



City of Apopka Planning Commission Meeting Agenda

September 09, 2014

5:01 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 meeting held August 12, 2014, at 5:01 p.m.

IV. PUBLIC HEARING:

1. CHANGE OF ZONING – Allan Akbar Ali (aka Ali Akbar Ali) from R-1A to AG-E, for property located at 2277 Lakeville Road. (Parcel ID #: 23-21-28-0000-00-044)
2. CHANGE OF ZONING – MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN - Florida Land Trust #111 – ZDA at Sandpiper, LLC, from "County" PD (ZIP) (Residential) to "City" Planned Unit Development (PUD/R-1A) (Residential) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, 03-21-28-0000-00-119)
3. VARIANCE – Jesenia Rios, 18 W. Oak Street – A variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E(3) to allow for a reduction in the ninety-five (95) feet lot width.

V. SITE PLANS:

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

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 meeting held August 12, 2014, at 5:01 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 12, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, and Robert Ryan

ABSENT: Ben Dreiling, Teresa Roper, and Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. – Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Darcy Unroe, Tony Capley, Karen Valiente, Victor Valiente, Bill Carpenter, Ed Velazquez, Sam Sebaali, Rick Abt, Suzanne Kidd, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

OPENING AND INVOCATION: Chairperson Hooks called the meeting to order and asked for a moment of silent meditation. The Pledge of Allegiance followed.

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the July 8, 2014 minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held July 8, 2014.

Motion: **Melvin Birdsong made a motion to approve the Planning Commission minutes from the July 8, 2014 meeting, and James Greene seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, and Robert Ryan (5-0).**

VARIANCE – LOAVES AND FISHES, INC. – David Moon, Planning Manager, stated this is a request for approval of a variance to allow to a variance to allow proposed building addition to encroach up to five (5) feet into the required twenty-five (25) feet front and corner yard setbacks. The owner is Loaves and Fishes, Inc., c/o Karen Valiente. The engineering firm is Unroe Engineering, Inc., c/o Darcy Unroe P.E. The property is located at 206 East 6th Street at the corner of Robinson Avenue. The future land use is Industrial and the zoning is I-1. The existing and proposed use is a public food pantry. The tract size is 0.48 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The applicant requests up to a five (5) foot reduction in the required twenty-five (25) feet front and corner yard setbacks, creating a twenty (20) feet setback. The applicant is proposing to construct an additional 720 square feet of storage space on to the existing food pantry. As appearing in the Redevelopment Plan, the proposed 20' x 36' storage room will encroach 2.6 feet into the required twenty-five (25) foot front yard setback along East 8th Street and 4.9 feet into the twenty-five (25) foot corner yard setback along Robinson Avenue. If approved and constructed per the Redevelopment Plan, the variance will leave a 21.4 foot building setback along East 8th Street and a 20.1 foot building setback along Robinson Avenue.

Applicable City Code: City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.01.A., Minimum front setback of 25 feet and corner lot setback of 25 feet, and Section 2.02.15.F.: All yards adjacent to road right-of-ways shall be a minimum of 25 feet.

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

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

Applicant Response: The lot is triangular in shape with an existing warehouse building that encroaches into the front setback. The strict implementation of the setback would result in an oddly shaped front facade and would restrict the ability of the non-profit from serving the needs of the community.

Staff Response: DRC finds that a valid hardship occurs and does not object to the Applicant's Response. The south property line abuts CSX/FCEN railroad right-of-way, preventing an ability to

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON August 12, 2014, AT 5:01 P.M.

acquire additional contiguous land to the south. Further, the West Orange Trail abuts the western boundary of the subject property and public streets to the north and east, preventing an ability to acquire additional contiguous land to the west. The existing building already encroaches into the front setback along East 8th Street by 2.6 feet, and the building addition will not extend beyond the front of the existing building wall that faces East 8th Street by more than that which already occurs for the existing building. Encroachment of the front or corner setback, as proposed, does not create an unacceptable line-of-sight at the corner of East 8th Street and Robinson Avenue.

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

Applicant's Response: No reduction in cost is anticipated with the granting of this variance.

Staff Response: A hardship is created by the odd triangular shape of the lot, inability to expand land area to the south because of the CSX/FCEN railroad right-of-way. DRC does not object to the Applicant's Response.

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

Applicant's Response: The proposed construction will only minimally increase the traffic on adjacent streets. The granting of the variance will have no effect on the amount of additional traffic generated.

Staff Response: DRC does not object to the Applicant's Response.

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 front facade of the proposed addition will match the facade of the existing building on-site. The proposed variance will match the existing conditions of the site.

Staff Response: DRC does not object to the Applicant's Response. Expansion of the existing building and the proposed variance will not interfere with the ability of abutting property owners to use their property.

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 proposed development will save a stand of oak trees along the southern side of the property, which will accomplish the desired effect while allowing for a compact development of the property.

Staff Response: The subject property is assigned an I-1 Industrial zoning category. Properties to the east, west, and south are assigned the I-1 zoning category and the properties to the north A C-1 Commercial category. DRC does not object to the Applicant's Response.

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

Applicant's Response: The existing building was constructed before the current owner purchased the property.

Staff Response: DRC finds that a valid hardship occurs and does not object to the Applicant's Response. The south property line abuts CSX/FCEN railroad right-of-way, preventing an ability to acquire additional land to the south. The existing building already encroaches into the front setback along East 8th Street. Expansion of the existing building does not encroach into the front setback along East 8th Street by more than that which already occurs for the existing building.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON August 12, 2014, AT 5:01 P.M.

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 developer is requesting to match the existing front façade.

Staff Response: The front building wall will not encroach into the front setback by more than which is already encroached by the existing building – 2.6 feet. Along Robinson Avenue, the building wall will encroach into the corner setback by 4.9 feet. DRC does not object to the Applicant's Response for the front building encroachment. The existing building wall facing Robinson Avenue currently complies with the corner lot setback of 25 feet. A proposed building addition creates the variance situation.

The Development Review Committee finds that a valid hardship exists and does not object to the variance request to allow the proposed building addition to encroach 3.6 feet into the twenty five (25) foot front setback and bufferyard, and 4.9 feet into the twenty five foot front setback and bufferyard.

As per the Land Development Code, Article XI - 11.05.00.A. - The Planning Commission has been established as a citizen board to review and approve variances. Therefore, the Planning Commission may authorize the approval of a variance to Sections 2.02.01.A. and 2.02.15.F., of the Land Development Code, to allow a 3.6 foot encroachment into the twenty five foot front yard setback and a 4.9 foot encroachment into the twenty five foot corner yard setback, subject to DRC approval of the Redevelopment Plan.

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

In response to a question by Chairperson Hooks, Mr. Moon stated that the proposed front setback encroachment is 2.6 feet. The 3.6 feet indicated in the staff report is a scrivener's error.

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

Motion: James Greene made a motion to approve the request for variance to allow up to a 3.6 foot encroachment into the twenty five foot front yard setback and a 4.9 foot encroachment into the twenty five foot corner yard setback for a proposed building addition on the property located at 206 East 6th Street and owned by Loaves and Fishes, Inc., c/o Karen Valiente., subject to the information and findings in the staff report, and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, and Robert Ryan (5-0).

FINAL DEVELOPMENT PLAN – TACO BELL – 1429 WEST ORANGE BLOSSOM TRAIL – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the Final Development Plan for the Taco Bell to be located at 1429 West Orange Blossom Trail. The owner is Cobblestone Partners, LLC. The applicant/engineering firm is Florida Engineering Group, Inc., c/o Samir J. Sebaali, P.E. The existing use is a commercial building and the proposed use will be a drive-thru restaurant. The future land use is Commercial and the zoning is C-2. The tract size is 1.00 +/- acres. The proposed building size is 2,263 sq. ft. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

The Taco Bell - 1429 West Orange Blossom Trail - Final Development Plan proposes a 2,263 square foot restaurant with a drive-thru facility. A preliminary development plan is not required for projects less than 10,000 square feet. Access to the site will occur from a driveway connecting directly with Old Dixie Highway from cross access easement connecting to West Orange Blossom Trail through a driveway shared with a Trac convenience store/gas station.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON August 12, 2014, AT 5:01 P.M.

The site will be served by City water and sewer. The stormwater run-off and drainage will be accommodated by an underground infiltration storage chamber. The on-site stormwater management system is designed according to standards set forth in the Land Development Code.

The site has a standard five (5) foot wide side-yard landscape buffer with a ten (10) foot wide landscape buffer along Orange Blossom Trail and Old Dixie Highway. 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. There is no tree bank mitigation fee payment required for this site.

Total inches on-site:	164
Total inches removed:	164
Total inches replaced:	153
Tree stock formula calculation:	152.5
Tree inches deficient:	0

A total of 30 parking spaces are provided, of which two are handicapped parking space. There are two ingress/egress points to the site; the primary entrance is from West Orange Blossom Trail a.k.a. (U.S. HWY 441) through cross access easement and shared driveway with RaceTrac and from a secondary entrance located along Old Dixie Hwy.

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

The monument sign complies with sign code and is located in the front yard buffer abutting Orange Blossom Trail. Landscape plan shows that the landscaping is designed to create a view corridor for visibility from Orange Blossom Trail. Based on the sign code, a secondary monument side is allowed if a business accesses two roadways. A secondary monument sign is not proposed within the site plan. Any future addition of a secondary monument sign will require approval through a sign permit. One menu board sign is permitted per drive-thru lane or drive-in station. No other commercial or promotional signs, including snipe-type signs, shall be located along the drive-thru lanes. The proposed wall signs and menu board are consistent with the City's sign code and must receive sign permits from the City prior to installation.

Waiver Request: The applicant is requesting a waiver from section 6.06.00(c)5 of the Land Development Code and the city approved Dumpster Enclosure Detail - Figure (601), which requires the use of brick or stone cap block on the exterior walls of dumpster enclosure.

Response: The applicant is proposing to use building materials compatible with the exterior of the building. The dumpster enclosure materials will consist of a decorative stone base with stucco walls. Details of the dumpster and building elevation are provided with the supporting information containing in the agenda package.

- Staff does not object to this waiver request.

The Development Review Committee recommends approval of the Taco Bell Restaurant – 1429 West Orange Blossom Trail Final Development Plan and does not object to the waiver request, subject to the findings of this staff report.

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.

7 Mrperson Hooks opened the meeting for public hearing.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON August 12, 2014, AT 5:01 P.M.

Sam J. Sebaali, Florida Engineering Group, 5127 S. Orange Avenue, Suite 200, Orlando, Florida 32809, introduced himself as the engineer for the project and that he was available to answer any questions.

In response to a question by Chairperson Hooks, Mr. Sebaali indicated that arches are not included in the design of the building.

In response to questions by Ms. Walters, Mr. Sebaali stated they have designed calming devices, such as speed bumps, in the internal driveway to deter cut-through traffic from the adjacent RaceTrac to Old Dixie Highway.

Mr. Davoll added that a traffic study had been conducted for the project and that study indicated speed bumps would be adequate to deter any cut-through traffic on the site.

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

Motion: Mallory Walters made a motion to recommend approval of the Ladybird Academy of Apopka Final Development Plan and the waiver request to allow the applicant to use building materials compatible with the exterior of the building and consisting of a decorative stone base with stucco walls for the dumpster enclosure subject to the information and findings in the staff report. James Greene seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, and Robert Ryan (5-0).

OLD BUSINESS:

Planning Commission: None.

Public: None.

NEW BUSINESS:

Planning Commission: None.

Public: None.

ADJOURNMENT: The meeting was adjourned at 5:15 p.m.

