether a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” If so, then Planning Commission must find that substantially competent information occurs to accept each of the seven variance criteria.

Planning Commission has authority to take final action. Approve, deny, or approve with conditions.

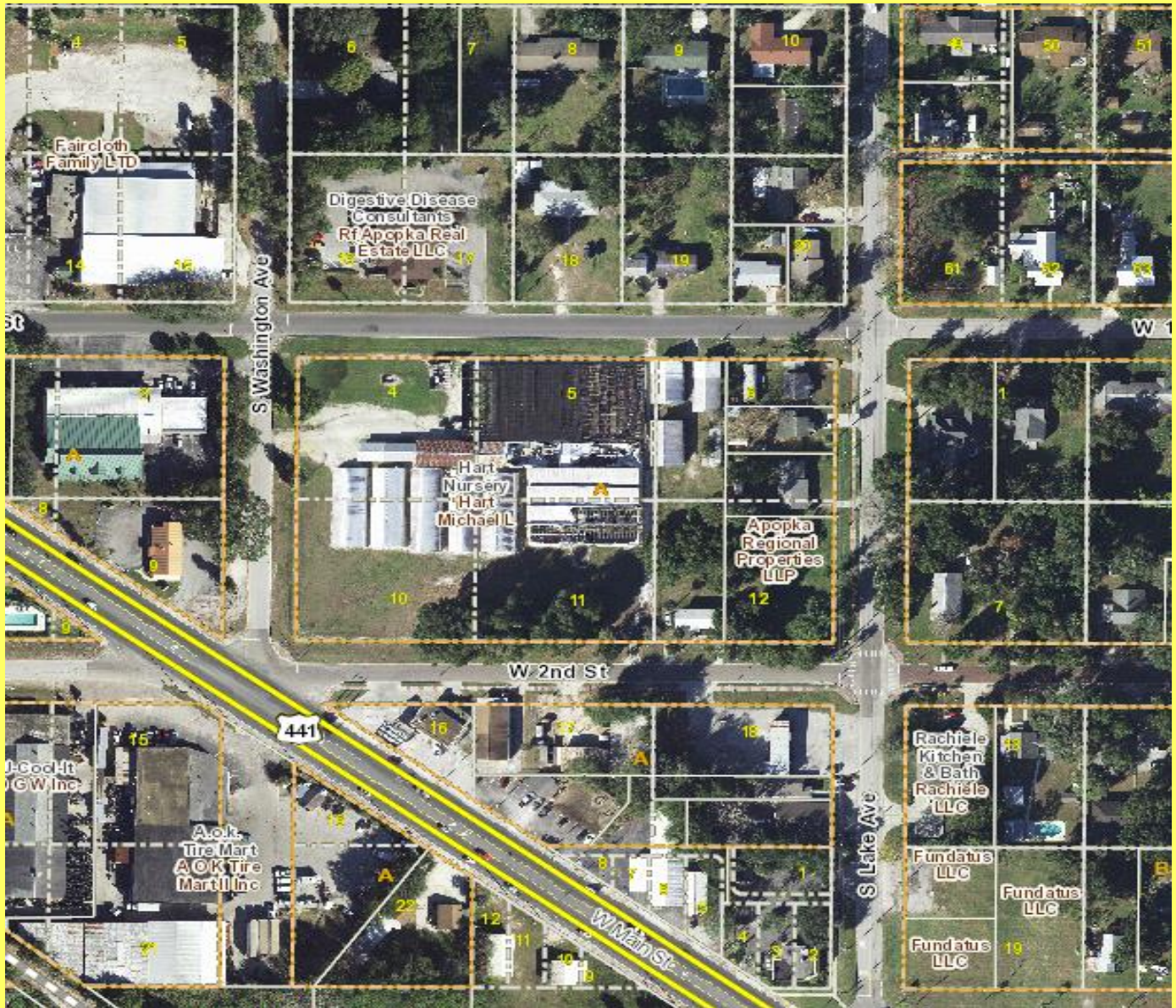
**Note: This item is considered Quasi-Judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



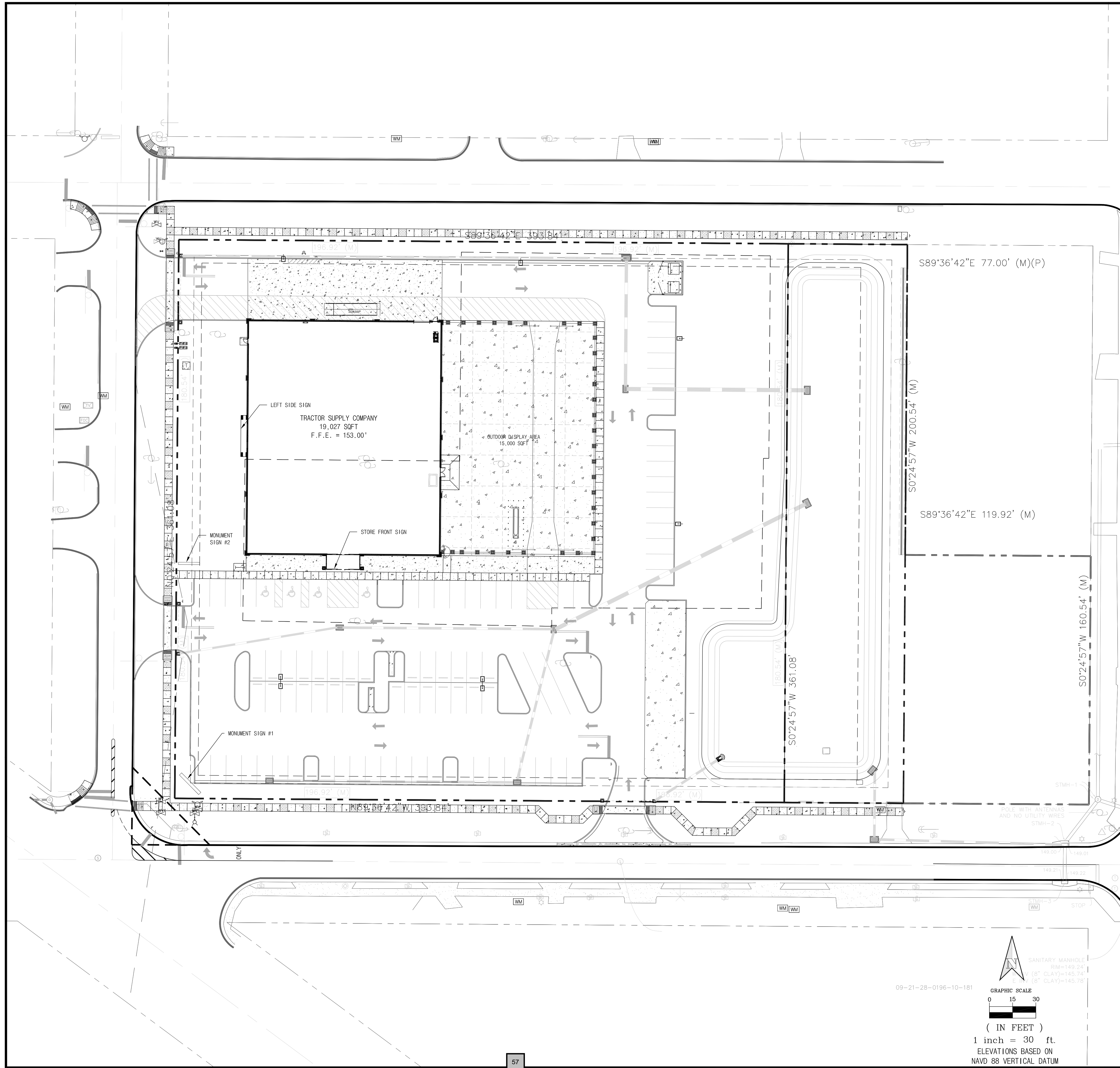




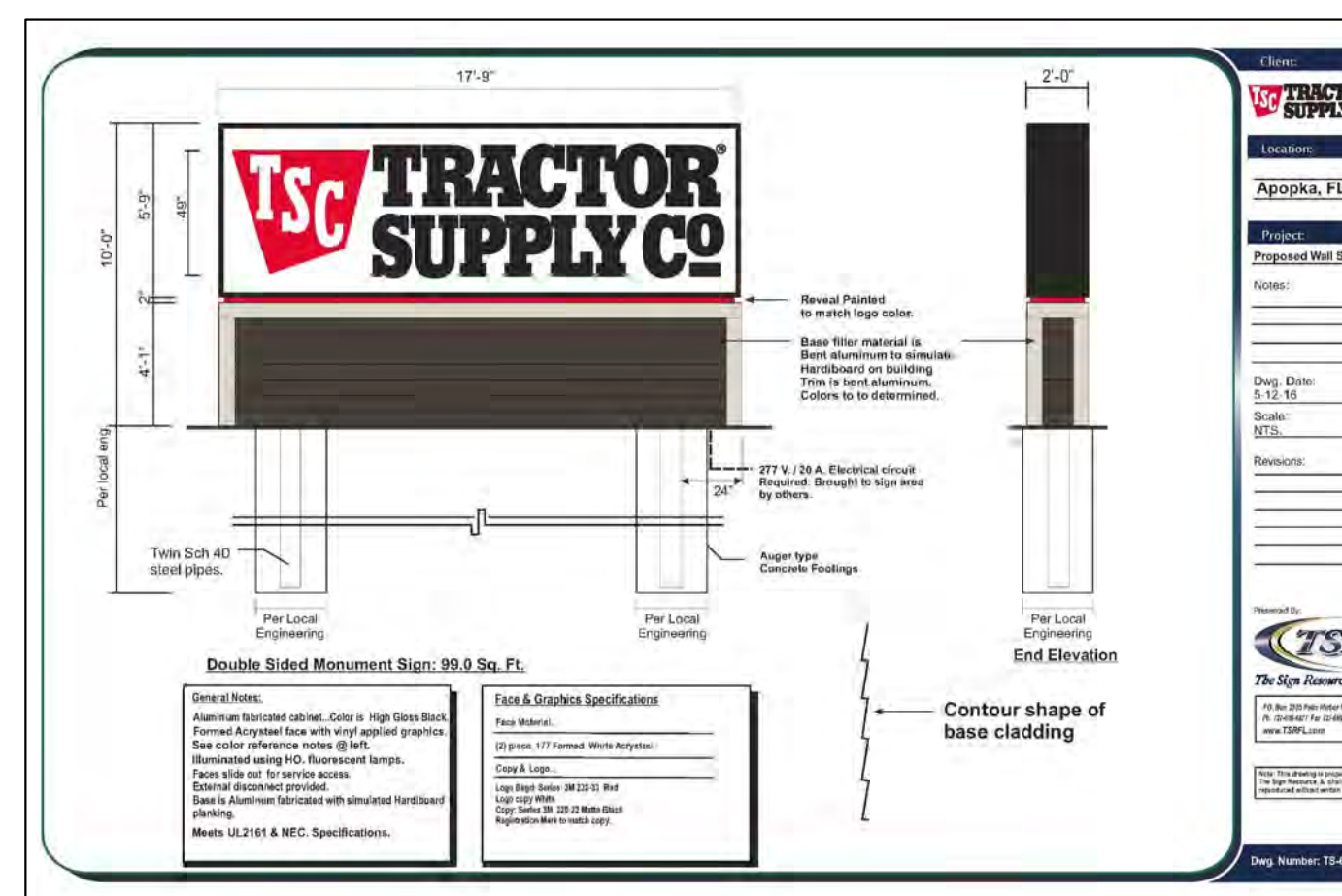
## AERIAL MAP



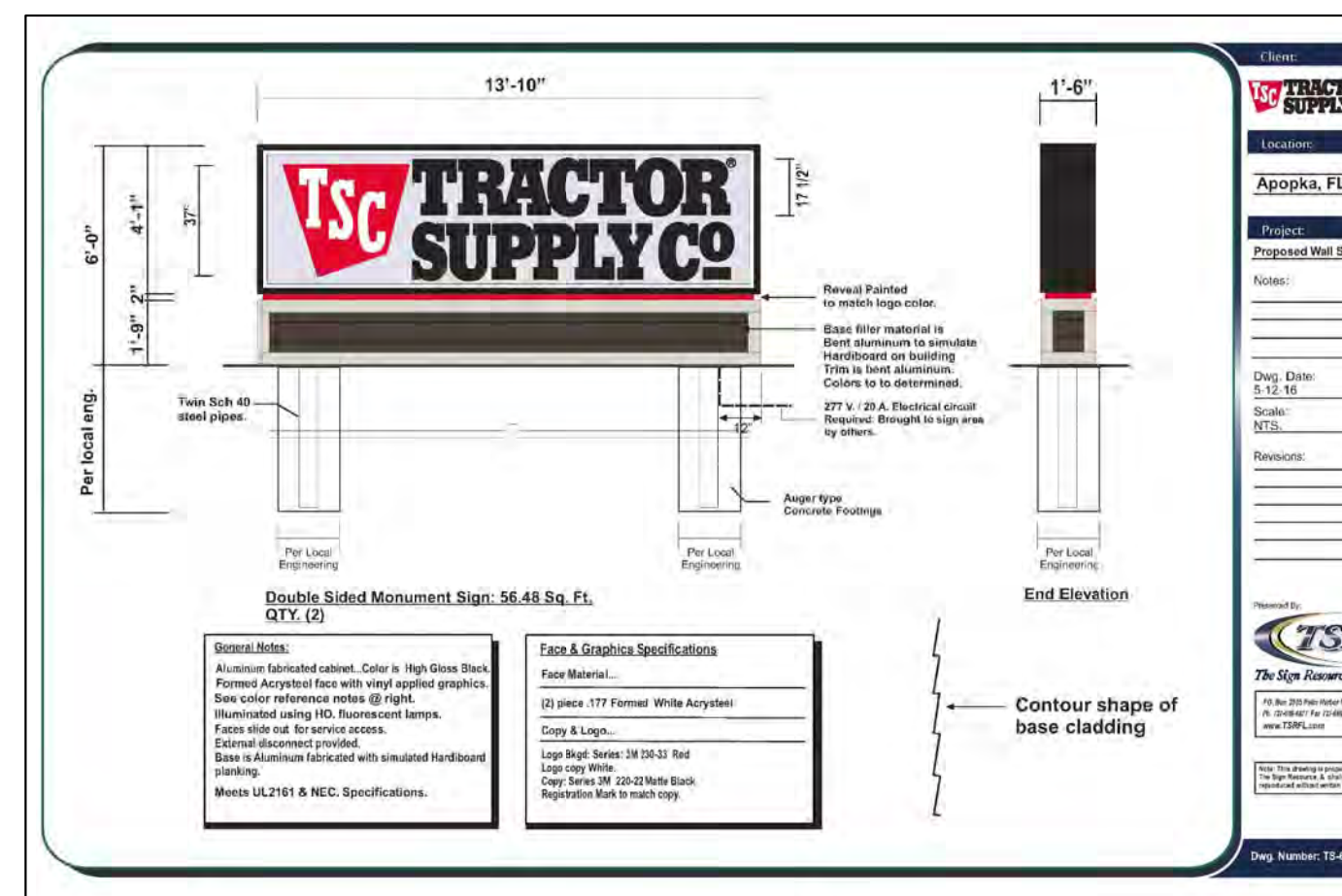




# TRACTOR SUPPLY COMPANY AT APOPKA



MONUMENT SIGN #1



MONUMENT SIGN #2



STORE FRONT SIGN



LEFT SIDE SIGN

**HANLEX DEVELOPMENT**  
Commercial Real Estate Development

PROJECT: TRACTOR SUPPLY - APOPKA

**HANLEX CIVIL, LLC**

1000 COLOR PLACE  
APOPKA, FL 32703  
P: (407) 410-0470  
F: (407) 410-0351  
COA: 29910

NO.	DATE	REVISION/ISSUE
1		

ENGINEER'S NAME & PER

PROJECT # 215.016

DATE 09/29/2016

SCALE 1:30

MSP

MASTER SIGN PLAN



**Backup material for agenda item:**

4. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Central Florida Expressway Authority, from “County” Rural (1 du/10 ac) to “City” Residential Low Suburban (3.5 du/ac), for property located west of Plymouth Sorrento Road south of Yothers Road. (Parcel ID #s: 36-20-27-0000-00-124 & 36-20-27-0000-00-126)



## CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	November 14, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:**                      **COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – CENTRAL FLORIDA EXPRESSWAY AUTHORITY**

**PARCEL ID NUMBER:**      **36-20-27-0000-00-124 & 36-20-27-0000-00-126**

**Request:**                      **COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT**  
**FROM:**                      **“COUNTY” RURAL (1 DU/ 10 AC)**  
**TO:**                              **“CITY” RESIDENTIAL LOW SUBURBAN (3.5 DU/AC)**

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### **SUMMARY**

**OWNER/APPLICANT:**                      Central Florida Expressway Authority – Joseph A. Berenis, P.E.

**LOCATION:**                                      Plymouth Sorrento Rd.

**EXISTING USE:**                                      Vacant Land

**CURRENT ZONING:**                              “County” A-1

**PROPOSED DEVELOPMENT:**                      Residential Development\Access to land-locked parcels

**PROPOSED ZONING:**                              “City” R-1A (Residential) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-1 to “City” R-1A [Residential].)

**TRACT SIZE:**                                      0.302 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT:**                      **EXISTING:**    vacant; 1 dwelling unit per 10 acres  
**PROPOSED:** residential access; 1 dwelling unit per 3.5 acres

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### **DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Ser. Director
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Development Director	Police Chief	Recreation Director

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low Suburban (3.5 DU/AC) to the property. The applicant, the Central Florida Expressway Authority, acquire the subject property to provide road access to unincorporated parcels abutting to the south, which were cut-off from road access when construction began for the Wekiva Parkway.

City Council approved the annexations on September 21, 2016, through the adoption of Ordinance No. 2513. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low Suburban is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.302 acres.

The applicant intends to develop the property for use as a right of way. The proposed future land use and use for the property is compatible with the general character of the surrounding neighborhood. The Residential Low Suburban Future Land Use Designation and right of way would serve as a use for the State Road 429.

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).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low Suburban (3.5 DU/AC) Future Land Use designation and the City’s proposed Residential Zoning.

**SCHOOL CAPACITY REPORT:** Because this Change of Zoning represents a change in density that will not yield more than nine (9) residential units, development of the subject property is considered “deminimus” and exempt from School Capacity Enhancement review. However, at the time of a Preliminary Development Plan application for residential development, school concurrency review through Orange county Public Schools may be required.

**ORANGE COUNTY NOTIFICATION:** 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 October 7, 2016.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 - Planning Commission (5:30 pm)  
December 7, 2016 - City Council (7:00 pm) - 1st Reading  
December 21, 2016 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 11, 2016 – Ordinance Heading ¼ Page w/Map Ad



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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from “County” Rural (1 du/ 10 ac) to “City” Residential Low Suburban (3.5 du/ac) for the property owned by Central Florida Expressway Authority and located at Plymouth Sorrento Rd., contingent upon the annexation of the property into the City of Apopka.

Recommended Motion: Find the proposed Future Land Use Amendment consistent with the Comprehensive Plan and the character of the surrounding area, and recommend to amend the Future Land Use Map designation from “County” Rural to “City” Residential Low Suburban

**Note: 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

### I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AA	Stanton Ridge residential plat owned by Central Florida Expressway Authority
East (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	S.R. 429-Wekiva Parkway
South (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence
West (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence

### II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with the development of residential uses. The property is west of Plymouth Sorrento Rd. and south of Yothers Rd.

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

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

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

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

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are karst features on this property.

Analysis of the character of the Property: The property fronts no road but is west of Plymouth Sorrento Rd. Access to the site will occur through a road within an abutting residential subdivision. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

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

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Residential Low Suburban (3.5 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

**CALCULATIONS:**

ADOPTED (County designation): 2 Unit(s) x 2.659 p/h = 5.3 persons

PROPOSED (City designation): 2 Unit(s) x 2.659 p/h = 5.3 persons

Housing Needs: This amendment will not impact the housing needs as projected in the Comprehensive Plan. One single family home is the maximum development anticipated for the subject property.

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 196 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 210 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: none
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: 4 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

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 GPD  
Total design capacity of the water treatment plant(s): 33.696 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: None
2. Projected LOS under existing designation: 100 year - 25 hour design storm
3. Projected LOS under proposed designation: 100 year - 25 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: 0.009 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.

Central Florida Expressway Authority  
Plymouth Sorrento Rd.  
0.302 +/- Acres

Existing Maximum Allowable Development: 1 dwelling unit  
Proposed Maximum Allowable Development: 1 dwelling unit

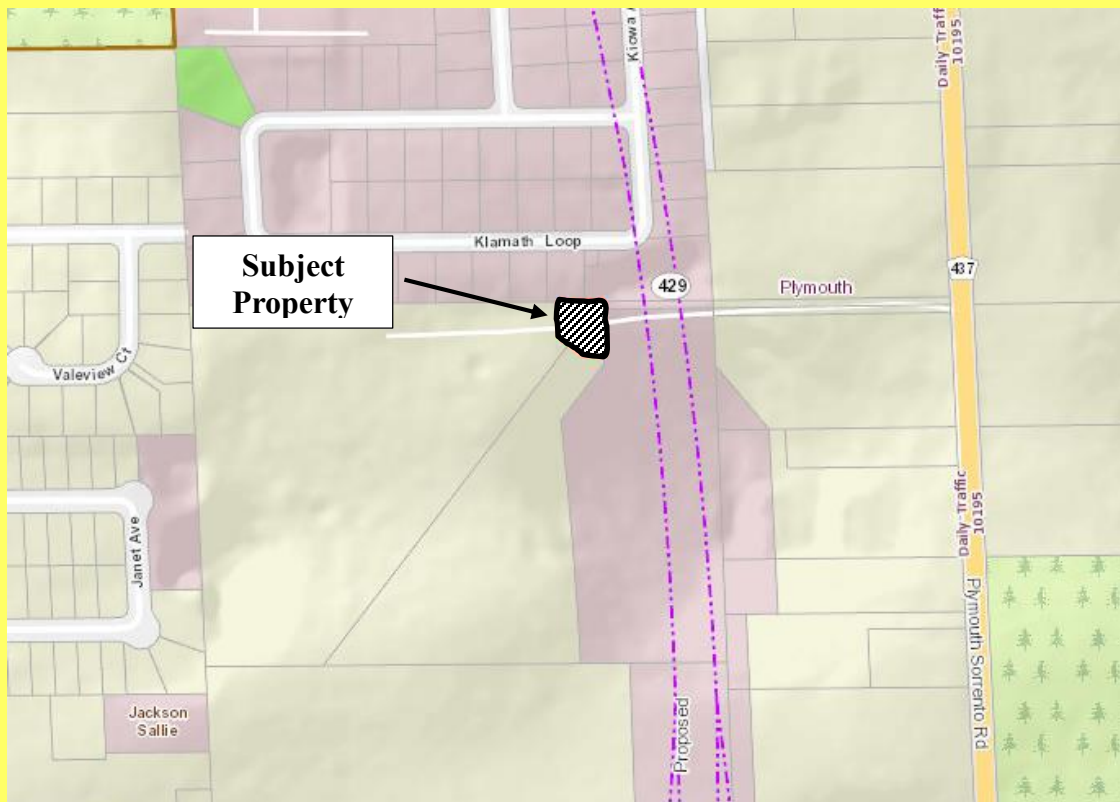
Proposed Small Scale Future Land Use Change  
From: "County" Rural/Agricultural (1 du/10 ac)  
To: "City" Residential Low Suburban (3.5 du/ac)

