



**City of Apopka  
Planning Commission  
Meeting Agenda  
December 08, 2015  
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 regular meeting held November 10, 2015, at 5:01 p.m.
- 2 Approve minutes of the Planning Commission special meeting held November 24, 2015, at 5:01 p.m.

**IV. PUBLIC HEARING:**

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – Owned by JTD Land at Rogers Rd, LLC from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low Suburban (0-3.5 du/ac); and recommend approval to transmit to the Florida Department of Economic Opportunities for review, for property located east of Rogers Road, north of Water Rock Drive (2303 Rogers Road). (Parcel ID #: 29-20-28-0000-00-004; 29-20-28-0000-00-026)

**V. SITE PLANS:**

**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 November 10, 2015, at 5:01 p.m.

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON NOVEMBER 10, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler

**ABSENT:** Jeremiah Jaspon, Orange County Public Schools (Non-voting)

**OTHERS PRESENT:** David Moon, AICP - Planning Manager, Kyle Wilkes - Planner II, Andrew Hand, Esq., Howard Washington, Young Kim, Antoine Donatto, Elizabeth Sweeten, Mark Owen, Jeff Welch, Suzanne Kidd, Glenn Kinnear, Laura Kinnear, Lou Forges, Ed Velazquez, Michael Dinkel, Alfred Kager, Debra Wilbarger, Nicole Hughes, Richard Anderson, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

**OPENING AND INVOCATION:** Chairperson 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 October 13, 2015, at 5:01 p.m. minutes.

**Motion:** **Tony Foster made a motion to approve the Planning Commission minutes from the meeting held on October 13, 2015, regular meeting at 5:01 and seconded by Pam Toler. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0).**

Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of October 28, 2015, at 5:01 p.m. minutes.

Chairperson Greene asked for a motion to approve the minutes, with the following correction, of the Planning Commission meeting held on October 28, 2015, at 5:01 p.m.

Page 1: **FINAL DEVELOPMENT PLAN – COOPER PALMS COMMERCE PARK, LOT 9 – FUN PLANNERS PLYMOUTH SOUTH POWER SUBSTATION** - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Cooper Palms Commerce Park, Lot 9 – Fun Planners, owned by Property Industrial Enterprises, Inc., c/o Michael Cooper and located south of 1<sup>st</sup> Street, north of 3<sup>rd</sup> Street, east of South Bradshaw Road and west of South Hawthorne Avenue.

**Motion:** **Melvin Birdsong made a motion to approve the revised Planning Commission minutes from the meeting held on October 28, 2015, special meeting at 5:01 and seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0).**

**ANNOUNCEMENTS:**

1. Mr. Moon stated that there are three items on the agenda that he will be asking the Planning Commission for motions on to continue to the special meeting on November 24, 2015, at 5:01 p.m. The first is the Raynor Shine Recycling Solutions, LLC Planned Unit Development Master Plan. The second is the RaceTrac/AutoZone Planned Unit Development Master Plan. The final item is the Preliminary Development Plan for Copart.
2. Mr. Hand explained that the future land use changes on the agenda are considered quasi-legislative and do not follow the same procedures as a quasi-judicial agenda item. With quasi-legislative, the Chairperson reads the style; staff presents their report; the applicant is given an opportunity to address the Commission; and then it is opened for public hearing. There will not be a request for affected party status or an affected party presentation.

3. Ms. Laurendeau announced that Melvin Birdsong, a member of the Planning Commission and a chaplain for the Orange County Sheriff's Office, received awards for his dedication and community service. Mr. Birdsong earned a Certificate of Appreciation for recognition of performance with Delta Squad he oversees. His squad posted 2,000 hours of volunteering for 2015 and consistently demonstrated unwavering support and devotion to duty to service as a volunteer. He also received the Silver President's Volunteer Service Award for 2015 by the Corporation for National and Community Service in recognition and appreciation for commitment to strengthen our nation and community through volunteer service. This award was given with a letter from President Barack Obama. Mr. Birdsong also received a gold plated coin of Excellence in Law Enforcement for volunteering and serving giving his best, from Orange County Sheriff Jerry L. Demings.

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

**QUASI-LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT** - Chairperson Greene stated this is a request to recommend approval of the Large Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Mixed Use (15 du/ac; 1.00 FAR); and to transmit the amendment to the Florida Department of Economic Opportunities for review, for property owned by Diane Reid-Goolsby, Debra Reid-Wilbarger, and Daniel Joshua Reid, located west of Plymouth Sorrento Road, south of West Kelly Park Road.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Comprehensive Plan Large Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Mixed Use (15 du/ac; 1.00 FAR); and transmittal to the Florida Department of Economic Opportunity for review. The property is owned by Diane Reid-Goolsby; Debra Reid-Wilbarger; and Daniel Joshua Reid; and located west of Plymouth Sorrento Road, south of West Kelly Park Road. The existing uses are single-family and manufactured homes, a church, grazing/pasture land and accessory structures. At this time there are no plans for development. The tract size is 44.26 +/- acres. The existing maximum allowable development is 4 units and the proposed maximum allowable development is 664 dwelling units and 1,927,965 sq. ft.

The subject parcels were annexed into the City of Apopka on May 20, 2015, through Ordinances 2423 – 2432. Presently, the subject properties do not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Mixed Use.

The subject properties, adjacent to the future Wekiva Parkway and the Wekiva Parkway/Kelly Park Road interchange, must comply with various Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan. The applicant is requesting the Mixed Use future land use designation to be compliant with these objectives and policies, and market the property mixed-use development.

The proposed use of the property is consistent with the Mixed Future Land Use designation. If the proposed future land use designation is adopted, the site would require a change of zoning consistent with the Mixed Use future land use designation, as well as be consistent with Policies 18.2 of the Comprehensive Plan Future Land Use Element, the site must comply with the intent and standards set forth in a form-based code/overlay for properties within the Wekiva Parkway Interchange Vision Plan as described in Policies 18.3 and 20.4 listed below. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a Mixed Use FLUM designation at the subject site:

*Future Land Use Element*

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant’s request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.

*Transportation Element*

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

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

After the transmittal hearing, the applicant will submit to Orange County Public School an application for school capacity determination. Prior to the adoption hearing for the Future Land Use amendment, the applicant must obtain an approved school capacity determination or school capacity mitigation agreement from the Orange County School Board. Affected schools: Apopka High School; Wolf Lake Middle School; and Zellwood Elementary.

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 9, 2015.

The Development Review Committee recommends of the Large Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Mixed Use; and transmittal to the Florida Department of Economic Opportunity, for the property owned by Diane Reid-Goolsby, Debra Reid-Wilbarger & Daniel Joshua Reid, subject to the information and findings in the 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.

### LAND USE REPORT

The property has access from the east from Plymouth Sorrento Road.

*Land Use Analysis* - The subject properties are located within the one-mile radius of the Wekiva Parkway Interchange Plan Area boundary, making a request for a Mixed Use future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

The properties are bordered to the west by the proposed alignment for the Wekiva Parkway, as well as within ¼-mile proximity to the Wekiva Parkway Interchange at West Kelly Park Road. Parcels to the west and northwest of the subject properties have a future land use designation of Mixed Use, several of which are located within the Kelly Park Crossing Development of Regional Impact (DRI).

Properties to the east and south of the subject properties include a mixture of single-family and agricultural uses. Many of these properties, however, area also located within the one-mile radius of the Wekiva Parkway Interchange Area, and would also be subject to the aforementioned policies that promote a mixed-use future land use designation.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on May 20, 2015. The subject property is located within the “Northwest Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Rural (0-1 du/10 ac) to “City” Mixed Use is consistent with the terms of the JPA (Second Amendment). Diane Reid-Goolsby, Debra Reid-Wilbarger & Daniel Joshua Reid, c/o Diane Reid-Goolsby, is the applicant of the proposed future land use amendment and proposed change of zoning for the Property, and has been notified of the hearing schedule.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka’s adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

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

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

Analysis of the character of the Property: The Property is used currently for single-family and manufactured homes, as well as grazing and a church. The dominant soil, #5 Candler Fine Sand, and has a 0-12 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on May 20, 2015. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if redeveloped.

*Calculations:*

Adopted: 4 Unit(s) x 2.659 p/h = 10 persons  
Proposed: 664 Unit(s) x 2.659 p/h = 1,765 persons

Housing Needs: This amendment will provide housing to accommodate a year 2030 projected future population of 125,328 that is the Comprehensive Plan.

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



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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPCD / 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: 784 GPD
3. Projected total demand under proposed designation: 418,339 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: None; N/A GPCD/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: 840 GPD
3. Projected total demand under proposed designation: 525,033 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: 4 lbs./cap/day
4. Projected LOS under proposed designation: 2 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: Yes

#### Drainage Analysis

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

#### Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.03 AC
3. Projected facility under proposed designation: 5.295 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None. Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development.

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

Chairperson Greene opened the meeting for public hearing.

In response to questions by Howard J. Washington, 4389 Marigold Isle Avenue, Apopka, Mr. Moon defined Mixed Use as a zoning district that allows a mix of uses such as a mix of residential and non-residential uses that will function as an employment center. The intensity of the development within the mixed-use categories will vary depending on location and surrounding uses. Based on the need to provide for different intensities/densities, two zoning districts that allow mixed uses have been established. They include the community center (Mixed-CC) and employment center (Mixed-EC) zoning categories. In this particular instance the Wekiva Parkway Interchange Visioning Plan is the master plan for this area. As the Wekiva Parkway Interchange Visioning Plan map indicates the red areas are intended to be a village center that is walkable and buildings in this area will have retail commercial on the first floor and offices and apartments on the upper floors. The yellow areas are where single-family and townhomes are proposed to be located. The gray areas are the employment areas and are proposed to include commercial, industrial, and warehousing uses. The pink areas closest to the parkway are designated as highway uses such as gas stations and fast-food restaurants.