Steve Hooks, Chairperson

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

Backup material for agenda item:

1. CHANGE OF ZONING – Allan Akbar Ali (aka Ali Akbar Ali) from R-1A to AG-E, for property located at 2277 Lakeville Road. (Parcel ID #: 23-21-28-0000-00-044)



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	September 9, 2014
<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: ALLAN AKBAR ALI A/K/A ALL AKBAR ALI

PARCEL ID NUMBER: 23-21-28-0000-00-044

Request: CHANGE OF ZONING
FROM: R-1A (0-5 DU/AC) (RESIDENTIAL)
TO: AG-E (0-5 DU/AC) (RESIDENTIAL/BARN/STABLES/LIVESTOCK)

SUMMARY

OWNER: Allan Akbar Ali a/k/a All Akbar Ali

APPLICANT: Asma & Asma, P.A., c/o C. Nick Asma

LOCATION: East of Lakeville Road, west of North Hiawassee Boulevard, north of Foxwood Court (2277 Lakeville Road)

EXISTING USE: Single Family Residence (3)/Barns/Stables

FUTURE LAND USE: Residential Low (up to 5 un\ac)

ZONING: R-1A (Residential)

PROPOSED DEVELOPMENT: Single Family Residence (3)/Barns/Stables/livestock (existing)

PROPOSED ZONING: AG-E

TRACT SIZE: 9.86 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	32 Residential Units
PROPOSED ZONING:	3 Residential Units

DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
CA Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on May 17, 1995, through the adoption of Ordinance No. 882. The proposed zoning change is compatible with the character of the surrounding area. Currently, the 9.8 acre parcel accommodates a 3,180 sq. ft. residence, a guest/granny quarters, and a barn and fenced fields for livestock. Horses and other farm animals are kept at the property. The applicant has requested the AG-E zoning to assure that the property can continue to be used for horses or other farm animals. In the event the property owner sells the property, the new owner will want assurance that horses, livestock and barns will be allowed as currently occurs on the property. Horses and other farm livestock are a permissible use under the AG-E zoning category but are not allowed under the R-1A zoning.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG-E rezoning is consistent with the Future Land Use Designation of Residential Low Density (up to five units per acre) that is assigned to the property. Minimum lot size for property assigned the AG-E zoning category is 2.5 acres.

SCHOOL CAPACITY REPORT: The proposed rezoning will result in a decrease in the number of residential units which could be developed at the subject property. Zoning currently assigned to the property, R-1A, allows a minimum lot size of 10,000 sq. ft., while the proposed change of zoning to AG-E limits lot size to a minimum of 2.5 acres. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be less than that generated by the current R-1A zoning.

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 August 8, 2014. As the subject property is located next to Lakeville Elementary School, OCPS has been notified of the proposed zoning request.

PUBLIC HEARING SCHEDULE:

September 9, 2014 – Planning Commission (5:01 pm)
September 17, 2014 - City Council (8:00 pm) - 1st Reading
October 1, 2014 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

August 22, 2014 – Public Notice and Notification
September 19, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from R-1A to AG-E for the parcel owned by Allen Akbar Ali a/k/a All Akbar Ali.

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 (0-5 du/ac)	R-1A/R-2	Lakeville Elementary School
East (County)	Low Density Residential	A-1	Vacant
South (County)	Low Density Residential	R-1AAA / A-1	Single family residences (4)
West (City)	Residential Low (0-5 du/ac)	R-2	Woodfield Oaks Subdivision

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Lakeville Road).

COMPREHENSIVE PLAN COMPLIANCE:

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

AG-E DISTRICT REQUIREMENTS:

Minimum Living Area:	2,200 Sq. Ft.
Minimum Site Area:	At least 2½ acres or 108,900 square feet.
Minimum Lot Width	One hundred fifty feet, measured at the front property line and the building line.
Setbacks:	Front: 45 ft.
	Rear: 50 ft.
	Side: 35 ft.
	Corner 35 ft.

Based on the above zoning standards, the existing 9.8 acre parcel and the residence comply with code requirements for the AG-E district.

BUFFERYARD REQUIREMENTS:

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

Note: A masonry wall is currently located at the front of the home with a wrought-iron style gate.

**ACCESSORY USES AND
STRUCTURES:**

(1) Attached screen rooms and decks; boathouses and boat docks; temporary structures; swimming and wading pools and hot tubs and spas; fences; satellite dish antenna; and public utilities and service structures shall be in accordance with article VII of the Land Development Code. (2) The general standards and requirements for accessory buildings shall be in accordance with article VII, section 7.01.01 of the Land Development Code. (3) Detached accessory buildings and/or structures (garages, storage sheds, barns, etc.) shall be in accordance with the following: (a.) When an accessory building is attached to a primary dwelling structure by covered breezeway it shall become part of the primary building and shall be subject to the yard setback requirements of the AG-E District of subsection 2.02.03(G); (b) Detached accessory buildings shall not be greater than 50 percent of the gross floor living area of the primary structure but not to exceed 2,500 square feet when located on the same parcel as a single family residential unit; (c) Detached accessory buildings shall not exceed 35 feet in height, measured from the normal ground level to the highest part of the structure; and (d) Detached accessory buildings shall be restricted to the side and rear yards only and meet the following yard setbacks: (1) No accessory building shall project beyond the front established building line; (2) Side and corner yard setbacks shall be a minimum of 35 feet; and (3) Rear yards setbacks shall be a minimum of 15 feet.

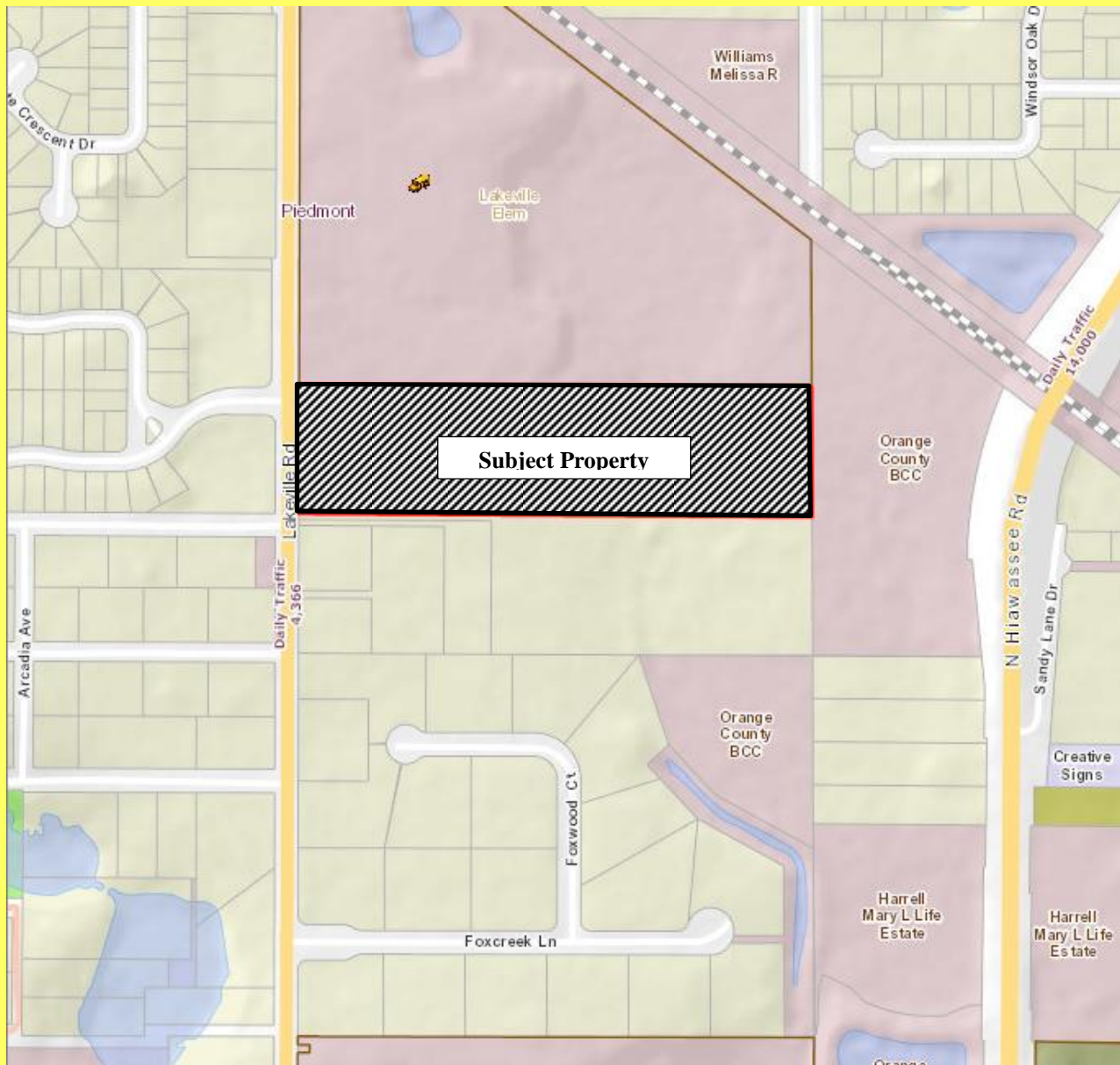
**ALLOWABLE
USES:**

Single-family dwellings providing they are consistent with the stated purpose of this zoning district; commercial endeavors such as boarding facilities etc. shall not be permitted in residential agricultural subdivisions; commercial wholesale foliage plant production nursery; livestock barns and stables; crop and animal production and the buildings and structures necessary to support such production; accessory buildings or structures, including stables or barns shall be in accordance with the standards of the AG-E District; and accessory uses shall be in accordance with article VII of the Land Development Code.



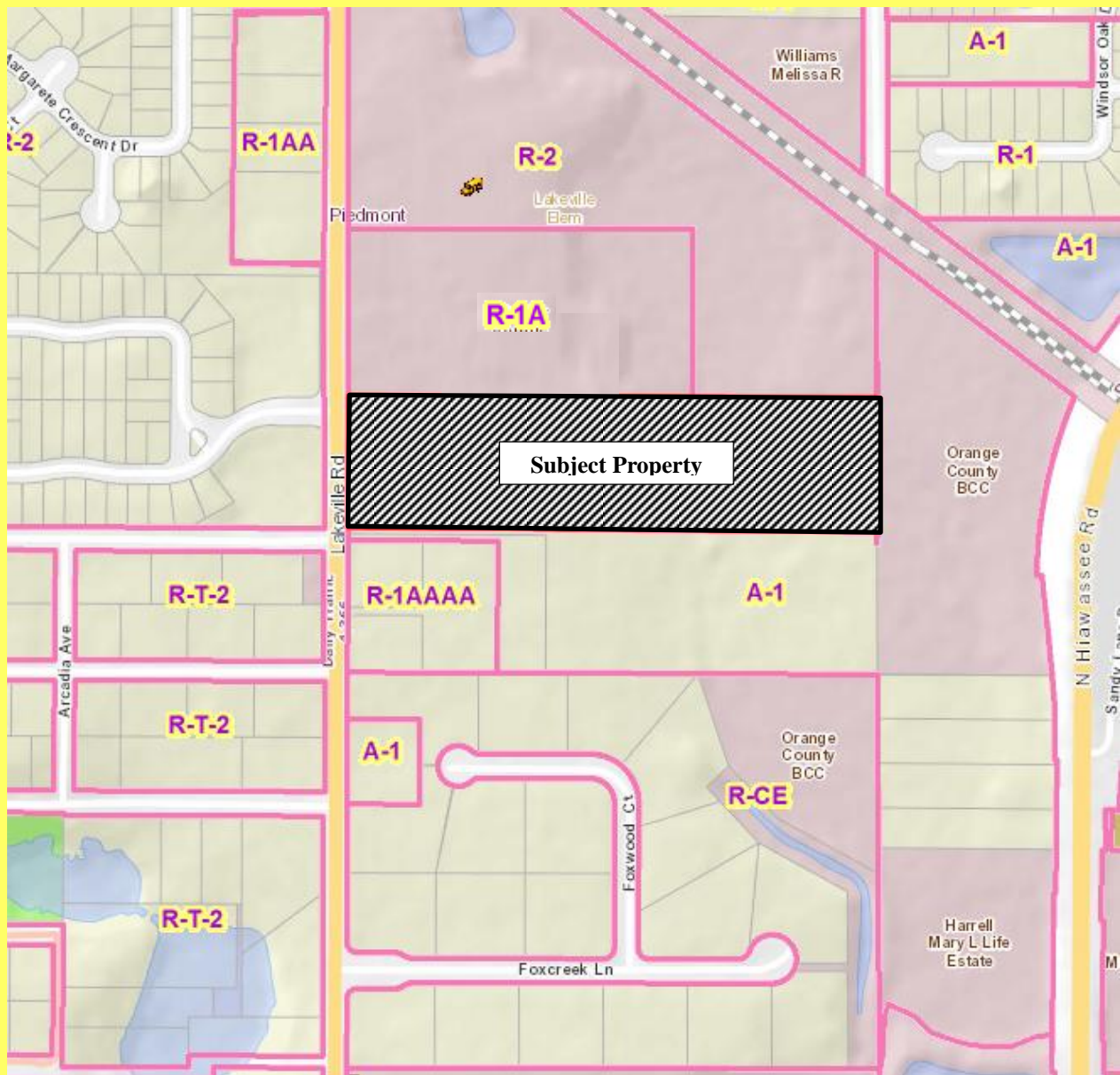
Allan Akbar Ali a/k/a Ali Akbar Ali
9.86 +/- Acres
Proposed Zoning Change:
From: R-1A (Residential) (10,000 sq. ft. min. lot)
To: AG-E (Residential/Barns/Stables/Livestock)(2.5 acre min. lot)
Parcel ID #: 23-21-28-0000-00-044