Proposed Zoning Change  
From: "County" A-1  
To: "City" R-1A

Parcel ID #: 36-20-27-0000-00-126 & 36-20-27-0000-00-124



### VICINITY MAP







## ADJACENT ZONING







## ADJACENT USES







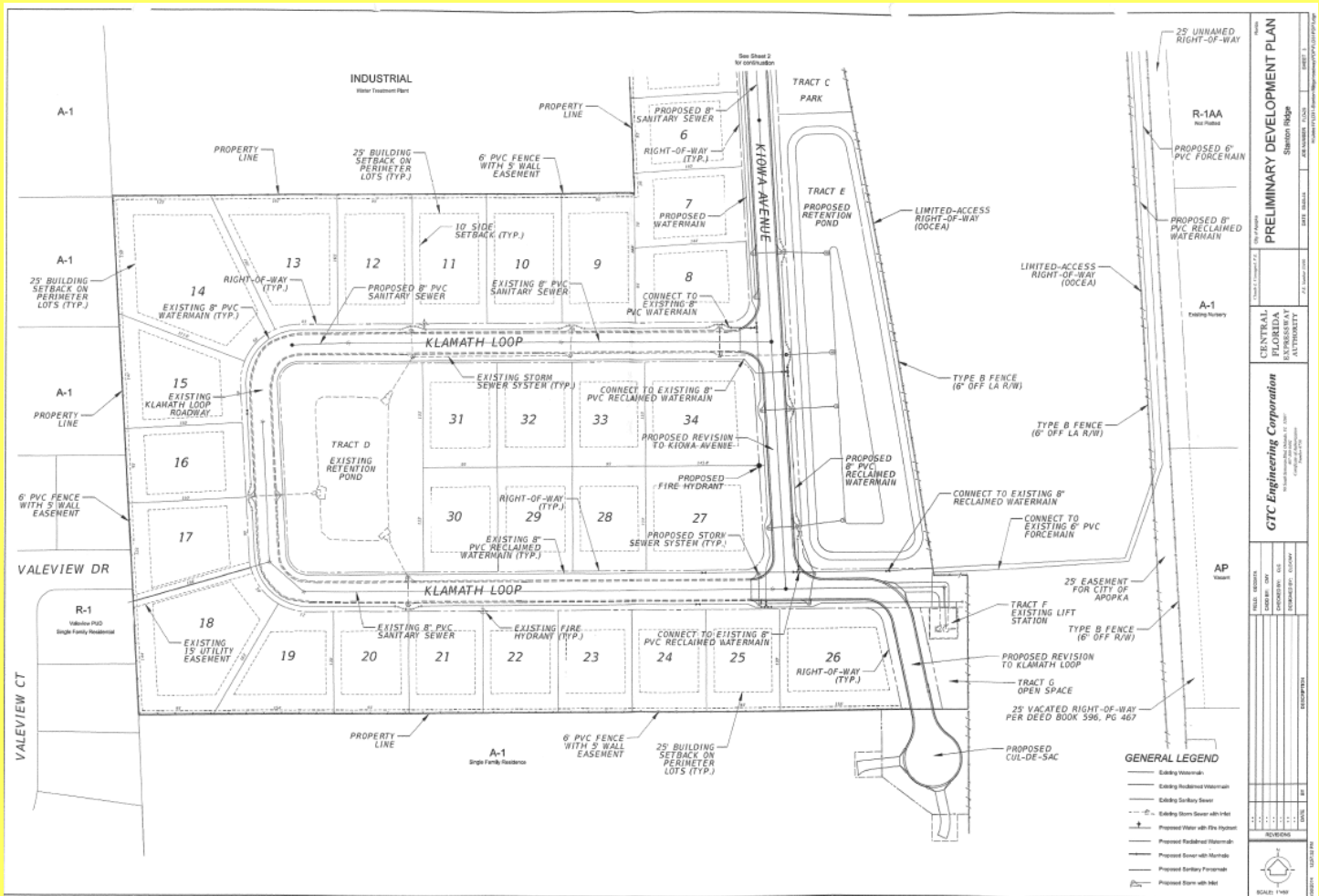
## EXISTING USES







## STANTON RIDGE PRELIMINARY DEVELOPMENT PLAN



**Backup material for agenda item:**

5. CHANGE OF ZONING – Owned by Central Florida Expressway Authority, from “County” A-1 (Rural) to “City” R1-A (Residential), for property located west of Plymouth Sorrento Road south of Yothers Road. (Parcel ID #s: 36-20-27-0000-00-124 & 36-20-27-0000-00-126)



## CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	November 14, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses
		Small Area Study Map

**SUBJECT:** CENTRAL FLORIDA EXPRESSWAY AUTHORITY – CHANGE OF ZONING

**PARCEL ID NUMBER:** 36-20-27-0000-00-124 & 36-20-27-0000-00-126

**Request:** CHANGE OF ZONING  
**FROM:** “COUNTY” A-1 (RURAL)  
**TO:** “CITY” R-1A (RESIDENTIAL)

### **SUMMARY**

**OWNER/APPLICANT:** Central Florida Expressway Authority – Joseph A. Berenis, P.E.

**LOCATION:** Plymouth Sorrento Rd.

**EXISTING USE:** Vacant

**PROPOSED FLUM DESIGNATION:** Residential Low Suburban (3.5 DU/AC) (NOTE: This change of zoning application is being processed in conjunction with a large scale FLUM amendment requesting Residential Low Suburban (3.5 DU/AC).

**CURRENT ZONING:** “County” A-1 (Rural)

**PROPOSED DEVELOPMENT:** Residential development\Right of Way

**TRACT SIZE:** 0.302 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: vacant; 1 dwelling unit per 10 acres  
PROPOSED: residential access; 1 dwelling unit per 3.5 acres

### **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief  
Recreation Director

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low Suburban (3.5 DU/AC) to the property.

Applicant is requesting the City to assign a zoning classification of R-1A (Residential) to the property, consistent with the proposed Residential Low Suburban (3.5 DU/AC) future land use designation.

A request to assign a change of zoning to R-1A (Residential) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the R-1A (Residential) zoning classification to accommodate the use of the property to have the potential to be single family residential and road access to create access to parcels to the south. The subject properties abut S.R. 429 to the east and the Stanton Ridge residential plat to the north, which is also owned by the Central Florida Expressway Authority. City staff supports this change of zoning request subject to the construction of a highway interchange for S.R. 429 at Plymouth Sorrento Road. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Residential Low Suburban (3.5 DU/AC). The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately .302 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).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low Suburban (3.5 DU/AC) Future Land Use designation and the City’s proposed Residential Zoning so long as dwelling units are not expanded on the existing land area comprising the subject site. Site development cannot exceed the intensity allowed by the Future Land Use policies. School concurrency may occur at the time of a final development plan applicable to the subject property.

**SCHOOL CAPACITY REPORT:** The request is for a residential zoning classification that will only yield two residential units. A rezoning that creates a net increase equal to nine or fewer residential units is exempt from School Capacity Enhancement. School concurrency review may apply at the time a Preliminary Development Plan for residential development is submitted to the City.

**ORANGE COUNTY NOTIFICATION:** 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 October 7, 2016.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 - Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 11, 2016 – Ordinance Heading ¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan, the Land Development Code and compatible with the character of the surrounding area, and recommends approval of the change in zoning from

**Recommended Motion:** Find the change of zoning to R-1A (Residential) consistent with the Comprehensive Plan, Land Development Code and the character of the surrounding area, and recommend a change is zoning from County A-1(Agriculture) to R-1A (Residential) for the property owned by Central Florida Expressway Authority, and subject to adoption of the Proposed Future Land Use Designation.

**Note:** 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

### RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AA	Stanton Ridge residential plat owned by the Central Florida Expressway Authority.
East (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	S.R. 429
South (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence
West (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence

### LAND USE & TRAFFIC COMPATIBILITY:

The assigned zoning will be compatible to the residential zoned properties to the north and the subject property will have access through the Stanton Ridge residential plat, which is owned by the same property owner.

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed R-1A (Residential) zoning is consistent with the City's Residential Low Suburban (3.5 DU/AC) Future Land Use designation and with the character of the surrounding area. The R-1A (Residential) zoning classification is one of the acceptable zoning categories allowed within the proposed Residential Low Suburban Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

### R-1A DISTRICT REQUIREMENTS:

Minimum Living Area:	1,600 sq. ft.
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	85 ft.
Setbacks:	Front: 25 ft. (From property line)
	Rear: 10 ft. (30 ft. from residential)
	Side: 20 ft.
	Corner 25 ft.

Based on the above zoning standards, the subject parcels do comply with code requirements for the R-1A (Residential) district.

### BUFFERYARD REQUIREMENTS:

1. Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways within a minimum ten-foot landscaped bufferyard.
2. Areas adjacent to agricultural and residential uses or districts shall provide a minimum five-foot bufferyard and six-foot high brick, stone or decorative block finished wall.

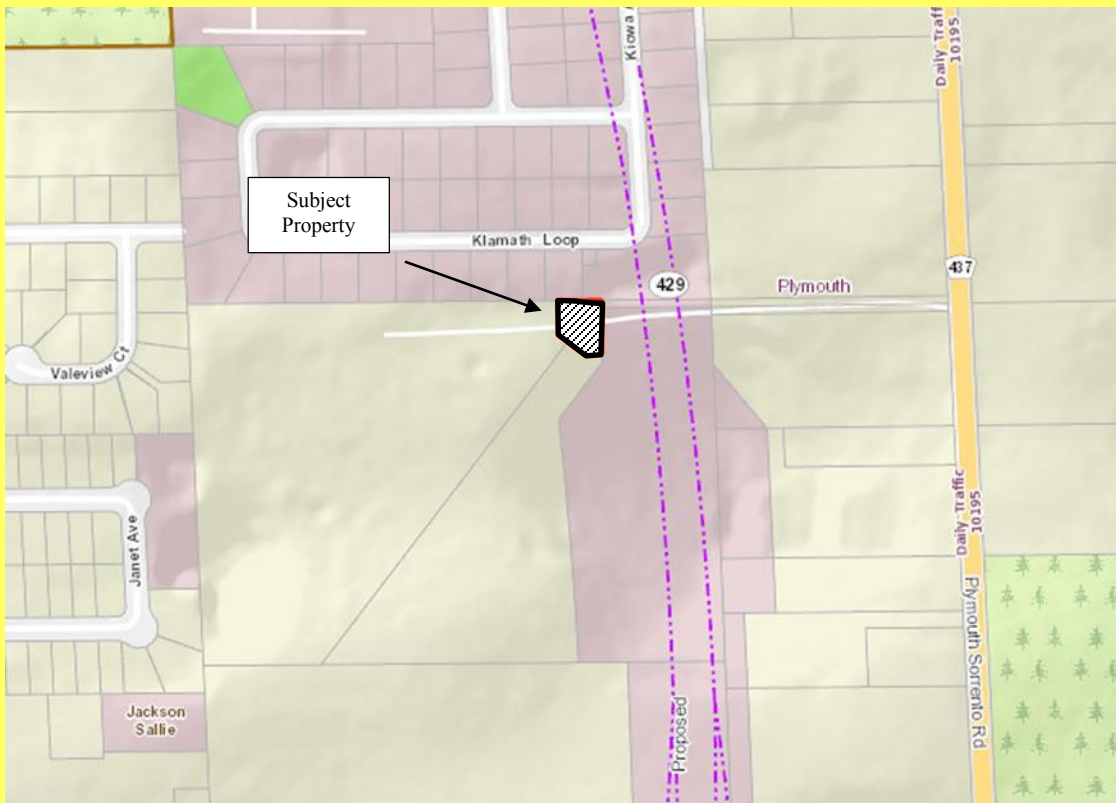
### ALLOWABLE USES:

Single-family dwellings and their customary accessory structures and uses. Supporting infrastructure and public facilities of less than five acres.



Central Florida Expressway Authority  
Property Owner  
0.302 +/- Acres  
Proposed Large Scale Future Land Use Amendment:  
From: "County" Rural/Agricultural (1 du/10 ac)  
To: "City" Residential Low Suburban (3.5 du/ac)  
Proposed Change of Zoning:  
From: "County" A-1  
To: "City" R-1A  
Parcel ID #s: 36-20-27-0000-00-124 & 36-20-27-0000-00-126

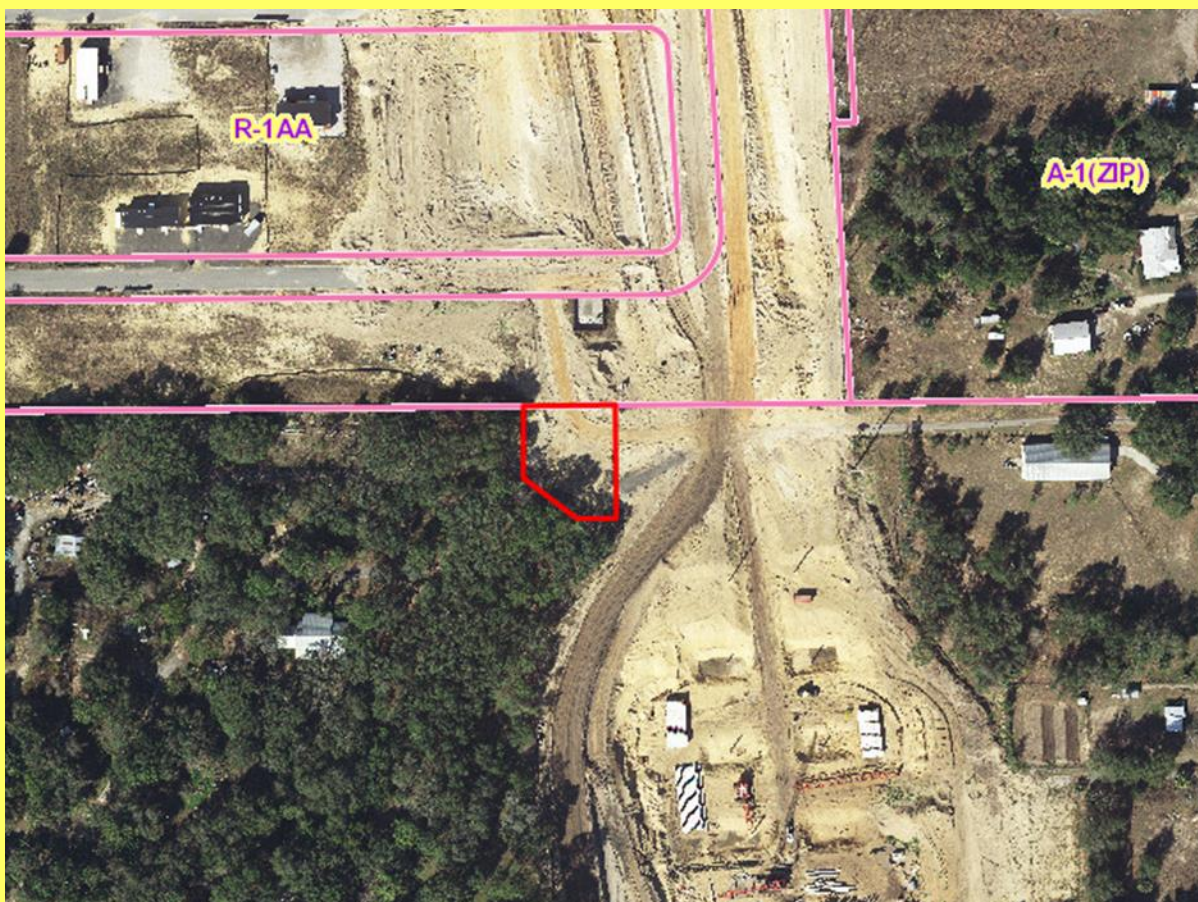
## VICINITY MAP







## ADJACENT ZONING







## ADJACENT USES





## EXISTING USES



**Backup material for agenda item:**

6. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Marshall Howard, from Residential High (0-15 du/ac) to Commercial (Max. 0.25 FAR), for property located at 1351 Tropical Circle. (Parcel ID #: 13-21-28-5300-03-100)





## CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING  
☐ ANNEXATION  
☐ PLAT APPROVAL  
☐ OTHER:

DATE: November 14, 2016  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** **MARSHALL HOWARD – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT**

**PARCEL ID NUMBERS:** **13-21-28-5300-03-100**

**Request:** **COMPREHENSIVE PLAN - SMALL SCALE  
FUTURE LAND USE AMENDMENT  
FROM: RESIDENTIAL HIGH (0-15 DU/AC)  
TO: COMMERCIAL (MAX 0.25 FAR)**

### **SUMMARY**

**OWNER/APPLICANT:** Marshall Howard c/o Khaled Akkawi

**LOCATION:** 1351 Tropical Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail).

**EXISTING USE:** Mobile Home Park (Tropicana Mobile Home Park)

**CURRENT ZONING:** R-3 (Residential)

**PROPOSED ZONING:** “City” C-1 (Retail Commercial) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” R-3 (Residential) to C-1 (Retail Commercial).

**PROPOSED DEVELOPMENT:** Expansion of commercial space for the Shoot Straight business

**TRACT SIZE:** 3.8 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: 57 residential units  
PROPOSED: 41,382 Sq. Ft.

### **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief  
Recreation Director

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the City of Apopka on December 16, 1992, through the adoption of Ordinance No. 751. 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 C-1 (Restricted 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 3.8 acres and the current use of the property is for a mobile home park. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting Shoot Straight C-1 (Retail Commercial) to the west, which is consistent with the allowable uses within the C-1 zoning district.

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).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing use of a mobile home park is a legal, non-conforming use with the current land use and zoning categories. However, the proposed use of the property is consistent with the proposed Commercial Future Land Use designation and the proposed C-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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

**ORANGE COUNTY NOTIFICATION:** 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 October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 – Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 16, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends adoption of the change in Future Land Use Residential High (0-15 du/ac) to Commercial (0.25 FAR) for the property owned by Marshall Howard.

**Recommended Motion:** Find the future land use amendment consistent with the Comprehensive Plan and recommend adoption of the small scale future land use amendment from Residential High (0-15 du/ac) to “City” Commercial (max 0.25 FAR), for properties owned by Marshall Howard.

**Note:** 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

### I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Medium (0-10 du/ac)	A-1 (ZIP)	Vacant
East (County)	Rural (0-1 du/10 ac)	A-1	Vacant
South (City)	Commercial (max 0.25 FAR)	C-2	R-O-W, Retail & Billboard
West (City)	Commercial (max 0.25 FAR)	C-1	Retail & Gun Range (Shoot Straight)

### II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is commercial and residential. Lands to the east have single-family residential, which lands to the north are vacant. Properties to the south and west have a Future Land Use Designation of Commercial. The properties to the south contain retail uses and a billboard; abutting properties to the west are used presently for the Shoot Straight indoor gun range and firearm sales. The proposed future land use request is consistent with the adjacent future land use designations, as well as consistent with uses in 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 “Core Area” of the JPA. The proposed FLUM Amendment from “County” Low-Medium Density Residential (10 du/ac) to City “Industrial” is consistent with the intent of the Core Area JPA.

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

The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are karst features on the subject property.

Analysis of the character of the Property: The subject property has access to a city residential roadway (Kenneth Street), which has access to S Orange Blossom Trail. A mobile home park is located on the subject property. The vegetative communities present are urban; the soils present are St. Lucie and Zolfo-Urban Land Complex.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on August 23, 1983. The Orange County Comprehensive Plan anticipated this property being developed with potential of up to fifty-seven residential units. Because this proposed land use change is to a non-residential development, this amendment will impact the population projections in the City's Comprehensive Plan.

**CALCULATIONS:**

ADOPTED (City designation): 57 Unit(s) x 2.659 p/h = 285 persons  
PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 persons

Housing Needs: Within the city limits and within the vicinity of this Property, sufficient undeveloped lands are assigned residential land use designations. These undeveloped residential properties can adequately accommodate future population anticipated to occur within the city limits.

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

1. Roadways. The subject property has access to Kenneth St, which intersects with S Orange Blossom Tr (US 441).

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 11,172 GPD
3. Projected total demand under proposed designation: 6,207 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 25878 GPD
3. Projected total demand under proposed designation: 8276 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

#### 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: 628 lbs./person/day
4. Projected LOS under proposed designation: 83 lbs./day/1000 SF
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: NO

Drainage Analysis

1. Facilities serving the site: Lake Page
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

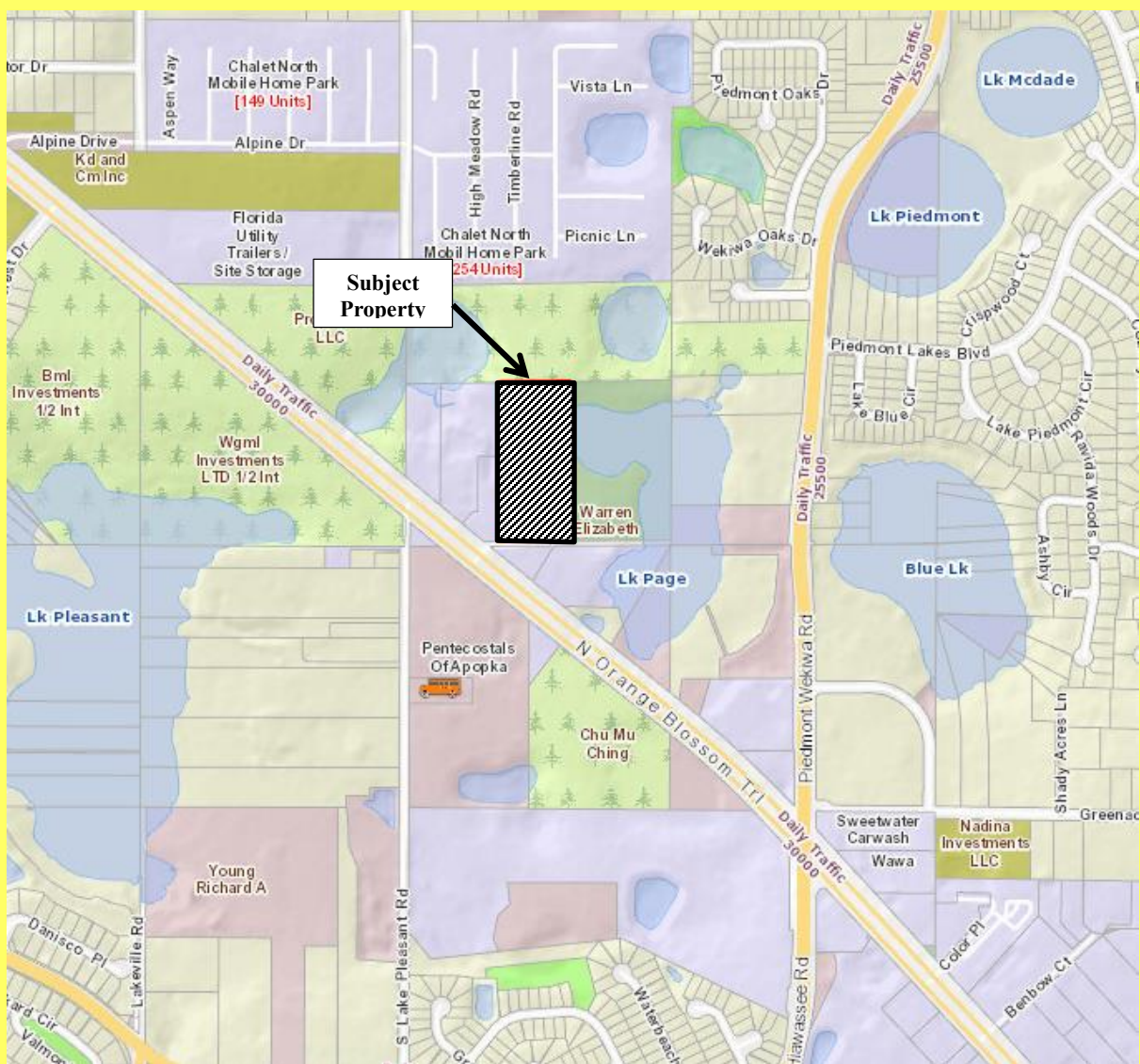
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.456 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:  
None

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

**Marshall Howard**  
**3.8 +/- Acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Residential High (0-15 du/ac)**  
**To: Commercial (0.25 max FAR)**  
**Proposed Change of Zoning:**  
**From: R-3 (Residential)**  
**To: C-1 (Retail Commercial)**  
**Parcel ID #: 13-21-28-5300-03-100**

