



**City of Apopka
Planning Commission
Meeting Agenda
May 10, 2016
5:30 PM @ City Council Chambers**

I. CALL TO ORDER

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

II. OPENING AND INVOCATION

III. APPROVAL OF MINUTES:

- 1 Approve minutes of the Planning Commission regular meeting held April 12, 2016, at 5:30 p.m.

IV. PUBLIC HEARING:

- 1. SPECIAL EXCEPTION – Miracle Grace Academy – The property is owned by Wekiva Corners, Inc.; the applicant is Miracle Grace Academy; and the property is located at 2250 & 2252 East Semoran Boulevard.
- 2. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Gail W. Brown, from Commercial (Max. 0.15 FAR) to Residential Low (0-5 du/ac), for property located at 1078 South Binion Road. (Parcel ID #: 18-21-28-0000-00-057)
- 3. CHANGE OF ZONING – Owned by Gail W. Brown, from "County" A-1 (ZIP) to "City" R-1A (Residential), for property located at 1078 South Binion Road. (Parcel ID #: 18-21-28-0000-00-057)
- 4. CHANGE OF ZONING – Owned by JTD Land at Rogers Road LLC, from "County" A-1 (ZIP) to "City" R-1A (Residential), for property located north of Lester Road, east of Rogers Road. (Parcel ID #s: 29-20-28-0000-00-004 & 29-20-28-0000-00-026)

V. SITE PLANS: None.

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

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

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

Backup material for agenda item:

- 1 Approve minutes of the Planning Commission regular meeting held April 12, 2016, at 5:30 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON APRIL 12, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Pam Toler, Orange County Public Schools (Non-voting)

OTHERS PRESENT: Mark Reggentin, AICP – Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand, Esq., Rogers Beckett – Special Projects Coordinator, Robert Sargent – Public Information Officer, Stuart Buchanan, Christopher Swann, Ed Velazquez, Teresa Sargeant, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of March 8, 2016, at 5:30 p.m. minutes.

Motion: **Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on March 8, 2016, at 5:30 p.m. and seconded by Tony Foster. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0).**

QUASI-JUDICIAL - FINAL DEVELOPMENT PLAN/PLAT – SILVER OAK SUBDIVISION – Chairperson Greene stated this is a request to recommend approval of the Final Development Plan and Plat for Silver Oak Subdivision owned by Development Solutions SH, LLC and located north of East Keene Road, west of Sheeler Avenue. The applicant is Surrey Homes and the engineer is Poulos & Bennet, LLC, c/o Mark Stehli. P.E. This request is quasi-judicial and all testimony before the Planning Commission is sworn testimony. He asked if that anyone present who would be giving a presentation or providing testimony to stand and be sworn in by the City Attorney.

Andrew Hand, City Attorney, swore-in everyone present who would be giving a presentation or providing testimony in this matter.

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: Mr. Moon stated this is a request to recommend approval of the Final Development Plan and Plat for Silver Oak Subdivision owned by Development Solutions SH, LLC and located north of East Keene Road, west of Sheeler Avenue. The applicant is Surrey Homes and the engineer is Poulos & Bennet, LLC, c/o Mark Stehli. The future land use is Residential High Density (0-15 du/ac) and the zoning is R-3 (Residential). The existing use is vacant land. The proposed use is a 182 single family residential lots, a clubhouse, and a community swimming pool. The tract size is 50.83 +/- acres.

The Silver Oaks Subdivision Final Development Plan proposes 182 single family residential units, clubhouse and community swimming pool. The Silver Oaks Subdivision is located within a Small Lot Overlay District which will consist of 40, 50 and 70 feet wide lots with a minimum lot size of 4600 S.F. and a minimum living area of 1500 S.F. All 40 foot wide lots have access via a rear-loaded garage from an alley owned and maintained by the homeowners association. All 50 foot and 70 foot wide lots have front entry garages. Development standards for the subdivision are based on the approved Silver Oak Master Plan and the Land Development Code.

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

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

A School Mitigation Agreement is under review by Orange County Public Schools. The location is served by the following schools: Lakeville Elementary, Piedmont Lakes Middle School, and Wekiva High School. No development activity shall occur on the subject property until the developer has obtained a school concurrency mitigation agreement or letter from OCPS.

The developer is providing a total of 6.08 acres of passive and active recreational areas which includes a twenty-five hundred (2500) square foot clubhouse, tot lot, dog park, community swimming pool, and common open space areas.

A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Fish and Wildlife Commission prior to commencing any site construction activity.

The JPA requires the City to notify the County any public hearing or advisory board consideration of a Subdivision Plan that is adjacent to Unincorporated Orange County. The County has not been notified.

The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069. A tree survey and mitigation plan is included with the final development plan. The developer is required to pay tree mitigation fee of \$34,140 into the tree bank fund.

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

Total inches on-site:	6510
Total number of specimen trees:	34
Total inches removed:	5742
Total inches retained:	768
Total specimen inches retained:	42
Total inches required:	5742
Total inches replaced:	2328
Total inches post development:	2328
Tree Inches to be mitigated:	3414

The applicant requested the following waivers:

- 1) Waiver Request #1: The applicant is requesting a waiver from LDC Section 6.02.07(8) b which requires "The width of curb and gutter shall be a minimum of 24 inches and shall be Florida state DOT type "F" curb and gutter. Simple vertical curbing and Miami curb are prohibited. FDOT type mountable median curb may be used around median dividers on the high side of pavement. All curbing designed to handle water shall incorporate an approved gutter design. There shall be a stabilized subgrade beneath all curbs and one foot beyond the back of curb."