VICINITY MAP



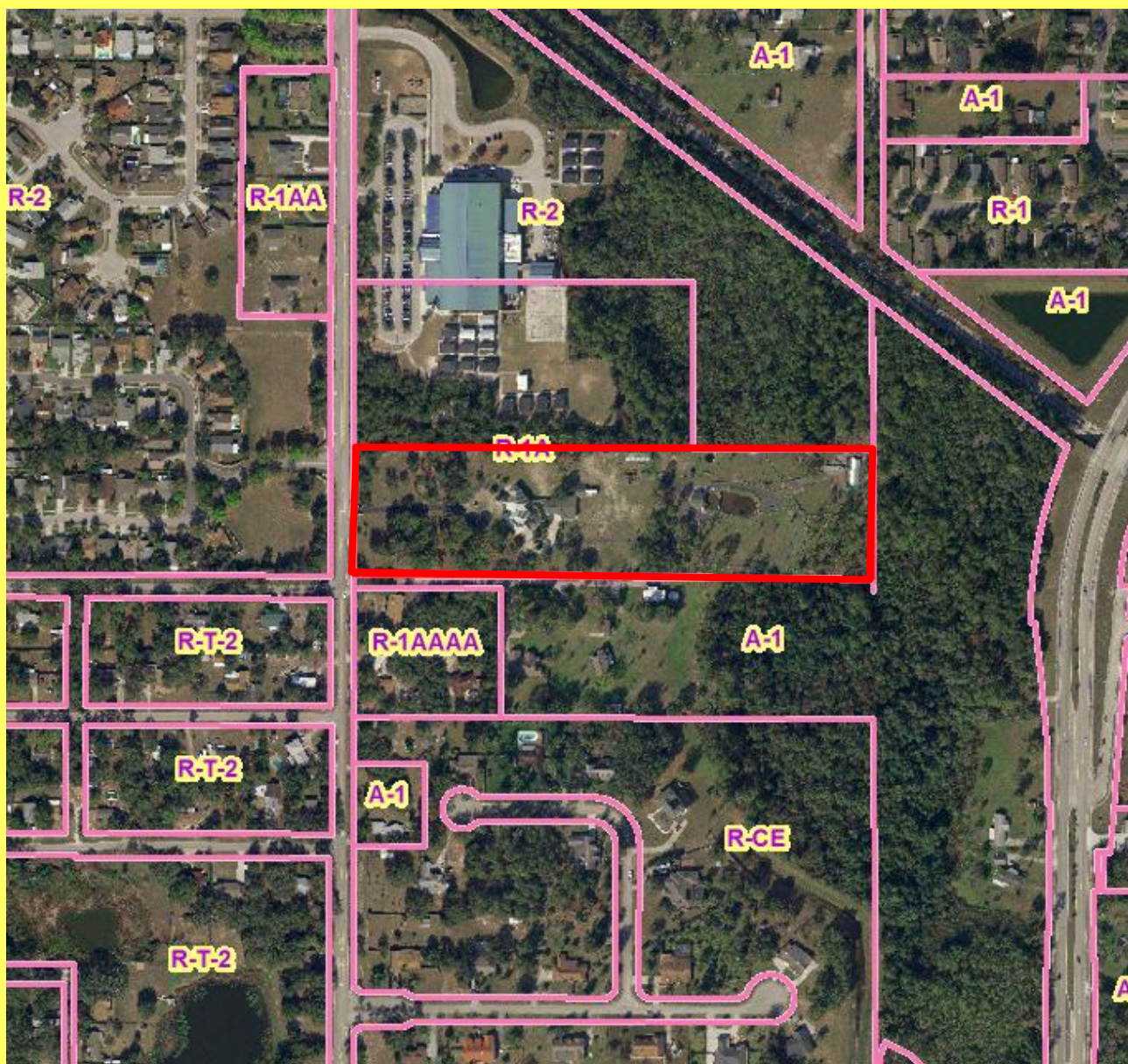


ADJACENT ZONING

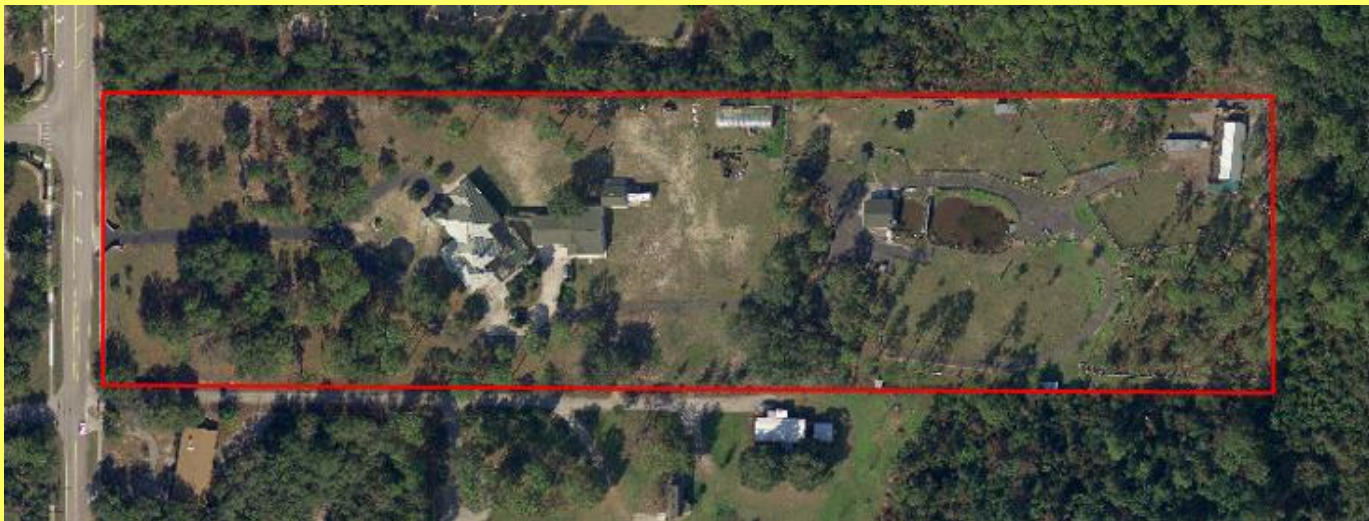




ADJACENT USES



EXISTING USES



Backup material for agenda item:

2. CHANGE OF ZONING – MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN - Florida Land Trust #111 – ZDA at Sandpiper, LLC, from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, 03-21-28-0000-00-119)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

DATE: September 9, 2014
FROM: Community Development
EXHIBITS: A: Zoning Report
B: Vicinity Map
C: Adjacent Zoning Map
D: Adjacent Uses Map
E: Master Site Plan\PDP
F: Development Standards

SUBJECT: FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – CHANGE OF ZONING - FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A); AND MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN

PARCEL ID NUMBERS: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119

Request: RECOMMEND APPROVAL OF THE FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC CHANGE OF ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) (RESIDENTIAL); AND RECOMMEND APPROVAL OF THE MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN.

SUMMARY

OWNER/APPLICANT: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee

LOCATION: South of Sandpiper Street, west of North Thompson Road, east of Ustler Road

EXISTING USE: Abandoned Single Family Homes

CURRENT ZONING: “County” PD (“City” ZIP)

PROPOSED DEVELOPMENT: Residential Subdivision (49 Single Family Lots)

FUTURE LAND USE DESIGNATION: “City” Residential Low Density (0-3.5 du/ac)

TRACT SIZE: Combined total Acreage: 58.23 +/- Total Acres (48.4 developable acres)

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING:	49 Dwelling Units (as originally approved by the Orange County BCC; plans expired)
PROPOSED:	49 Dwelling Units

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
CA Richard Anderson
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property is located on the south side of Sandpiper Street, west of North Thompson Road, and east of Ustler Road. Development Standards for the Master Site Plan\ Preliminary Development Plan are provided in Exhibit “F”. A general description of the proposed residential community is provided below:

- Lots: 49 single family lots.
- Min. Lot Area: 10,000 sq. ft.; however, all lots range from 12,800 to 26,000 sq. ft.
- Min. Lot Width: 75 ft.
- Min. Living Area: 2,000 sq. ft.
- Density: 1.01 dwelling units (du) per acre (49 du\48.4 developable acres)
- Access: All lots access an internal road. A single entrance road connects to Sandpiper Road. No lots or new roads will connect to Ustler Road.
- Park: A minimum area of 15,000 sq. ft. will be provided for active recreation. The park site plan will be submitted with the final development plan. Park to be located in Tract “A”.
- Buffers:
1. Sandpiper Road. A ten foot wide landscape tract, owned by the HOA, follows the south side of Sandpiper Road from the northeast corner of the project site to the project entrance. No buffer wall is proposed as is typically required for residential subdivisions abutting a public road. (See staff comments in Exhibit “F.”)
 2. Eastern project line. No buffer tract or easement. The residential lots in this development project abut residential lots typically 1.3 to 1.7 acres in size. No buffer is required by code.
 3. Southern project line. A thirty foot wide conservation easement follows the rear of Lots 23 through 31 and the side yard of Lots 15 and 16. This conservation easement is to be left in its natural vegetation and is assigned to the HOA. No pools, fences, or other accessory structures can be placed within the 30-foot wide conservation easement.
 4. Western project line. Approximately 15 acres are preserved as open space\recreation from Ustler Road eastward for a distance of approximately 640 feet.
- Lake Access: Only owners of Lots 32 through 39 – eight lots -- are allowed access to Lake McCoy. Boat docks are allowed only for these eight lots. A maximum 15 foot wide path can be cleared across wetlands to reach the lake, subject to Water Management District approval.
- Sidewalks: Sidewalks are provided on both sides of internal streets. No sidewalks are proposed along Sandpiper Street or Ustler Road. (See staff comments in Exhibit “F.”)

Modifications to the Master Site Plan: Any zoning or development standard not addressed within the PDP Master Site Plan shall follow the requirements of the R-1A zoning category. Where any development standard conflicts between the PDP Master Site Plan and the Land Development Code, the PDP Master Site Plan shall preside. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.

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

PUD RECOMMENDATIONS:

The recommendations are that the zoning classification of the aforementioned properties be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions are subject to the following provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Final Development Plan submitted in association with the PUD district.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan\PDP 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 Site Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.
- D. The following PUD development standards shall apply to the development of the subject property:
 - 1. Exhibit “F” describes the development standards applicable to this PUD/PDP Master Site Plan.
 - 2. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the subject property.

COMPREHENSIVE PLAN COMPLIANCE: The proposed Change of Zoning designation is consistent with the City’s proposed Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT:

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Affected Schools: Dream Lake ES, Apopka MS, Apopka HS

ORANGE COUNTY NOTIFICATION:

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on August 15, 2014.