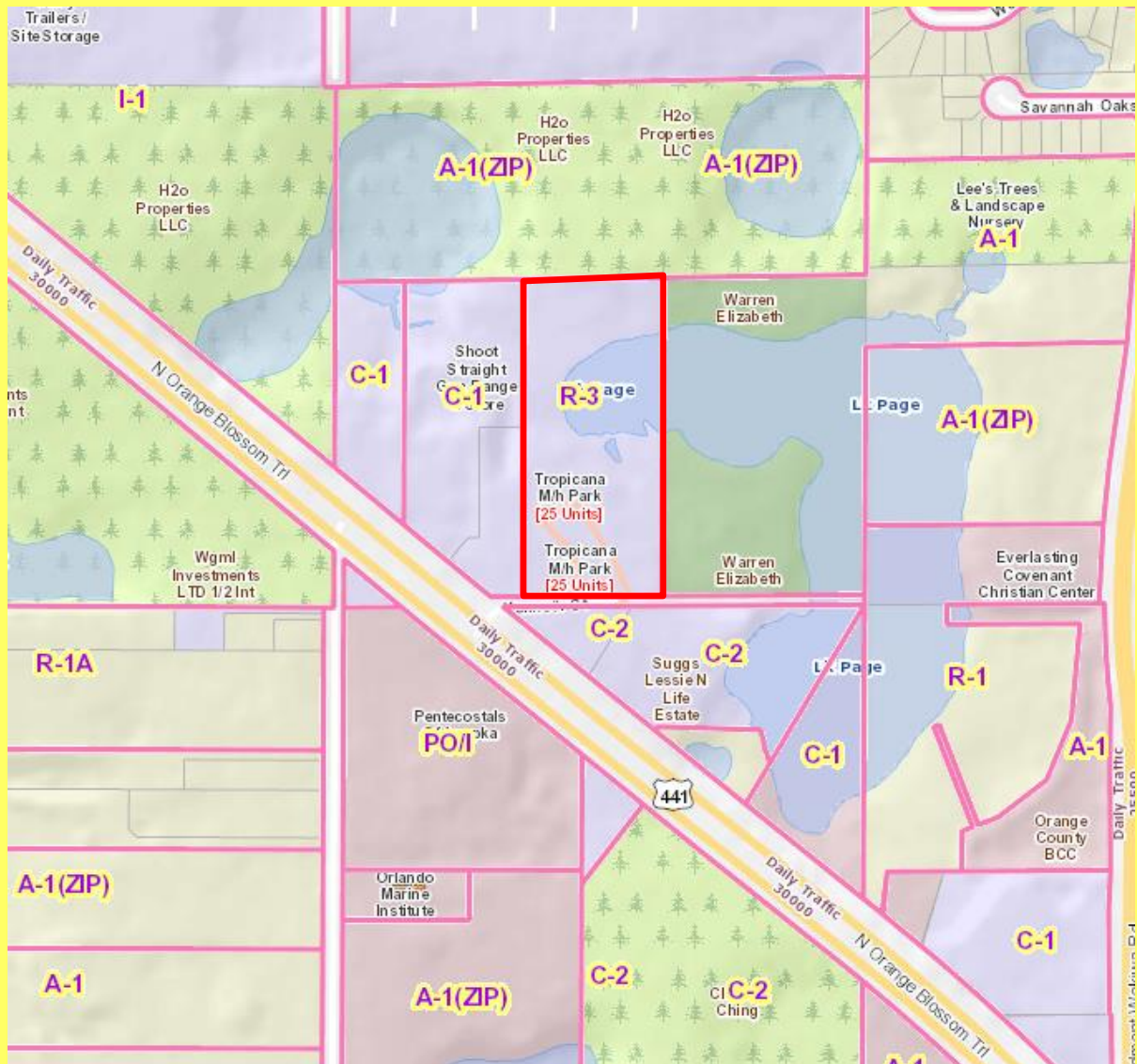


## VICINITY MAP





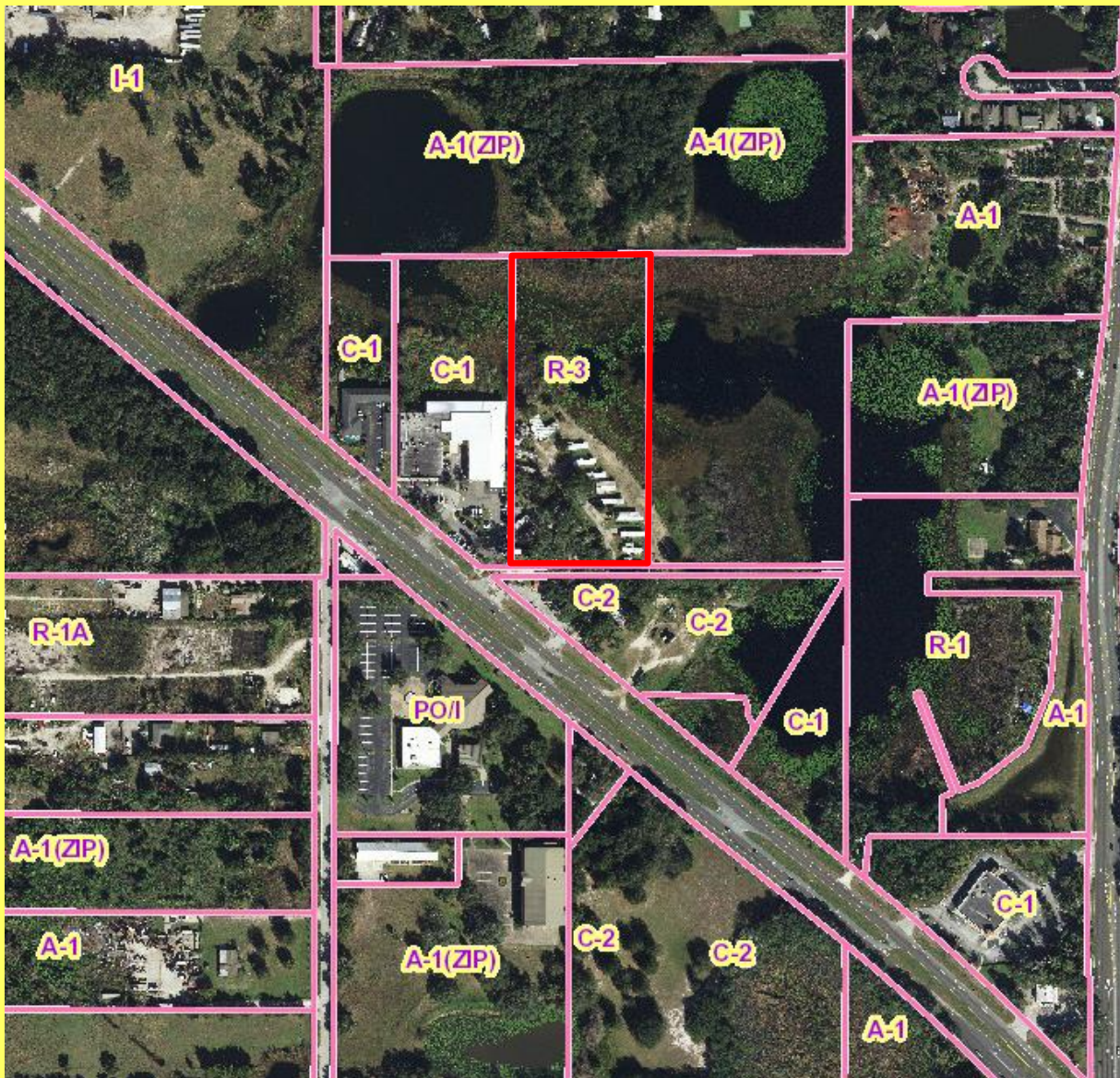
## ADJACENT ZONING







## ADJACENT USES







## EXISTING USES



**Backup material for agenda item:**

7. CHANGE OF ZONING – Owned by Marshall Howard, from R-3 (Residential) to C-1 (Retail Commercial), for property located at 1351 Tropical Circle. (Parcel ID #: 13-21-28-5300-03-100)



## CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	November 14, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:**                      **MARSHALL HOWARD PROPERTY – CHANGE OF ZONING**

**PARCEL ID NUMBER:**      **13-21-28-5300-03-100**

**Request:**                      **CHANGE OF ZONING**  
**FROM:**                      **R-3 (RESIDENTIAL)**  
**TO:**                              **C-1 (RETAIL COMMERCIAL)**

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**SUMMARY**

OWNER/APPLICANT:              Marshall Howard c/o Khaled Akkawi

LOCATION:                          1351 Tropical Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail).

EXISTING USE:                      Mobile Home Park (Tropicana Mobile Home Park)

PROPOSED  
FLUM DESIGNATION:              Commercial (Max. 0.25 FAR) (NOTE: This change of zoning application is being processed in conjunction with a small scale FLUM amendment requesting Commercial (Max. 0.25 FAR).

CURRENT ZONING:                  R-3 (Residential)

PROPOSED  
DEVELOPMENT:                      Expansion of Shoot Straight indoor gun range & firearm sales

TRACT SIZE:                          3.8 +/- acres

MAXIMUM ALLOWABLE  
DEVELOPMENT:                      EXISTING:    518 Units  
   PROPOSED: 31,036 Sq. Ft.

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**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Ser. Director
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Development Director	Police Chief	Recreation Director

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the City of Apopka on December 16, 1992 through the adoption of Ordinance No. 751.

The applicant is requesting the City to assign a zoning classification of C-1 (Retail Commercial) to the property, consistent with the proposed Commercial (Max. 0.25 FAR) future land use designation.

A request to assign a change of zoning to C-1 (Retail) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the C-1 (Retail Commercial) zoning classification to accommodate the use of the property for the expansion of the Shoot Straight indoor gun range and firearm sales immediately adjacent to the west of the subject site. The subject properties abut a limited access highway (S.R. 414) with a planned interchange at Marden Road. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Commercial (Max. 0.25 FAR). The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses (see Land Use & Traffic Compatibility below).

The change of zoning application covers approximately 3.8 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).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Commercial (Max. 0.25 FAR) Future Land Use designation and the City's proposed C-1 (Retail Commercial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The request is for a non-residential zoning classification; therefore, a school capacity enhancement agreement is not required.

**ORANGE COUNTY NOTIFICATION:** 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 October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 – Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 16, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed change of zoning amendment consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends adoption of the change in zoning from R-3 (Residential) to C-1 (Retail Commercial) for the property owned by Marshall Howard.

**Recommended Motion:** Find the change of zoning to C-1 (Retail Commercial) consistent with the Comprehensive Plan and Land Development Code and recommend adoption of the change of zoning for property owned by Marshall Howard, subject to adoption of the proposed small scale future land use amendment.

**Note:** 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

### RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Medium (0-10 du/ac)	A-1 (ZIP)	Vacant
East (County)	Rural (0-1 du/10 ac)	A-1	Vacant
South (City)	Commercial (max 0.25 FAR)	C-2	R-O-W, Retail & Billboard
West (City)	Commercial (max 0.25 FAR)	C-1	Retail & Gun Range (Shoot Straight)

### LAND USE & TRAFFIC COMPATIBILITY:

The subject property fronts and is accessed by a local roadway (Kenneth Street), which has access to S Orange Blossom Trail.

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed C-1 (Retail Commercial) zoning is consistent with the City's Commercial (Max. 0.25 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The C-1 (Retail Commercial) zoning classification is one of the acceptable zoning categories allowed within the proposed Commercial Future Land Use Designation. 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. (From property line)
	Rear: 10 ft. (30 ft. from residential)
	Side: 10 ft.
	Corner 15 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the C-1 (Retail Commercial) district.

### BUFFERYARD REQUIREMENTS:

1. Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard.
2. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard.
3. Areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard.

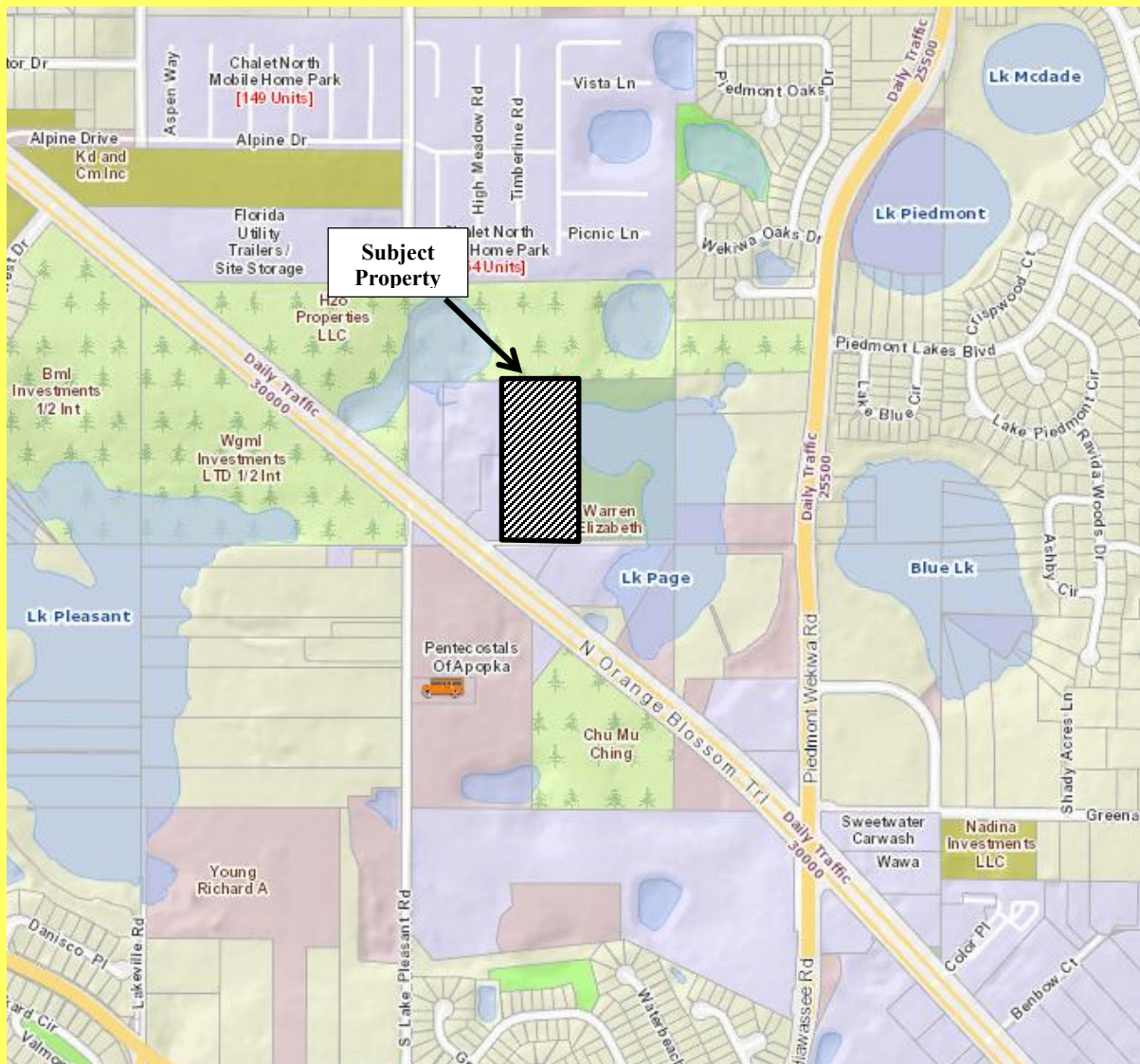
**ALLOWABLE  
USES:**

Any nonresidential permitted use in the PO/I or CN districts. 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, day nurseries, kindergartens and other child care centers. Restaurants, hotels/motels, bed and breakfast facilities and other uses which are similar and compatible to the uses permitted herein which adhere to the intents of the district and which are not prohibited.

**Marshall Howard**  
**3.8 +/- Acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Residential High (0-15 du/ac)**  
**To: Commercial (0.25 max FAR)**  
**Proposed Change of Zoning:**  
**From: R-3 (Residential)**  
**To: C-1 (Retail Commercial)**  
**Parcel ID #: 13-21-28-5300-03-100**

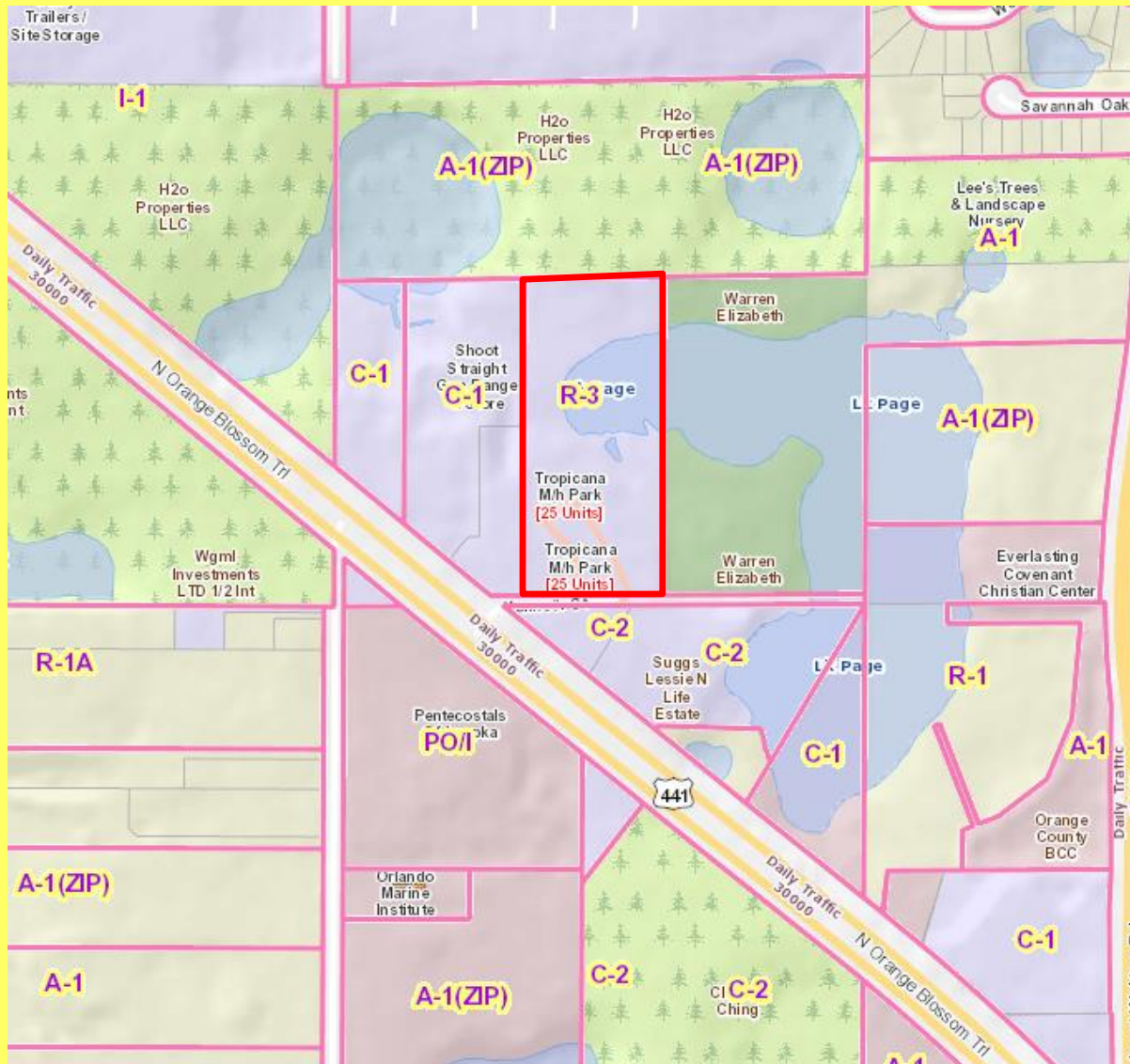


## VICINITY MAP





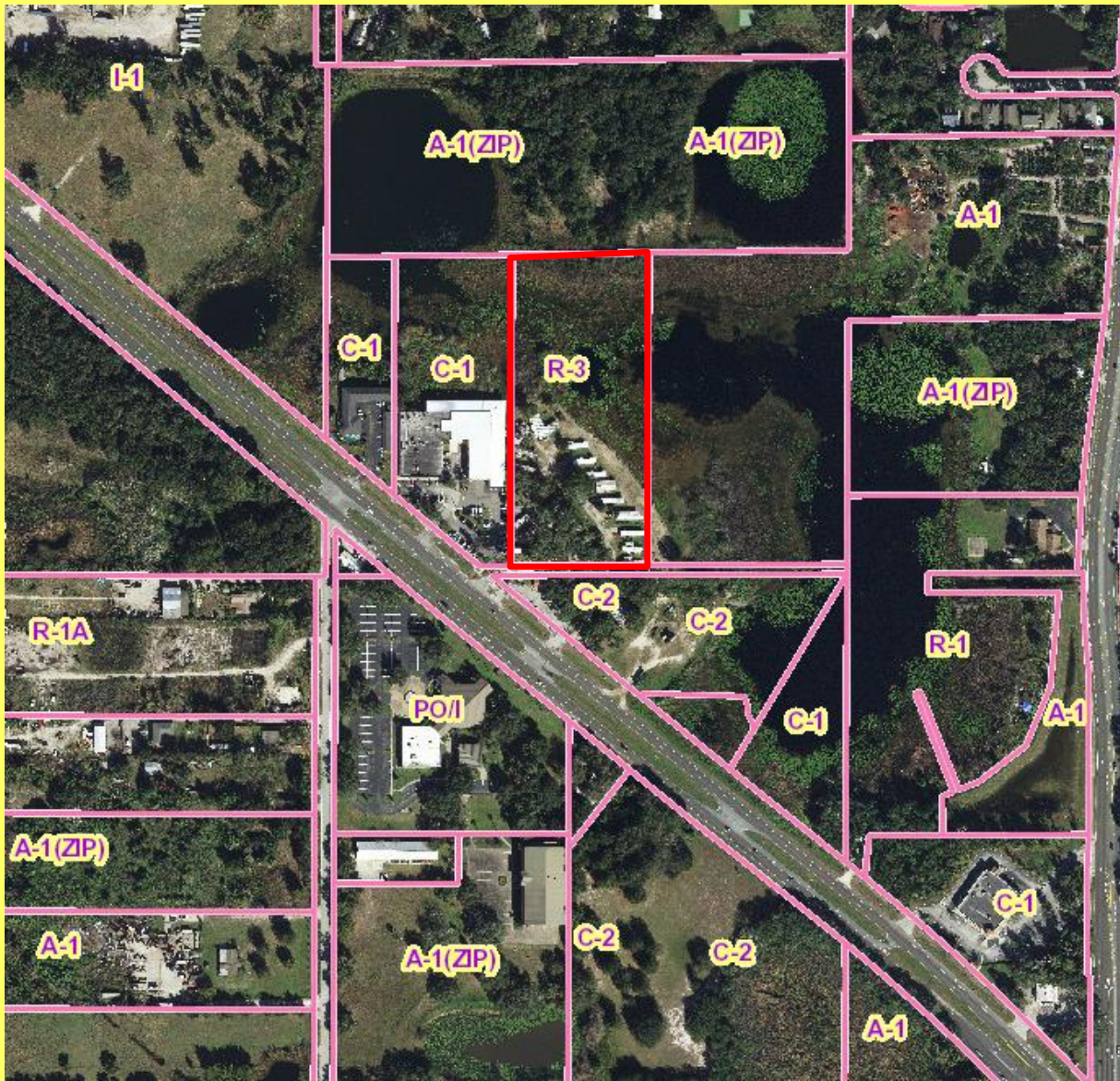
## ADJACENT ZONING







## ADJACENT USES







## EXISTING USES



**Backup material for agenda item:**

8. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Property Industrial Enterprises, LLC, from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Max. FAR 0.6), for property located at 202 South Hawthorne Avenue and 300 West 2nd Street. (Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240)



## CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING  
☐ ANNEXATION  
☐ PLAT APPROVAL  
☐ OTHER:

DATE: November 14, 2016  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** **PROPERTY INDUSTRIAL ENTERPRISES, LLC – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT**

**PARCEL ID NUMBERS:** **09-21-28-0868-01-230 & 09-21-28-0868-01-240**

**Request:** **COMPREHENSIVE PLAN - SMALL SCALE  
FUTURE LAND USE AMENDMENT  
FROM: “COUNTY” LOW-MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC)  
TO: “CITY” INDUSTRIAL (MAX 0.6 FAR)**

### **SUMMARY**

**OWNER/APPLICANT:** Property Industrial Enterprises, LLC, c/o Michael Cooper

**LOCATION:** 202 South Hawthorne Ave & 300 West 2<sup>nd</sup> Street (South of West 2<sup>nd</sup> Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line)

**EXISTING USE:** Vacant

**CURRENT ZONING:** “County” R-2 (ZIP)

**PROPOSED ZONING:** “City” I-1 (Restricted Industrial) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial).

**PROPOSED DEVELOPMENT:** Industrial, Commercial or Office Development consistent with I-1 (Restricted Industrial) zoning

**TRACT SIZE:** 0.74 +/- acre

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: 2 Residential Units (subject properties are platted as two lots)  
PROPOSED: 10,977 Sq. Ft.