The applicant is proposing install "Miami Curb" in the alleys only. The justification is that installing a "Miami Curb" provides a mountable curb to support a 22' drivable surface in conjunction with waiver #2. The Development Review Committee (DRC) supports the proposed waiver request.

- 2) Waiver Request #2. The applicant is requesting a waiver from LDC Section 6.02.07 minimum street design and construction standards.

The applicant is proposing a twenty-two (22) feet wide drivable surface within the alleys only. The justification is that Traditional New Development (TND) guidelines specify 15-foot paved surfaces within a 20-foot alley tract to service between 300-600 average daily trips (ADT). The Silver Oak two-way alleys serve a maximum of 14 lots 140 (ADT) and are not subject to pass through traffic. The proposed alley provides 22 feet of paved surface which is in excess of the TND design guidelines. Additionally, the peak traffic volumes occur in the AM and PM which does not coincide with the time of garbage pick-up service. DRC supports the proposed waiver request.

The Development Review Committee finds the Silver Oaks Subdivision Final Development Plan to be consistent with the Comprehensive Plan, Land Development Code, and the approved Silver Oak Master Plan and recommends the approval of the Silver Oaks Subdivision- Final Development Plan and to approve waiver requests, subject to submittal of a School Mitigation Agreement with Orange County School Board.

The recommended motion was to find the Silver Oak Subdivision Final Development Plan and Plat to be consistent with the Comprehensive Plan, Land Development Code, and the approved Silver Oak Master Plan, and recommend the approval of the Silver Oaks Subdivision- Final Development Plan and Plat and waiver requests, subject to submittal of a School Mitigation Agreement with Orange County School Board.

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

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

In response to a question by Mr. Ryan, Mr. Moon stated the alleyway setbacks would be 22 feet.

In response to a question by Chairperson Greene, Mr. Moon stated that Orange County was notified at the time of the Master Plan.

Petitioner Presentation: Christopher Swann, Surrey Homes, 10060 Lethbridge Drive, Orlando, stated that they concur with staff's presentation and were available for any questions.

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: Melvin Birdsong made a motion to find the Silver Oak Subdivision Final Development Plan and Plat to be consistent with the Comprehensive Plan, Land Development Code, and the approved Silver Oak Master Plan, and to recommend approval of the Silver Oaks Subdivision Final Development Plan and Plat and waiver requests, subject to submittal of a School Mitigation Agreement with Orange County School Board, for the property owned by Development Solutions SH, LLC and located north of East Keene Road, west of Sheeler Avenue. The motion was seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0). (Vote taken by poll.)

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON APRIL 12, 2016, AT 5:30 P.M.

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 5:46 p.m.

James Greene, Chairperson

Mark Reggentin, AICP
Community Development Director

Backup material for agenda item:

1. SPECIAL EXCEPTION – Miracle Grace Academy – The property is owned by Wekiva Corners, Inc.; the applicant is Miracle Grace Academy; and the property is located at 2250 & 2252 East Semoran Boulevard.



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	MEETING OF:	May 10, 2016
<input type="checkbox"/> SPECIAL REPORTS	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input type="checkbox"/> OTHER:		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses Map

SUBJECT: MIRACLE GRACE ACADEMY SPECIAL EXCEPTION

Parcel ID Number: 12-21-28-0000-00-014

Request: APPROVE THE SPECIAL EXCEPTION TO ALLOW A KINDERGARTEN THROUGH SECOND GRADE PRIVATE SCHOOL WITHIN A PROPERTY ASSIGNED A COMMERCIAL ZONING CATEGORY OF C-1.

SUMMARY:

OWNER: Wekiva Corners Inc.

APPLICANT: Miracle Grace Academy

LOCATION: 2250 & 2252 E Semoran Boulevard

LAND USE: Commercial (max 0.25 FAR)

ZONING: C-1 (Retail Commercial)

EXISTING USE: Retail shopping center

PROPOSED USE: Private Kindergarten through Second Grade school not to exceed 50 students or 5,000 sq. ft. in size.

TRACT SIZE: 5.29 +/- acres

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	

STAFF REPORT: Within the C-1 (Retail Commercial) zoning category, a school is a special exception use requires Planning Commission action. The current application requests to use the commercial tenant space at 2250 and 2252 East Semoran Blvd. (Wekiva Corners shopping center) for a kindergarten through second grade private school with an anticipated enrollment of 25 to 35 students.

The property is presently assigned a Future Land Use Designation of “Commercial” and a zoning category of C-1 (Retail Commercial). School and institutional uses are allowed as a Special Exception in the C-1 zoning district per Section 2.02.02B.5.d of the Land Development Code, provided the use will not create adverse circumstances affecting the health, safety, and general welfare of the public.

A. Relationship to Adjacent Properties: Zoning and existing land use assigned to adjacent and nearby properties appears in the attached exhibits. The character of the area surrounding the subject property is described as follows:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial (max 0.25 FAR)	C-1	Sonny’s BBQ/Wells Fargo
East (City)	Commercial (max 0.25 FAR)	C-1	Muffler Man
South (City)	Residential High (0-15 du/ac)	PUD	Oasis at Wekiva Apartments
West (City)	Commercial (max 0.25 FAR)	C-1	Retail Commercial (Stinson Center)

B. Special Exception Development Standards. Article II of the Land Development Code establishes development standards specific to special exceptions. These standards are intended to reduce any impacts from the proposed special exception use on adjacent properties.