PUBLIC HEARING SCHEDULE:

September 9, 2014 – Planning Commission (5:01 pm)

September 17, 2014 – City Council (8:00 pm) - 1st Reading

October 1, 2014 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

August 22, 2014 – Public Notice and Notification

September 19, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan/Preliminary Development Plan subject to the Staff Recommendations with Exhibit “F” and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

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. Role of the Planning Commission in this case is advisory to the City Council.

EXHIBIT “A” ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Res. Low Density (4 du/ac)	A-1, A-2	SF Homes
East (County)	Res. Low Density (4 du/ac)	A-1, RCE	SF Homes
South (County)	Res. Low Density (4 du/ac)	A-2, RCE, R-1AAAA	SF Homes
South (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	SF Homes
West (City)	Res. Very Low Suburban (0-2 du/ac)	RCE-1, R-1AAAA	SF Homes
West (County)	Res. Low Density (4 du/ac)	A-2	SF Homes

LAND USE & TRAFFIC COMPATIBILITY:

The properties are located south of West Lester Road and east of Vick Road.

R-1A DISTRICT REQUIREMENTS:

Minimum Site Area: 10,000 sq. ft.
 Minimum Lot Width: 85 ft.
 Front Setback: 25 ft.
 Side Setback: 10 ft.
 Rear Setback: 20 ft.
 Corner Setback: 25 ft.
 Minimum Living Area: 1,600 sq. ft.

* PUD development standards set forth in Exhibit “F” may differ from these typical R-1A standards. Where such standards differ, the PUD standards shall preside. Where the PUD does not specifically address a development or zoning standard, the R-1A zoning standards and Land Development Code shall preside.

BUFFERYARD REQUIREMENTS:

Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis. Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

ALLOWABLE USES:

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with [section 2.02.01](#)

EXHIBIT “B”

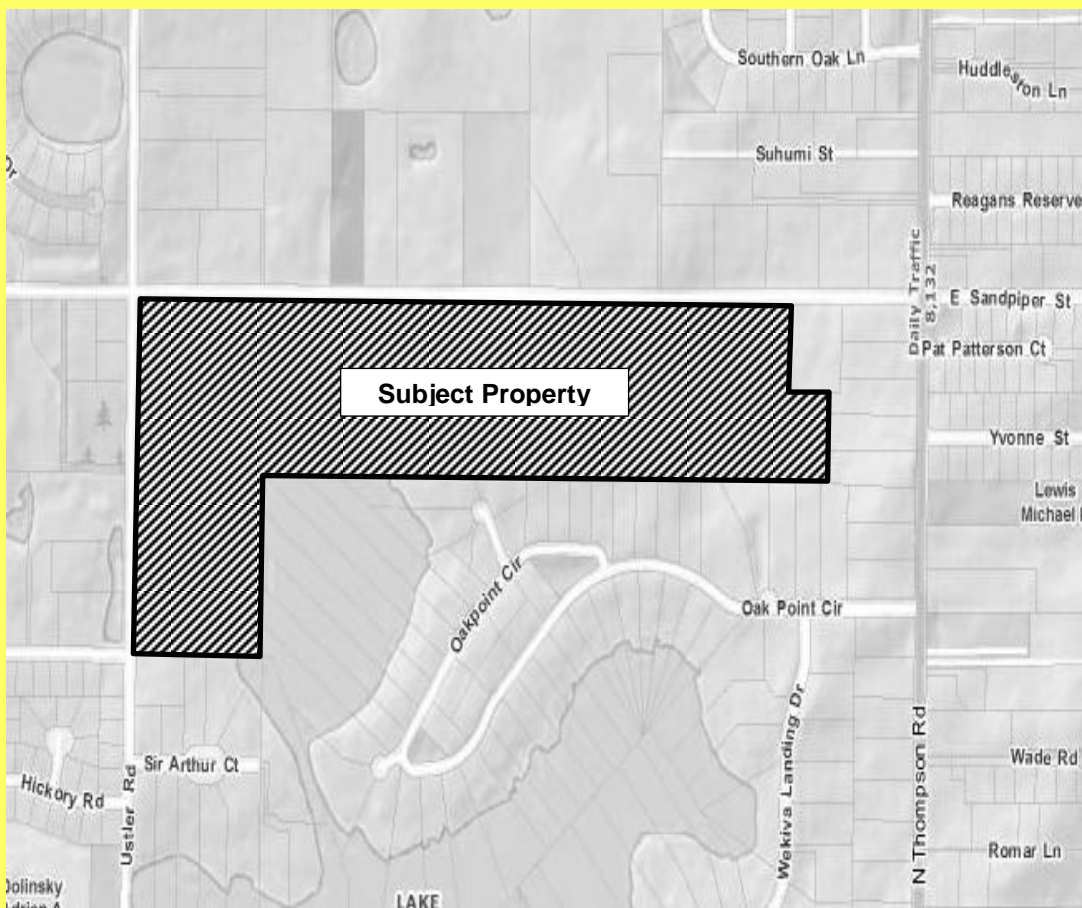
Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee
 58.23 +/- Total Acres; 48.4 Developable Acres
 Existing Zoning Maximum Allowable Development: 49 Dwelling Units
 Proposed Zoning Maximum Allowable Development: up to 49 Dwelling Units
 Proposed Zoning Change
 From: “County” PD (ZIP)

To: “City” Planned Unit Development (PUD/R-1A)

Parcel ID #s:	02-21-28-0000-00-106	02-21-28-0000-00-131
	03-21-28-0000-00-015	03-21-28-0000-00-022
	03-21-28-0000-00-023	03-21-28-0000-00-046
	03-21-28-0000-00-047	03-21-28-0000-00-072
	03-21-28-0000-00-073	03-21-28-0000-00-119



VICINITY MAP



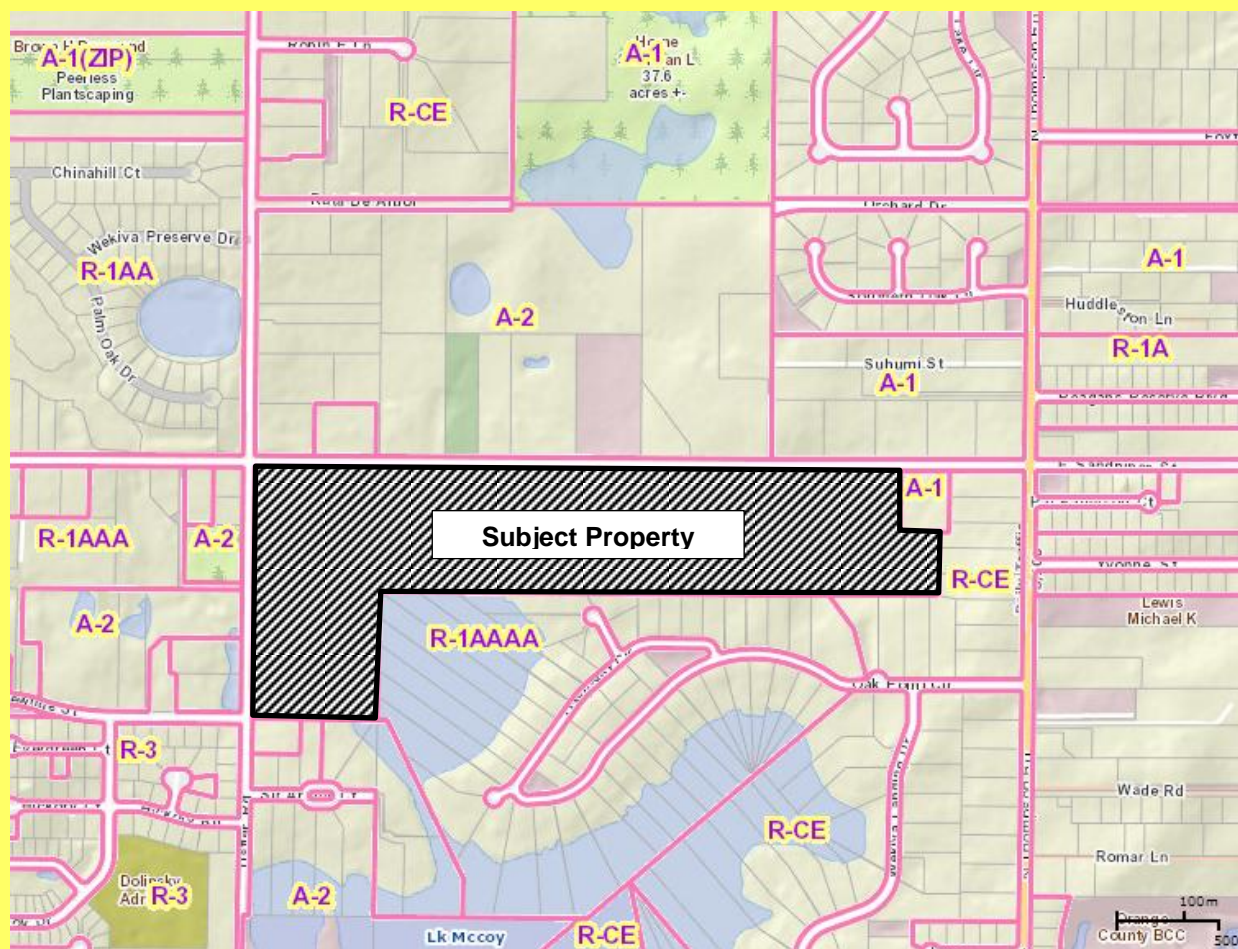
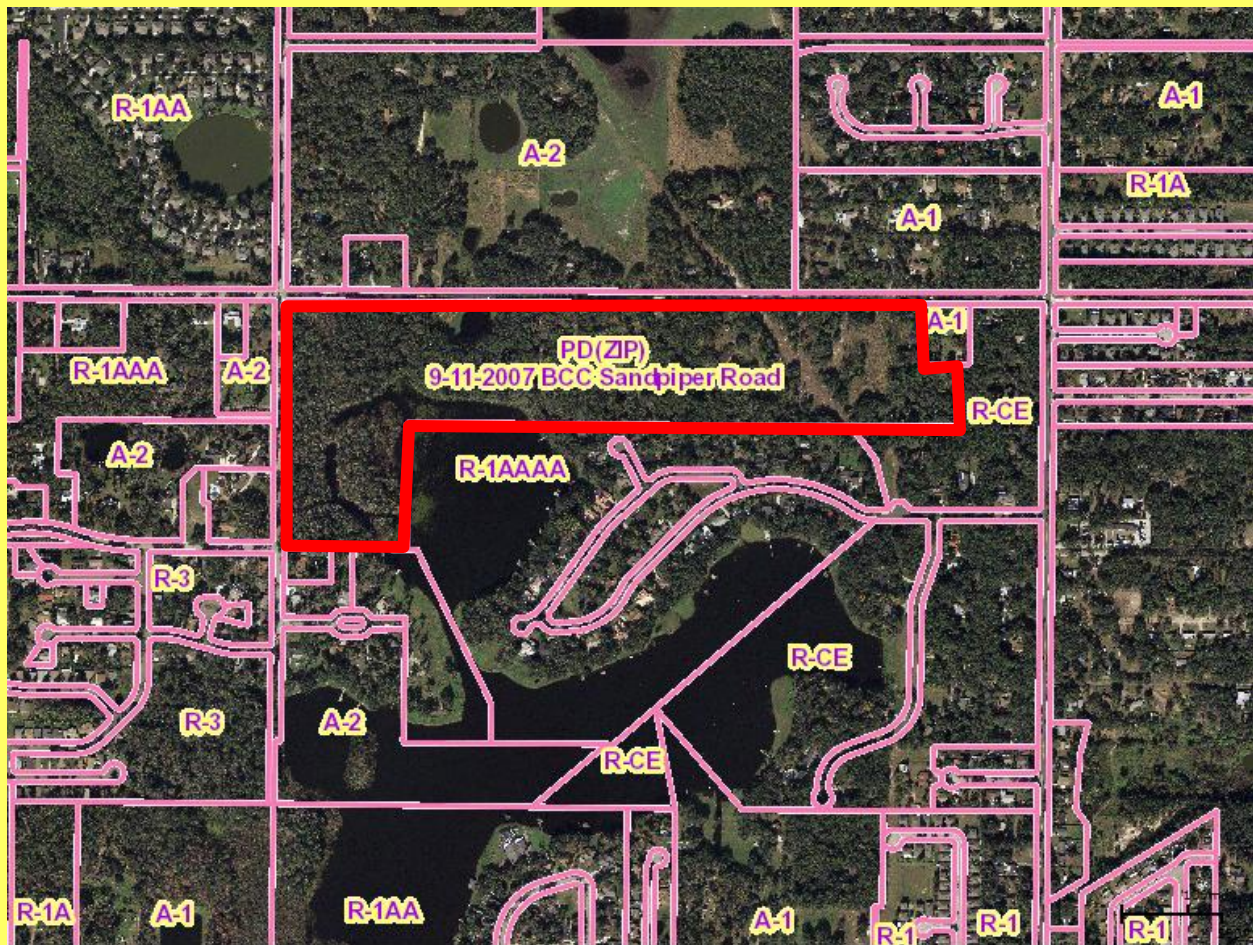


EXHIBIT “D”
ADJACENT USES



RECEIVED
AUG 26 2014
By _____

MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN

SECTIONS 2 & 3, TOWNSHIP 21 SOUTH, RANGE 28 EAST,
APOPKA, FLORIDA

Porcel No. 1

The Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 3,
Township 21 South, Range 28 East, Orange County, Florida.