### **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief  
Recreation Director



**ADDITIONAL COMMENTS:** The subject parcel was annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinances No. 241 and 2462. 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 an I-1 (Restricted 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 0.74 acres, 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).

**COMPREHENSIVE PLAN COMPLIANCE:** 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.

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

**ORANGE COUNTY NOTIFICATION:** 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 October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 – Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

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.

**Recommended Motion:** Find the future land use amendment consistent with the Comprehensive Plan and recommend adoption of the small scale future land use amendment from “County” Low Medium Residential (0-10 du/ac) to “City” Industrial (max 0.60 FAR), for properties owned by Property Industrial Enterprises, LLC.

**Note:** 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

### I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-1	Vacant Industrial
East (City)	Commercial (max 0.25 FAR)	C-2	R-O-W & Church
South (City)	Industrial	I-1	Vacant Industrial
West (City)	Industrial	I-1	Vacant Industrial

### II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is industrial and commercial. Lands on the east side of Hawthorne Avenue are assigned a Commercial FLUM designation. A Future Land Use Designation of Industrial (0.6 FAR) is assigned to the properties on the north, south and west sides, making the proposed Future Land Use Designation of Industrial (0.6 FAR) compatible with adjacent land uses and the general 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 Expressway Corridor Area” of the JPA. The proposed FLUM Amendment from “County” Low-Medium Density Residential (10 du/ac) to City “Industrial” is consistent with the intent of the Western Expressway Corridor Area JPA.

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

The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features currently known to occur on the subject property.

Analysis of the character of the Property: The subject property has access to a city collector roadway (Hawthorne Avenue) and a freight rail line. A single family residence is located on each of the subject lots. The vegetative communities present are urban; the soils present are St. Lucie and Zolfo-Urban Land Complex.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on October 1, 2014. The Orange County Comprehensive Plan anticipated this property being developed with potential of up to sixty residential units. Because this proposed land use change accommodates non-residential development, this amendment will not impact the population projections in the City's Comprehensive Plan.

**CALCULATIONS:**

ADOPTED (County designation): 2 Unit(s) x 2.659 p/h = 5 persons

PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 persons

Housing Needs: Within the city limits and within the vicinity of this Property, sufficient undeveloped lands are assigned residential land use designations. These undeveloped residential properties can adequately accommodate future population anticipated to occur within the city limits.

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

1. Roadways. The subject property has access to Hawthorne Avenue, which is a designated collector road. Hawthorne Avenue intersects with U.S. 441 and 4<sup>th</sup> Street. A limited access highway (S.R. 429/S.R. 451) is a mile driving distance from the subject property.

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 392 GPD
3. Projected total demand under proposed designation: 1647 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 908 GPD
3. Projected total demand under proposed designation: 2195 GPD
4. Capacity available: Yes

5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

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: 20 lbs./person/day
4. Projected LOS under proposed designation: 22 lbs./day/1000 SF
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: No

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing design: 104 0.063 AC

3. Projected facility under proposed designation: 0.015 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.

**Property Industrial Enterprises, LLC  
0.74 +/- Acre**

**Existing Maximum Allowable Development: 2 residential dwelling units**

**Proposed Maximum Allowable Development: 10,977 Sq. Ft.**

**Proposed Small Scale Future Land Use Change**

**From: "County" Low-Medium Density Residential (0-10 du/ac)**

**To: "City" Industrial (0.30 FAR)**

**Proposed Zoning Change**

**From: "County" R-2 (ZIP)**

**To: "City" I-1 (Restricted Industrial)**

**Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240**



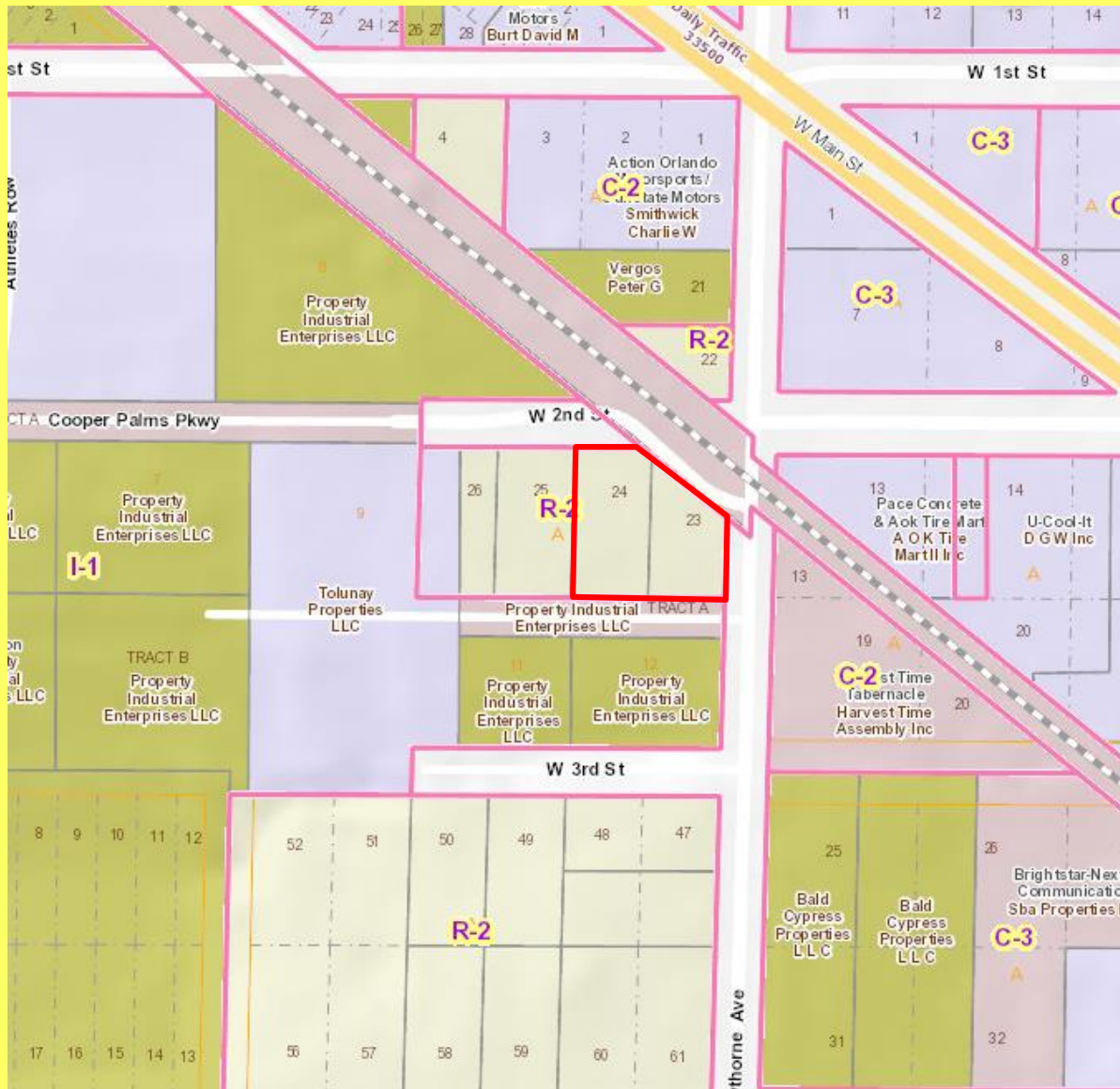
**VICINITY MAP**





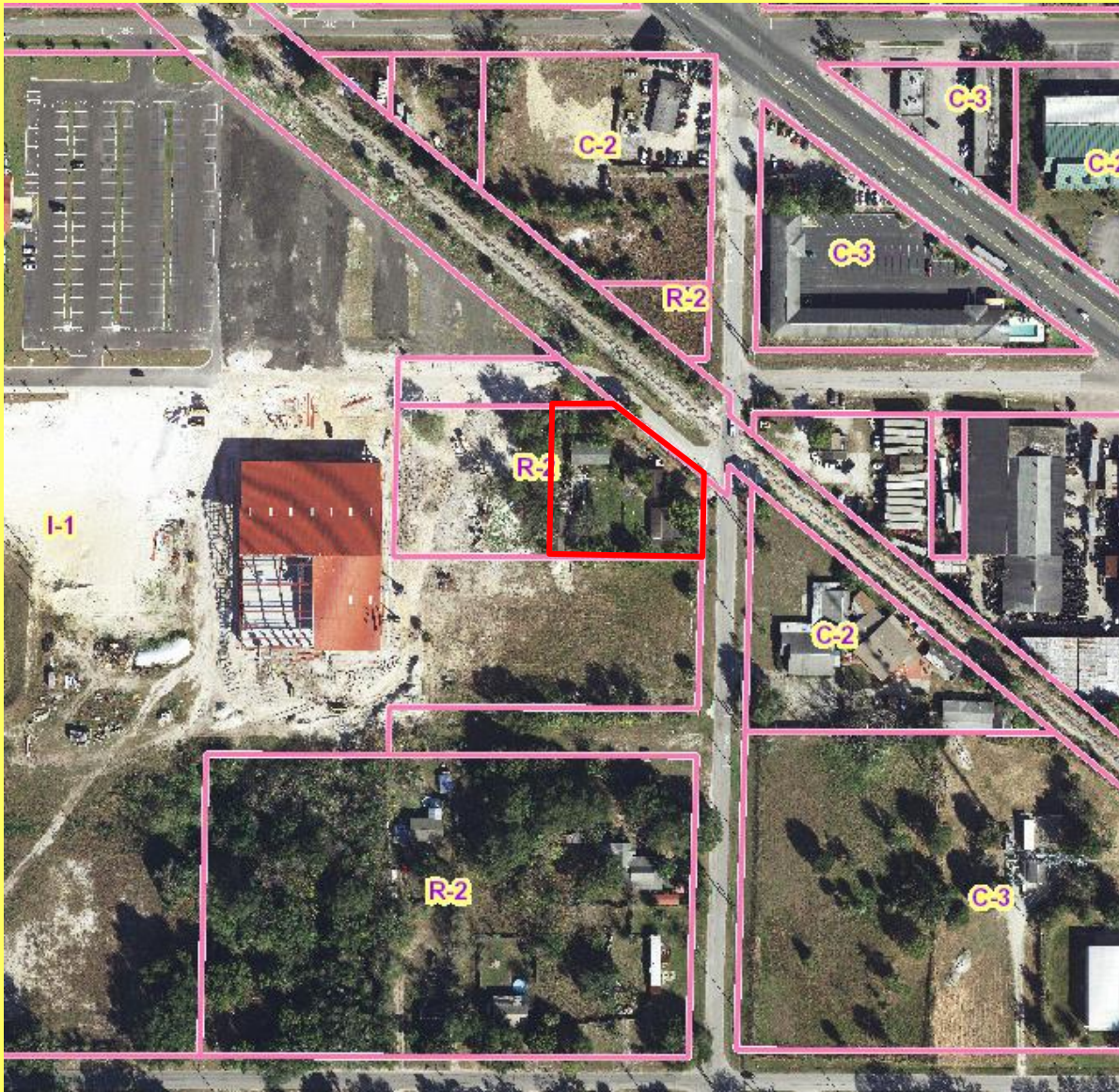


## ADJACENT ZONING





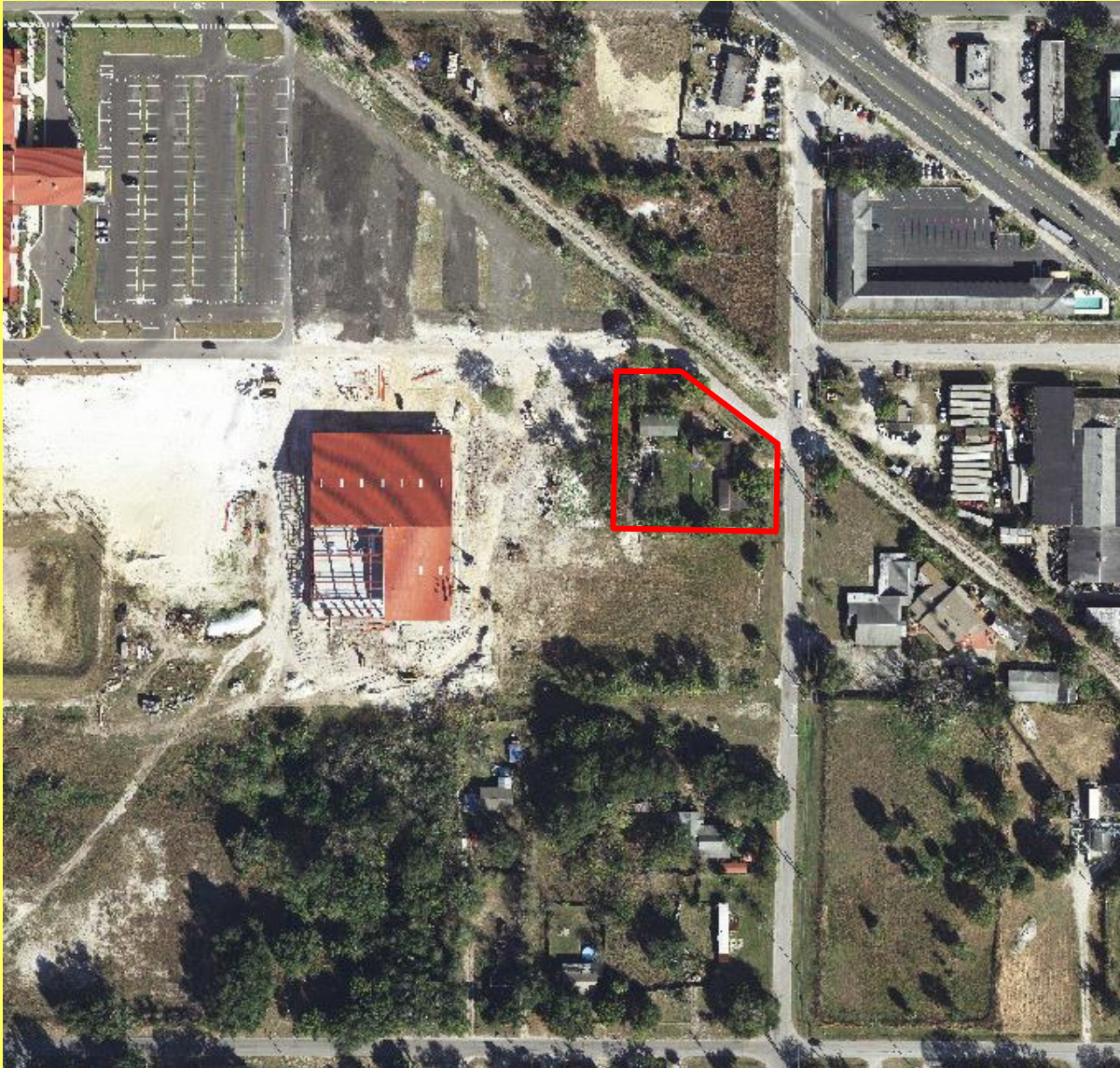
## ADJACENT USES







## EXISTING USES



**Backup material for agenda item:**

9. CHANGE OF ZONING – Owned by Property Industrial Enterprises, LLC, from “County” R-2 (ZIP) to “City” I-1(Restricted Industrial), for property located at 202 South Hawthorne Avenue and 300 West 2nd Street. (Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240)



## CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	November 14, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** PROPERTY INDUSTRIAL ENTERPRISES, LLC – CHANGE OF ZONING

**PARCEL ID NUMBER:** 09-21-28-0868-01-230 & 09-21-28-0868-01-240

**Request:** CHANGE OF ZONING  
**FROM:** “COUNTY” R-2 (ZIP)  
**TO:** “CITY” I-1 (RESTRICTED INDUSTRIAL)

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### **SUMMARY**

**OWNER/APPLICANT:** Property Industrial Enterprises, LLC, c/o Michael Cooper

**LOCATION:** 202 S Hawthorne Street & 300 W 2<sup>nd</sup> Street

**EXISTING USE:** Vacant Residential

**PROPOSED  
LAND USE:** Industrial (max 0.60 FAR)

**CURRENT ZONING:** “County” R-2 (ZIP)

**PROPOSED  
DEVELOPMENT:** Industrial, Commercial or Office Development consistent with I-1 (Restricted Industrial) zoning

**TRACT SIZE:** 0.74 +/- acres

**MAXIMUM ALLOWABLE  
DEVELOPMENT:** 2 Residential Units (subject properties are platted as two lots)  
**PROPOSED:** 14,505 Sq. Ft.

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### **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief  
Recreation Director

**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinances No. 2461 and 2462.

The proposed change of zoning is being requested by the owner/applicant. 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.

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 zoning classification to accommodate the use of the property for light industrial, commercial or office development allowed under the I-1 zoning district. This use is consistent with the proposed Industrial Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 0.74 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).

**COMPREHENSIVE PLAN COMPLIANCE:** The 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.

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

**ORANGE COUNTY NOTIFICATION:** 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 October 14, 2016

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 – Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial), subject to the adoption of the associated small scale future land use amendment, for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

**Recommended Motion:** Find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend a change of zoning from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial), for property owned by Property Industrial Enterprises LLC, subject to the adoption of the associated small scale future land use amendment.

**Note:** 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

### RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-1	Vacant Industrial
East (City)	Commercial (max 0.25 FAR)	C-2	R-O-W & Church
South (City)	Industrial	I-1	Vacant Industrial
West (City)	Industrial	I-1	Vacant Industrial

### LAND USE &

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (W 2<sup>nd</sup> Street) and a city minor collector (S Hawthorne Avenue). The proposed I-1 (Restricted Industrial) zoning district is consistent and compatible with the adjacent zoning classifications and uses within the surrounding area. Properties owned by the same owner to the, north, west and south are zoned I-1, and properties to the east, across S Hawthorne Ave., are used for an institutional use (church) and zoned C-3 (Wholesale Commercial).

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed I-1 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 zoning classification is one of the acceptable zoning categories allowed within the Industrial 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. 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 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 and 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.