C. Special Exception Conditions of Use.

1. The number of kindergarten through second grade students (full-time equivalent) shall not exceed 50.
2. The total floor area of the proposed private school shall not exceed 5,000 sq. ft., all floor area of the school shall be contiguous, and access to all classrooms shall occur from internal to the building.
3. No outdoor activities related to this proposed special exception use shall occur except for such activities authorized through a special event permit approved by the City.
4. The Special Exception Use to the land contained within Parcel Number only applies to Parcel No. 12-21-28-0000-00-014 as of the date of the adoption hearing.
5. This Special Exception authorization expires if (a) the applicant fails to obtain a certificate of occupancy or a business tax receipt within two years from the date of the Special Exception approval; and (b) the Special Exception Use has vacated the parcel for more than 180 consecutive days.

DULY ADVERTISED:

April 22, 2016 - Public Hearing Notice

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Miracle Grace Academy Special Exception to allow a private Kindergarten through Second Grade school not to exceed 50 students or 5,000 sq. ft. floor area in size within a C-1 zoning district subject to the special exception conditions within the Staff Report.

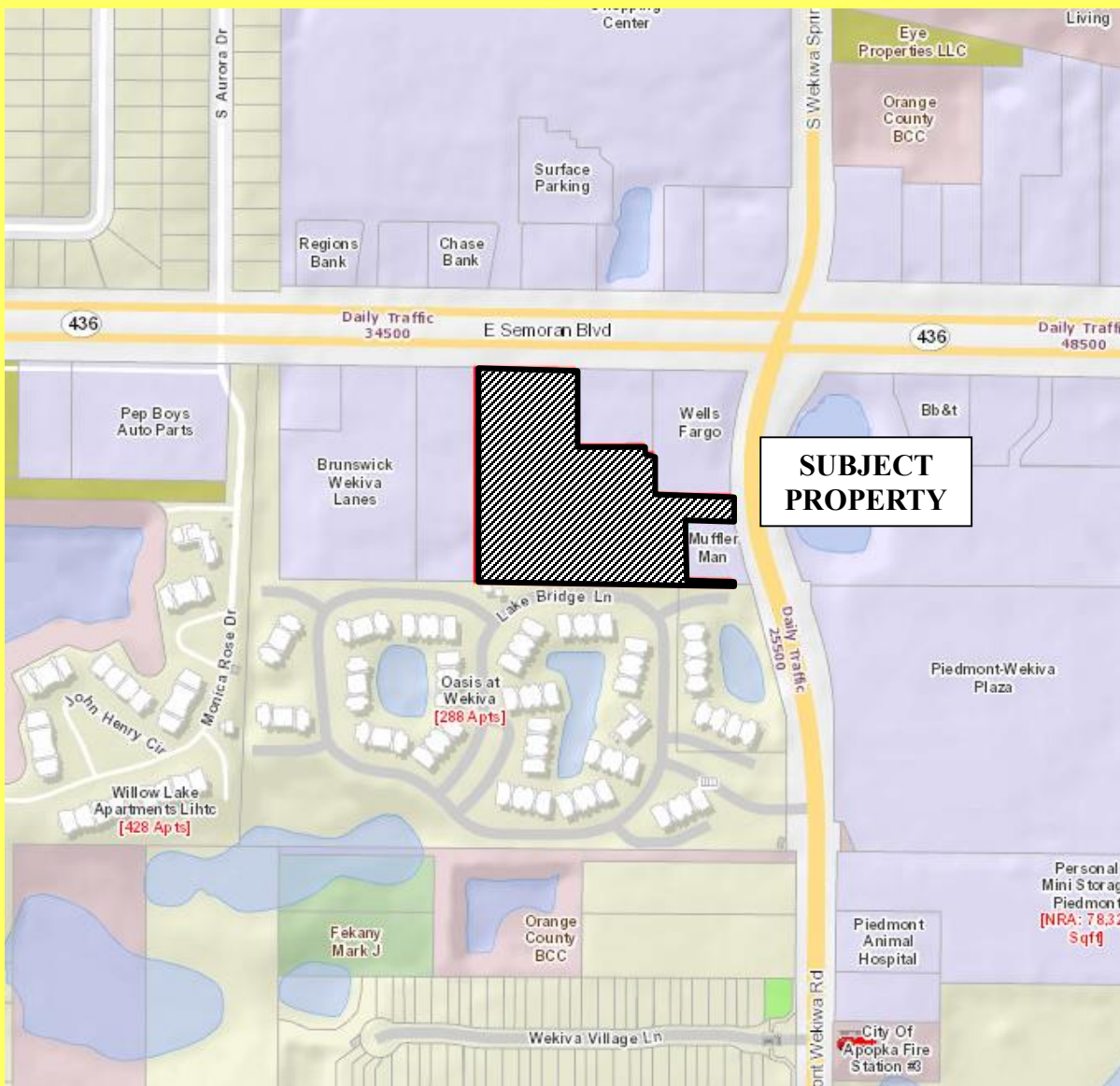
Recommended Motion: Approve the Miracle Grace Academy Special Exception Use to allow a private Kindergarten through Second Grade subject to the Special Exception Conditions of Use.

Planning Commission Role - Pursuant to the City of Apopka Code of Ordinances, Part III, Land Development, Article XI, Section 11.05.D.1 the Planning Commission has the authority to take final action on a special exception application. Therefore, the Planning Commission may approve, deny or approve with conditions this application. An applicant may appeal the Planning Commission action to the City Council.