Force No. 2:

The West 275.0 feet of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

Formel No. 3

The West 1/2 of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 330 feet of the East 200 feet of the West 220 feet thereof. And less the North 30 feet thereof.

Order No. 4

lot part 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 21 North, Range 28 East, Orange County, Florida, beginning at a point S. 00°02'00" W. 30.0 feet and North 89°35'59" E. 550.0 feet from the Northeast corner of said Southwest 1/4 of the Northwest 1/4, run North 89°35'59" E. 108.90 feet along the South line of Sandpiper Lake; thence run South 50°01'08" W. 312.00 feet; thence run North 89°35'59" E. 183.00 feet; thence run South 02°03'49" W. 325.15 feet; thence run South 89°35'01" W. 320.81 feet; thence run North 00°05'00" E. 638.27 feet to the Point of Beginning.

ALSO: The East 275.0 feet of the West 550.0 feet of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 31 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

Porcel No. 5

The Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Dade County, Florida; less the North 30 feet thereof.

Received Nov. 16, 2000; revised March 1, 2001; accepted March 1, 2001.

The North 330.00 feet of the West 220.00 feet of the West 1/2 of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South Range 28 East, Drange County, Florida, LESS the North 30.00 feet thereof, AND LESS the West 20.00 feet thereof.

Dorsal 2

The West 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida. Less the North 30 feet thereof and LESS the West 30 feet thereof.

[illegible]

PARCEL ID NO.: 03-21-28-0000-00-023
 03-21-28-0000-00-119
 03-21-28-0000-00-015
 03-21-28-0000-00-046
 03-21-28-0000-00-073
 03-21-28-0000-00-072
 03-21-28-0000-00-022
 03-21-28-0000-00-047
 02-21-28-0000-00-131
 02-21-28-0000-00-106

OWNER / DEVELOPER

FLORIDA LAND TRUST #111
100 S. VIRGINIA AVE., UNIT 201
WINTER PARK, FL 32789
PHONE: (407) XXX-XXXX

ENGINEER

MADDEN, MOORHEAD, & GLUNT, INC.
431 E HORATIO AVE., SUITE 280
MAITLAND, FLORIDA 32751
PHONE: (407) 629-8330

ENVIRONMENTALIST

BIO-TECH CONSULTING
2002 E. ROBINSON STREET
ORLANDO, FL 32803
PHONE: (407) 804-5960

SURVEYOR

BENCHMARK SURVEYING &
MAPPING CONSULTANTS, INC.
555 WEST PLANT STREET
WINTER GARDEN, FLORIDA 34787
PHONE: (407) 854-5184

GEOTECHNICAL ENGINEER

UNIVERSAL ENGINEERING SCIENCES
3532 MAGGIE BLVD.
ORLANDO, FLORIDA 32811
PHONE: (407) 423-0504

TELEPHONE

EMBARGO
P.O. BOX 770339
WINTER GARDEN, FL 34777-0339
PHONE: (407) 854-5386
ATTN: MIKE JERNIGAN

GAS

LAKE APOPKA NATURAL GAS
P.O. BOX 771275
WINTER GARDEN, FL 34777
PHONE: (407) 656-2734
ATTN: JOHN PEAZELL EXT 112

ELECTRIC

DUKE ENERGY
8407 BOGGY CREEK ROAD
ORLANDO, FL 32824
PHONE: (407) 850-2765

WATER AND SEWER

CITY OF APOPKA
748 E. CLEVELAND STREET
APOPKA, FL. 32704
PHONE: (407) 703-1731

CABLE

BRIGHT HOUSE NETWORKS
844 MADURE ROAD
OCFEE, FL 34761
PHONE: (407) 532-8511
ATTN: TRACEY DOMOSTOY

FLORIDA LAND TRUST #111

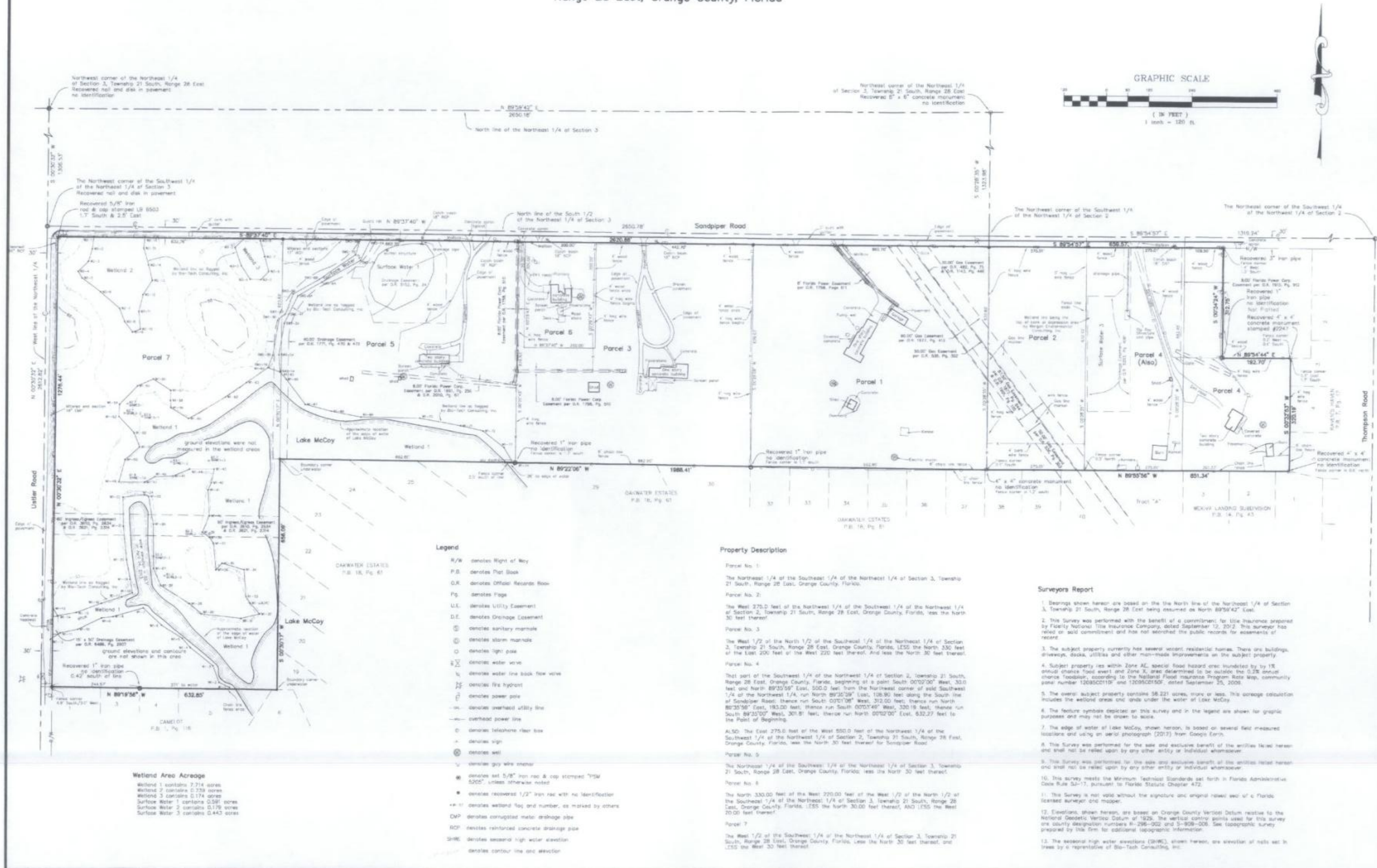
100 S. VIRGINIA AVE., UNIT 201
WINTER PARK, FL 32789
PH (407) 947-4225



MADDEN
MOORHEAD & GLUNT, INC.
CIVIL ENGINEERS

431 E. HORATIO AVENUE, SUITE 260
MAITLAND, FLORIDA 32751
PHONE (407) 629-8330
FAX (407) 629-8336

Boundary Survey of a portion of
Sections 2 and 3, Township 21 South,
Range 28 East, Orange County, Florida



Benchmark Surveying & Mapping, LLC
Certificate of Authorization Number: LB-1834

Post Office Box 771065, Winter Garden, Florida 34777-1065
3110 Red Tree Run, Kissimmee, Florida 34746
(407) 854-8183 • www.benchmarksurveying.com

Prepared For: Florida Land Trust, #117
70A of Sandpiper LLC, Trustee

Surveyed By: [Signature]
Reviewed By: [Signature]
Florida Licensed # 3505

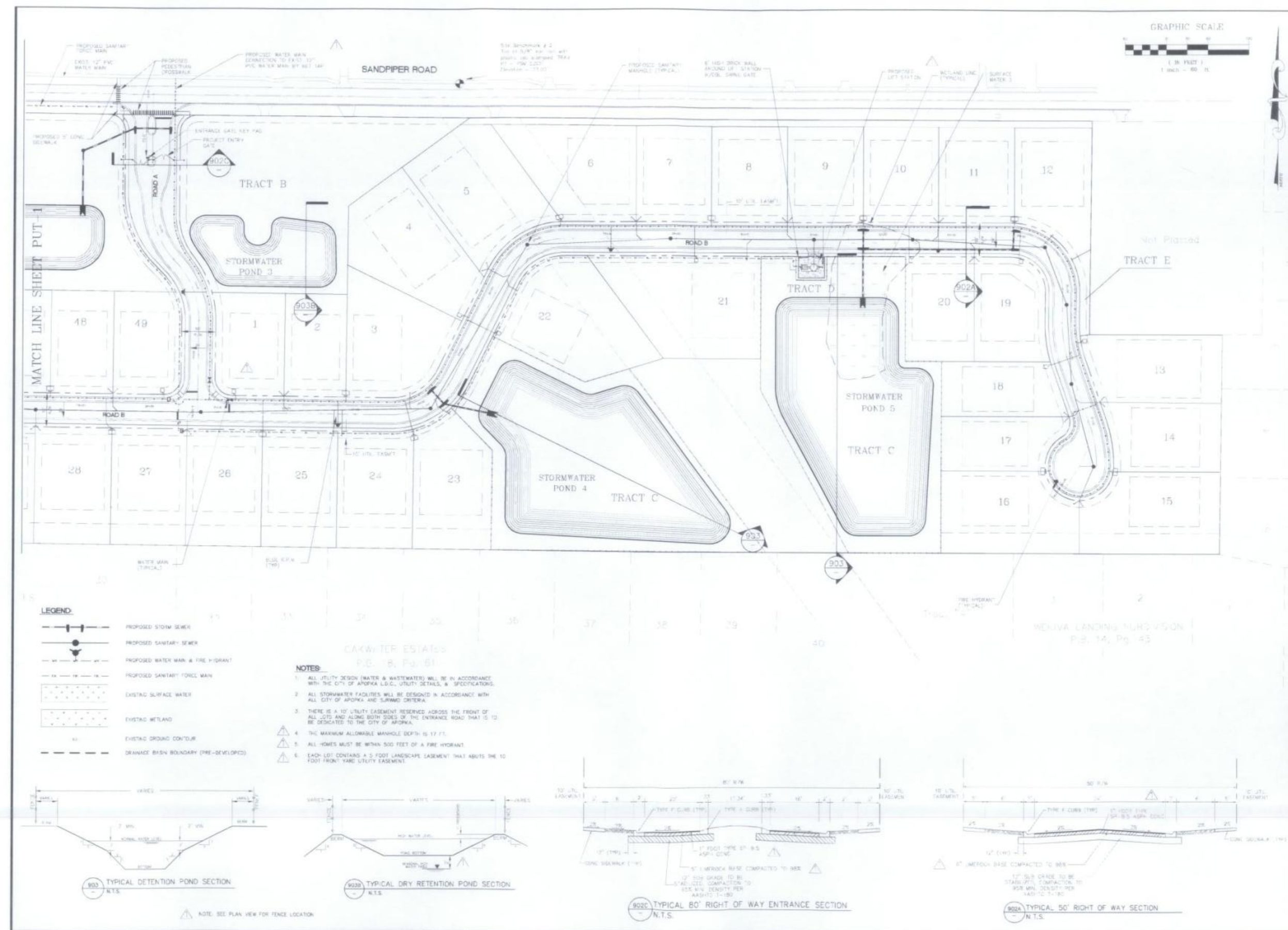
Boundary Survey of a portion of
Sections 2 and 3, Township 21 South,
Range 28 East, Orange County, Florida