**Property Industrial Enterprises, LLC**  
**0.74 +/- Acre**

**Existing Maximum Allowable Development: 2 residential dwelling units**

**Proposed Maximum Allowable Development: 10,977 Sq. Ft.**

**Proposed Small Scale Future Land Use Change**

**From: "County" Low-Medium Density Residential (0-10 du/ac)**

**To: "City" Industrial (0.30 FAR)**

**Proposed Zoning Change**

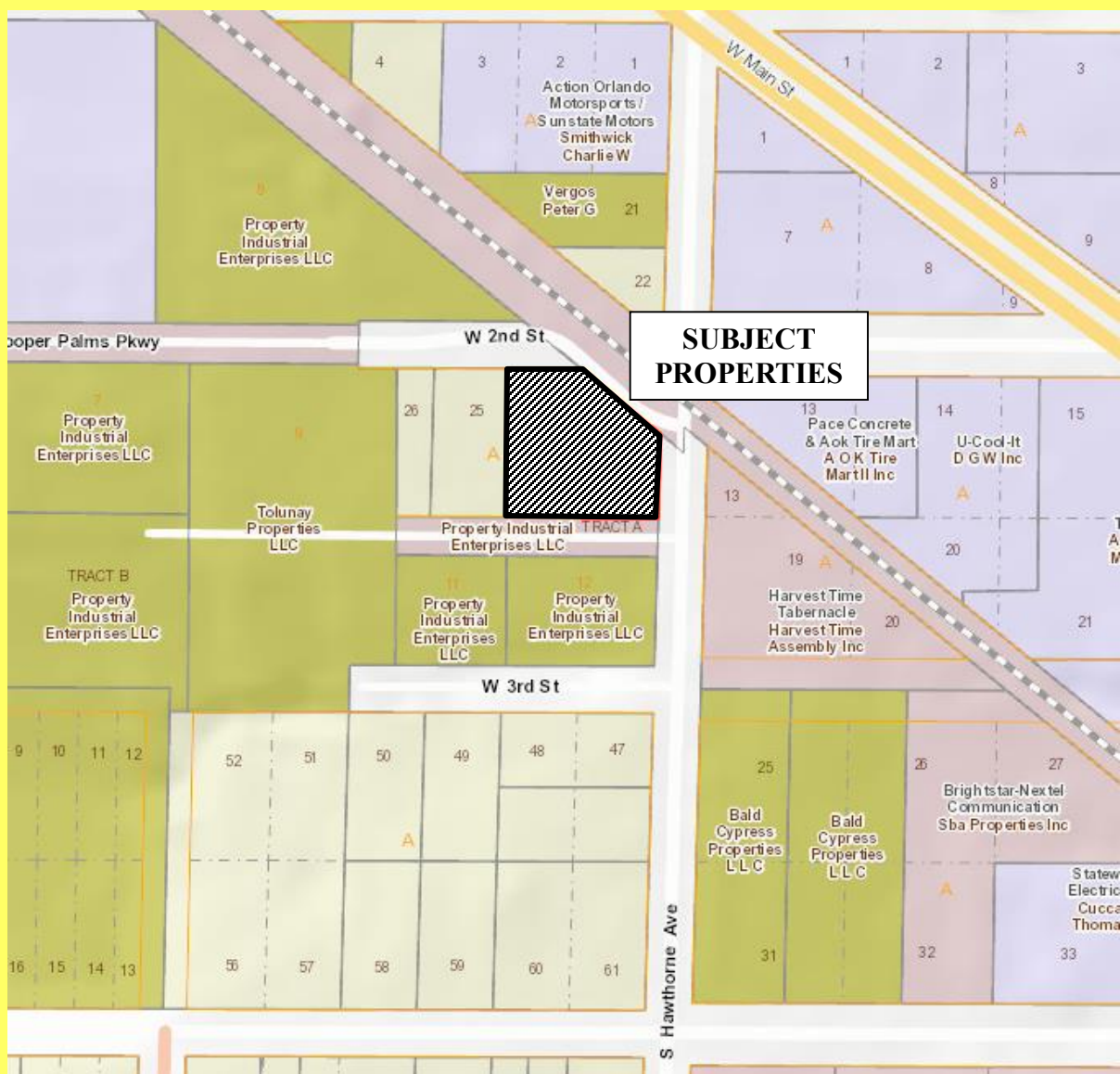
**From: "County" R-2 (ZIP)**

**To: "City" I-1 (Restricted Industrial)**

**Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240**

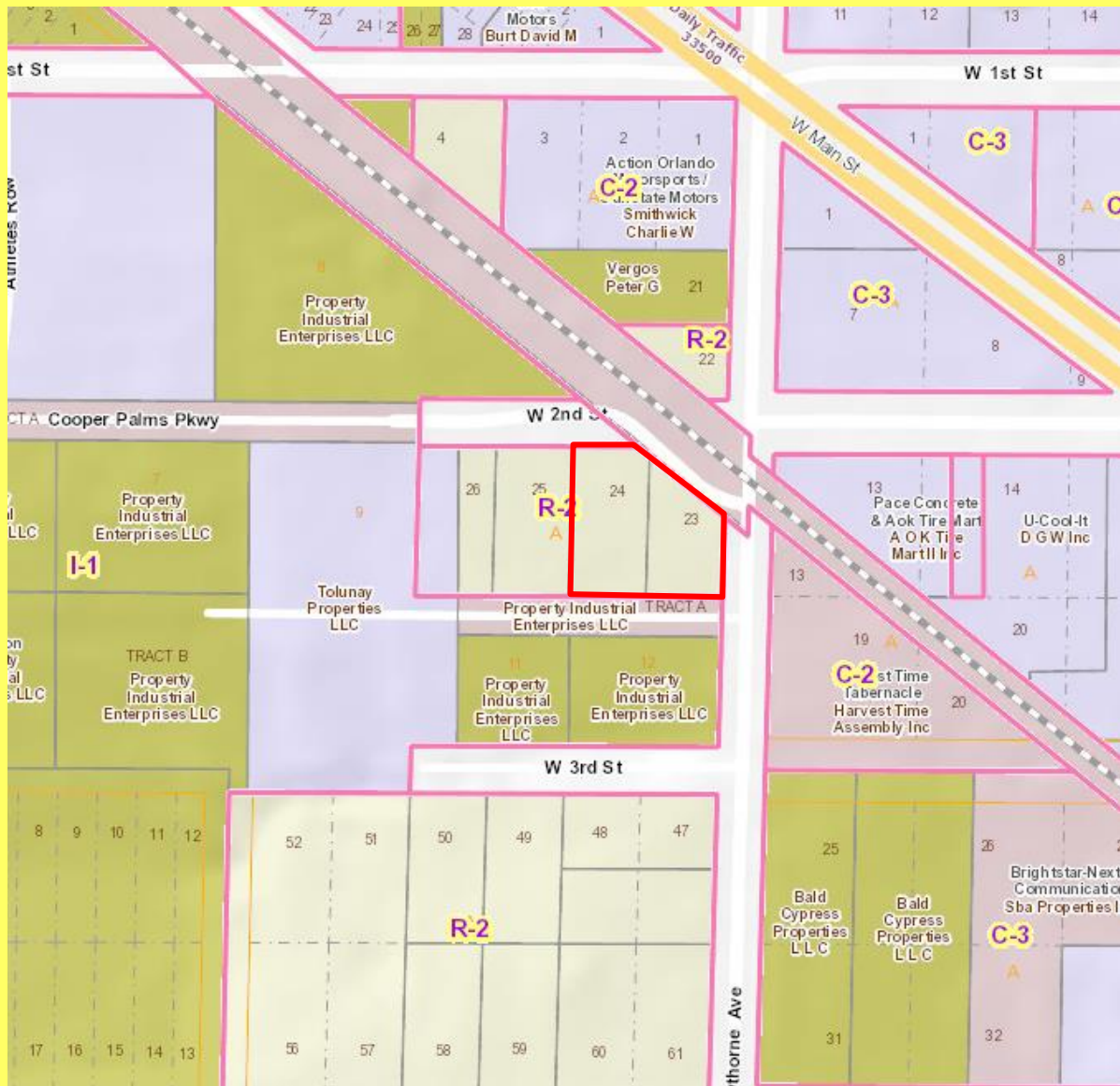


### VICINITY MAP





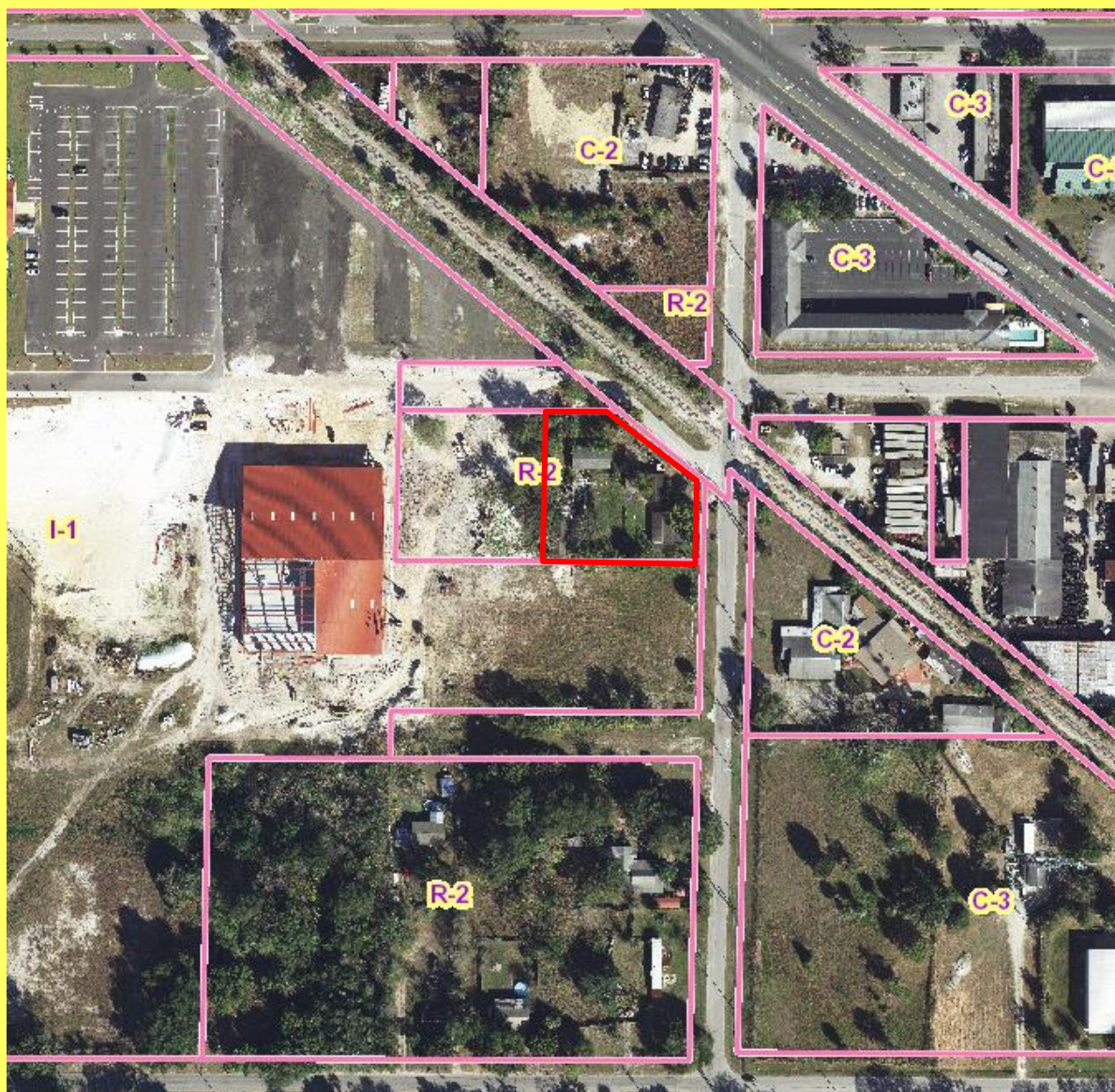
## ADJACENT ZONING







## ADJACENT USES







## EXISTING USES



**Backup material for agenda item:**

10. CHANGE OF ZONING – Owned by Jack & Joyce Cravey, from “County” A-1 (ZIP) to “City” AG (Agriculture), for property located west of Phils Lane, east of Golden Gem Road. (Parcel ID #s: 24-20-27-0000-00-056 & 24-20-27-0000-00-112)



## CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	November 14, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

---

**SUBJECT:** JACK & JOYCE CRAVEY – CHANGE OF ZONING

**PARCEL ID NUMBER:** 24-20-27-0000-00-056 & 24-20-27-0000-00-112

**Request:** CHANGE OF ZONING  
**FROM:** “COUNTY” A-1 (ZIP)  
**TO:** “CITY” AG (AGRICULTURE)

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### **SUMMARY**

**OWNER/APPLICANT:** Jack & Joyce Cravey

**LOCATION:** West of Phils Lane, east of Golden Gem Road (3815 Phils Ln. and 3827 Hideaway Road)

**EXISTING USE:** Manufactured home

**PROPOSED LAND USE:** Rural Settlement (0 – 1 du/5 ac) (Note: This change of zoning amendment is being processed along with a large scale future land use amendment.)

**CURRENT ZONING:** “County” A-1 (ZIP)

**PROPOSED DEVELOPMENT:** Single-family residential or manufactured home

**TRACT SIZE:** 15.04 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: 1 Unit  
PROPOSED: 3 Units

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### **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief  
Recreation Director



**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on May 4, 2016, through adoption of Ordinance 2495.

The applicant requests a change of zoning to assign an AG (Agriculture) zoning classification to the properties. The requested AG zoning classification compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the AG zoning classification to accommodate the use of the property for existing manufactured and proposed single-family and/or manufactured home residences. The applicant intends to split the lot for two residences. 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 15.04 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).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Rural Settlement (0-1 du/5 ac) Future Land Use designation and the City’s proposed AG Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The request for a change of zoning to AG (Agriculture) will result in a number of potential units that will be considered de minimus; therefore, school capacity determination is not required.

**ORANGE COUNTY NOTIFICATION:** 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 October 14, 2016

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 - Planning Commission (5:30 pm)  
December 7, 2016 - City Council (7:00 pm) - 1st Reading  
December 16, 2016 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed change of zoning consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends adoption of the change in zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Jack & Joyce Cravey.

**Recommended Motion:** Find the proposed change of zoning consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommend adoption of the change in zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Jack & Joyce Cravey, and subject to City Council adopting a Future Land Use Designation of “Rural Settlement” for this property.

**Note:** 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

### RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0-1 du/10)	A-1	Limited Access R-O-W (SR 429)
East (County)	Rural (0-1 du/10 ac)	A-2	Limited Access R-O-W (SR 429)
South (County)	Rural (0-1 du/10 ac)	A-2	Vacant
West (City)	Rural Settlement (0-1 du/5 ac)	AG	Vacant

### LAND USE &

**TRAFFIC COMPATIBILITY:** The subject property has access to local roadways (Phils Lane and Hideaway Lane).

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed I-1 zoning is consistent with the City's Rural Settlement (0-1 du/5 ac) 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 designation. 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.
	Rear: 25 ft.
	Side: 25 ft.
	Corner 25 ft.

Based on the above zoning standards, the subject parcels comply 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 25 feet from the property line.

**ALLOWABLE**

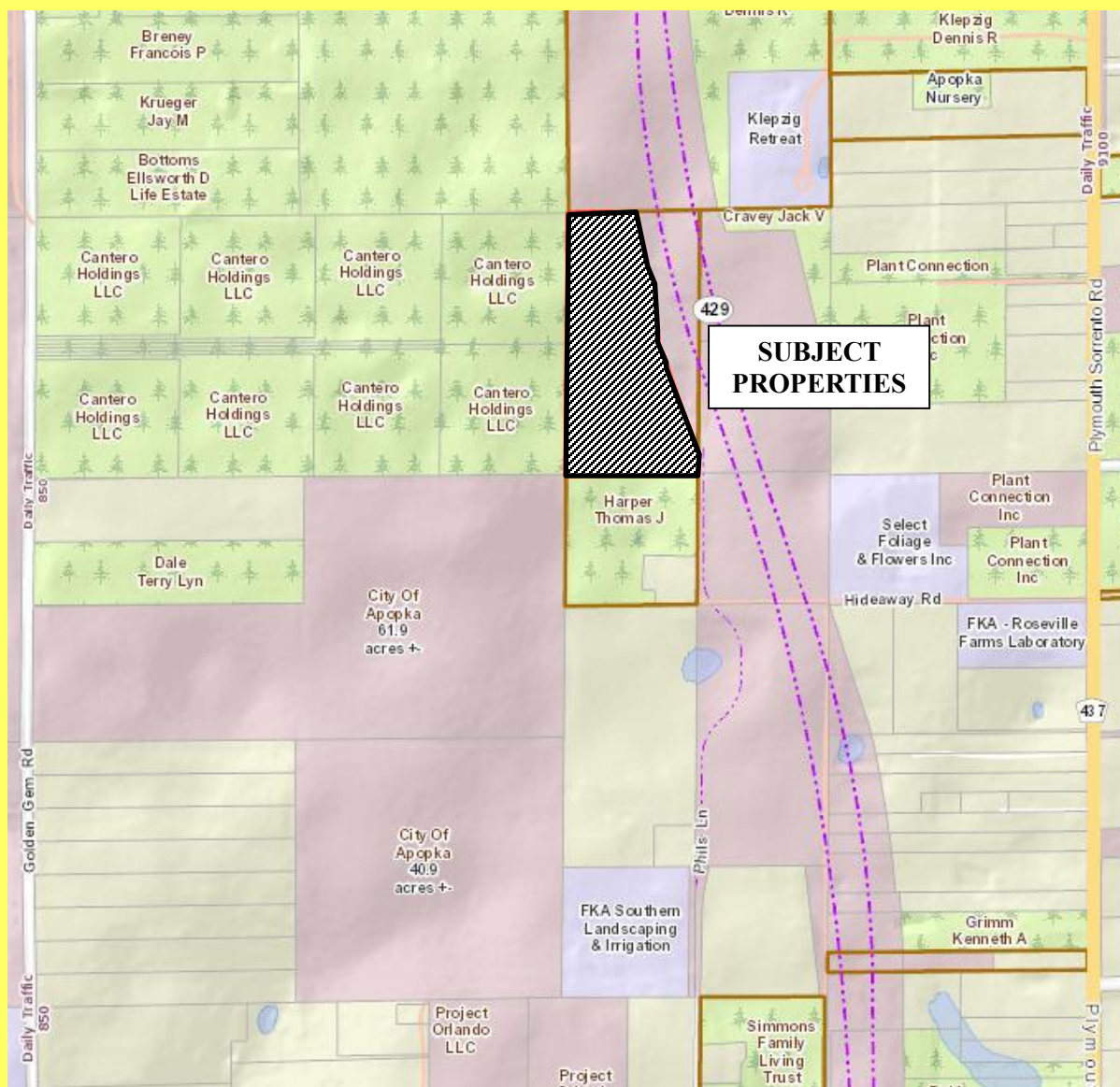
**USES:**

Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code, Apiaries, crop and animal production (and the buildings and structures necessary to support such production). Livestock barns and stables, kennels, commercial wholesale foliage plant production nursery, kennels, office building and accessory buildings in conjunction with commercial agriculture uses for packing, shopping, and storage purposes.



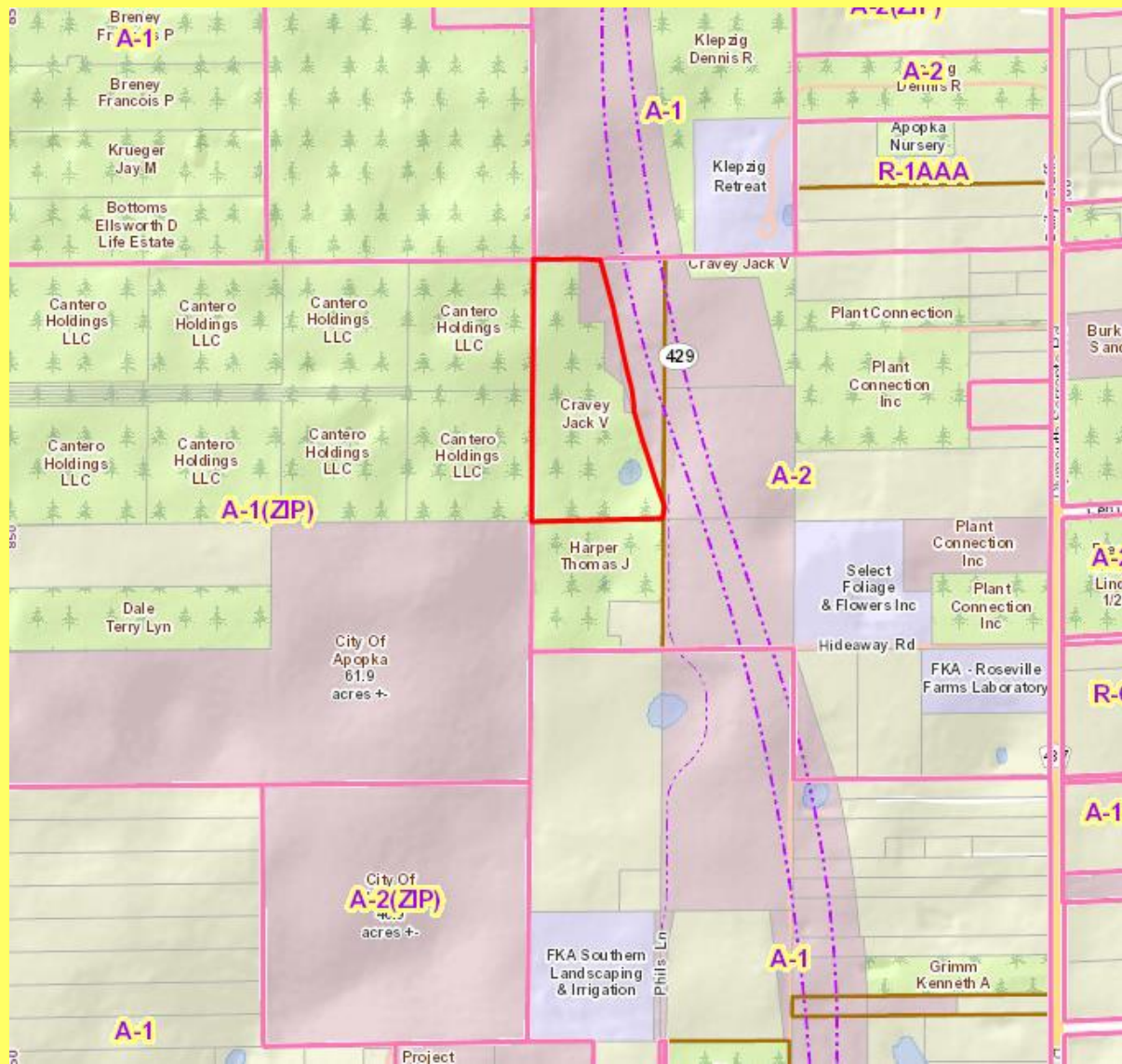
**Jack & Joyce Cravey**  
**Property Owner**  
**15.04 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: “County” Rural (0 – 1 du/10 ac)**  
**To: “City” Rural Settlement (0 – 1 du/5 ac)**  
**Proposed Change of Zoning:**  
**From: “County” A-1 (ZIP)**  
**To: “City” AG**  
**Parcel ID #s: 24-20-27-0000-00-056 & 24-20-27-0000-00-112**

### VICINITY MAP





## ADJACENT ZONING







## ADJACENT USES







## EXISTING USES



**Backup material for agenda item:**

11. CHANGE OF ZONING – Owned by South Pass, LLC, from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates), for property located at 2228 Vick Road. (Parcel ID #: 29-20-28-0000-00-034)



## CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	November 14, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** SOUTH PASS LLC – CHANGE OF ZONING

**Parcel ID Number:** 29-20-28-0000-00-034

**Request:** CHANGE OF ZONING  
**FROM:** “COUNTY” A-1 (ZIP)  
**TO:** “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATES 1)

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### **SUMMARY**

OWNER/APPLICANT: South Pass LLC

LOCATION: 2228 Vick Rd.

EXISTING USE: Vacant

CURRENT LAND USE: Residential Low Suburban (0-3.5 du/ac)

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED ZONING: “City” RCE-1 (Residential Country Estates 1)

PROPOSED DEVELOPMENT: Single-family residential

TRACT SIZE: 4.77 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Dwelling Unit  
PROPOSED: 4 Dwelling Units

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### **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

G:\CommDev\PLANNING ZONING\REZONING\2016\South Pass LLC\Planning Commission 11-14-16

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of RCE-1 (Residential Country Estates 1) to the property.

The subject property was annexed into the City of Apopka on August 6, 2008, through the adoption of Ordinance No. 2042.

A request to assign a change of zoning to RCE-1 (Residential Country Estates 1) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the RCE-1 zoning classification to split the lot and develop two single-family residences. The proposed use is consistent with the existing Residential Low Suburban FLUM designation and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 4.77 +/- 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).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is consistent with the proposed Residential Low Suburban (0-3.5 du/ac) Future Land Use designation and the City’s proposed RCE-1 (Residential Country Estates 1) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed change of zoning will not result in additional units above the number required for school capacity determination and, therefore, is considered de minimus.

**ORANGE COUNTY NOTIFICATION:** 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 October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 - Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 16, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends approval of the change in zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates 1) for the property owned by South Pass LLC.

**Recommended Motion:** Find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend a change of zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates 1), for property owned by South Pass LLC.

**Note:** 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

### RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Institutional/Public Use	PO/I	City Retention Pond
East (County)	Rural (0-1 du/10 ac)	A-1	Vacant
South (City)	Residential Low (0-5 du/ac)	PUD	Spring Ridge HOA easement and open space
West (City)	Residential Low (0-5 du/ac)	PUD	Single-family homes (Spring Ridge subdivision)

### LAND USE &

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a city collector (Vick Rd). The proposed RCE-1 zoning district is consistent with the existing Future Land Use designation, and is compatible with the zoning and uses in the surrounding area. The subject property is adjacent to R-O-W (Vick Rd.) and vacant “County” A-1 rural zoning to the east, and PUD zoning and the Spring Ridge subdivision to the west. The subject parcel abuts a City retention pond with PO/I zoning to the north and a Spring Ridge HOA easement and retention pond to the south. The proposed RCE-1 zoning classification, which requires a minimum lot size of one (1) acre, as well as the proposed use for two single-family residences would serve as a transition from the rural zoning to the east and single-family residential to the west.

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed RCE-1 (Residential Country Estates 1) zoning is consistent with the existing Residential Low Suburban (0-3.5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. The proposed RCE-1 (Residential Country Estates 1) zoning classification is one of the acceptable zoning categories allowed within the Residential Low Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

### RCE-1 DISTRICT REQUIREMENTS:

Minimum Living Area:	2,200 sq. ft.
Minimum Site Area:	1 acre
Minimum Lot Width	130 ft.
Setbacks:	
Front:	35 ft.
Rear:	30 ft.
Side:	15 ft.
Corner	35 ft.

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

### BUFFERYARD REQUIREMENTS:

1. Developments shall have a minimum six-foot high brick, stone or decorative blashed 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.

2. 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.

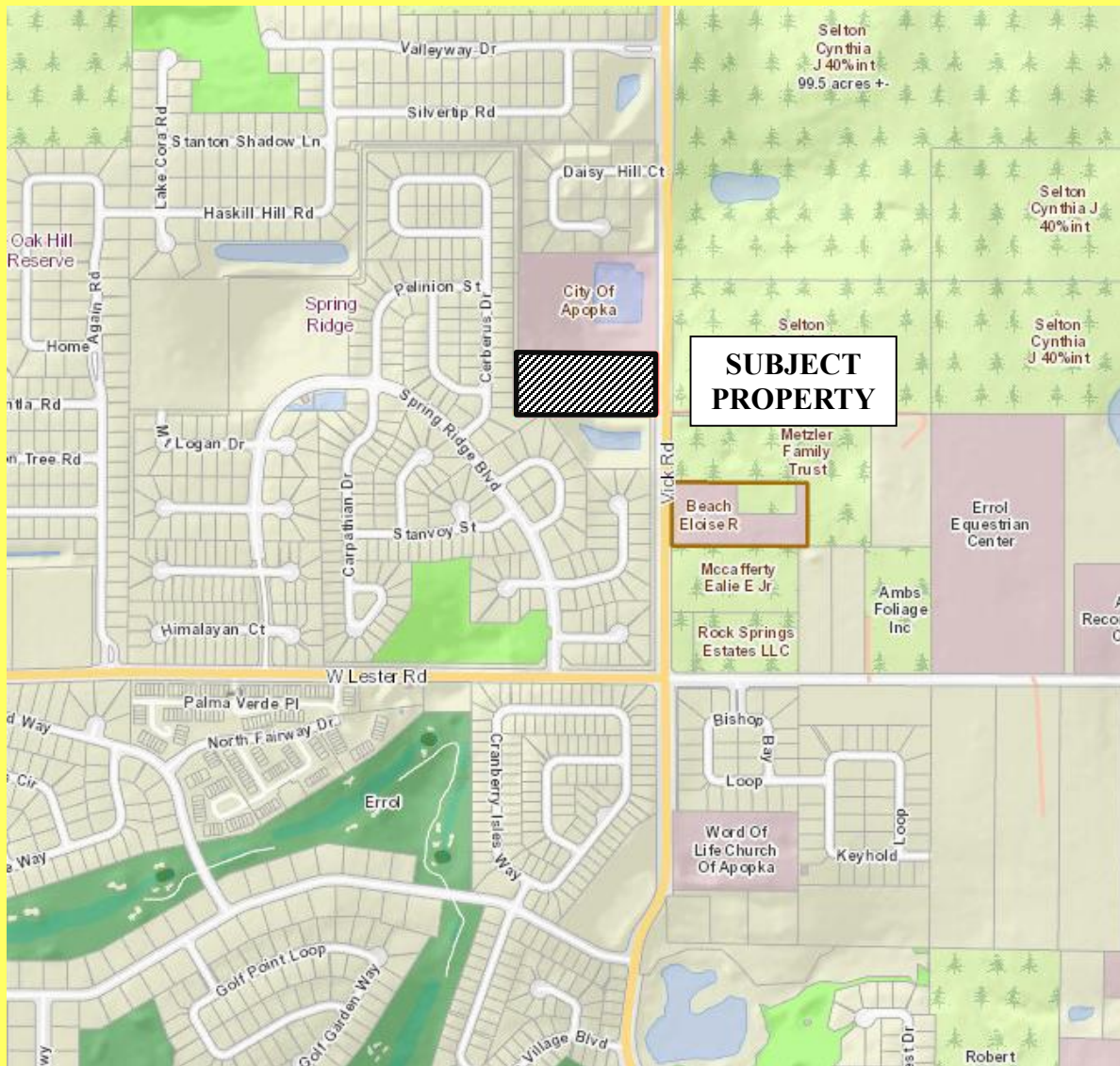
**ALLOWABLE USES:**

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Guest/granny quarters in accordance with article VII of this code.