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

In response to a question by Chairperson Greene, Mr. Moon stated that any development is within the Wekiva Parkway Interchange area would be brought before the Planning Commission and the City Council.

In response to a question by Ms. Toler, Mr. Moon stated that if the applicants sold the property, or a portion of the property, the land use would follow the property and any development would have to be consistent with the Wekiva Parkway Interchange Visioning Plan.

In response to a question by Mr. Foster, Mr. Washington stated that he was satisfied with Mr. Moon's answer to his earlier question.

**Motion:** Melvin Birdsong made a motion to recommend approval of the Large Scale Future Land Use amendment from "County" Rural (0-1 du/10 ac) to "City" Mixed Use; and transmittal to the Florida Department of Economic Opportunity, for the property owned by Diane Reid-Goolsby, Debra Reid-Wilbarger & Daniel Joshua Reid, subject to the information and findings in the staff report; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**QUASI-LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT** - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from Parks/Recreation to Industrial, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from Parks/Recreation to Industrial, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue. The existing use is vacant land and the proposed use is light industrial. The tract size is 9.95 +/- acres. The existing maximum allowable development is 0 units and the proposed maximum allowable development is 260,053 sq. ft.

The proposed Small-Scale Future Land Use Amendment is being requested by the City of Apopka. 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 Industrial is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 9.95 acres. The property

owner intends to use the site for eventual light industrial development. Access to the site will occur from a road or driveway connecting to East Cleveland Street through an abutting City-owned property, unless another access is created to connect to 13<sup>th</sup> Street.

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

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

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

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from Parks/Recreation to Industrial (max FAR 0.60) for the property owned by the City of Apopka.

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

#### **LAND USE REPORT**

*Land Use Analysis* - The general character of the area surrounding the subject property is compatible with this development of light industrial uses. The property lies north of East Cleveland St and east of Clarcona 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 present on this property.

Analysis of the character of the Property: The Property fronts E Cleveland St. 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 3.1.1 Industrial 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 Industrial (max FAR 0.60). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

*Calculations:*

Adopted (City designation): N/A

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.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka ; 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: 0 GPD
3. Projected total demand under proposed designation: 39,008 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: 0 GPD
3. Projected total demand under proposed designation: 52,011 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: N/A lbs./person/day
4. Projected LOS under proposed designation: 3 lbs./1000 sq. ft.
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 - 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: N/A 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.

In response to a question by Suzanne Kidd, 1260 Lexington Parkway, Apopka, Mr. Moon stated the property to the east of this location is industrial. The purpose of changing the future land use and zoning on this property is to sell the property to promote economic development.

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

**Motion:** **Linda Laurendeau made a motion to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from Parks/Recreation to Industrial, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)**

**QUASI-JUDICIAL - CHANGE OF ZONING – CITY OF APOPKA -** Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from PR to I-1, for property owned by the City of Apopka and located north of East Cleveland 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. None.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change of Zoning from PR to I-1, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue. The existing use is vacant land and the proposed use is light industrial. The tract size is 9.95 +/- acres. The existing maximum allowable development is 0 units and the proposed maximum allowable development is 260,053 sq. ft.

The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The City is requesting the I-1 zoning to assure that the property can be sold and developed for light industrial. The property comprises approximately 9.95 acres.

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

The proposed I-1 rezoning is consistent with the proposed Future Land Use Designation of Industrial (max. FAR 0.60) for this property. Minimum lot size for property assigned the I-1 zoning category is 15,000 sq. ft. for light industrial development.

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

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from PR (Parks/Recreation) to I-1 (Restricted Industrial).

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

### ZONING REPORT

Land Use & Traffic Compatibility: The parcel is landlocked but the abutting parcel to the southwest is also owned by the City of Apopka. Prior to development of the subject property for industrial purposes, a road or driveway must be constructed across the City's southern parcel to create access between Cleveland Street and the subject parcel.

The zoning application covers approximately 9.95 acres. The property owner intends to sell the property for use for light industrial development.

Comprehensive Plan Compliance: The proposed I-1 zoning is consistent with the Industrial (max. FAR 0.60) Future Land Use designation 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, I-1 zoning is one of the acceptable zoning districts allowed within the Industrial Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

#### C-3 District Requirements:

Maximum Floor Area Ratio:	0.60
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	
Front:	25 ft.
Rear:	10 ft. (30 ft. from residential)
Side:	10 ft.
Corner	25 ft.

Based on the above zoning standards, the existing 9.95 acre parcels comply with code requirements for the I-1 district.

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.



Allowable Uses: Any C-3 Commercial District permitted use and light manufacturing of novelties, souvenirs, bakery, garments, electrical, precision instruments or equipment, computers, furniture, metal and other similar products. Bus, cab and truck repair, dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

**Motion:** Pam Toler made a motion to recommend approval of the Change in Zoning from PR to I-1, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue, subject to the information and findings in the staff report; and Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**QUASI-JUDICIAL - CHANGE OF ZONING – PLANNED UNIT DEVELOPMENT MASTER PLAN – RAYNOR SHINE RECYCLING SOLUTIONS, LLC –** Mr. Moon asked that this item be continued to the special meeting on November 24, 2015, as the wrong master plan had been included in the staff report.

**Motion:** Melvin Birdsong made a motion to continue the Change in Zoning from “County” I-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2), and the waiver requests, for Raynor Shine Recycling Solutions, LLC, until the special Planning Commission meeting on November 24, 2015, at 5:01 pm; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**QUASI-LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – TECHNOLOGY PROPERTY, LLC -** Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use Amendment from “County” Rural (0-1 du/5 ac) to “City” Commercial (Max. FAR 0.25), for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges.

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Small Scale Future Land Use Amendment from “County” Rural (0-1 du/5 ac) to “City” Commercial (Max. FAR 0.25), for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges. The existing use is vacant land and the proposed use is commercial wholesale. The tract size is 9.4 +/- acres. The existing maximum allowable development is 1 unit and the proposed maximum allowable development is 102,366 sq. ft.

Presently, the subject properties have 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 Commercial to the properties.

The subject property was annexed into the City of Apopka on August 5, 2015, through the adoption of Ordinance No. 2439. 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 Commercial is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 9.4 acres. The property owner intends to use the site for eventual wholesale commercial development.

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

The existing and proposed use of the property is consistent with the Commercial Future Land Use designation and the City’s proposed C-3 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning is to a non-residential zoning classification and, therefore, a capacity enhancement agreement with OCPS is not necessary because the proposed future land use designation will not generate any new residential units.

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 9, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from “County” Rural (0-1 du/5 ac) to “City” Commercial (max FAR 0.25) for the properties owned by Technology Property LLC.

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

### LAND USE REPORT

Land Use Analysis - The general character of the area surrounding the subject property is compatible with this development of wholesale commercial uses. The property lies south of West Keene Rd and west of Clarcona 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 no karst features on this property.

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

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.i Commercial 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 Commercial (max FAR 0.25). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

*Calculations:*

Adopted (City designation): 1 Unit(s) x 2.659 p/h = 3 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 properties are 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.

Solid Waste

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

5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Drainage Analysis

1. Facilities serving the site: 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 designation: 0.003 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 recommend approval of the Small Scale Future Land Use amendment from “County” Rural (0-1 du/5 ac) to “City” Commercial (Max. FAR 0.25), for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road, subject to the information and findings in the staff report; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)**

**QUASI-JUDICIAL - CHANGE OF ZONING – TECHNOLOGY PROPERTY, LLC -** Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” PD (ZIP) to “City” C-3, for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges.

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change of Zoning from “County” PD (ZIP) to “City” C-3, for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges. The existing use is vacant land and the proposed use is commercial wholesale. The tract size is 9.4 +/- acres. The existing maximum allowable development is 1 unit and the proposed maximum allowable development is 102,366 sq. ft.

Presently, the subject properties have not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a zoning category of C-3 to the properties.

The subject properties were annexed into the City of Apopka on August 5, 2015, through the adoption of Ordinance No. 2439. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the C-3 zoning to assure that the property can be developed for wholesale commercial. The property comprises approximately 9.4 acres.

Staff has analyzed the proposed amendment and determined that adequate City of Apopka public facilities exist to support this zoning change (see attached Zoning Report). The subject properties are 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.

The proposed C-3 rezoning is consistent with the proposed Future Land Use Designation of Commercial (max. FAR 0.25) for this property. Minimum lot size for property assigned the C-3 zoning category is 12,000 sq. ft. for commercial development, and the site far exceeds this area with approximately 9.4 acres.

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

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning “County” PD (ZIP) to “City” C-3 (Wholesale Commercial) for the properties owned by Technology Property 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.

## ZONING REPORT

Land Use & Traffic Compatibility: The subject property fronts a minor arterial (Clarcona Road). Current access occurs on a temporary basis from the RV park. Future development of the site will likely require a change in the access to a driveway connecting the subject property directly to Clarcona Road.

The zoning application covers approximately 9.4 acres. The property owner intends to use the property for future wholesale commercial.

Comprehensive Plan Compliance: The proposed C-3 zoning is consistent with the Commercial (max. FAR 0.25) Future Land Use designation 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, C-3 zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

C-3 District Requirements:

Maximum Floor Area Ratio:	0.25
Minimum Site Area:	12,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks: Front:	10 ft. (30 ft. from residential)
Rear:	15 ft. (30 ft. from residential)
Side:	10 ft. (30 ft. from residential)
Corner	15 ft.