Update	Project Number	Scale
4/24/13 and elevation contour and SWM or Parcel 7 1/16/13 Update Survey 12/27/05 wetland area calculations and dimensions 10/20/05 wetland area along south-west side 10/05	315.03	1" = 120'

August 2, 2023	Original Field Date	Field Book/Price
49/35		

Sheet 1 of 1





MADDEN
BOORHEAD & SLUNT, INC.
CIVIL ENGINEERS
431 E. Florida Avenue
Suite 250
Maitland, Florida 32751
(407) 626-8330

PRELIMINARY DRAINAGE AND UTILITY PLAN

SANDPIPER ROAD 109

FLORIDA LAND RUST #111
100 S. VANDERBILT AVE., SUITE 202
MIAMI BEACH, FL 33139

ENGINEER IN CHARGE

2015 RELEASE UNDER E.O. 14176

JOB # 12059
DATE 07/30/14
SCALE 1" = 60'
DESIGNED BY C-M
DRAWN BY TRF
APPROVED BY C-M

PUT-1



MADDEN
 HOODHEAD & CLUNT, INC.
 CIVIL ENGINEERS
 431 E. Herold Avenue
 Suite 200
 Maitland, Florida 32751
 (407) 528-8330

CONCEPTUAL LANDSCAPE PLAN
 TOP
SANDPIPER ROAD
 BOTTOM

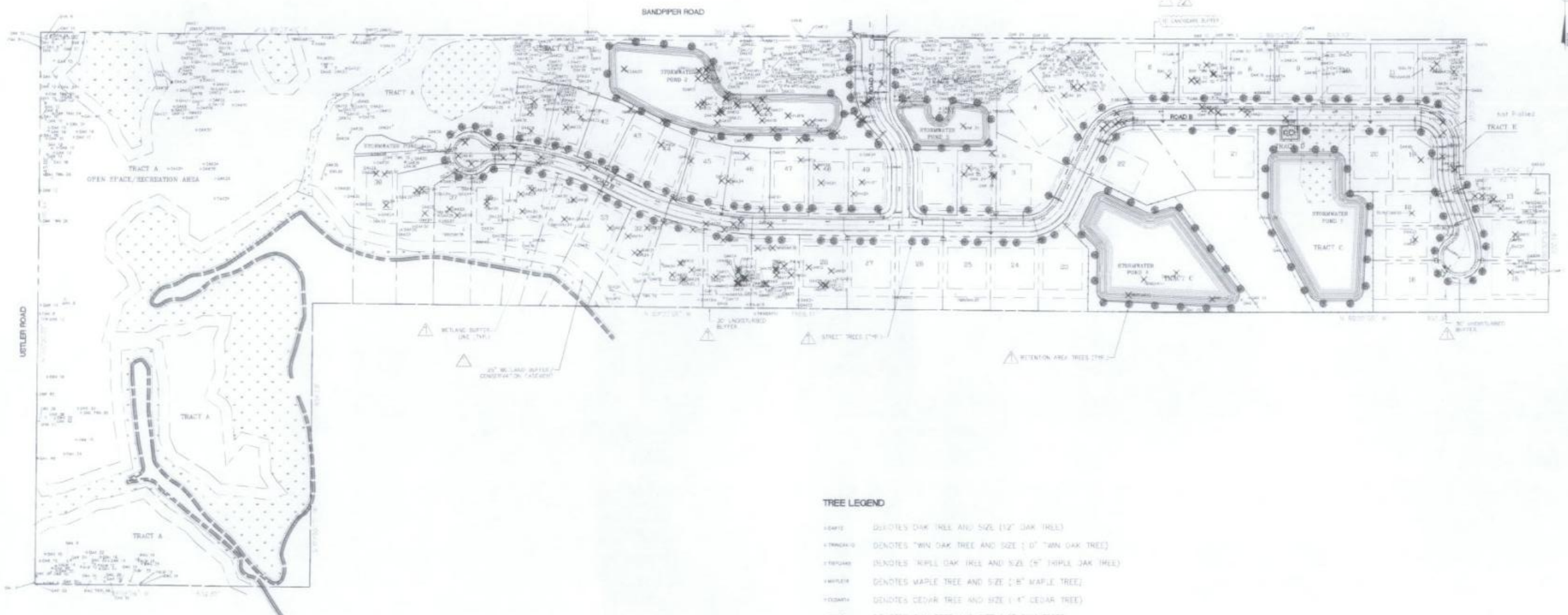
CLIENT
 FLORIDA LAND INVEST #111
 1001 E. VIRGINIA AVE. SUITE 200
 WINTER PARK, FL 32789
 407 947 8376

ENGINEER IN CHARGE
 DAVID A. STONIS, P.E., #68037
 2516 GLEN DR. AUSTIN, TX 78748

DATE	REVISION

JOB # 2009
 DATE 27/30/14
 SCALE 1"=120'
 DESIGNED BY C-M
 DRAWN BY R-M
 APPROVED BY C-M

CLP-1



TREE LEGEND

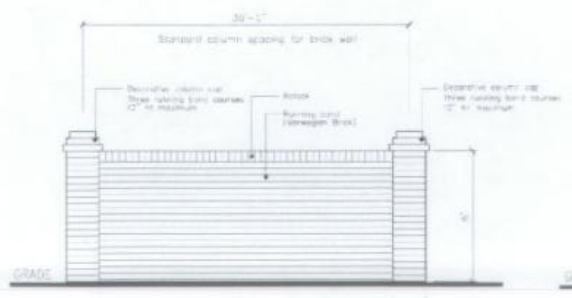
- DOAK12 DENOTES OAK TREE AND SIZE (12" OAK TREE)
- DOAK10 DENOTES "W" OAK TREE AND SIZE (10" "W" OAK TREE)
- DOAK06 DENOTES "H" OAK TREE AND SIZE (6" "H" OAK TREE)
- WMAP18 DENOTES MAPLE TREE AND SIZE (18" MAPLE TREE)
- CCED14 DENOTES CEDAR TREE AND SIZE (14" CEDAR TREE)
- CGUM16 DENOTES GUM TREE AND SIZE (16" GUM TREE)
- SGUM18 DENOTES SWEET GUM TREE AND SIZE (18" SWEET GUM TREE)
- PCAN18 DENOTES PECAN TREE AND SIZE (18" PECAN TREE)
- FPAL10 DENOTES PALM TREE AND SIZE (10" PALM TREE)

NOTES

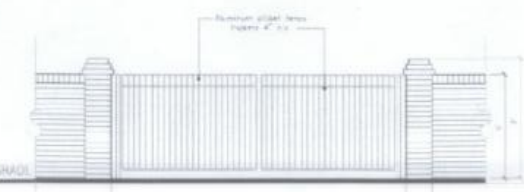
1. THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE WITH FINAL ENGINEERING.
2. THIS PLAN SHOWS STREET TREES AT 30 FT. CENTERS.
3. PROPOSED SIDEWALKS CAN BE SHIFTED TO SAVE EXISTING TREES WHERE POSSIBLE. ANY CHANGES IN LOCATION WILL BE SHOWN ON FINAL DEVELOPMENT PLANS.
4. PROPOSED STREET TREES TO BE LOCATED IN 5' LANDSCAPE EASEMENT BEHIND THE 10' UTILITY EASEMENT.
5. RETENTION POND TREES ARE SHOWN AT 25 FT. CENTERS.
6. EXISTING TREE LOCATIONS FROM SURVEY BY BENCHMARK SURVEYING & MAPPING CONSULTANTS, INC.
7. PROPOSED REPLACEMENT TREE DIAMETER SHALL BE 3" MINIMUM.
8. IRRIGATION AND LANDSCAPING WITHIN THE COMMON AREAS AND INDIVIDUAL LOTS, SHALL BE IN ACCORDANCE WITH THE CITY'S WATER-WISE ORDINANCE.
9. DETAILED LANDSCAPE AND IRRIGATION PLANS WILL BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
10. AN ADDITIONAL 2 TREES PER LOT WILL BE PLANTED ALONG WITH STREET TREES AND RETENTION AREA TREES. FOR LOTS WHERE NO EXISTING TREES CAN BE PRESERVED, THREE ADDITIONAL TREES WILL BE PLANTED AT TIME OF LOT DEVELOPMENT, WHERE THEY CAN BE PRACTICALLY ACCOMMODATED.



X = TREES TO BE REMOVED.



WALL DETAIL



DOUBLE SWING GATE DETAIL (11' STATION)

LIFT STATION WALL DETAIL

NOTE
 TREE LOCATION PLAN IS BASED ON A TREE SURVEY
 PREPARED BY BENCHMARK SURVEYING & MAPPING
 CONSULTANTS, INC. DATED OCTOBER 5, 2009.
 Paul 214-344-1100, Brian 214-344-1101
 557 West Third Street, Austin, Texas 78701
 (407) 884-8181 Fax (407) 884-8181

EXHIBIT “F”
SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

[Bold text lists the applicant’s proposed development standard that is not acceptable to city staff. Staff’s recommendation is provided.]

A. Design Standards

1. LOT SETBACKS:

Front-	25’
Side -	7.5'
Lots 15, 16-	37.5’
Lots 5, 6, 21, 22 -	0’ adjacent to the gas line easement
Corner Lot -	25'
Rear -	20' (lots 1-22, 32-49)
	50' (lots 23-31)
Lk. McCoy NHWE-	50'

Garage Setbacks

Front entry:	30’
Side entry:	25’

2. The minimum lot width for all lots excluding lots 6 through 12 and 32 through 39, will be 110 feet at the building setback line. The minimum lot width for all other lots will be 75 feet. The minimum lot depth will be 140 feet.
3. Maximum Building Height: 35'
4. Maximum number of Stories: Two
5. Minimum Lot Width: 75’
6. Minimum Lot Area: 10,000 sq. Ft.
7. Minimum Living Area; 2,000 sq.ft. under heat and air.
8. Each house to have a two car garage (minimum).
9. Any modification to the Master Site Plan shall be reviewed according to Section 2.02.18.N, Land Development Code.