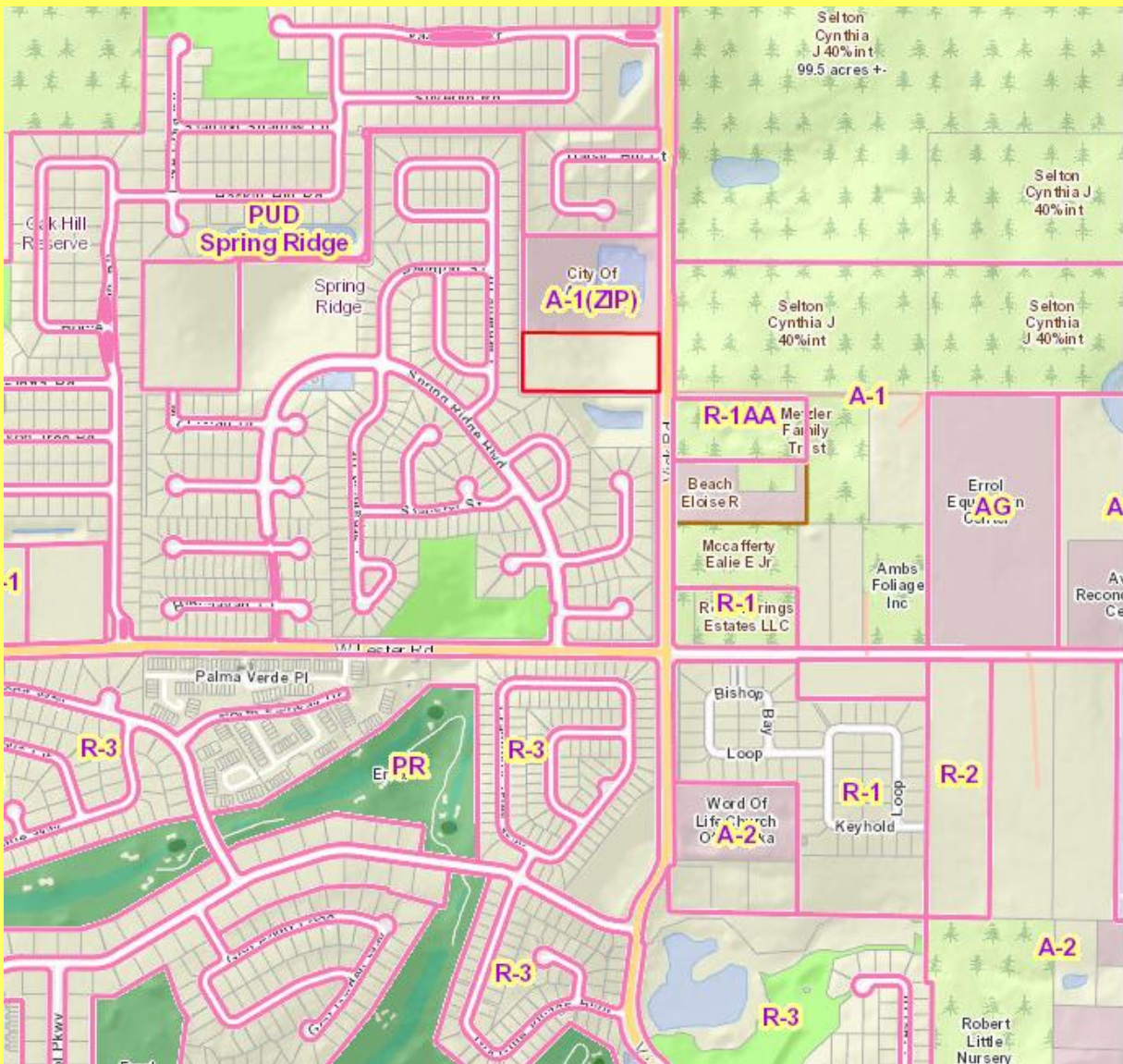
**South Pass LLC**  
**4.77 +/- Acres**  
**Proposed Change of Zoning:**  
**From: “County” A-1 (ZIP)**  
**To: “City” RCE-1 (Residential)**  
**Parcel ID #: 29-20-28-0000-00-034**

## VICINITY MAP





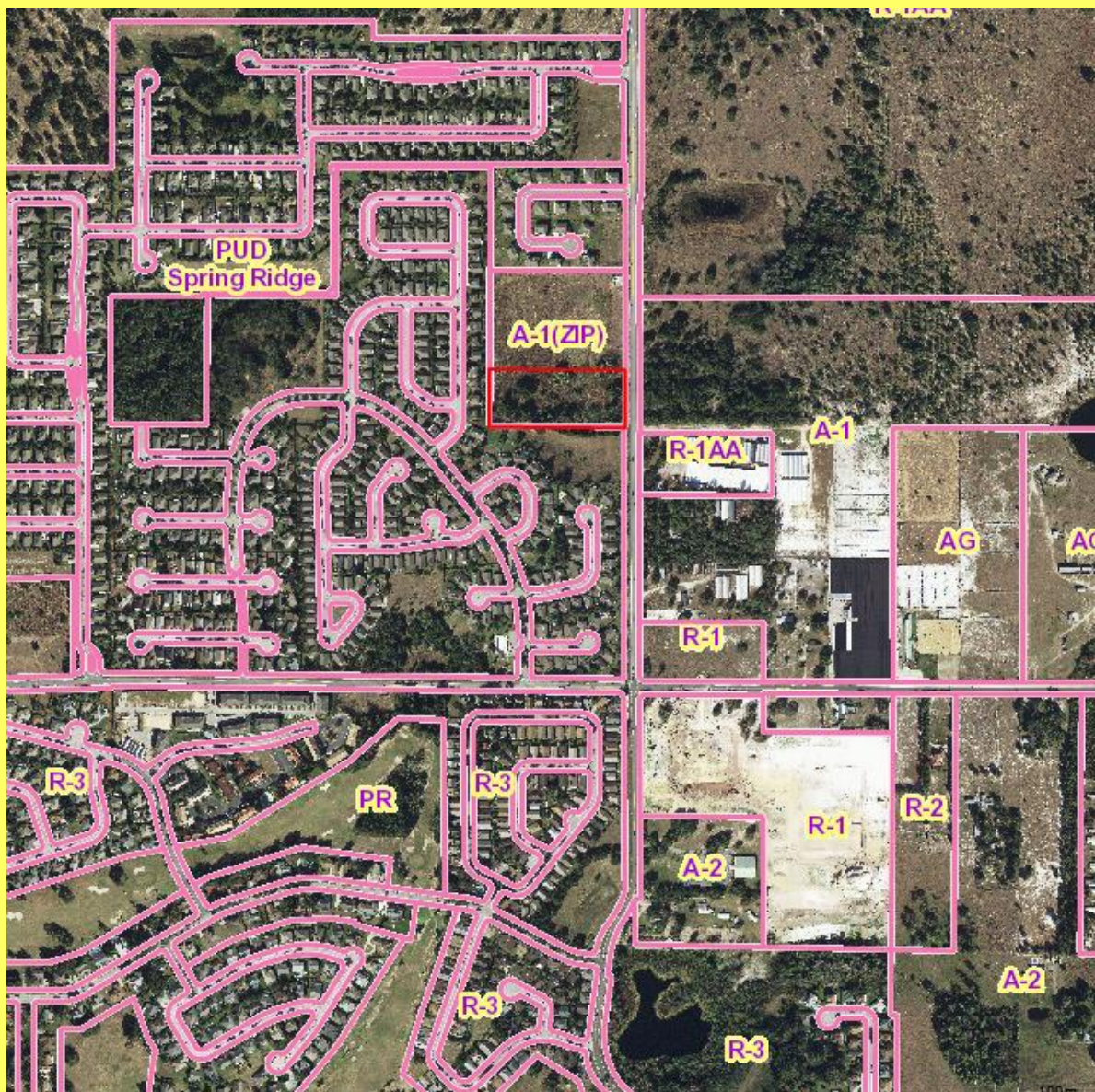
## ADJACENT ZONING







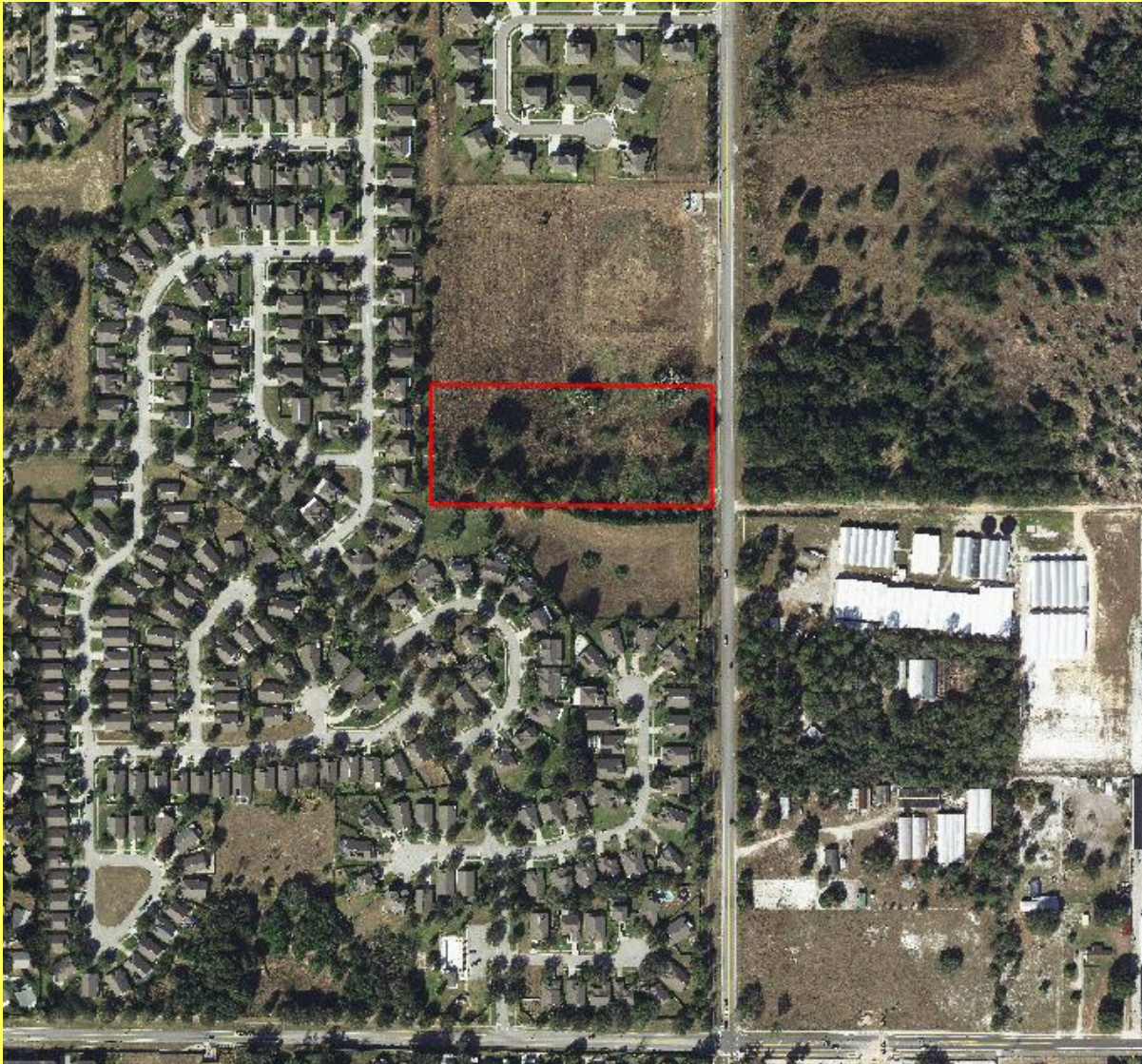
## ADJACENT USES







**EXISTING USES**





**Backup material for agenda item:**

1. FINAL DEVELOPMENT PLAN/PLAT – MAUDEHELEN, PHASE 4 – Owned by GK Maudehelen, LLLP, property located south of Beardsley Drive and east of Binion Road. (Parcel ID #s: 07-21-28-0000-00-052; 07-21-28-0000-00-054)



## **CITY OF APOPKA PLANNING COMMISSION**

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<u>X</u>	PUBLIC HEARING	MEETING OF:	November 14, 2016
<u>      </u>	SPECIAL REPORTS	FROM:	Community Development
<u>      </u>	PLAT APPROVAL	EXHIBITS:	Vicinity Map
<u>X</u>	OTHER: Final Development Plan		Uses Map
			Final Dev. Plan
			Landscape Plan
			Plat

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**PROJECT: MAUDEHELEN, PHASES 4 - FINAL DEVELOPMENT PLAN AND PLAT**

**REQUEST: RECOMMEND APPROVAL OF THE MAUDEHELEN, PHASE 4, FINAL DEVELOPMENT PLAN AND PLAT**

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### **SUMMARY:**

OWNER/APPLICANT: GK Maudehelen, LLLP

PROJECT ENGINEER: Morris Engineering and Consulting, LLC  
c/o Matthew J. Morris, P.E.

LOCATION: South of Beardsly Drive and East of Binion Road

FUTURE LAND USE: Residential Low (0-5 du/ac)

ZONING: R-2

EXISTING USE: Vacant Land

PROPOSED USE: Single Family Residential Subdivision (15 Lots)

TRACT SIZE: 6.98 +/- Acres

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### **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
City Clerk  
Fire Chief  
Recreation Director

**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Land Use	Zoning	Present Use
North (County)	Residential Low (0-5 du/ac)	R-2	Maudehelen, Phase 3
East (City)	Residential Low (0-5 du/ac)	R-2	Maudehelen, Phase 2
South (County)	Rural (1du/10ac)	A-1	SFR (1) Manf. Homes (2)
West (City)	Residential Low (0-5 du/ac)	R-1	Clear Lake Landing Subdivision

**ADDITIONAL COMMENTS:** The MAUDEHELEN, PHASES 4 - Final Development Plan/Plat proposes the development of 15 single family residential lots in Phase 4. Maudehelen Phase 4 Final Development Plan was revised to accommodate the re-alignment of Johns Road. On October 19, 2016 with the adoption of Ordinance 2523 a section of Johns Road was vacated to help facilitate better access for property owners located south of Maudehelen Phase 2 and 4.

The minimum typical lot width in Phase 4 is 70 feet and Phase 4 has a minimum lot size of 7,500 square feet. The proposed minimum living area for both phases is 1,800 square feet as set forth in Chapter 2 of the Land Development Code.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
*Front	25'
Side	15'
Rear	20'
Corner	25'

\*Front-entry garage must be setback 30 feet.

**Access:** Ingress/egress for the development will be via Beardsley Drive and Johns Road.

**Stormwater:** The retention ponds have been designed to meet the City's Land Development Code requirements.

**Buffer/Tree Program and Landscaping:** Buffers are provided consistent with the Land Development Code. A ten-foot wide buffer is proposed along South Binion Road with a six-foot high brick or masonry wall. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The following is a summary of the tree replacement program:

Total inches on-site:	890
Total number of specimen trees:	6
Total inches removed:	642
Total inches replaced:	1,385
Total Inches (Post Development):	1,883

**School Capacity Report:** A Schools Concurrency Mitigation Agreement was executed by Orange County Public Schools and Maudehelen Ph.4 on March 7, 2015.

**Orange County Notification:** The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 - Planning Commission, 5:30 p.m.

December 7, 2016 - City Council, 7:00 p.m.

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**RECOMMENDED ACTION:**

The **Development Review Committee (DRC)** recommends approval of the MAUDEHELEN, PHASE 4 - FINAL DEVELOPMENT PLAN/PLAT, subject to the findings of this staff report.

**Planning Commission Recommendation:** Recommends approval of the MAUDEHELEN, PHASE 4 - FINAL DEVELOPMENT PLAN/PLAT, subject to the findings of this staff report

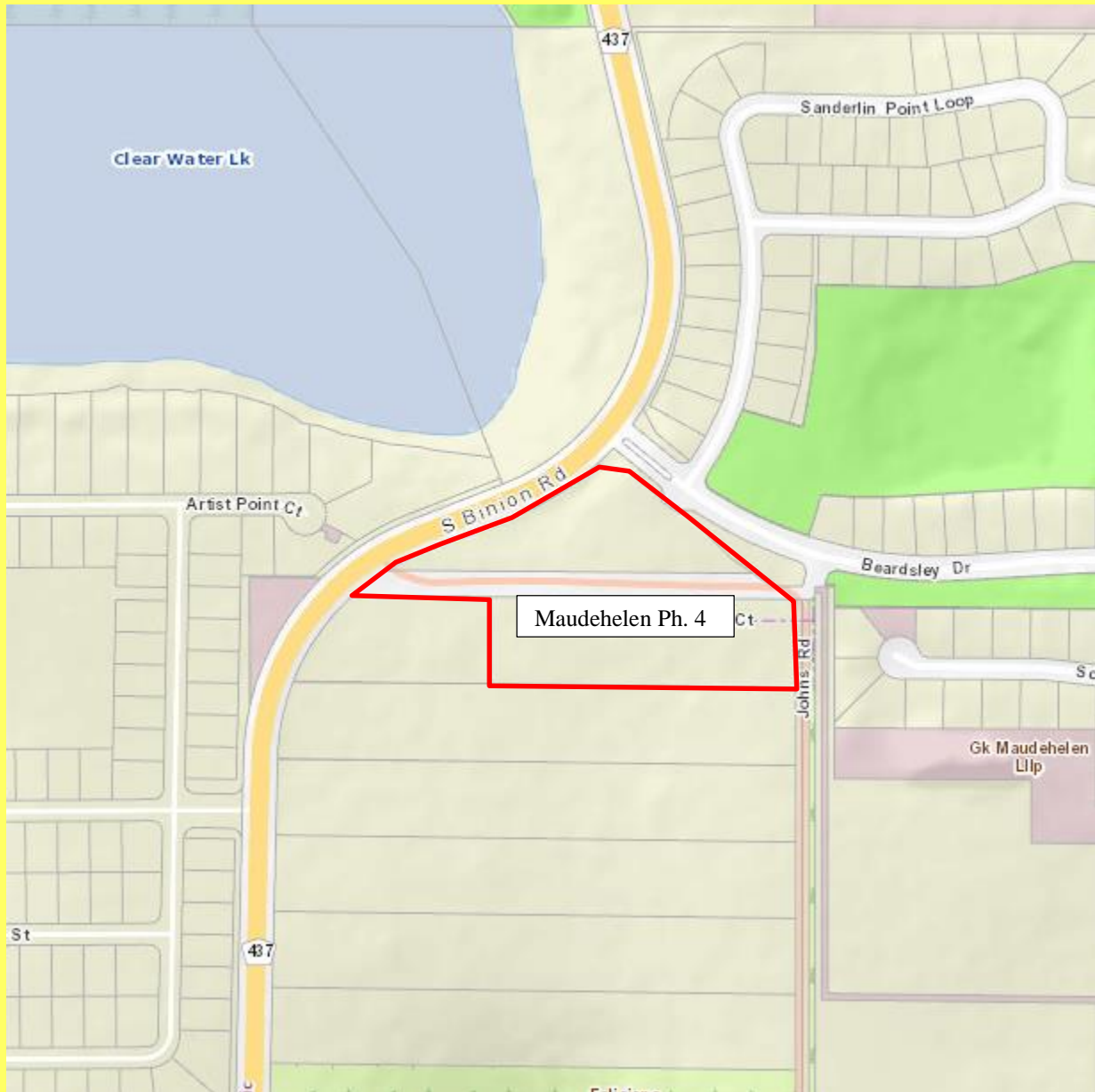
**Planning Commission Role:** The role of the Planning Commission for this development application is to advise the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code.

**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.**

**Project:** Maudehelen, Phase 4  
**Application:** Final Development Plan/Plat  
**Owner:** GK Maudehelen, LLLP  
**Project Engineer:** Morris Engineering and Consulting, Inc., c/o Matthew J. Morris, P.E.  
**Parcel ID #s:** 07-21-28-0000-00-052 and 07-21-28-0000-00-054  
**Acres:** 6.98 +/-



## VICINITY MAP





**Project:** Maudehelen, Phase 4  
**Application:** Final Development Plan/Plat  
**Owner:** GK Maudehelen, LLLP  
**Project Engineer:** Morris Engineering and Consulting, Inc., c/o Matthew J. Morris, P.E.  
**Parcel ID #s:** 07-21-28-0000-00-052 and 07-21-28-0000-00-054  
**Acres:** 6.98 +/-



## USES MAP



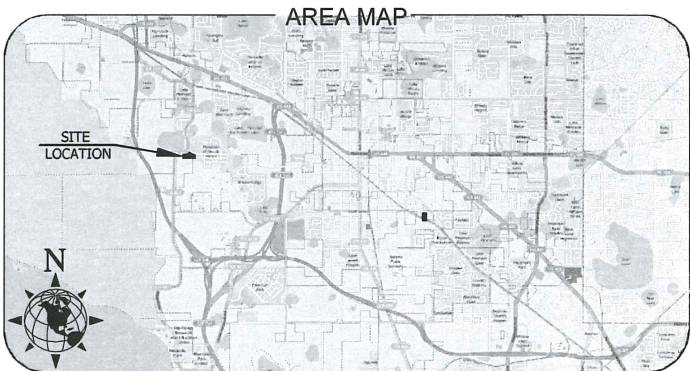
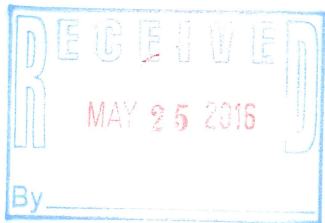


FINAL DEVELOPMENT PLANS for  
**MAUDEHELEN SUBDIVISION - PHASE 4**  
A RESIDENTIAL SUBDIVISION

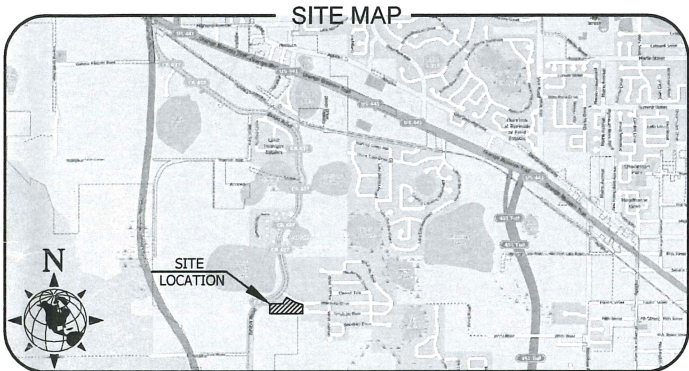
SECTION 7, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

A DEVELOPMENT BY  
**GK MAUDEHELEN, LLLP**

8875 Hidden River Parkway, Suite 150  
Tampa, Florida 33637  
813-615-1244



ORANGE COUNTY, FLORIDA



SECTION 7, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

INDEX OF SHEETS	
SHEET	TITLE
1	COVER SHEET
2	SPECIFICATIONS AND GENERAL NOTES
3-3.1	BOUNDARY SURVEY
4	MASTER DEVELOPMENT PLAN
5	GEOMETRY PLAN
6	POTABLE WATER & SANITARY SEWER SYSTEMS MASTER PLAN
6.1	REUSE WATER & STORM SEWER MASTER PLAN
7	LOT GRADING PLAN
8-9	PLAN AND PROFILE - BLUE MEADOWS COURT
10	RETENTION POND DETAILS
11-13	UTILITY DETAIL SHEET
14-15	PAVING AND DRAINAGE DETAILS
L1-L2	LANDSCAPE PLANS AND DETAILS
IR-1-IR-2	IRRIGATION PLANS AND DETAILS

**PROJECT CONTACTS**

ENGINEER  
MATTHEW J. MORRIS P.E.  
MORRIS ENGINEERING & CONSULTING, LLC  
2004 53RD AVENUE EAST  
BRADENTON, FLORIDA 34203  
941-228-4729  
www.morrisengineering.net

DEVELOPER  
GK MAUDEHELEN, LLLP  
8875 HIDDEN RIVER PARKWAY, SUITE 150  
TAMPA, FLORIDA 33637  
813-615-1244

SURVEYOR  
ALLEN & COMPANY  
PROFESSIONAL SURVEYORS & MAPPERS  
16 EAST PLANT STREET  
WINTER GARDENS, FLORIDA 34787  
407-654-5355

**UTILITY CONTACTS**

SANITARY SEWER  
CITY OF APOPKA

WATER DISTRIBUTION  
CITY OF APOPKA

ELECTRICAL POWER  
PROGRESS ENERGY

TELEPHONE  
BELL SOUTH

FIRE & POLICE  
CITY OF APOPKA

GARBAGE  
CITY OF APOPKA



PREPARED BY  
**MORRIS ENGINEERING AND CONSULTING, LLC**

Civil Engineering and Land Development Consulting

6981 Professional Parkway East, Lakewood Ranch, Florida 34240 C.A. 28780 941-444-6644 www.morrisengineering.net

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	05/23/16	REVISIONS PER COMMENTS	DBH

PROJECT DATA

1. NAME OF PROJECT: MAUDEHELEN SUBDIVISION PHASE 3 & 4
2. EXISTING ZONING: R-2
3. EXISTING LAND USE: RESIDENTIAL LOW (0-5 DU/AC)
4. FUTURE LAND USE: RESIDENTIAL LOW (0-5 DU/AC)
5. BUILDING SETBACKS REQUIRED:
  - 25 FEET FRONT/CORNER
  - 20 FEET REAR
  - 7.5 FEET SIDE (15' BETWEEN STRUCTURES)
6. MINIMUM LIVING AREA: 1800 S.F. (60% OF UNITS MUST BE AT LEAST 2000 S.F.)