Miracle Grace Academy
Proposed Special Exception
To allow a private Kindergarten – Second Grade school
Located on property assigned a Commercial Land Use Designation
5.92 +/- Acres
Parcel ID #: 12-21-28-0000-00-014

VICINITY MAP



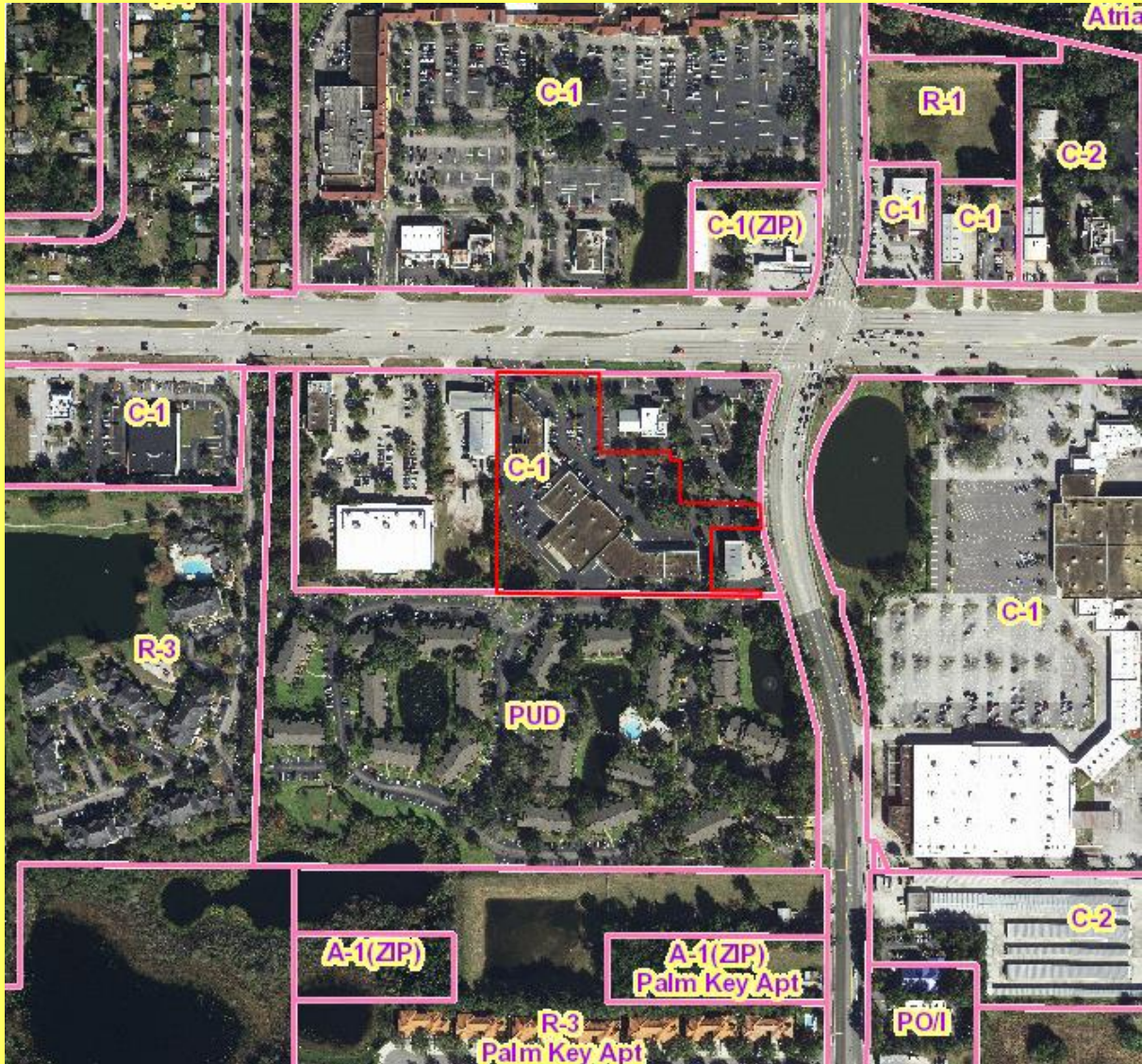


ADJACENT ZONING MAP





ADJACENT USES





EXISTING USES



Backup material for agenda item:

2. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Owned by Gail W. Brown, from Commercial (Max. 0.15 FAR) to Residential Low (0-5 du/ac), for property located at 1078 South Binion Road. (Parcel ID #: 18-21-28-0000-00-057)



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	May 10, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

SUBJECT: GAIL W. BROWN – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT

PARCEL ID NUMBER: (Portion of) 18-21-28-0000-00-057

Request: COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT
FROM: COMMERCIAL (MAX. 0.15 FAR)
TO: “CITY” RESIDENTIAL LOW (0-5 DU/AC)

SUMMARY

OWNER/APPLICANT: Gail W. Brown

LOCATION: 1078 S. Binion Rd.

EXISTING USE: Vacant

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family residential development

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

TRACT SIZE: 3.0 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit
PROPOSED: 15 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 applicant is requesting the City to assign a future land use designation of Residential Low (0 – 5 du/acre) to the property.

The subject property was annexed into the City of Apopka on December 21, 2005, through the adoption of Ordinance No. 1639. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 3.0 acres, of a 21.36 parcel. The remainder of the parcel has a Future Land Use Designation of Residential Low. The property owner intends to develop the property for single-family residential 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).