Based on the above zoning standards, the existing 9.4 acre parcels comply with code requirements for the C-3 district.

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

Allowable Uses: Any use permitted in the C-2 General Commercial District, as well as heating and air conditioning sales, building material storage and sales, contractor's storage and equipment yards, mechanical garage, automobile body and painting shops. Trade shops and schools, truck stops, fruit packaging and processing facilities when accessory to retail fruit sale on-site. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

**Motion:** Pam Toler made a motion to recommend approval of the Change in Zoning from "County" PD (ZIP) to "City" C-3Mixed Use, for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**QUASI-JUDICIAL - PLANNED UNIT DEVELOPMENT MASTER SITE PLAN - 1ST AMENDMENT – RACETRAC/AUTOZONE –** Mr. Moon asked that this item be continued to the special meeting on November 24, 2015, as the property has been sold and ownership needs to be vetted prior to presentation to the Planning Commission.

**Motion:** Melvin Birdsong made a motion to continue the Planned Unit Development Master Plan Amendment for the RaceTrac/AutoZone until the special Planning Commission meeting on November 24, 2015, at 5:01 pm; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**SITE PLAN**

**PRELIMINARY DEVELOPMENT PLAN – COPART** – Mr. Moon asked that this item be continued to the special meeting on November 24, 2015, as the applicant was unable to provide the site plan in a timely manner for presentation at this meeting. Mr. Moon asked that this item be continued to the Owned by Copart, Inc.; engineer is Burkett Engineering, c/o William E. Burkett, P.E., property located at 3351 West Orange Blossom Trail. (Parcel ID #: 01-21-27-0000-00-032) *(Item to be continued to the Special Planning Commission Meeting to be held Tuesday, November 24, 2015, at 5:01 p.m.)*

**Motion:** Robert Ryan made a motion to continue the Preliminary Development Plan for Copart until the special Planning Commission meeting on November 24, 2015, at 5:01 pm; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 5:44 p.m.

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James Greene, Chairperson

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

**Backup material for agenda item:**

- 2 Approve minutes of the Planning Commission special meeting held November 24, 2015, at 5:01 p.m.



**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON NOVEMBER 24, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

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

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

**OTHERS PRESENT:** David Moon, AICP - Planning Manager, Rogers Beckett – Special Projects Coordinate, Kalanito Oded, Esq., Bill Burkett, Mike Carson, Jeffrey Saifield, Ed Velazquez, Michael Dinkel, J. P. Nagel, Christopher Muree, Teresa Sargeant, Jose Molina, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

Chairperson Greene explained that there are three quasi-judicial items to be discussed. The procedures for the meeting are: the Chairman reads the case style and nature of the issue; affected party determination made; Ex parte communication disclosures; staff presentation, petitioner presentation; affected party presentation; any rebuttals; close of presentations; meeting opened for public hearing and once complete the public hearing is closed; then the deliberations of the Commission and vote. He stated that a member of the public may be deemed to be an affected party if they believe that they have a special interest in the matter or would suffer an injury distinct in kind and degree from that shared by the public at large. All testimony in quasi-judicial items is sworn testimony; therefore all staff, petitioners, affected parties, or any public member providing testimony are asked to stand and be sworn in.

Mr. Moon introduced Kalanito (Keke) Oded, an attorney with the City Attorney's office. Ms. Oded was attending in Mr. Hand's place.

**SWEARING-IN** - Ms. Oded swore-in staff, the petitioners, and affected parties that will be providing testimony.

**QUASI-JUDICIAL - CHANGE OF ZONING – PLANNED UNIT DEVELOPMENT MASTER PLAN – RACETRAC/AUTOZONE** – Chairperson Greene stated this is a request to recommend approval of the Amendment to the Planned Unit Development Master Plan for the property owned by RaceTrac Petroleum, Inc.\Spirit SPE Portfolio CA C-Stores, LLC, and located north of U.S. 441 and east of Errol Parkway. The applicant is AutoZone Stores, LLC and the engineer is CPH Engineering, Inc., c/o Joshua D. Lockhard, P.E.

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Amendment to the Planned Unit Development Master Plan for the property owned by RaceTrac Petroleum, Inc.\Spirit SPE Portfolio CA C-Stores, LLC, and located north of U.S. 441 and east of Errol Parkway.

Mr. Moon stated that the property was recently sold and is now a Marathon gas station and convenience store. The sale occurred recently and staff has requesting information from the applicant regarding the

change of ownership. That is important because the owner is the one with the ability to give authority to amend the Planned Unit Development. That information was sent to the attorney's office for review.

Ms. Oded stated that upon review of the information provided there was no way to determine ownership of the property. If the Planning Commission chooses to recommend approval they need to add a condition in their motion that ownership must be verified prior to presentation to the City Council.

The applicant is AutoZone Stores, LLC and the engineer is CPH Engineering, Inc., c/o Joshua D. Lockhard, P.E. The existing use Convenience Store w/ Fueling Stations and the proposed development is a retail auto parts store. The proposed lot sizes are: Lot 1 – 2.08 +/- acres; and Lot 2 – 0.89 +/- acres. The tract size is 2.94 +/- acres.

The original PUD Master Plan was adopted on March 6, 2013, through Ordinance #2292 allowing PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use. The PUD Master Plan amendment creates two separate lots with an existing gas station and a proposed AutoZone retail store. Lot 1, identifies the existing Marathon (formerly known as RaceTrac) gas station consisting of a 5,928 sq. ft. convenience store with fueling stations. On Lot 2, AutoZone Store, LLC is proposing to construct a 6,815 sq. ft. retail store with 27 parking spaces.

The proposed PUD (Planned Unit Development/C-2) zoning is consistent with the City's Commercial Future Land Use category. Development plans shall not exceed the intensity allowed under the adopted Future Land Use designation.

The Property is located on a major arterial road (West Orange Blossom Trail). The proposed use and zoning will not create any land use or traffic compatibility issues with adjacent uses. Development of the site must occur consistent with standards set forth in the Land Development Code and Development Design Guidelines unless otherwise approved within the PUD master site plan.

Areas adjacent to all road right of ways shall provide a minimum ten foot landscape bufferyard. Areas adjacent to residential uses or districts shall provide a ten foot high masonry wall within a ten-foot landscape buffer.

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:

Section I. 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 are PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use.
- B. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
  - 1. Signage shall comply with the City's sign codes unless otherwise approved through a master sign plan
  - 2. Illumination plan shall be provided with the preliminary or final development plan.
  - 3. No outside activities including but not limited to, outside storage of parts, vending machines, supplies, merchandise or materials.

- C. The C-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.
- D. A cross access easement shall be illustrated in the preliminary and final development plans and the plat that connect the U.S. 441 entrance to the eastern boundary of the project, allowing for future connection to the Victoria Plaza.
- E. The parcel split shall occur through a plat at the time of the final development plan application.

The applicant has proposed the below waiver requests (which appear on the cover sheet of the Master Plan). As the applicant has applied for a PUD zoning, these waiver requests will be listed as Development Standards approved for the subject property. No separate action is necessary for each waiver. Thus, the below waivers are considered to be additional development standards that will be incorporated in the PUD ordinance, unless specifically amended or denied by City Council.

- 1. Waiver Request #1: LDC 2.02.13.G.3 requires areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard. The applicant is requesting a joint 5 feet wide landscape buffer between Lot 1 and 2 in lieu of the required five feet on each parcel.

Justification: Both sites are commercial use and there will be substantial landscaping within the 5' buffer, including 7 each Crape Myrtle w/ 2" min Caliper 8' minimum height, 48 ea. Sweet Viburnum Hedge 24" minimum height 36" o.c. and Parsons Juniper 24" o.c. The panhandle portion of the RaceTrac parcel will be left as open space.

Staff Recommendation: DRC does not object to the waiver request.

- 2. Waiver Request #2: LDC 6.03.02 Commercial uses not otherwise classified to provide 1 space for each 200 square feet of gross floor area. The applicant is requesting the off-street parking to be counted at 1 space per 300 square feet of gross building square footage.

Justification: AutoZone is comfortable with this parking ratio and it is comparable to other stores sites. The easements, access to and from the adjacent parcels, and the required stormwater reduce the parking lot size. Parking that is provided and not necessary only provides for more impervious area, which impairs recharge to the aquifer, which does not meet the goals and objective of the City of Apopka Comprehensive Plan.

Staff Recommendation: DRC does not object to the waiver request.

- 3. Waiver Request #3: LDC 6.05.00.D.6.A, requires the minimum requirements for maintenance berms are ten feet around pond perimeter. The applicant is requesting a reduction in width of the maintenance berm of 10 feet with fencing to 5 feet for Lot 2.

Justification: The proposed concrete wall is set back 10' from the property line, due to an existing easement. An additional 10' berm on the site side of the wall would take up additional room for recharge of the stormwater ponds, necessary to meet the goals and objectives of the City of Apopka Comprehensive Plan. The proposed pond is dry and will allow for maintenance and upkeep from inside the pond.

Staff Recommendation: DRC does not object to the waiver request.

- 4. Waiver Request #4: The applicant is requesting a reduction of the requirement of no more than 50% of the required parking spaces in front of the building.

Justification: The overall total number of parking was reduced from 32 to 27, in order to reduce the number of parking spaces in the front. This reduction provided for wider landscape islands, which is in the spirit of the ordinance. The reduction also allows for a cross access drive aisle in the future to the Victoria Plaza.

Staff Recommendation: DRC does not object to the waiver request.