B. Buildings and Accessory Structures

1. Home design shall meet the intent of the City’s Development Design Guidelines.
2. Pools, sheds, buildings, gazebos, fences and other accessory structures are prohibited in the side yard setbacks and within the 30 foot conservation easement at the rear of lots 23 to 31.
3. Existing structures will be removed prior to platting of the respective phase

C. Utilities and Infrastructure

1. Water service shall be provided by the City of Apopka. The water system shall be designed to city standards.
2. An oversize agreement is necessary to install 12" diameter force main along sandpiper road.

2. Storm water management system shall be designed to comply with the requirements of the City of Apopka and St. Johns River Water Management District.
3. A final drainage report and soils report will be submitted with final development plans
4. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to city standards.
5. Utility easements to be dedicated to the City of Apopka.
6. Drainage easements to be dedicated to the home owners association unless otherwise accepted by the City of Apopka.
7. All stormwater and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the final engineering plans.
8. On-site streets are to be constructed per City of Apopka standards.
9. A signage plan will be provided with the final development plan submittal.
10. If community is to be gated, entrance gate shall conform to city codes. Entrance gate to be equipped with emergency access system through an opti-com type visual gate activation and yelp siren. There must also be a keypad with an emergency access code.
11. If streets remain private, a blanket ingress/egress easement will be granted for access to the city over Tract F
12. Stabilized access roadways and fire hydrants must be in place before building construction may begin
13. Street names will be provided with the final development plans
14. Solid waste collection and public safety (police and fire) provided by the City of Apopka.
15. All/any overhead utility lines must be placed underground, coordination with City's Public Service Dept.
16. At this time the proposed street row is to be private; however the applicant may, at their discretion and with acceptance by the city, change the row to City of Apopka prior to final development plan and final plat approval.
17. A 5' wide sidewalks to be constructed adjacent to internal roads throughout the entire project in compliance with the City of Apopka Land Development Code. Sidewalk alignment may be adjusted at final development plan to preserve existing trees.
18. In lieu of installation of sidewalk along Ustler Road, the owner may pay into the city sidewalk fund at the rate of \$3.50/sf for 4" thick sidewalk and \$4.25 for 6" sidewalk.
19. **No sidewalk will be provided along Sandpiper Street.**
Staff Recommendation: A five-foot wide sidewalk shall be constructed along Sandpiper Road from Ustler Road to the northeast corner of the project boundary.

D. Recreation, Open Space, Lake Access

1. The active park area shall be a minimum of 15,000 sq.ft. within Tract "A". A park site plan and recreation equipment shall be provided with the Final Development Plan. Design of the park shall comply with the Land Development Code.
2. Only the eight lot owners who will have lots backing up to Lake McCoy will have access to the lake and be able to build private docks to access said lake. All eight lot owners will be required to join the Lake McCoy taxing district. No other docks or recreation will be allowed from this development. Dock details will be evaluated with the final

development plan and is to include language allowing a 15-foot wide access to the lake for each lot.

3. A Park site plan and recreational amenities will be provided with final development plans.
4. Project open space:
Required = 20%
Provided = 45.85% (26.70 acs.).

E. Buffers and Landscaping

1. A 30 foot wide conservation easement will be provided on the back of Lots along the southern property line, except against lake, wetland, retention, or gas easement. Easement shall be dedicated to the HOA. No building, fence, gazebo, swimming pool, or accessory structure shall be placed within the thirty-foot conservation easement. The buffer shall remain as natural vegetated buffer. Trees that die, fall, or are removed shall be replaced. Any removal of trees or vegetation within the bufferyard must be approved by the HOA and the City of Apopka. Easement boundary markers will be placed at the interior of the easement line for all lots (Lots 23 to 32, and 15, 16) abutting the 30-foot conservation easement.
3. **A 10 foot wide buffer tract for landscaping will be provided on the northern property line, except against lake, wetland, retention, or gas easement this easement will be dedicated to HOA.**
Staff Recommendation: A ten foot wide buffer tract with a six foot high masonry wall shall be placed from the northeast corner of Lot 12 to a point near the eastern edge of Road A, and said buffer will include a six-foot high brick or masonry wall placed adjacent to the interior tract line. From Road A westward to a point directly north of the northwest corner of Lot 40, a ten foot wide landscape area shall be provided within Tract A, and a wrought-iron style fence with a masonry or brick posts shall be place ten from the northern project boundary line.
4. Entrance feature and community sign will be provided with final development plans.
5. Final landscape plans for the buffer area along Sandpiper Street will be provided with the final development plans.

F. Maintenance and Plat

1. Home owners association will maintain all common areas, roads, and walls. If the internal streets are recorded as public streets at the final development plan, the City shall maintain the public streets.
2. The final development plan shall include the plat document, and the plat shall be in final form.
3. Lots 5, 6, 21, and 22 have access to the gas easement surface area as allowed by the recorded easement. Easement details will be provided with the final development plan.

G. Wetlands and Environmental

1. All acreage regarding developable and conservation areas (wetlands and buffers) are considered approximate until finalized during a review by the St. Johns River Water Management District and the City of Apopka. The SJRWMD concurrency will be provided at final plan review.

2. The jurisdictional wetland areas are to be placed in a conservation easement.
3. Any development in a special flood hazard area will require the finish floor elevation to be 20-inches above the 100 yr. Flood elevation, minimum.
4. An erosion protection plan will be submitted with final development plans.
5. The habitat inventory and management report shall be provided to the city at the final development plan stage.
6. Tree removal, tree replacement, and landscaping shall be in conformance with Article V of the City of Apopka Land Development Code.
7. Individual lot arbor/clearing permit is required prior to issuance of building permit.
8. In order to save existing trees stem walls/retaining walls will be utilized on individual lots.
9. The 25 foot wide (average)/15 foot wide minimum wetland buffer/conservation easement within Lots 32 to 39 and Tract A is to be dedicated to the SJRWMD. Lot owners may not clear any vegetation within the conservation easement on their lot except to accommodate a maximum 15 foot wide path to reach the water's edge.

Backup material for agenda item:

3. VARIANCE – Jesenia Rios, 18 W. Oak Street – A variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E(3) to allow for a reduction in the ninety-five (95) feet lot width.



CITY OF APOPKA PLANNING COMMISSION

<input type="checkbox"/>	CONSENT AGENDA	MEETING OF:	September 9, 2014
<input checked="" type="checkbox"/>	PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/>	SPECIAL REPORTS	EXHIBITS:	Vicinity Map
<input type="checkbox"/>	OTHER:		Aerial Map
<input type="checkbox"/>			Applicant's Response to Criteria
<input type="checkbox"/>			Site Plan

SUBJECT: **JESENIA RIOS – 18 WEST OAK STREET VARIANCE REQUEST**

Request: **A VARIANCE OF THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II, SECTION 2.02.05.E(3) TO ALLOW FOR A REDUCTION IN THE NINETY-FIVE (95) FEET LOT WIDTH REQUIREMENT FOR THE PROPERTY LOCATED AT 18 WEST OAK STREET. (PARCEL ID NO. 09-21-28-1972-02-030)**

SUMMARY:

OWNER: Jesenia Rios

LOCATION: 18 West Oak Street

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

ZONING: R-1AA

EXISTING USE: Vacant Land

PROPOSED USE: Single Family Residence

VARIANCE REQUEST: The applicant requests a variance to allow for a reduction in the ninety-five (95) feet lot width requirement.

TRACT SIZE: 0.37 +/- acre

DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
CA Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

VARIANCE REQUEST: The applicant is requesting a variance to allow for a reduction in the R-1AA zoning lot width requirement of ninety-five (95) feet, for property located at 18 West Oak Street. The R-1AA zoning district has four (4) minimum requirement standards for residential development: site area, lot width, living area and setbacks. The variance request would allow for the applicant to construct a single family residence on an eighty-eight (88) feet wide lot, seven (7) feet less the R-1AA zoning requirement. The proposed home site will meet three (3) of the four (4) minimum residential development standards: site area, living area and setbacks.

Zoning District	Site Area Sq. Ft.	Lot Width	Living Area Sq. Ft.	Setbacks
R-1AA	12,500	95'	1,700	Front: 25' Side: 10' Rear: 20' Corner: 25'
(Proposed) Home Site	15,907	88'	2,527	Front: 25' Side: 10' Rear: 20' Corner: N/A

APPLICABLE CITY CODE: City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.05.E(3) - Lot Width - 95 feet, measured at the front property line and the building line. Lots located on cul-de-sacs and curves shall be permitted up to a 40 percent reduction of the minimum width at the property line, but shall be required to maintain 95 feet at the building line.

APPLICANT'S RESPONSE TO SEVEN VARIANCE CRITERIA:

When evaluating a variance application, the Planning Commission shall not vary from the requirements of the code unless it makes a positive finding, based on substantial competent evidence on each of the following:

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

Applicant Response: *Yes it can be the size of the lot or any other change in the city regulations.*

Staff Response: DRC finds that a valid hardship occurs and does not object to the Applicant's Response.

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

Applicant's Response: *No, the variance request is base in change due to size or new regulation*

Staff Response: There is no evidence of applicant's desire to reduce any cost associated with developing the site. DRC does not object to the Applicant's Response.

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

Applicant's Response: *Absolutely not, is only a formal and legal request from the city to the applicant in request of a new construction.*

Staff Response: The granting of this variance will have minimal effect on the amount of additional traffic generated on the surrounding public streets. DRC does not object to the Applicant's Response.

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: *It won't, the property value is not only base in size, and the new construction won't alter any surroundings areas.*

Staff Response: The proposed variance will not interfere with the ability of abutting property owners to use their property or reduce property values. DRC does not object to the Applicant's Response.

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: *Yes, the effect of the proposed variance in this property is with the intention to follow all the general codes in subject to the area, where the variance request is.*

Staff Response: DRC does not object to the Applicant's Response.

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

Applicant's Response: *NO, the condition in this situation is based on the codes and regulations of the city, in order to complain all the request between the applicant and the city.*

Staff Response: There are no special conditions or circumstances resulting from this variance. DRC does not object to the Applicant's Response.

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

Applicant's Response: *The variance in this case won't create any changes to the land, building or structure in the surroundings areas or city and will not create any safety hazards to other detriment to the public.*

Staff Response: The variance request only grants a reduction in the lot width requirement for the site. The applicant will be required to comply with all other development standards within the R-1AA zoning district. DRC does not object to the Applicant's Response.

PUBLIC HEARING SCHEDULE:

September 9, 2014 - Planning Commission (5:01 p.m.)

DULY ADVERTISED: August 22, 2014 – Public Hearing Notice

RECOMMENDED ACTION:

The **Development Review Committee** finds that a valid hardship exists and does not object to the variance request to allow for a reduction in the ninety-five (95) foot lot width requirement.

Planning Commission Recommendation: Authorize the approval of a variance to Section 2.02.05.E(3) – Lot Width, of the Land Development Code, to allow for a reduction in the ninety-five (95) foot lot width requirement.