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

SCHOOL CAPACITY REPORT: The proposed future land use change will result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS will be required prior to City Council approval of a Preliminary Development Plan for this property.

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 April 8, 2016.

PUBLIC HEARING SCHEDULE:

May 10, 2016 - Planning Commission (5:30 pm)
June 1, 2016 - City Council (1:30 pm) - 1st Reading
June 15, 2016 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

April 22, 2016 – Public Notice and Notification
June 3, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from Commercial (Max. 0.10 FAR) to Residential Low (0-5 du/ac) for the 3.0 +/- portion of property owned by Gail W. Brown and located at 1078 S. Binion Road.

Recommended Motion: Motion to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from Commercial to “City” Residential Low Density for the property owned by Gail W. Brown, subject to the information and findings in the staff report.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	A-1 (ZIP)	Timberland
East (City & County)	Agriculture (0-1 du/5 ac) & “County” Rural (0-1 du/10 ac)	A-1 (ZIP) & A-1	R-O-W & Single-family homes
South (County)	Mixed Use	A-1 (ZIP)	Single-family home
West (City)	Residential Low (0-5 du/ac)	A-1 (ZIP)	Vacant

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with the development of residential uses. The property lies west of S. Binion Road and north of Boy Scout Road.

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 “Western Beltway Corridor 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 S. Binion 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 5-12 percent slope.

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

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Residential Low (0-5 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 1 Unit(s) x 2.65 = 2 persons
 PROPOSED (City designation): 15 Unit(s) x 2.6 18 = 39 persons

Housing Needs: This amendment will negatively impact the housing needs as projected in the Comprehensive Plan.

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

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

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

Sanitary Sewer Analysis

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

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

Projected total demand under existing designation: 196 GPD

Projected total demand under proposed designation: 2940 GPD

Capacity available: Yes

Projected LOS under existing designation: 81 GPD/Capita

Projected LOS under proposed designation: 81 GPD/Capita

Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

Projected total demand under existing designation: 210 GPD

Projected total demand under proposed designation: 3150 GPD

Capacity available: Yes

Projected LOS under existing designation: 177 GPD/Capita

Projected LOS under proposed designation: 177 GPD/Capita

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

Parcel located within the reclaimed water service

19

Yes

Solid Waste

Facilities serving the site: City of Apopka

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

Projected LOS under existing designation: 4 lbs./person/day

Projected LOS under proposed designation: 4 lbs./person/day

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

Facilities serving the site: None

Projected LOS under existing designation: 100 year - 24 hour design storm

Projected LOS under proposed designation: 100 year - 24 hour design storm

Improvement/expansion: On-site retention/detention pond

Recreation

Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita

Projected facility under existing designation: 0.144 AC

Projected facility under proposed designation: 0.177AC

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.



Gail W. Brown
1078 S. Binion Road
3.0 +/- Acres

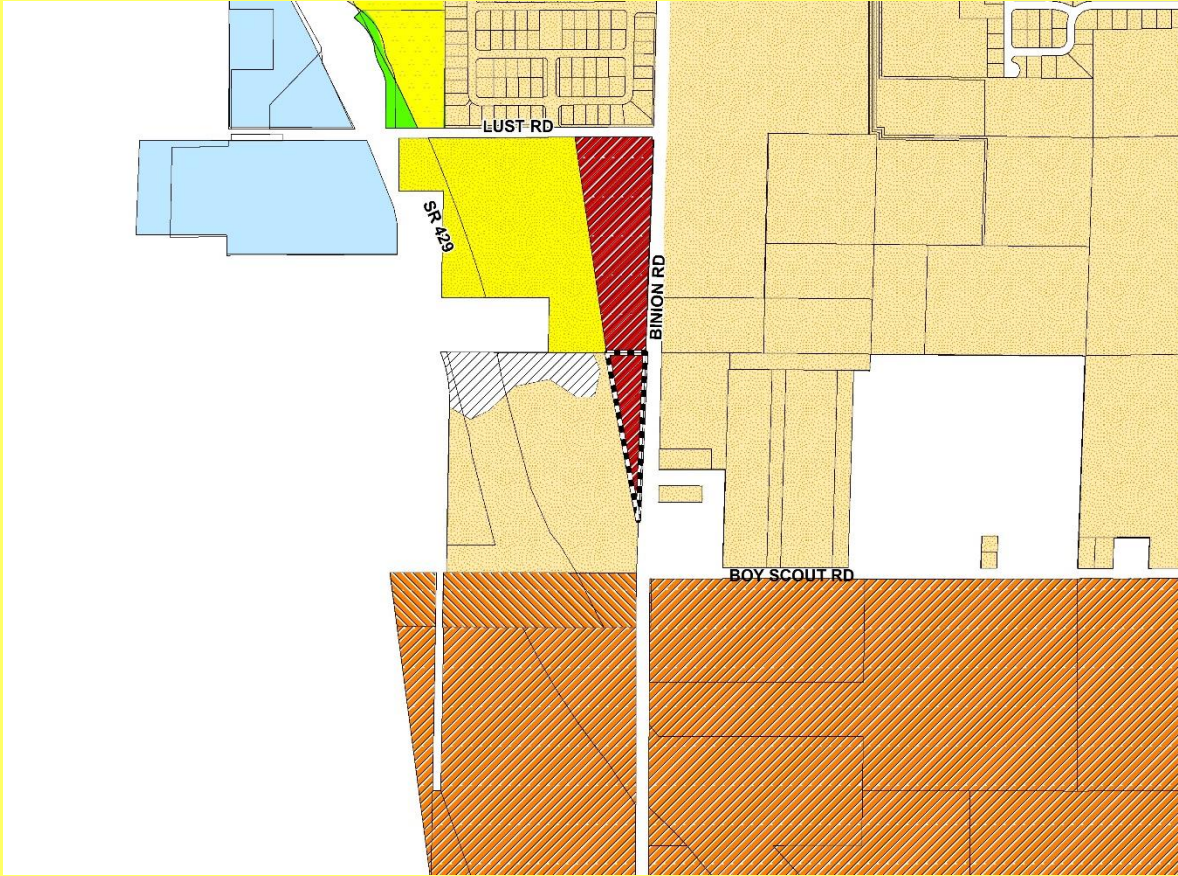
Existing Maximum Allowable Development: 1 dwelling unit
Proposed Maximum Allowable Development: 15 dwelling units
Proposed Small Scale Future Land Use Change
From: Commercial (Max. 0.15 FAR)
To: Residential Low (0-5 du/ac)
Proposed Zoning Change
From: "County" A-1 (ZIP)
To: "City" R-1A (10,000 sq. ft. min. lot size)
Parcel ID #: (Portion of) 18-21-28-0000-00-057