The Development Review Committee (DRC) recommended approval of the RaceTrac/AutoZone PUD Master Plan Amendment for the property owned by Race Trac Petroleum, Inc. and Spirit SPE Portfolio CA C-Stores, LLC, located north of U.S. Highway 441 aka (Orange Blossom Trail) and east of Errol Parkway, subject to PUD Recommendations and the information and findings in the staff report.

The Planning Commission, at its meeting on November 10, 2015, continued this item to the Special Planning Commission meeting on November 24, 2015, due to a change of ownership for part of the property.

Mr. Moon stated the Planning Commission's role is advisory to City Council. Planning Commission can recommend to approve, deny or to approve with 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.

In response to questions by Ms. Toler, Mr. Moon stated that only issue with ownership is to confirm that the actual owner is giving authorization to amend entitlements that the City granted and assigned to this property. As to who owns it doesn't make a difference. We don't look at the background, the company, the name of the company. It all is based on who is the legal owner of the property. That all has to be addressed by the time of the City Council meeting so that we assured that we are getting the authorization from the new owner to amend the PUD. If the owner isn't the Spirit Company then it is RaceTrac, the previous owner, and the rights are still assigned to RaceTrac and we have authorization from them to change the PUD. There was a change of ownership approximately two or three weeks ago and instead of delaying this project and the AutoZone building we believe that the Planning Commission can take action while the applicant confirms ownership but it cannot be approved by City Council until that has occurred.

In response to questions by Mr. Foster, Mr. Moon stated that the applicant may be able to answer the question as to whether the new owner is in agreement to the proposed amendment. Regarding the recent sale, per our attorney's office, so long as ownership is verified prior to presentation to City Council, we can proceed. The Planning Commission is not voting on ownership, they are voting on the amendment to the PUD and whether it is consistent with the Land Development Code and Comprehensive Plan. The City Engineer reviewed the traffic impacts placed on U.S. 441. The applicant is not creating a new driveway and was determined is not a detriment to traffic.

In response to a question by Ms. Toler, Mr. Moon stated that he will have to review the Comprehensive Plan regarding no vehicular or pedestrian access allowed between commercial properties. He reminded the Planning Commission that they have been asked in the past to submit questions to staff prior to the meeting so that they can adequately research the issue.

In response to a question by Chairperson Greene, Mr. Moon stated that if in the future the Victoria Plaza is redeveloped, there will likely be a vehicular/pedestrian cross-access to the AutoZone site. A challenge to that access is a privately owned parcel between the two sites. That piece would have to be purchased to make the connection happen.

In response to a question by Ms. Laurendeau, Mr. Moon stated that property owner would be responsible for maintaining the retention pond located adjacent to the residential area. Maintenance would include pest control. Additionally, there will be a ten (10) foot brick wall between the commercial and residential properties.

Petitioner Presentation: Jeffrey Saifield, CPH Engineering, Inc., 2216 Altamonte Avenue, Fort Myers, Florida 33901, stated that he was available to answer any questions by Commission may have. He said they agree with the staff's recommendations and conditions. He said the retention pond is dry and in addition to the wall there will be a fence. The property will be routinely mowed. He said that regarding the ownership issues, they will be working with all parties involved and legal to resolve those issues prior to going to City Council.

Affected Party Presentation: None.

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

Ms. Toler expressed her concern that through the visioning process it was noted that there are approximately seven auto parts stores within a five mile radius and how successful this store would be.

Mr. Jaspon stated that he did not share that concern. He did not believe that was something the Planning Commission should consider.

Chairperson Greene stated that while the public concerns should be considered there are also private property rights.

Mr. Moon stated that originally this property was zoned C-1 which does not allow fuel sales. RaceTrac applied for C-2 zoning; however, due to the various types of businesses permitted in C-2 zoning, RaceTrac was approached to change the zoning to Planned Unit Development and conditions were placed on the site as to what uses would be allowed. The only C-2 use that is allowed is the fuel sales.

**Motion:** Linda Laurendeau made a motion to recommend approval of the Change in Zoning; the Planned Unit Development Master Plan; waivers; and subject to ownership of the property verified prior to presentation to City Council for property owned by RaceTrac Petroleum, Inc.\Spirit SPE Portfolio CA C-Stores, LLC, and located north of U.S. 441 and east of Errol Parkway, subject to the information and findings in the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jeremiah Jaspon, and Linda Laurendeau. Pam Toler voted no. (5-1) (Vote taken by poll.)

**QUASI-JUDICIAL - PLANNED UNIT DEVELOPMENT MASTER SITE PLAN – RAYNOR SHINE RECYLCING SOLUTIONS, LLC** – Chairperson Greene stated this is a request to recommend approval of the Change in Zoning from “County” 1-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2) for the property owned by Raynor Apopka Land Management, LLC, and located at 100 & 126 Hermit Smith Road. The engineer is American Civil Engineering Co., c/o John Herbert, P.E.

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change in Zoning from “County” 1-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2) for the property owned by Raynor Apopka Land Management, LLC, and located at 100 & 126 Hermit Smith Road. The engineer is American Civil Engineering Co., c/o John Herbert, P.E. The existing use is vacant land, warehouse, office and the proposed use is a mulch operation. The existing and proposed maximum allowable development on the property is 507,038 sq. ft. The tract size is 19.4 +/- acres.

Parcel No. 01-21-27-0000-00-026 was annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1877. Parcel No. 01-21-27-0000-00-080 was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733. The proposed Change of Zoning is being requested by the applicant, Raynor Apopka Land Management, LLC.

The zoning application covers approximately 19.4 +/- acres. The property owner intends to use the site for a mulch production manufacturing operation. This use involves the following activities: heavy outdoor mulching equipment, outdoor storage of raw materials, large trucks entering and leaving the property with raw materials (removed or harvested trees or tree limbs) or finished product (landscape mulch). An office use will occur at the site for on-site management of operations and for business sales. The office use is ancillary to the mulch production operation. Based on the storage of outdoor raw material as well as a manufacturing operation that does not occur within an enclosed building, the proposed use meets the intent of the I-2 zoning category. Both parcels have been acquired by and under legal ownership of the applicant. The smaller of the two parcels, Parcel Number 01-21-27-0000-00-080, is approximately 4.15 acres has not been assigned a City zoning category but currently retains a County zoning category of I-4 Industrial. The County’s I-4 zoning category is similar to the City’s I-2 zoning category. The larger parcel, Parcel Number 01-21-27-0000-00-026, is approximately 15.25 acres and has a City I-1 zoning assigned to it. The proposed use does not meet the intent of the I-1 zoning category and requires I-2 zoning.

The applicant originally sought I-2 zoning for the subject property. However, the City’s planning staff determined that many of the uses proposed under I-2 zoning are too intensive considering the predominant land uses in the surrounding area are zoned for I-1, conservation, or agriculture. However, the mulch production use, as proposed, is a use that planning staff considers to be compatible with the surrounding area. Taking into consideration the opinion of the Planning staff, the applicant agreed to apply for a PUD zoning that will limit the use of the subject property to only the mulch production operation and any related ancillary uses, as well as any I-1 uses currently allowed.

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

The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD/I-2), as defined in the Apopka Land Development Code, and with the following Master Plan provisions are subject to the following zoning provisions:

- A. The zoning and uses permitted within the PUD district for the subject property shall be:
  - 1. Use of the subject property will be limited to the manufacturing and production of mulch with outdoor storage of raw materials and with outdoor manufacturing operations. All outdoor storage and outdoor manufacturing operations shall be located within a screened area not visible from adjacent properties or streets. Outdoor mulch manufacturing and the outdoor storage of raw materials are the only I-2 uses that are allowed.
  - 2. Any I-1 or C-3 permitted use is allowed.

**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON NOVEMBER 24, 2015, AT 5:01 P.M.**

3. C-2, C-1, CN, or PO/I permitted uses will not be allowed as a primary use. Any office use shall be associated with the industrial activity occurring at the subject site.
  4. Any use of the property other than the permitted uses described above, shall require an amendment to the PUD through the zoning process.
  5. Overnight parking of trucks or other large vehicles shall only occur within the boundaries of the Master Site Plan and within areas so designated on said Plan. No overnight parking of trucks will be allowed within the office parking lots. No parking of any vehicle will occur within any roadway easement running within the subject property or abutting the eastern property line.
  6. Outdoor storage of raw materials shall only occur at approved locations denoted within the Master Site Plan.
  7. All mulching equipment shall only be placed in the areas denoted on the Master Site Plan.
  8. No parking of any vehicle or truck or outdoor storage shall occur within any landscape buffer area appearing on the Master Site Plan.
- B. Development standards and conditions required of any development within the PUD district for the subject property shall be:
1. Building elevations will be provided at time of a Final Development Plan application.
  2. Maximum height of any building, mulch conveyor belts, manufacturing equipment, raw material piles are not to exceed thirty-five feet from the finished ground level.
  3. All perimeter landscape areas shall be protected from vehicle encroachment by curbing or wheel stops.
- 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 Plan provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
  2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  3. Rezone the property to a more appropriate zoning classification.
  4. Unless otherwise addressed within the PUD development standards, the I-1 zoning standards will apply to the subject property.

The proposed Planned Unit Development (PUD/I-2) zoning designation is consistent with the Industrial (0.60 FAR) future land use designation and the proposed use of the property. 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 designation, notification of Orange County Public Schools is not required.

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

The applicant has proposed the below waiver requests (which appear on the cover sheet of the Master Plan). As the applicant has applied for a PUD zoning, these waiver requests will be listed as Development Standards approved for the subject property. Thus, the below waivers are considered to be additional development standards that will be incorporated in the PUD ordinance, unless specifically amended or denied by City Council.