PHASE 3

1. TOTAL AREA: 766,576 S.F. (17.60 AC.)
2. WETLAND AREA: 0 S.F./AC.
3. WETLAND BUFFER AREA: 0 S.F./AC.
4. NET AREA: 766,576 S.F. (17.60 AC.)
5. MINIMUM LOT REQUIREMENTS:
  - LOTS 291-338
  - LOT WIDTH 70'
  - LOT SIZE 7500 S.F.
6. PROPOSED NUMBER OF LOTS: 48
7. NET DENSITY: 2.73 DU/AC

PHASE 4

1. TOTAL AREA: 304,468 S.F. (6.98 AC.)
2. WETLAND AREA: 0 S.F./AC.
3. WETLAND BUFFER AREA: 0 S.F./AC.
4. NET AREA: 766,576 S.F. (6.98 AC.)
5. MINIMUM LOT REQUIREMENTS:
  - LOTS 339-353
  - LOT WIDTH 70'
  - LOT SIZE 7500 S.F.
6. PROPOSED NUMBER OF LOTS: 15
7. NET DENSITY: 2.15 DU/AC

PROJECT NOTES

1. ALL IMPROVEMENTS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CITY OF APOPKA LAND DEVELOPMENT CODE, DEVELOPMENT DESIGN GUIDELINES AND THE CONSTRUCTION DESIGN STANDARD MANUAL.
2. THE MAUDEHELEN PLAT SHALL BE DULY RECORDED PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.
3. ALL UTILITY BOXES MUST BE FULLY SCREENED FROM VIEW FROM THE RIGHT OF WAYS.
4. 5' MIN. SIDEWALKS TO BE ON BOTH SIDES OF ROADS.
5. ALL STREET LIGHT POLES AND FIXTURES SHALL BE OF A DECORATIVE TYPE, AND A DEVELOPMENT AGREEMENT FOR MAINTENANCE AND OPERATION OF LIGHTS SHALL BE EXECUTED.
6. A MIN. OF (3) TREES PER LOT WITH 2.5" CALIPER SHALL BE PLANTED AT THE TIME OF HOUSE CONSTRUCTION. EACH TREE SHALL BE OF A CANOPY TYPE.
7. STREET TREES (SPACED AT 30 FT. O.C.) SHALL BE PLANTED AT THE TIME OF HOUSE CONSTRUCTION AND SHALL BE LOCATED WITHIN A 5' EASEMENT ADJACENT TO STREET ROW BEHIND THE UTILITY EASEMENT EACH SHALL HAVE A MIN. 2.5" CALIPER AND BE OF A CANOPY TYPE SPECIES.
8. THE DEVELOPMENT RIGHTS OF THE WETLAND TRACTS ARE TO BE DEDICATED TO THE CITY OF APOPKA WITH MAINTENANCE BY THE MAUDEHELEN HOME OWNERS ASSOCIATION.
9. THE FUTURE LAND USE OF THIS DEVELOPMENT IS RESIDENTIAL LOW (0-5 D.U./AC.)
10. DEVELOPER TO INSTALL A MIN. 6" DRY LINE (FOR FUTURE RECLAIMED WATER DISTRIBUTION) ALONG THE JOHNS ROAD ROW.
11. WATER MAIN SIZES FOR FIRE PROTECTION SHALL BE 8 INCHES MIN. OR 6 INCHES IN AN APPROVED LOOP ARRANGEMENT.
12. APPROVED FIRE HYDRANTS SHALL BE LOCATED IN INTERVALS NOT TO EXCEED 500 FEET FROM ANY PORTION OF ANY DWELLING LOCATED ON THIS DEVELOPMENT.
13. ANY CHANGES TO THE FINAL DEVELOPMENT PLAN INVOLVING LOT SIZES OR LIVING AREAS WILL REQUIRE RECONSIDERATION OF BOTH THE FINAL DEVELOPMENT PLAN AND THE REZONING ORDINANCE BY THE LAND DEVELOPMENT REVIEW BOARD AND CITY COUNCIL.
14. TRACT 30 INCLUDES A BLANKET UTILITY EASEMENT OVER THE ENTIRE TRACT GRANTED TO THE CITY OF APOPKA.
15. RESIDENTIAL ARCHITECTURE MUST COMPLY WITH THE CITY OF APOPKA'S DEVELOPMENT DESIGN GUIDELINES.
16. FRONT LOAD GARAGES SHALL BE SETBACK THIRTY (30) FEET FROM FRONT PROPERTY LINE.

RECREATION AREA ANALYSIS:

1. REQUIRED SPACE BASED ON ALL FOUR PHASES OF THE SUBDIVISION:
2. TOTAL NUMBER OF LOTS: 353 (TOTAL FOR PHASES 1,2,3,4)

AREA REQUIRED:

1. 2.5 EQUIVALENT LOTS PER 100 LOTS X 3 = 7.5 EQUIV. LOTS
- PLUS 2.0 EQUIVALENT LOTS PER 51 TO 75 LOTS = 9.5 TOTAL EQUIV. LOTS
2. TYPICAL LOT SIZE: 8000 S.F.
- TOTAL REQUIRED PARKING AREA = 8,000 X 9.5 = 78,000 S.F.

RECREATION AREA PROVIDED:

1. PARK W/PLAYGROUND AREA ALONG NORTH SIDE OF BEARDSLEY DRIVE NEAR SUBDIVISION ENTRANCE (PART OF TRACT #6 IN PHASE 1): 59,200 S.F.
2. PARK ALONG SOUTH SIDE OF BEARDSLEY DRIVE (TRACT #5 IN PHASE 1) 63,075 S.F.
- TOTAL RECREATION AREA PROVIDED: 122,275 S.F.

AREA ANALYSIS

PHASE 3

- TOTAL AREA= 766,576 S.F. (17.60 AC.)  
OPEN/POND AREA= 114,934 S.F.  
R.O.W.= 126,596 S.F.  
R.O.W. IMPERVIOUS= 96,515 S.F.  
R.O.W. PERVIOUS= 30,081 S.F.  
LOT AREA= 525,046 S.F.  
LOT AREA IMPERVIOUS= 278,274 S.F.  
LOT AREA PERVIOUS= 246,771 S.F.  
TOTAL IMPERVIOUS= 374,789 S.F. (49%)  
TOTAL PERVIOUS= 391,787 S.F. (51%)

PHASE 4

- TOTAL AREA= 304,468 S.F. (6.98 AC.)  
OPEN/POND AREA= 129,950 S.F.  
R.O.W.= 34,594 S.F.  
R.O.W. IMPERVIOUS= 26,685 S.F.  
R.O.W. PERVIOUS= 7,908 S.F.  
LOT AREA= 151,578 S.F.  
LOT AREA IMPERVIOUS= 74,272 S.F.  
LOT AREA PERVIOUS= 77,305 S.F.  
TOTAL IMPERVIOUS= 100,957 S.F. (33%)  
TOTAL PERVIOUS= 203,511 S.F. (67%)

SPECIFICATIONS:

HIGH PRESSURE SODIUM LIGHT

POST HEIGHT: 9'-6"  
BASE DIAMETER: 20"  
OVERALL HEIGHT: 12'-9"  
LIGHT CENTER HEIGHT: 11'-2"  
CAST IRON POST

PROPOSED STREET LIGHT  
OR ALTERNATIVE AS APPROVED BY CITY

NOTE:

1. STREET LIGHTS ARE INTENDED TO LIGHT THE ROADWAY AND ARE TO BE DESIGNED BY PROGRESS ENERGY TO I.E.S. STANDARDS AND BE PLACED WITHIN R.O.W. OF THE ROADS.
2. THE DEVELOPER WILL BE RESPONSIBLE FOR THE DIFFERENCE IN MAINTENANCE COST BETWEEN THE STANDARD 30 FT. CONC. LIGHT POLE USING A CL27 FIXTURE AND THE PROPOSED DECORATIVE STREET LIGHT.
3. LIGHT POLE FOOTERS CANNOT BE EXPOSED ABOVE FINISHED GRADE.

CLEAR LAKE ESTATES, LLC

PARCEL: 07-21-28-1383-00-001  
ZONED: R-1AA (CITY OF APOPKA)  
LAND USE: RESIDENTIAL LOW (CITY OF APOPKA)

MALTA HOMES LLC

PARCEL: 07-21-28-0000-00-031  
ZONED: R-1AA (ORANGE COUNTY)  
LAND USE: LOW DENSITY RES. (ORANGE COUNTY)

CENTRAL FLORIDA YOUNG  
MENS CHRISTIAN ASSOCIATION

PARCEL: 07-21-28-0000-00-008  
ZONED: NO ZONING (CITY OF APOPKA)  
LAND USE: PARKS AND RECREATION (CITY OF APOPKA)

RUDOLPH SMITH

PARCEL: 07-21-28-0000-00-053  
ZONED: R-2 (CITY OF APOPKA)  
LAND USE: RURAL (CITY OF APOPKA)

ELAINE LUST

PARCEL: 07-21-28-0000-00-030  
ZONED: NO ZONING (CITY OF APOPKA)  
LAND USE: RESIDENTIAL LOW (CITY OF APOPKA)

CLEAR WATER LAKE

PHASE 3

EXISTING  
STORM WATER  
POND

MAUDEHELEN  
SUBDIVISION  
PHASE 1

PHASE 4

MAUDEHELEN  
SUBDIVISION  
PHASE 2

NICHOLAS BAVARO  
PARCEL: 07-21-28-0000-00-041  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

JON MCGUIRE  
PARCEL: 07-21-28-0000-00-042  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

KENT CRAKES  
PARCEL: 07-21-28-0000-00-005  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

HAROLD THOMAS  
PARCEL: 18-21-28-0000-00-054  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

HAROLD THOMAS  
PARCEL: 18-21-28-0000-00-018  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

GEORGE THOMAS  
PARCEL: 18-21-28-0000-00-056  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

MARION HOPPER  
PARCEL: 07-21-28-0000-00-016  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

HAROLD THOMAS  
PARCEL: 07-21-28-0000-00-021  
ZONED: A-1 (ORANGE COUNTY)  
LAND USE: RURAL (ORANGE COUNTY)

MARY KATHLEEN HOPPER  
PARCEL: 07-21-28-0000-00-044  
ZONED: R-1AA (CITY OF APOPKA) LAND  
USE: RESIDENTIAL LOW (CITY OF APOPKA)

PREPARED FOR:

GK MAUDEHELEN, LLLP

8875 HIDDEN RIVER PARKWAY, SUITE 150  
TAMPA, FLORIDA 33637  
813-615-1244



MORRIS ENGINEERING AND CONSULTING, LLC

Civil Engineering 144 Development Consulting  
6981 Professional Parkway East, Lakewood, CO 80112  
C.A. 28780 941-444-6644 www.morrisengineering.net

NO.	DATE	REVISIONS PER COMMENTS	REVISION DESCRIPTION	DBH	BY
1	05/23/16				

DATE

03/01/16

PROJECT

MH

DRAWING

MH-PH4

DRAWN

IS

CHECKED

MJM

MASTER DEVELOPMENT PLAN  
MAUDEHELEN SUBDIVISION - PHASE 4  
ORANGE COUNTY, FLORIDA

SCALE

1"=100'

SEC - TSP - RRG.

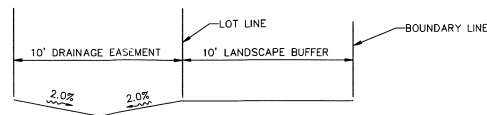
07-215-28E

SHEET

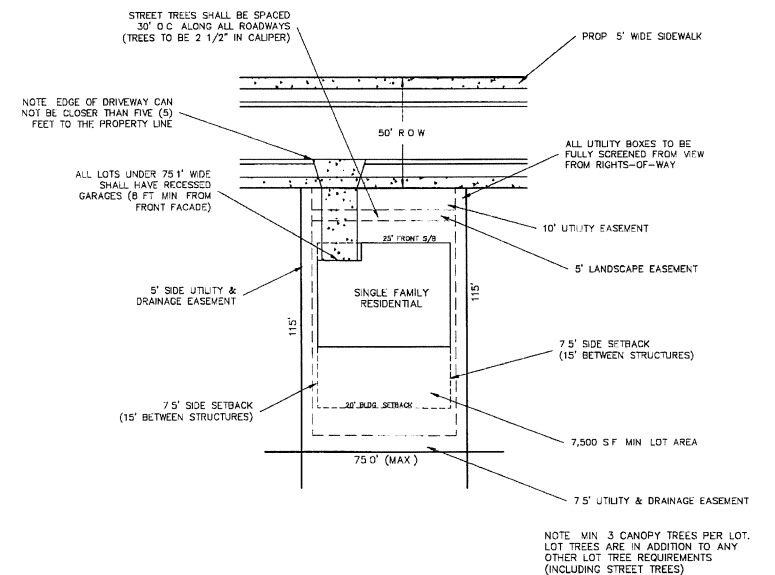
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4

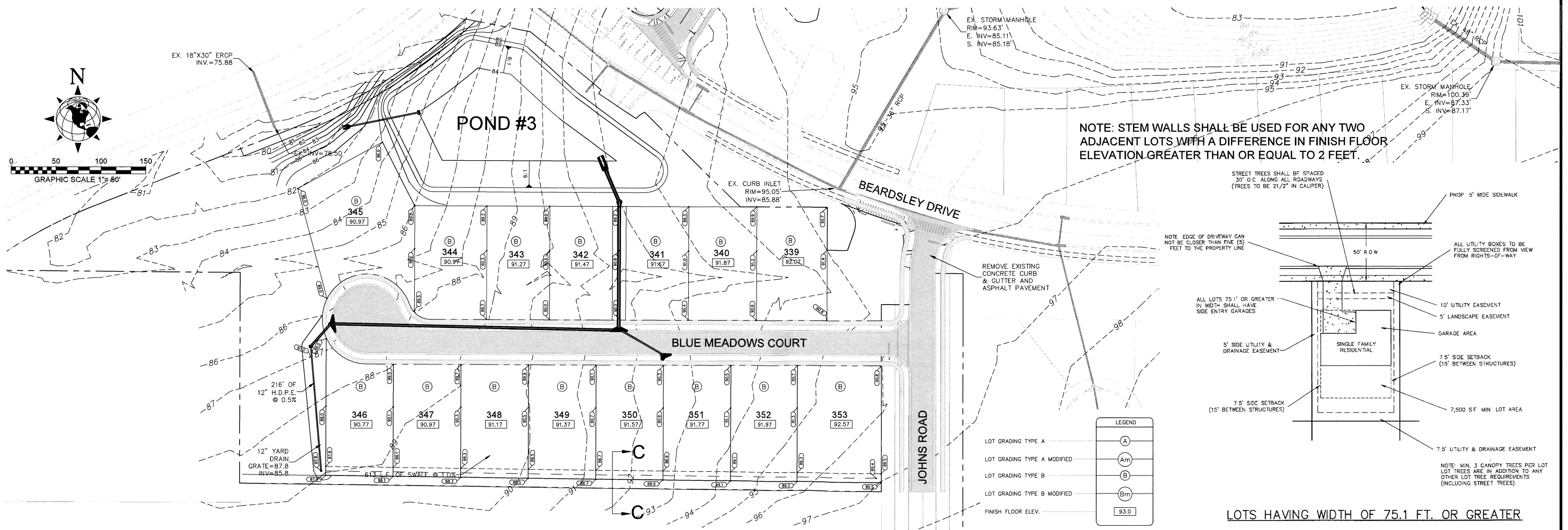
21



SECTION C-C  
NTS



TYPICAL LOT CONFIGURATION



LEGEND
LOT GRADING TYPE A
LOT GRADING TYPE A MODIFIED
LOT GRADING TYPE B
LOT GRADING TYPE B MODIFIED
FINISH FLOOR ELEV.

LOTS HAVING WIDTH OF 75.1 FT. OR GREATER

PREPARED FOR:

GK MAUDEHELEN, LLLP  
8875 HIDDEN RIVER PARKWAY, SUITE 150  
TAMPA, FLORIDA 33637  
813-615-1244



MORRIS ENGINEERING AND CONSULTING, LLC  
Civil Engineering and Development Consulting  
6981 Professional Parkway East, Lake  
145 340 C.A.28789 941-444-6644 www.morrisengineering.net

NO.	DATE	REVISION DESCRIPTION	BY
07	05/23/16	REVISIONS PER COMMENTS	DBH
06	08/14/14	ADD MES, REVISE PER COMMENTS	SPM
05	07/01/14	REVISE SECTION C PER COMMENTS	SPM
04	04/03/14	DROP F.F. 0.10	SPM
03	02/22/14	MISC. ELEVATION REVISIONS PER REGRADE	SPM
02	01/31/14	MISC. GRADING REVISIONS PER COMMENTS	SPM
01	01/08/14	MISC. ELEVATION REVISIONS PER REGRADE	SPM

MATTHEW J. MORRIS  
FL LICENSE NO. 68434

DATE

03/01/16

PROJECT

MH

DRAWING

MH-PH3&4

DRAWN

IS/DH

CHECKED

MJM

LOT GRADING PLAN  
MAUDEHELEN SUBDIVISION - PHASE 4  
ORANGE COUNTY, FLORIDA

SCALE

1"=50'

SEC.-TSP.-RNG.

07-21S-28E

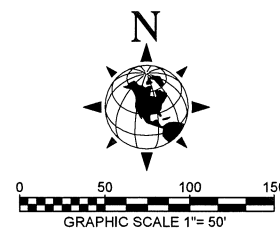
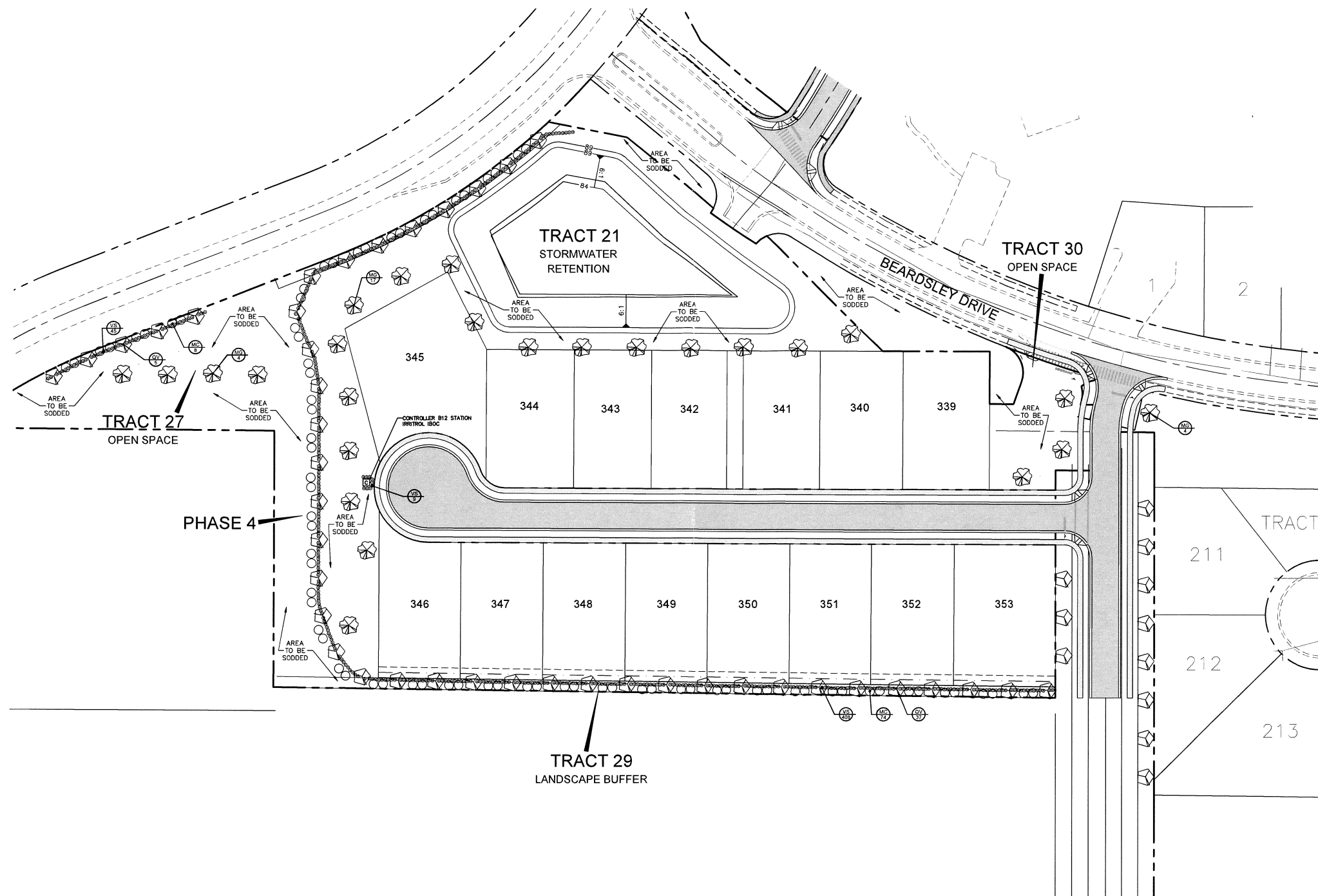
SHEET

OF

7

21






- ADDITIONAL NOTES:
1. STREET TREES AND LOT TREES SHALL BE A MINIMUM OF 2.5" CALIPER AT DBH.
  2. TURF AND SHRUBS ARE TO BE IRRIGATED ON SEPARATE ZONES.
  3. PLANTS AND SHRUBS ARE REQUIRED TO BE IRRIGATED USING MICRO-IRRIGATION. MICRO-IRRIGATION IS REQUIRED TO BE EQUIPPED WITH FILTRATION AND PRESSURE REGULATORS.
  4. STREET TREES WITHIN THE JOHNS ROAD RIGHT OF WAY (ADJACENT TO LOTS 211-213, & 353) SHALL BE INSTALLED IN A 10' WIDE LANDSCAPE TRACT DEDICATED AND MAINTAINED BY THE MAUDEHELEN HOMEOWNERS ASSOCIATION.
  5. BAHIA GRASS WILL BE USED FOR AREAS NOTED AS "TO BE SODDED" (APPROX. 3,500 SQ. YDS.)