VICINITY MAP



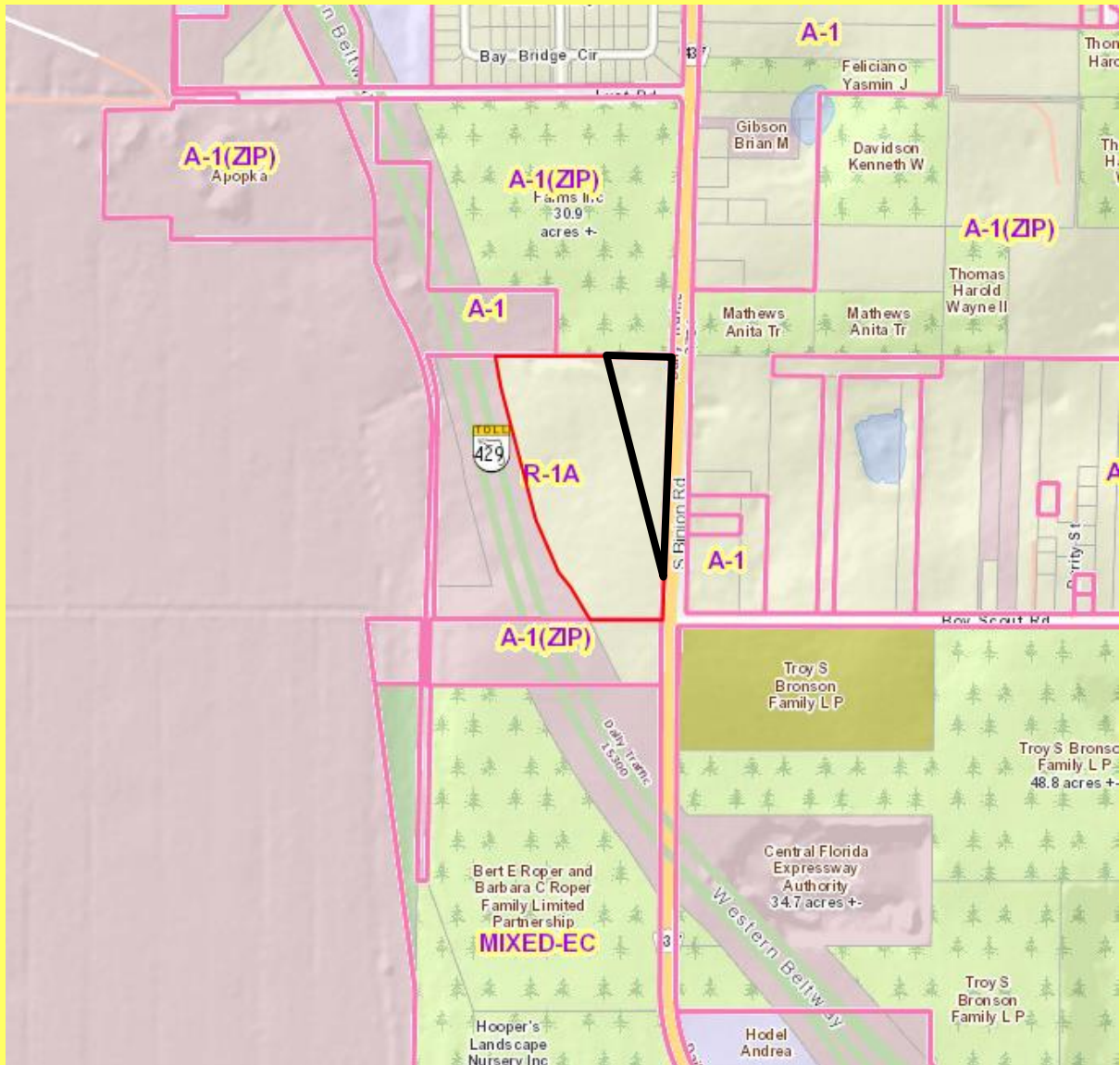


FUTURE LAND USE MAP



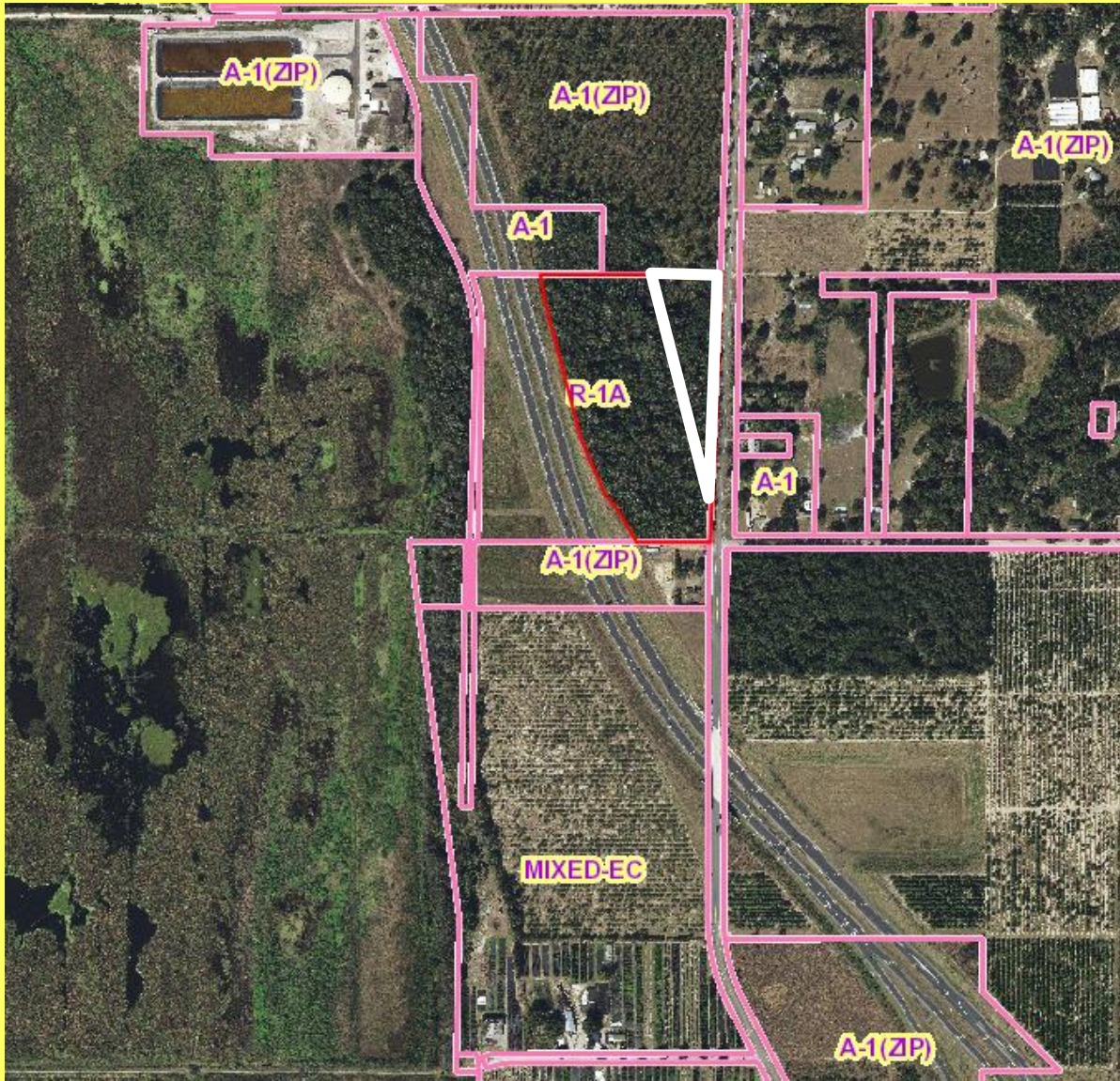


ZONING MAP



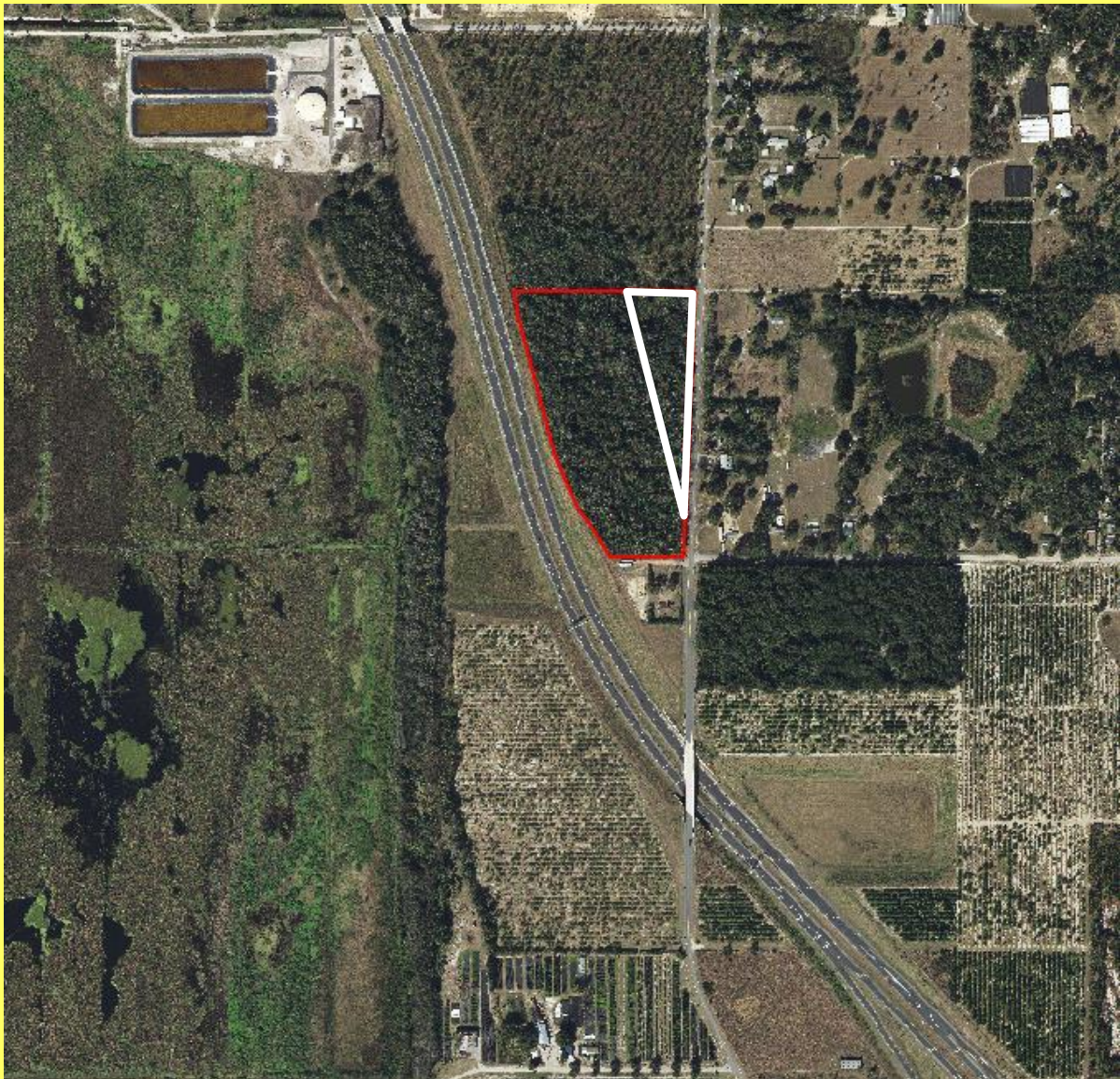


ADJACENT USES





EXISTING USES



Backup material for agenda item:

3. CHANGE OF ZONING – Owned by Gail W. Brown, from “County” A-1 (ZIP) to “City” R-1A (Residential), for property located at 1078 South Binion Road. (Parcel ID #: 18-21-28-0000-00-057)



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	May 10, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

SUBJECT: GAIL W. BROWN – CHANGE OF ZONING

Parcel ID Number: (PORTION OF 18-21-28-0000-00-057)

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

SUMMARY

OWNER/APPLICANT: Gail W. Brown

LOCATION: 1078 S. Binion Rd.

EXISTING USE: Vacant

CURRENT LAND USE: Commercial (Max. 0.15 FAR)

PROPOSED LAND USE: Residential Low (0-5 du/ac) (NOTE: This change of zoning application is being processed along with a future land use amendment from Commercial (Max. 0.15 FAR) to Residential Low (0-5 du/ac).

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family residential development

TRACT SIZE: 3.0 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 dwelling unit
PROPOSED: 9 dwelling 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: Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of R-1A to the property.