1. LDC, Section 2.02.15. G.1. - Areas adjacent to all roads shall provide eight (8) foot masonry wall within a minimum 25-foot landscaped bufferyard. Applicant is requesting a waiver to allow a 10-foot landscaped bufferyard due to the easement in lieu of a road abuts the eastern property line and a fence will provide a black or green vinyl coated chain link fence adjacent property to zoned I-1.
2. LDC, Section 2.02.15. G.2. - Areas adjacent to agricultural districts shall provide an eight-foot masonry wall within a minimum of ten-foot landscaped bufferyard. Applicant is requesting a waiver to allow a 10-foot landscaped bufferyard with a 6-foot chain link fence. The justifications for the request is due to the property to the west containing vegetation from a fern growing operating that blocks the view; and the property to the north is a citrus grove with a dense 6-foot hedge. The chain link fence will be green or black vinyl coated.
3. LDC, Section 2.02.15. G.3. - Areas adjacent to residential districts shall provide an eight-foot masonry wall within a minimum of 50-foot landscaped bufferyard. Applicant is requesting a waiver to allow a 30-foot buffer with a 6-foot chain link along the property line to the north because the adjacent land is owned by the Applicant and is intended to be rezoning to I-1. Additionally, the Applicant is requesting a waiver to allow a 20-foot buffer along the southern property line because the adjacent property is a borrow pit that is not conducive to residential use. The chain link fence will be green or black vinyl coated.
4. LDC, Section 2.02.15.G.2. – A 6’foot high masonry wall is required adjacent to a citrus grove and is not anticipated to develop as residential. No public access is near this area and will not be highly visible. The chain link fence will be green or black vinyl coated.
5. LCD, Section 2.02.15.G.3. – A 20 foot buffer and a 6-foot high masonry wall is required adjacent to residential zoned property. The abutting residential-zoned parcel is owned by Raynor Shine LLC, and the access drive crosses that parcel. Raynor Shine plans to request to rezone that parcel to Office or Industrial use in the future.

Staff does not object to any of the above waiver requests, and will incorporate these waivers as development standards within the PUD zoning ordinance.

Staff recommends that the Planning Commission address to separate actions for this case – one for the PUD\I-2 zoning and another for the Master Site Plan\Preliminary Development Plan.

1. The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from “County” I-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2) for the property owned by Raynor Apopka Land Management, LLC.



2. The Development Review Committee finds the proposed Master Site Plan\Preliminary Development Plan to be consistent with the Comprehensive Plan and Land Development Code, and recommends approval of the Master Site Plan\preliminary Development Plan subject to the development standards and conditions recommended in the staff report, for the property owned by Raynor Apopka Land Management, LLC.

The Planning Commission, at its meeting on November 10, 2015, continued this item to the Special Planning Commission meeting on November 24, 2015, due to the incorrect site plan having been included in the 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.

## ZONING REPORT

**Land Use & Traffic Compatibility:** The Property has access to a Hermit Smith Road through an access easement that the property owner has demonstrated rights thereto. Hermit Smith Road allows for easy access to a regional highway that leads to U.S. 441 and 429/S.R. 451.

**Comprehensive Plan Compliance:** The proposed Planned Unit Development (PUD/I-2) zoning is consistent with the City's Industrial Future Land Use Designation. Development plans shall not exceed the density allowed under the adopted future land use designation.

**PUD/I-2 District Requirements:** The PUD describes the development standards that apply. The I-2 development standards are listed below.

Minimum Site Area:	25,000 sq. ft.
Minimum Lot Width:	150 ft.
Setbacks: Front:	25 ft. from property line
Rear:	10 ft., except where rear lot lines abut a residential district, then all structures shall be set back a minimum of 30 feet or a distance equivalent to any required bufferyard, whichever is greater.
Side:	10 ft. from property line or a distance equivalent to any required bufferyard, whichever is greater. All yards adjacent to road rights-of-way shall be a minimum of 25 feet.
Zero Lot Lines:	Rear yards and side yards may be reduced to zero when the rear or side property lines abut the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.

**Buffer-Yard Requirements:** Areas adjacent to all road rights-of-way shall provide eight (8) foot masonry wall within a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural districts shall provide an eight-foot masonry wall within a minimum of ten-foot landscaped bufferyard. Areas adjacent to residential districts shall provide an eight-foot masonry wall within a minimum of 50-foot landscaped bufferyard. Areas adjacent to nonresidential, non-I-2 industrial uses or districts shall provide an eight-foot masonry wall within a minimum of ten-foot landscaped bufferyard. I-2 uses occurring adjacent to existing I-2 districts or uses shall be required to provide a ten-foot landscaped bufferyard.

Allowable Uses: The only I-2 use that is allowed through the PUD\I-2 zoning is outdoor mulch operation and outdoor storage of raw materials.

Any use permitted in the I-1 District. Bus, cab and truck storage and terminals. Building material and contractor's storage, equipment yards and sales. Machinery storage. Bulk storage of petroleum. Asphalt (or similar petroleum product), cement, lime, gypsum or plaster-of-paris or concrete manufacturing, mixing or refining or the open storage of raw materials or finished products related to such manufacture. Blast furnace or similar heat or glare-generating operations. Corrosive acid manufacture or bulk storage, including, but not limited to, hydrochloric, nitric, sulfuric or similar acids. Fertilizer manufacturing and processing. Junk, salvage or wrecking yard or structure wherein motor vehicles, appliances or similar use equipment or materials are stored, dismantled or store for display, sale or packing; provided, all open storage and processing activities are enclosed within a wall or structure. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this Code. Use determination shall be based upon the community development director's recommendation.

Petitioner Presentation: John Herbert, American Civil Engineering, 207 N. Moss Road, Suite 211 Winter Springs, stated that he and Michael Dinkel were available to answer any questions the Commission may have.

Affected Party Presentation: None.

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

**Motion:** Pam Toler made a motion to recommend approval of the Change in Zoning to Planned Unit Development (PUD/I-2) for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**Motion:** Jeremiah Jaspon made a motion to recommend approval of the Planned Unit Development Master Plan for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue, subject to the information and findings in the staff report; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**QUASI-JUDICIAL - PRELIMINARY DEVELOPMENT PLAN – COPART –** Chairperson Greene stated this is a request to recommend approval of the Preliminary Development Plan for Copart, owned by Copart, Inc.; engineer is Burkett Engineering, c/o William E. Burkett, P.E., property located at 3351 West Orange Blossom Trail.

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

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

Staff Presentation: Rogers Beckett, Special Projects Coordinator, stated this is a request to recommend approval of the Preliminary Development Plan for Copart, owned by Copart, Inc.; engineer is Burkett Engineering, c/o William E. Burkett, P.E., property located at 3351 West Orange Blossom Trail. The existing use is an abandoned industrial facility. The proposed use is an office, warehouse and outdoor

damaged vehicle storage site. The total building size is at 24,000 sq. ft. that consists of a 16,500 sq. ft. warehouse and 7,500 sq. ft. office space. The tract size is 57.89 +/- acres.

Preliminary Development Plan proposes to renovate and remodel an existing 24,000 square foot metal building for warehouse and office use. Copart, Inc. provides vehicle suppliers (primarily insurance companies) with a full range of services to process and sell intact damaged vehicles, principally to licensed dismantlers, rebuilders and used vehicle dealers.

A total of 68 parking spaces are provided (63 required by code) of which 3 are reserved as a handicapped parking space.

Access to the site is provided by an existing driveway cut along West Orange Blossom Trail.

Staff has found the proposed building elevations to be in accordance with the City's Development Design Guidelines.

Stormwater run-off and drainage will be accommodated by an on-site stormwater drainage system. The stormwater management system is designed according to standards set forth in the Land Development Code.

The applicant has provided a detailed landscape and irrigation plan for the property. The proposed landscape buffer along the western and southern boundaries of the site does not conform with section 5.01.01.B. The planting materials and irrigation system design are not consistent with the water-efficient landscape standards set forth in Ordinance No. 2069. A tree survey and mitigation plan will be submitted with the final development plan.

The Development Design Guidelines section 4.9 require decorative light to be install along the roadway frontage of all non-residential structures. The proposed light poles and fixtures do not meet the Development Design Guidelines standard decorative standards. The Development Review Committee does not support the use of the proposed light poles and fixtures.

Based on the results of the habitat study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity.

Waiver Requests:

1. Waiver Request #1: The applicant is requesting a waiver from LDC 2.02.15.G to allow the installation of an eight (8) feet high metal wall along the east, west and south sides of the property.

Justification: The increased eight (8) feet high metal wall will provide increased screening and security of the property.

DRC recommendation -- DRC does not support this waiver request.

2. Waiver Request #2: The applicant is requesting a waiver to LDC 6.03.01.A to allow the use of rock in lieu of a hard surface for the vehicle storage area.

Justification: The vehicle storage area is not accessible to the general public.

DRC recommendation-- DRC supports this waiver request.

In response to a question by Chairperson Greene, Mr. Beckett stated that the applicant changed the lighting to be consistent with the Code. The request for a waiver to install non-decorative light poles and fixtures has been removed from the staff report.

In response to a question by Mr. Jaspon, Mr. Beckett stated the code requires a six (6) foot high masonry or brick wall; or ornamental iron or aluminum fencing.

In response to a question by Mr. Ryan, Mr. Beckett stated that the code would allow for an eight (8) foot high wall.