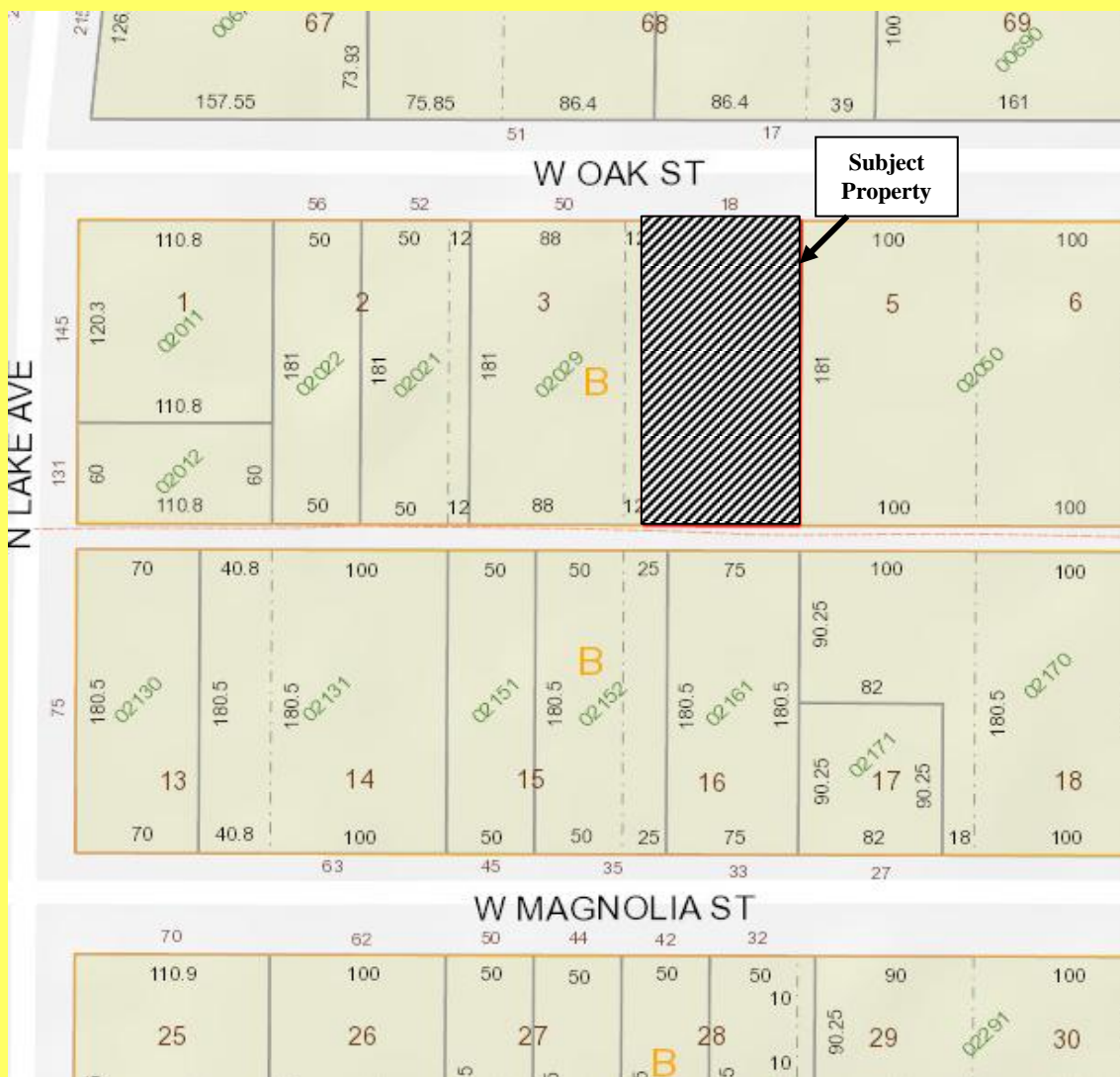
As per the Land Development Code, Article XI - 11.05.00.A. - The Planning Commission has been established as a citizen board to review and approve variances.

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.

JESENIA RIOS
18 West Oak Street
0.37 +/- Acre
Parcel ID #: 09-21-28-1972-02-030



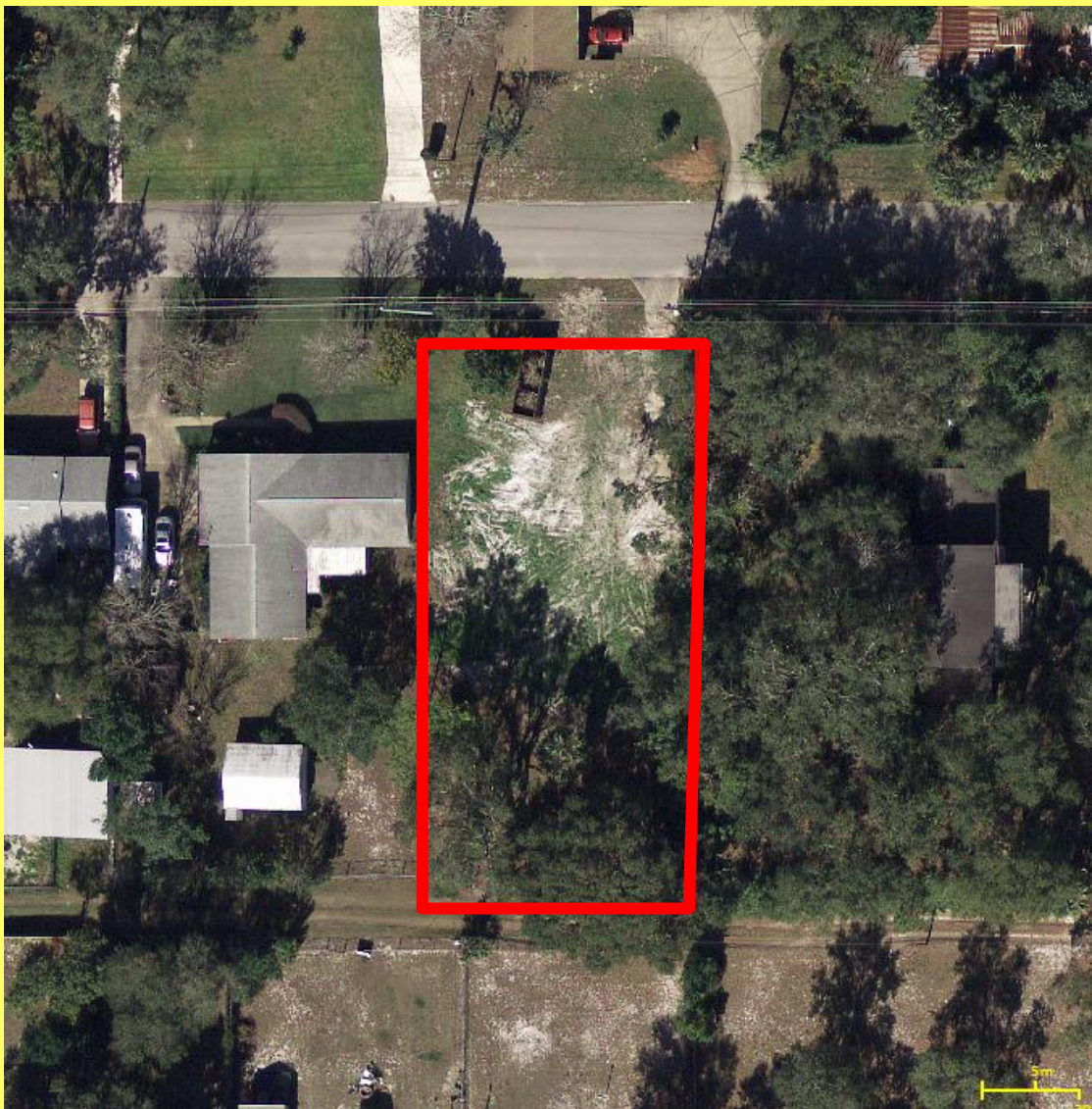
VICINITY MAP



JESENIA RIOS
18 West Oak Street
0.37 +/- Acre
Parcel ID #: 09-21-28-1972-02-030



AERIAL MAP



ATTACHMENT “A”

Applicant’s Demonstration of a Hardship Variance Application

Pursuant to Section 10.02.02.B. of the Apopka Land Development Code, an applicant requesting a variance must address in writing the seven criteria listed below.

Required findings. The [Planning Commission] shall not vary the requirements of any provision of this code unless the board makes a positive finding, based on substantial competent evidence, on each of the following:

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

Answer : yes it can be the size of the lot or any other change in the city regulations

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

Answer: No, the variance request is base in change due to size or new regulation

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

Answer: Absolutely not, is only a formal and legal request from the city to the applicant in request of a new construction

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

Answer: It won't., the property value is not only base in size, and the new construction won't alter any surroundings 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.

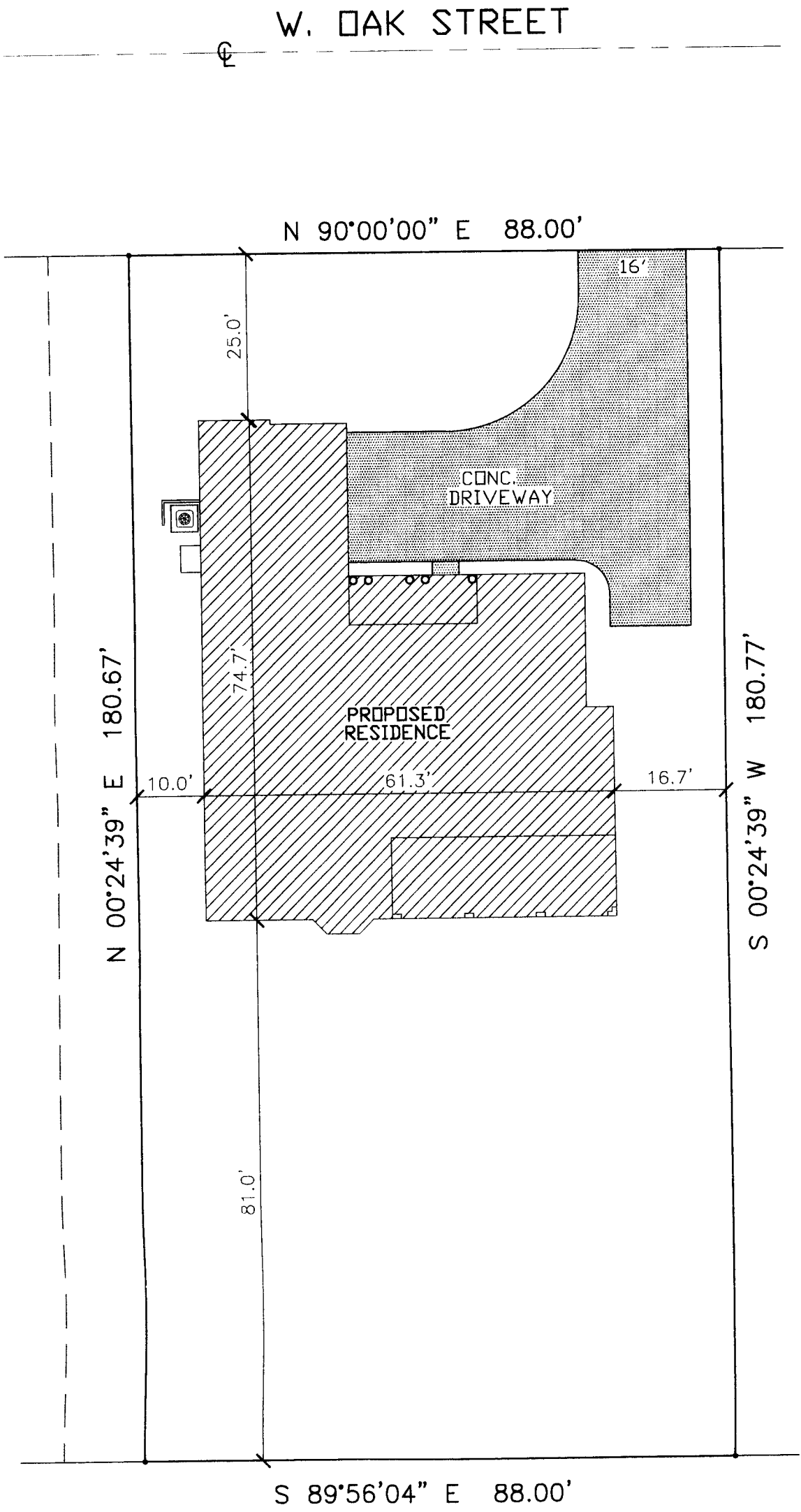
Answer: Yes, the effect of the proposed variance in this property is with the intention of follow all the general codes in subject to the area, where the variance request is.

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

Answer: NO, the condition in this situation is base in codes and regulation of the city, in order to complain all the request between the applicant and the city.

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.

Answer: The variance in this case won't create any changes to the land, or the building or structure in the surroundings areas or city and will not make any safety hazards to other detriment to the public.



P L O T P L A N

SCALE: 1"=20'

NOTE: ALL DIMENSIONS AND SETBACKS HAVE BEEN PROVIDED BY OWNER, KEN EHLERS(PE) SCOPE OF WORK IS TO PROVIDE HOUSE PLACEMENT.