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA ORDINANCE 2069 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_

PREPARED FOR:  
**GK MAUDEHELEN, LLLP**  
8875 HIDDEN RIVER PARKWAY, SUITE 150  
TAMPA, FLORIDA 33637  
813-615-1244



**MORRIS ENGINEERING AND CONSULTING, LLC**  
Civil Engineering and Development Consulting  
6981 Professional Parkway East, Lakewood Ranch, FL 34202  
C.A. 28780 941-444-6644 www.morrisengineering.net

**146**

NO.	DATE	REVISION DESCRIPTION	BY
3	05/23/16	REVISE PER COMMENTS	DBH
2	11/26/13	REVISE PER COMMENTS	SPM
1	10/30/13	ADD NOTES PER COMMENTS	SPM

MATTHEW J. MORRIS  
FL LICENSE NO. 68434

DATE  
05/01/16  
PROJECT  
MH  
DRAWING  
MH-PH4  
DRAWN  
IS/DH  
CHECKED  
MJM

LANDSCAPE PLAN  
**MAUDEHELEN SUBDIVISION - PHASE 4**  
ORANGE COUNTY, FLORIDA

SCALE  
NTS  
SEC. - TSP. - RING.  
07-215-28E  
SHEET  
**L-1**  
OF  
**21**



Plant List

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	
QV	42 <del>44</del>	QUERCUS VIRGINIANA	LIVE OAK	2.5" CALIPER AT D.B.H. 12-14' HT. X 5-6' SP CONTAINER GROWN
MG	25 <del>34</del>	MAGNOLIA GRANDIFLORA	MAGNOLIA	10-12' OA.HT. 3" CALIPER MIN.
MC	82 <del>24</del>	MYRICA CERIFERA	WAX MYRTLE	5-6' 15 GAL. CONTAINER FULL PLANT
VS	462 <del>484</del>	VIBURNUM SUSPENSUM	SWEET VIBURNUM	7 GAL 30"-36" HT. 42" O.C.

General Landscape Notes

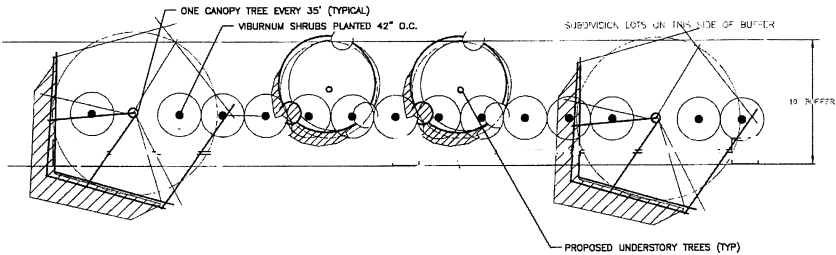
- 1). ALL LANDSCAPED AND SODDED AREAS DELINEATED ON THESE PLANS SHALL BE IRRIGATED. THE IRRIGATION SYSTEM SHALL DELIVER 1" TOTAL COVERAGE ON THE ENTIRE SITE PER WEEK.
- 2). ALL LANDSCAPED BEDS SHALL BE TOP DRESSED WITH 3" OF PINE BARK NUGGET MULCH.
- 3). ALL TREE SAUCERS SHALL BE TOP DRESSED WITH 3" OF PINE BARK NUGGET MULCH.
- 4). IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO BECOME FULLY FAMILIAR WITH ALL EXISTING SITE CONDITIONS AND TO STUDY ALL SUBSURFACE UTILITY PLANS AND ARCHITECTURAL PLANS SO AS TO PREVENT DAMAGE DURING THE INSTALLATION OF THE LANDSCAPE MATERIAL.
- 5). STAKING OF TREES AND PALMS IS AT THE OPTION OF THE LANDSCAPE CONTRACTOR. HOWEVER, IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO MAINTAIN ALL TREES, PALMS AND SHRUBS IN AN UPRIGHT PLUM CONDITION.
- 6). THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ARCHITECTURAL OR PAVED SURFACES.
- 7). ALL PLANT MATERIAL SHALL BE GRADED FLORIDA NO. 1 ACCORDING TO THE GRADES AND STANDARDS OF THE FLORIDA NURSERYMAN'S ASSOCIATION.
- 8). ALL TREE CALIPER DIMENSIONS SHALL BE MEASURED AT BREAST HEIGHT, 54" ABOVE THE TOP OF SOIL.
- THE LANDSCAPE CONTRACTOR SHALL INSURE THAT PROPOSED LANDSCAPE BEDS DO NOT INTERFERE WITH PROPOSED DRAINAGE PATTERNS.
- 9). THE LANDSCAPE CONTRACTOR SHALL WARRANTY ALL SHRUBS FOR A PERIOD NO SHORTER THAN 90 DAYS FROM THE DATE OF THE " FINAL ACCEPTANCE" BY THE CLIENT AND LANDSCAPE ARCHITECT. ALL TREES SHALL CARRY A MINIMUM ONE YEAR WARRANTY. ALL WARRANTY RESTRICTIONS SHALL BE SPECIFICALLY DESCRIBED IN WRITING AND SHALL BE PART OF THE BIDDING DOCUMENTS PROVIDED TO THE CLIENT BY THE LANDSCAPE CONTRACTOR.
- 10). BEFORE PLANTING OR SODDING THE LANDSCAPE CONTRACTOR SHALL REVIEW THE SITE GRADING AND DRAINAGE AND SHALL INFORM THE CLIENT OF ANY DRAINAGE PROBLEMS OR INADEQUACIES

Ordinance 2069 (Water-Wise)

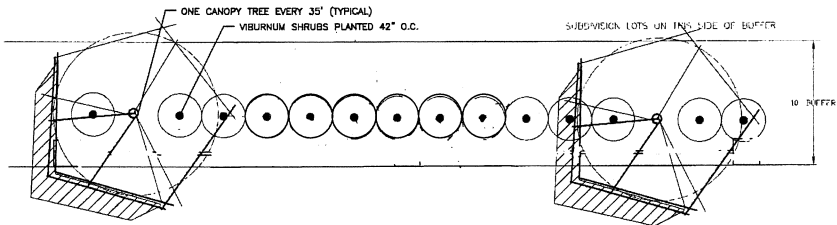
1. RESIDENTIAL SELF-CERTIFICATION
- c. ALL SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS ARE REQUIRED TO SUBMIT A SELF-CERTIFICATION CHECKLIST TO THE CITY UPON COMPLETION OF ALL INSTALLATIONS AS OUTLINED IN 5.01.05D(3).
- b. CONTRACTORS AND OWNER/CONTRACTORS SHALL BE ACCOUNTABLE FOR PROPER INSTALLATION AND COMPLIANCE THROUGH SELF-CERTIFICATION. THE CITY MAY CONDUCT AND ADEQUATE NUMBER OF RANDOM INSPECTIONS TO ENSURE COMPLIANCE WITH THIS CODE.
- c. A CONTRACTOR OR OWNER/ CONTRACTOR MUST SUBMIT A COMPLETED AND ENDORSED CHECKLIST ON A FORM PROVIDED BY THE CITY. A COPY OF THIS CERTIFICATION CHECKLIST MUST BE PROVIDED TO THE PROPERTY OWNER. A LIST OF PLANTS INSTALLED ON THE SITE MUST BE ATTACHED TO THE SELF-CERTIFICATION CHECKLIST AND BE PROVIDED TO BOTH THE CITY AND THE OWNER.
- d. NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED UNTIL A COMPLETED SELF-CERTIFICATION CHECKLIST HAS BEEN SUBMITTED TO THE CITY.
2. INSPECTIONS - NON-RESIDENTIAL AND RESIDENTIAL COMMON AREAS
- a. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF ACCEPTANCE, CONTRACTORS AND OWNER/ CONTRACTORS SHALL REQUEST A FINAL INSPECTION OF WORK PERFORMED AFTER THE SUBMITTAL OF SELF-CERTIFICATION CHECKLIST. THE CITY SHALL CONDUCT AN INSPECTION TO ENSURE COMPLIANCE.

Site Landscape Notes

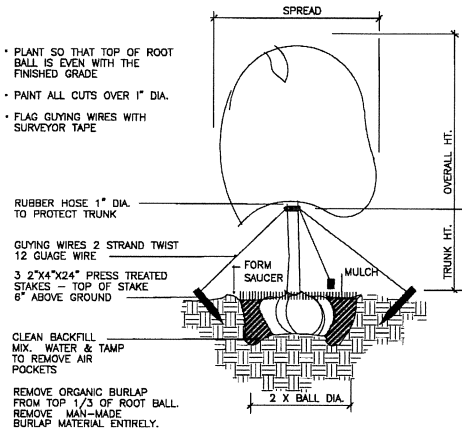
- 1). ALL TREES SHALL BE FLORIDA NO.1 GRADE OR BETTER. TREE SIZES ARE DBH (MEASURED 54" ABOVE THE SOIL).
- 2). ALL COMMON AREA IMPROVEMENTS (LANDSCAPING, TREES, PARK AMENITIES, ETC) SHALL BE INSTALLED PRIOR TO ISSUANCE OF THE CERTIFICATE OF ACCEPTANCE.
- 3). A MINIMUM OF (3) TREES PER LOT WITH 2.5" CALIPER AT D.B.H. SHALL BE PLANTED (OF WHICH ONE OR TWO MAY BE STREET TREES DEPENDING ON LOT WIDTH) AT TIME OF HOUSE CONSTRUCTION EACH TREE TO BE OF A CANOPY TYPE SPECIES.
- 4). STREET TREES (SPACED AT 30' O.C.) SHALL BE PLANTED AT TIME OF HOUSE CONSTRUCTION AND SHALL BE LOCATED WITHIN A 5' EASEMENT ADJACENT TO THE STREET R.O.W. BEHIND THE UTILITY EASEMENT. EACH SHALL HAVE A MIN. 2.5" CALIPER AT D.B.H. AND BE OF A CANOPY TYPE SPECIES.
- 5). THE STREET TREE SPACING (EVERY 30' INTERVAL) SHALL BE THE SPECIFICATION FOR STREET TREE PLANTING AND THIS SPACING REQUIREMENT SHALL SUPERCEDE ANY QUANTITIES LISTED HEREIN AND ARE NOT INCLUDED IN THE PLANT LIST.
- 6). EXISTING TREES WHICH DO NOT SURVIVE SHALL BE REQUIRED TO BE REPLACED AT THE RATIO OF ONE TREE INCH REPLACED FOR EVERY TREE INCH REMOVED.
- 7). SOD IS REQUIRED AS GROUND COVER OF ALL OPEN AREAS.
- 8). ALL UTILITY BOXES WILL BE SCREENED FROM RIGHT-OF-WAY VIEWS WITH LANDSCAPING. (WHERE APPLICABLE), SHOWN WITH THE FINAL DEVELOPMENT PLAN



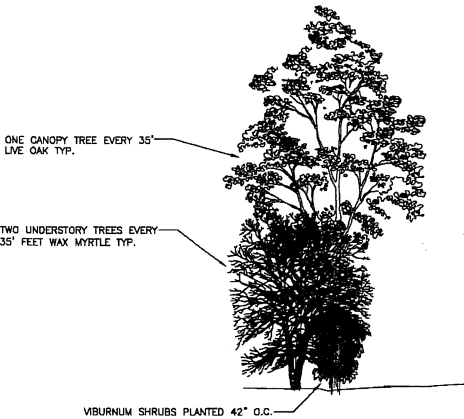
PROPOSED LANDSCAPE BUFFER DETAIL (TRACT 27)  
SCALE = N.T.S.



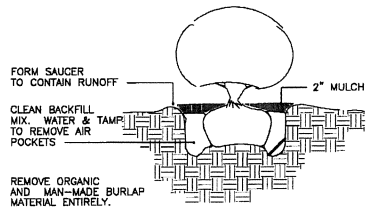
PROPOSED LANDSCAPE BUFFER DETAIL (TRACT 23 & TRACT 27)  
SCALE = N.T.S.



TYPICAL TREE PLANTING DETAIL  
SCALE: NOT TO SCALE



TYPICAL LANDSCAPE BUFFER  
SCALE: NOT TO SCALE



TYPICAL SHRUB PLANTING DETAIL  
SCALE: NOT TO SCALE

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA ORDINANCE 2069 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_

PREPARED FOR:

GK MAUDEHELEN, LLLP

8875 HIDDEN RIVER PARKWAY, SUITE 150  
TAMPA, FLORIDA 33637  
813-615-1244

M

MORRIS ENGINEERING AND CONSULTING, LLC

Civil Engineering 147 Development Consulting

6981 Professional Parkway East, Lakewood Park, FL 33411  
C.A. 28780 941-444-6644 www.morrisengineering.net

NO.	DATE	REVISION DESCRIPTION	BY
3	04/11/16	REVISE PLANT QUANTITIES	DBH
2	11/26/13	REVISE PER COMMENTS	SPM
1	10/30/13	ADD NOTES PER COMMENTS	SPM

DATE	03/01/16
PROJECT	MH
DRAWING	MH-PH4
DRAWN	IS/DB
CHECKED	MJM

MATTHEW J. MORRIS  
FL LICENSE NO. 68434

LANDSCAPE DETAILS  
MAUDEHELEN SUBDIVISION - PHASE 4  
ORANGE COUNTY, FLORIDA

SCALE	NTS
SEC - TSP - RNG.	07-215-286
SHEET	OF
L-2	21

MAUDEHELEN SUBDIVISION PHASE 4

A REPLAT OF A PORTION OF MAUDEHELEN PHASE 1, PLAT BOOK 64, PAGES 83  
THROUGH 86, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND  
A PORTION OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

PLAT BOOK PAGE

SHEET 2 OF 3

SURVEYOR'S NOTES:

- Bearings shown hereon are assumed and based on the North line of the Southeast 1/4 of the Southeast 1/4 of Section 7-21-28 being an assumed bearing of South 89°18'03" East for angular designation only.
- All lot lines are radial, unless otherwise noted non-radial ( N.R. ).
- All platted utility easements shall also be easements for the construction, installation, maintenance, and operation of cable television and data services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
- Tract 21 ( Stormwater Retention Tract ) and Tract 31 ( Drainage Tract ) shall be owned and maintained by the Maudehelen Homeowners Association, Inc. ( the "Association" ) with an easement to the City of Apopka for operation and maintenance of the stormwater conveyance system.
- Tracts 27, 30, 32 and 33 ( Open Space Tracts ) shall be owned and maintained by the Association.
- Tract 28 ( Wall/Landscape Buffer Tract ) shall be owned and maintained by the Association.
- Tract 29 ( Landscape Buffer Tract ) shall be owned and maintained by the Association.
- All rights-of-way shall be dedicated to and maintained by the City of Apopka.
- There is a 5.00' wide landscape easement on each Lot located behind the front 10.00' utility easement. The Landscape Easement is for the purpose of street tree protection and maintenance.
- All Lots are subject to a 10.00' utility easement adjacent to public rights-of-way.
- All Lots are subject to a 5.00' side utility and drainage easement and a 7.50' utility and drainage easement along the rear Lot line unless otherwise noted.
- No trees shall be planted in the rights-of-way due to the City of Apopka's underground utility mains.
- MAUDEHELEN PHASE 4 contains 15 single family lots.
- Semi-truck traffic accessing Johns Road from Beardsley Drive for the agriculture business owners south of Meadows at Maudehelen is allowed.



GRAPHIC SCALE



NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 7-21-28 FOUND BY 8" X 8" CONCRETE MONUMENT WITH 1" IRON PIPE C.C.R. #5813

EAST LINE OF THE NORTHEAST 1/4 OF SECTION 7-21-28

EAST 1/4 CORNER OF SECTION 7-21-28 FOUND BY 8" X 8" CONCRETE MONUMENT C.C.R. #5818

EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 7-21-28

SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7-21-28

NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 7-21-28

JOHNS ROAD

SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 7-21-28

SHEET INDEX

SHEET 1 of 3 - legal description & dedication

SHEET 2 and 3 of 3 - Surveyor's notes, boundary legend and geometry



16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355

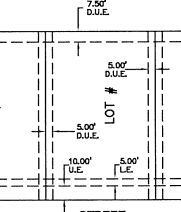
CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	25.00'	5.03'	5.03'	S33°33'33"W	11°32'13"
C2	25.00'	11.78'	11.67'	N52°49'21"E	26°59'22"
C3	532.96'	130.68'	130.35'	N61°38'47"E	14°02'54"
C4	612.96'	231.43'	230.06'	N57°52'16"E	21°37'57"
C200	50.00'	18.82'	18.71'	N10°39'53"W	21°33'46"
C201	622.96'	242.46'	240.93'	N57°32'15"E	22°17'58"
C202	25.00'	39.16'	35.26'	N44°53'23"W	89°45'29"
C203	25.00'	39.38'	35.43'	N45°06'37"E	90°14'31"
C204	24.00'	29.77'	27.90'	S54°13'52"E	71°04'31"
C205	50.00'	218.10'	81.37'	S35°46'08"W	251°04'51"
C206	50.00'	58.58'	53.59'	S57°21'44"E	64°48'46"
C207	50.00'	45.05'	43.54'	S00°51'27"W	51°37'37"
C208	50.00'	117.49'	92.27'	N86°00'40"W	134°38'08"
C209	24.00'	8.44'	8.40'	S28°46'19"E	20°09'26"
C210	24.00'	21.33'	20.63'	S64°18'35"E	50°55'05"
C211	100.00'	23.52'	23.47'	S06°43'39"W	13°28'56"
C212	75.00'	17.64'	17.60'	S06°43'39"W	13°28'36"
C213	50.00'	40.81'	39.68'	S66°23'18"E	46°45'40"
C214	50.00'	11.76'	11.73'	S06°43'39"W	13°28'36"
C215	25.00'	7.68'	7.63'	N80°59'34"W	17°33'06"
C216	25.00'	31.61'	28.46'	N36°06'49"W	72°12'21"
C217	60.00'	22.58'	22.45'	N10°39'53"W	21°33'46"
C218	522.96'	114.23'	114.01'	S62°25'47"W	12°30'56"

LEGEND:

- L.B. denotes licensed business  
U.E. denotes utility easement  
R/W denotes right-of-way  
denotes change in direction along right-of-way lines  
C.C.R. # denotes Certified Corner Record Number  
N.R. denotes non-radial (see note 2)  
denotes set 4" x 4" concrete monument LB 6723 permanent reference monument (PRM)

- N.T. denotes non tangent  
denotes set nail & disk LB 6723 permanent control point (PCP)  
denotes centerline  
LLC denotes limited liability company  
PG(S) denotes page(s)  
P.C. denotes point of curvature  
denotes non-radial (see note 2)  
P.T. denotes point of tangency  
P.I. denotes point of intersection  
P.B. denotes Plat Book  
R.P. denotes radius point

LINE TABLE		
LINE	LENGTH	BEARING
L1	73.32'	S79°00'45"E
L2	101.88'	S50°40'20"E
L3	50.25'	S68°22'59"E
L4	47.80'	S00°13'53"W
L5	23.64'	S00°00'39"E
L6	45.00'	S89°18'03"E
L200	63.78'	N21°26'46"W
L201	29.08'	N00°07'00"E
L202	63.76'	N21°26'46"W
L204	17.02'	S00°00'39"E
L205	12.82'	S13°27'57"E
L206	2.47'	N13°27'57"E
L207	12.70'	S43°00'28"E

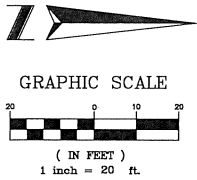


TYPICAL LOT EASEMENTS  
(Not to scale)

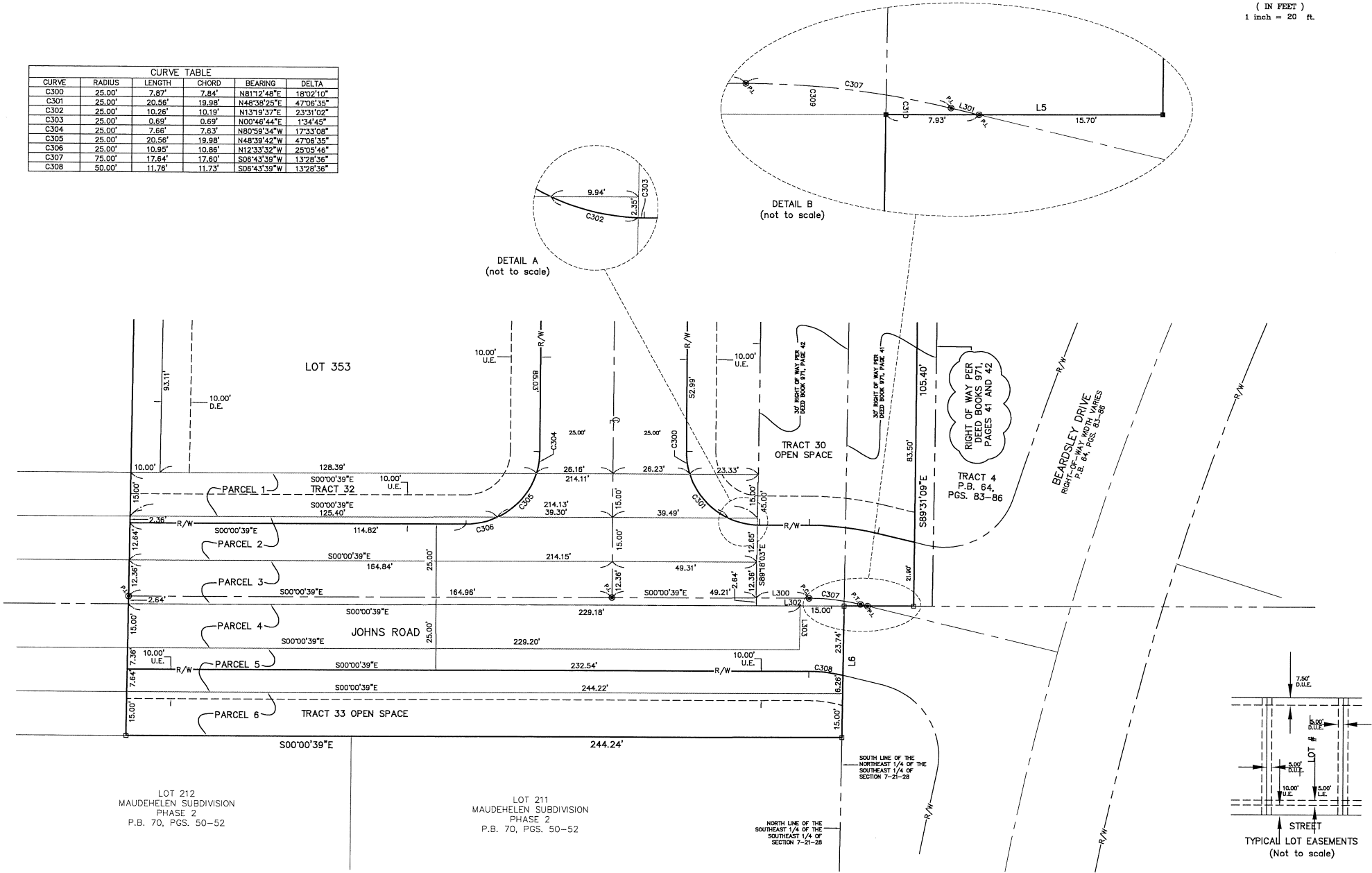
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SHEET 3 OF 3 PLAT BOOK PAGE



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C300	25.00'	7.87'	7.84'	N81°12'48"E	150°21'0"
C301	25.00'	20.56'	19.98'	N48°28'25"E	47°06'35"
C302	25.00'	10.26'	10.19'	N13°19'37"E	23°31'02"
C303	25.00'	0.69'	0.69'	N00°46'44"E	1°34'45"
C304	25.00'	7.66'	7.63'	N80°59'34"W	17°33'08"
C305	25.00'	20.56'	19.98'	N48°39'42"W	47°06'35"
C306	25.00'	10.95'	10.86'	N12°33'32"W	25°03'46"
C307	75.00'	17.84'	17.60'	S06°43'39"W	13°28'38"
C308	50.00'	11.76'	11.73'	S06°43'39"W	13°28'38"



PARCEL No.	OWNERSHIP	PLATTED PURPOSE
1	Harold W. Thomas, II and Melody L. Thomas	Open Space Tract 32, Public Road R/W and Open Space Tract 30
2	George A. Thomas, and Sandra K. Thomas	Open Space Tract 32, Public Road R/W and Open Space Tract 30
3	Harold W. Thomas, II and Melody L. Thomas	Public Road R/W
4	Marion W. Hopper and Mary K. Hopper	Public Road R/W
5	Harold Thomas and Melody Thomas	Public Road R/W and Open Space Tract 33
6	Mary Kathleen Hopper	Open Space Tract 33

LINE TABLE		
LINE	LENGTH	BEARING
L301	2.47'	N13°27'57"E
L302	30.00'	S00°00'39"E
L303	15.00'	S89°18'03"E

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SHEET 1 of 3 - legal description & dedication  
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