Mr. Moon stated along the north property line, as part of the landscaping package, the applicant is proposing a brick wall. Along the western property line along Hermit Smith Road and General Electric Road, the applicant is requesting the metal wall. The code requires masonry or brick. Appearance is the primary concern raised by the community during the visioning process. This site is located at the entrance of a large industrial area to the south that covers the largest cluster of vacant industrial land in Orange County. Industrial zoning also allows office and commercial development. It cannot be projected what is going to happen with that land. It could be something like Heathrow, but for that to happen for a prospective business a corrugated wall is not going to be attractive and will not help the City attract new business.

In response to questions by Mr. Jaspon, Mr. Moon stated the height is not the issue, the issue is the appearance of a corrugated wall.

In response to a question by Mr. Ryan, Mr. Beckett stated that there is a residential on the west side of Hermit Smith Road. He said the applicant's justification for the metal wall is for security and screening. He stated he did not know what the specification on the gravel to be used.

Mr. Moon stated that the interior will not be visible due to the wall. This is not a junk yard. Copart acquires damaged vehicles from insurance companies and then sells them on the internet for parts. Some of the vehicles are drivable.

The Development Review Committee recommends the approval of the Copart Preliminary Development Plan; denial of waiver request number one; and approve waiver request number two.

The Planning Commission, at its meeting on November 10, 2015, continued this item to the Special Planning Commission meeting on November 24, 2015, due to the applicant not providing necessary documentation in a timely manner.

The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or approve with conditions 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.

Petitioner Presentation: Mike Carson, Copart, 1655 Rankin Rd, Houston, Texas 77073, International Property Manager, Copart is an international company in 1982 and have 204 locations around the world. We are the largest internet auto auction. Our major clients are insurance companies. About 30% of our cars are undamaged. We take these cars and sell them on the internet. We don't own these cars. We are like a custom bonded warehouse. We are charged with the safekeeping of these vehicles and that is why we are requesting the metal wall. If something is stolen off our property we have to reimburse the owners of the property. We basically take them in, keep them safe until the title work is done, so basically how they come in is how they go out. One of the reasons for the 8 foot high green metal fence is to restrict visibility and people jumping over the fence. As for the road surface, these cars are brought in on trucks and loaders. These are immobile cars. Under the large shaded areas there will have clean driveway gravel. The roads will be asphalt millings. The building is an existing building with a higher profile. Code is going to have stucco and we have agreed to that. We agree

with the landscaping. Loaders pick up the cars and put them in their assigned spots. He also thanked the Commission for the silent prayer and pledge of allegiance.

Bill Burkett, Burkett Engineering, 105 E. Robinson Street, Orlando, provided each Commission member a handout packet. The metal wall will be used on the east side of the property where it is not adjacent to right-of-way. The wall along U.S. 441 will be heavily landscaped with the wall. The site is secured inside that landscape buffer. The wall along Hermit Smith and General Electric Roads will be heavily landscaped and will not be a visual detriment.

In response to a question by Mr. Jaspon, Mr. Burkett stated that they would prefer to put in the metal wall because it is more difficult to scale a metal wall than a brick wall.

In response to questions by Mr. Foster, Mr. Carson said that along Orange Blossom we would put the three foot berm and a decorative wall. Along the side roads, they are agreeable to putting up a decorative wall also. They are looking for the waiver along the back of the property and that is due to security. He stated that even if they put up a masonry or brick wall, due to the security aspect, they would still put up the metal fence behind it.

In response to questions by Mr. Jaspon, Mr. Carson stated that they do not have security staff on site. He stated that the items that would be stolen are air bags and catalytic convertors. He said a catalytic convertor has a precious metal in it. Anything parts that are stolen must be replaced with new parts. This a buyer base only with licensed dealers. The economic impact on the community will be starting out with 30 employees and within 24 months we will have 50 employees that includes the office staff. A State of Florida title approved secured locations in this building; members and truck drivers will be purchasing fuel, tires, lodging and food. This metal wall its dollar for bang. In 204 or 206 locations around the world we have the metal wall. On the metal wall we have a camera system that is tied into our corporate headquarters in Dallas. We have found that the effect of the wall and the camera system is the most effective to deter theft. He said he is willing to meet the code along U.S. 441 and Hermit Smith Road but requests the metal wall on the other property lines.

In response to a question by Mr. Ryan, Mr. Carson stated that the metal wall has a special paint specification that has a 20 year warranty. He said the posts, screws, and the C-channels are galvanized and the walls have the 20-year warranty. He said that even if they are required to put up the decorative wall they will still put up the metal fence. He said that because they do not own the vehicles, they have a fiduciary duty to their clients. We found that the metal wall and the cameras are an effective way to secure the site.

In response to a question by Ms. Laurendeau, Mr. Carson stated that there will not be barbed wire at the top of the wall because it is ugly.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

Jose Molina expressed his concerns regarding the leakage of fluids from the stored vehicles onto the gravel and then into the ground water and the noise of the loaders.

Mr. Moon stated that Acco cement manufacturing was located on this site and trucks and forklifts were used.

Mr. Burkett stated that every vehicle that comes onto the property the operators make sure they are wrapped to prevent any leakage issues or weather damaging interiors. Copart is very sensitive to the environmental concerns.

In response to questions by Mr. Jaspon, Mr. Burkett stated that this property is located in a land locked basin so they are required to retain the runoff from a 100 year storm event. He said the gravel helps to facilitate the underground exfiltration on the site.

In response to a question by Mr. Jaspon, Mr. Moon stated that the applicant submitted an Environmental Level 1 study at the time the application was submitted. The type of pollutants on the site did not trigger a Level 2 study based on past use of the property. The applicant would have done such a study prior to purchasing the property because they would become responsible for it once they purchased it. They have the same concern due to the cost of cleanup. They will take the best management practices preventing any pollution of the ground water.

In response to a question by Ms. Toler, Mr. Carson stated that they have a division that regularly inspects the sites checking for leakages at least once or twice a month. He said the first EPA pollution violation is approximately \$250,000. He said most of their other locations are located within water sheds or districts and have never had a problem.

Mr. Burkett stated that they have had two pre-application meetings with St. Johns River Water Management District and addressed their concerns regarding the environmental impacts.

In response to a question by Mr. Jaspon, Mr. Burkett stated that when they were requesting the light fixture waiver they put the picture of Wawa in the packet to show the Commission what they were going to ask for.

In response to a question by Ms. Laurendeau, Mr. Carson stated the loaders are diesel and not electric. This facility will have brand new caterpillars. The fuel for the loaders are lube cubes and meet all the state requirements. They have double walled diesel tanks with a containment tub.

Mr. Molina reiterated his concerns regarding the possible leakage from the vehicles. He suggested the City have someone visit some of their other sites to see how they work.

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

**Motion:** Robert Ryan made a motion to recommend denial of the applicant's request to waive the requirement of the Land Development Code, Section 2.02.15.G. that requires the installation of a minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard, for the property owned by Copart, Inc., and located at 3351 West Orange Blossom Trail, subject to the information and findings in the staff report; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jeremiah Jaspon Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**Motion:** Linda Laurendeau made a motion to recommend approval of the applicant's request to waive the requirements of the Land Development Code, Section 6.03.01.A to allow the use of rock in lieu of a hard surface for the vehicle storage area, for the property owned by Copart, Inc., and located at 3351 West Orange Blossom Trail, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jeremiah Jaspon Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**Motion:** Pam Toler made a motion to recommend approval of the Preliminary Development Plan for Copart, owned by Copart, Inc., and located at 3351 West Orange Blossom Trail, subject to the information and findings in the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jeremiah Jaspon Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 6:41 p.m.

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James Greene, Chairperson

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

**Backup material for agenda item:**

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – Owned by JTD Land at Rogers Rd, LLC from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low Suburban (0-3.5 du/ac); and recommend approval to transmit to the Florida Department of Economic Opportunities for review, for property located east of Rogers Road, north of Water Rock Drive (2303 Rogers Road). (Parcel ID #s: 29-20-28-0000-00-004; 29-20-28-0000-00-026)





**CITY OF APOPKA  
PLANNING COMMISSION**

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	December 8, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Future Land Use Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses Map

**SUBJECT:                    COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE AMENDMENT – JTD LAND AT ROGERS RD, LLC**

**PARCEL ID NUMBERS:    29-20-28-0000-00-004 & 29-20-28-0000-00-026**

**Request:                    LARGE SCALE - FUTURE LAND USE AMENDMENT**  
**FROM:    “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC)**  
**TO:        “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-3.5 DU/AC)**

**SUMMARY**

**OWNER:**                    JTD Land at Rogers Rd, LLC

**APPLICANT:**             Akerman LLP co/Jim McNeil

**LOCATION:**                North of West Lester Road, east of Rogers Road

**EXISTING USE:**            Vacant

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

**PROPOSED DEVELOPMENT:**    Single-family residential development

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

**TRACT SIZE:**             30.5 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:**

EXISTING:	122 Units
PROPOSED:	106 Units

**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	

**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on December 2, 2015, through Ordinances 2459. Presently, the subject properties do not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Residential Low Suburban.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is consistent with the Residential Low Suburban Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a Mixed Use FLUM designation at the subject site:

*Future Land Use Element*

1. **Policy 3.1.d** The primary use shall be residential dwelling units up to 3.5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than two acres, neighborhood parks.

The applicant’s wish to develop the property for single-family residential units is compatible with Policy 3.1.d.

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

The proposed use for the subject properties as single-family residential is compatible with the land uses and general character of the surrounding area. The future land use designation of surrounding properties predominantly is Residential Low Suburban and, therefore, the requested future land use change is consistent with Policy 3.2.

3. **Policy 3.14** The City shall consider the following when evaluating land use amendments, especially changes from very low density categories to higher density categories and voluntary annexation requests”
  - Whether the amendment demonstrates a functional relationship of the proposed amendment to other more densely or intensely designated or development lands;
  - The availability of public facilities and water supplies to service a more dense or intense land use; and
  - Multi-modal transportation linkages between proposed residential use and neighborhood.

The maximum densities allowed under the proposed “city” Residential Low Suburban future land use is compatible with adjacent and surrounding land uses.

**SCHOOL CAPACITY REPORT:** The densities allowed under the proposed future land use designation are lower than the current “county” future land use designation and, therefore, a school capacity agreement is not required at the time of the Future Land Use Amendment application but will be required prior to adoption of a change of zoning application.

**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 November 9, 2015.

**PUBLIC HEARING SCHEDULE:**

December 8, 2015 – Planning Commission (5:01 pm)

January 6, 2015 – City Council (1:30 pm) - 1<sup>st</sup> Reading & Transmittal

**DULY ADVERTISED:**

November 27, 2015 – Public Notice and Notification  
TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval to transmit a change in Future Land Use from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low Suburban (0-3.5 du/ac) for the property owned by JTD Land at Rogers Rd, LLC, subject to the information and findings in the staff report.

**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.**

**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-1AAA	Vacant
East (City)	Residential Low Suburban (0-3.5 du/ac)	PUD & R-1AAA	Vacant
South (City)	Residential Low Suburban (0-3.5 du/ac)	R-1	Single-family homes
West (City and County)	Residential Low Suburban (0-3.5 du/ac) & “County” Rural (0-1 du/10 ac)	“City” R-1AA & “County” A-1	Single-family homes and vacant

The property has access from the west from Rogers Road

**II. LAND USE ANALYSIS**

The subject properties are located within an area with land uses predominantly for single-family residential, which makes the request for a Residential Low Suburban future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties to the south and west are developed as existing single-family homes, which properties to the east and north are vacant, but have a future land use designation and zoning classification that permit single-family residential.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Northern Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low Suburban (0-3.5 du/ac) is consistent with the terms of the JPA (Second Amendment). JTD Land at Rogers Rd, LLC, c/o Jim McNeil, is the applicant of the proposed future land use amendment and proposed change of zoning for the Property, and has been notified of the hearing schedule.

Transportation: Road access to the site is from Rogers Road, which connects to Lester Road to the south. Rogers Road is presently a County road.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

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

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

Analysis of the character of the Property: The current use of the Property is vacant. The dominant soil, #5 Candler Fine Sand, has a 5-12 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on May 20, 2015. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if developed.

**CALCULATIONS:**

ADOPTED: 122 Unit(s) x 2.659 p/h = 324 persons

PROPOSED: 106 Unit(s) x 2.659 p/h = 282 persons

Housing Needs: This amendment will provide housing to accommodate a year 2030 projected future population of 125,328 that is the Comprehensive Plan.

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

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPCD / 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: 23,912 GPD
3. Projected total demand under proposed designation: 20,776 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: None; N/A GPCD/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: 25,620 GPD
3. Projected total demand under proposed designation: 22,260 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: 4 lbs./cap/day
4. Projected LOS under proposed designation: 4 lbs./cap/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.972 AC

3. Projected facility under proposed designation: 0.846 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None. Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development.

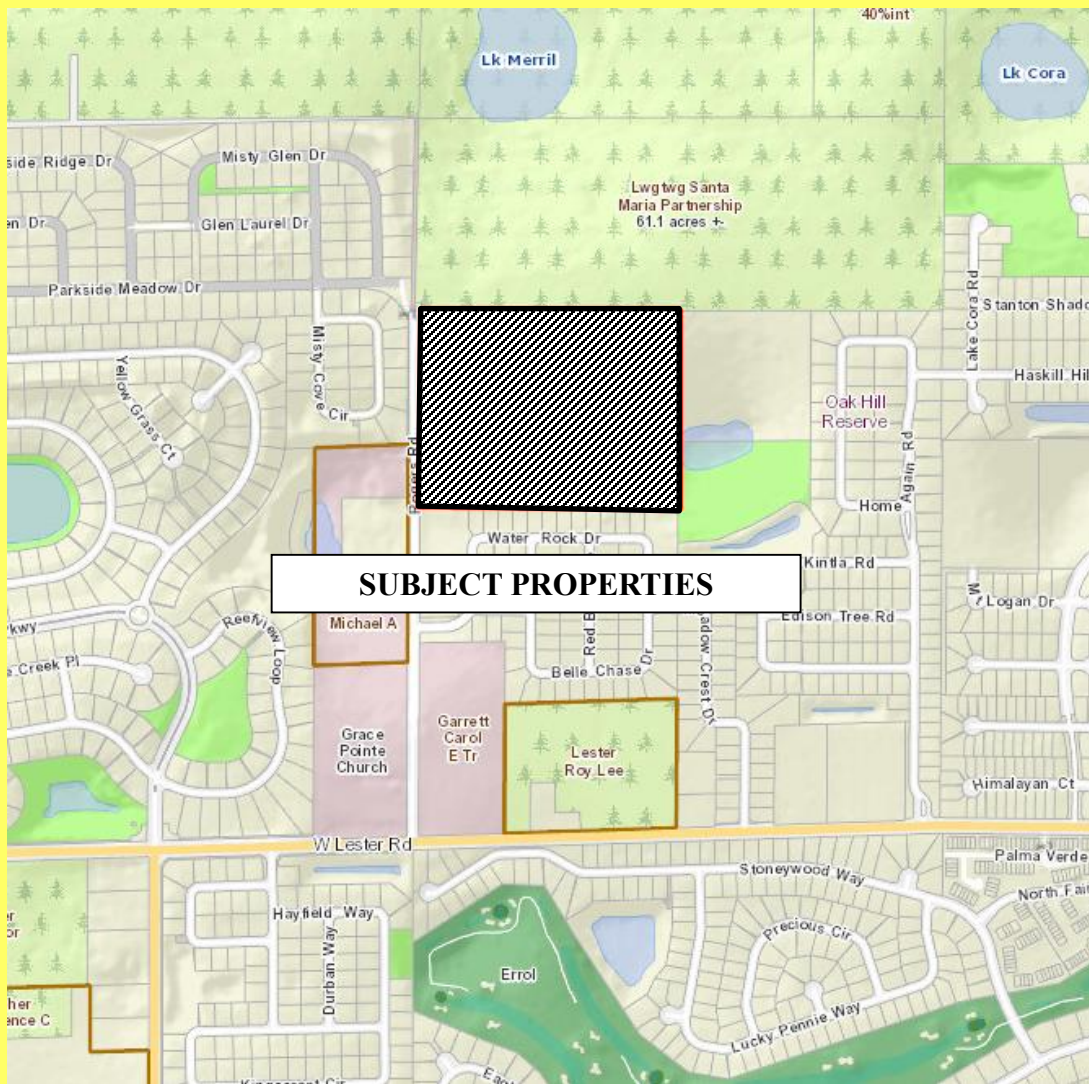
This initial review does not preclude conformance with concurrency requirements at the time of development approval.

**JTD Land at Rogers Rd, LLC**  
**Property Owner**  
**30.5 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: “County” Low Density Residential (0 – 4 du/ac)**  
**To: “City” Residential Low Suburban (0 – 3.5 du/ac)**  
**Proposed Change of Zoning:**  
**From: “County” A-1 (ZIP)**  
**To: “City” R-1**

**Parcel ID #s: 29-20-28-0000-00-004 & 29-20-28-0000-00-026**



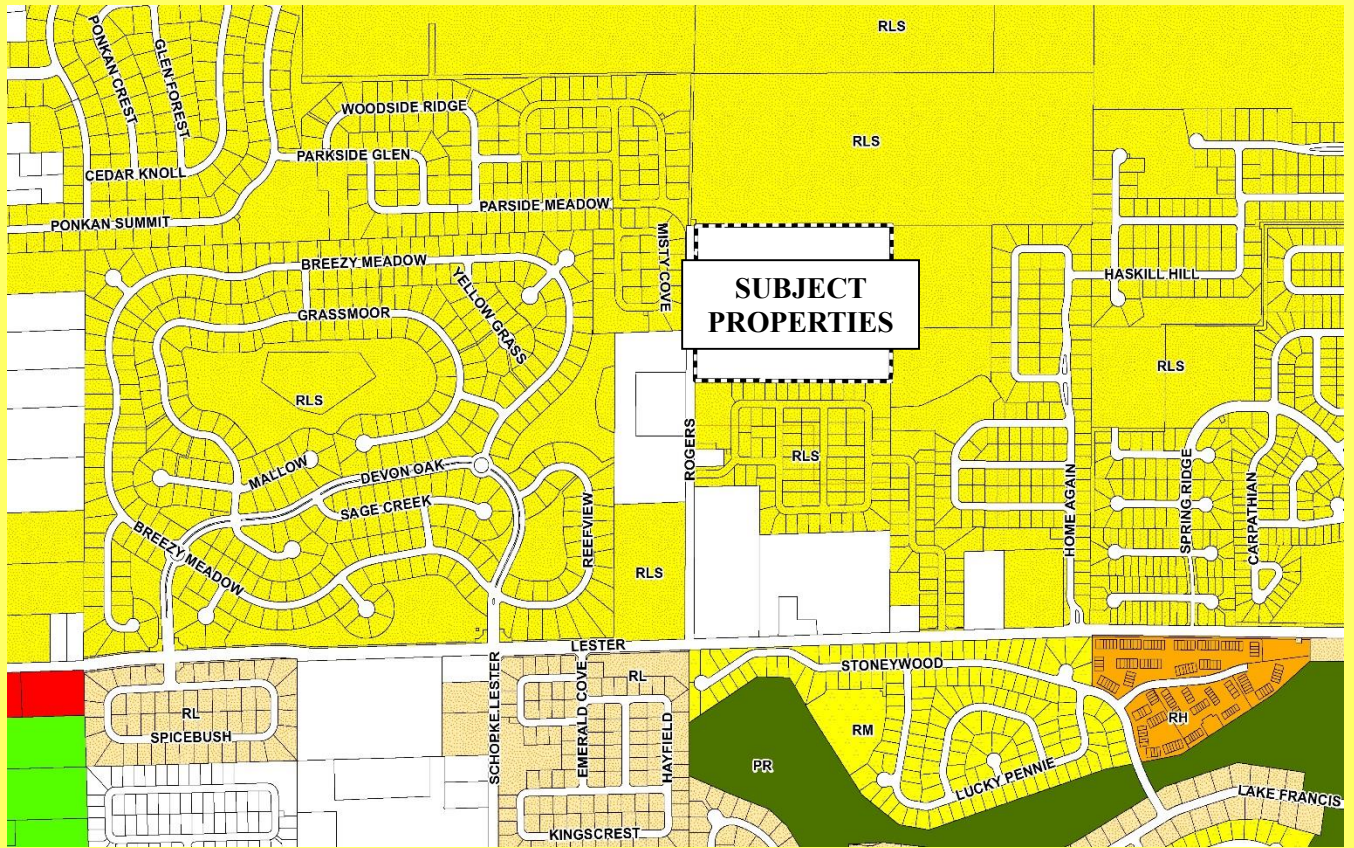
### VICINITY MAP





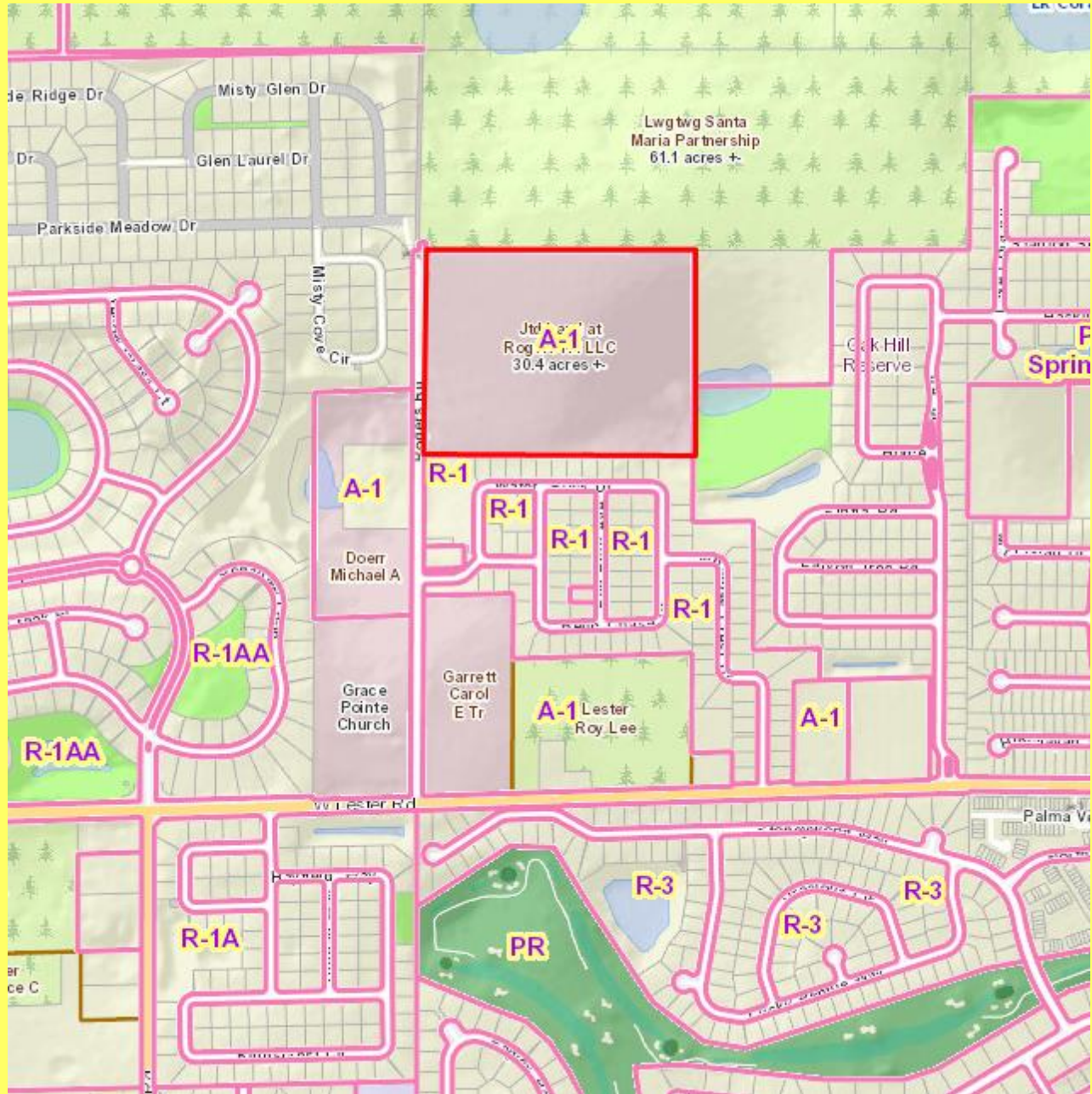


### FUTURE LAND USE MAP



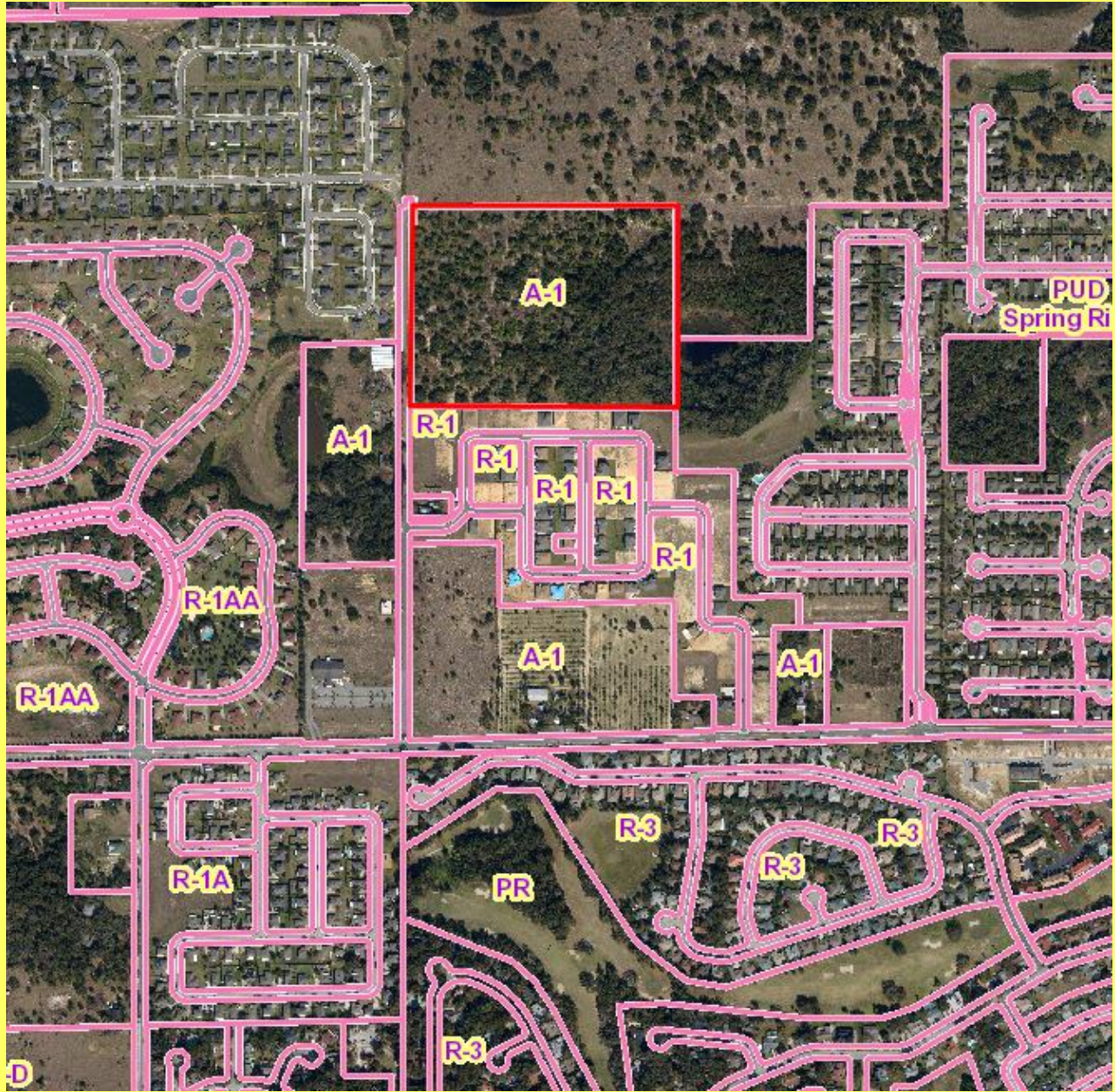


### ADJACENT ZONING





### ADJACENT USES





**EXISTING USES**