The subject property was annexed into the City of Apopka on December 21, 2005, through the adoption of Ordinance No. 1639.

A request to assign a change of zoning to R-1A is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the R-1A zoning classification to accommodate the use of the property for a single-family residential development. (The change of zoning request is being processed in conjunction with a future land use amendment for a Residential Low future land use map designation (0-5 du/ac.) The proposed use is consistent with the proposed Residential Low FLUM designation and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 3.0 +/- acres.

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

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

SCHOOL CAPACITY REPORT: The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the three acres are exempt from school capacity enhancement per the School Interlocal Planning Agreement.

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 April 8, 2016.

PUBLIC HEARING SCHEDULE:

May 10, 2016 - Planning Commission (5:30 pm)
June 1, 2016 - City Council (1:30 pm) - 1st Reading
June 15, 2016 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

April 22, 2016 – Public Notice and Notification
June 3, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in zoning from “County” A-1 (ZIP) to “City” R-1A (Residential) for the property owned by Gail W. Brown at 1078 S. Binion Rd.

Recommended Motion: Motion to find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend change of zoning from “County” A-1 (ZIP) to “City” R-1A (residential)

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	A-1 (ZIP)	Timberland
East (City & County)	“City” Agriculture (0-1 du/5 ac) & “County” Rural (0-1 du/10 ac)	A-1 (ZIP) & A-1	R-O-W & Single-family homes
South (County)	Mixed Use	A-1 (ZIP)	Single-family home
West (City)	Residential Low (0-5 du/ac)	A-1 (ZIP)	Vacant

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a county collector (S Binion Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed R-1A zoning is consistent with the proposed Residential Low (0-5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. The proposed R1-A zoning classification is one of the acceptable zoning categories allowed within the Residential Low Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-1A DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

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

ALLOWABLE USES:

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



Gail W. Brown
1078 S. Binion Road
3.0 +/- Acres

Existing Maximum Allowable Development: 1 dwelling unit
Proposed Maximum Allowable Development: 15 dwelling units

Proposed Small Scale Future Land Use Change

From: Commercial* (*max 0.15 FAR)

To: "Residential Low (0-5 du/ac)

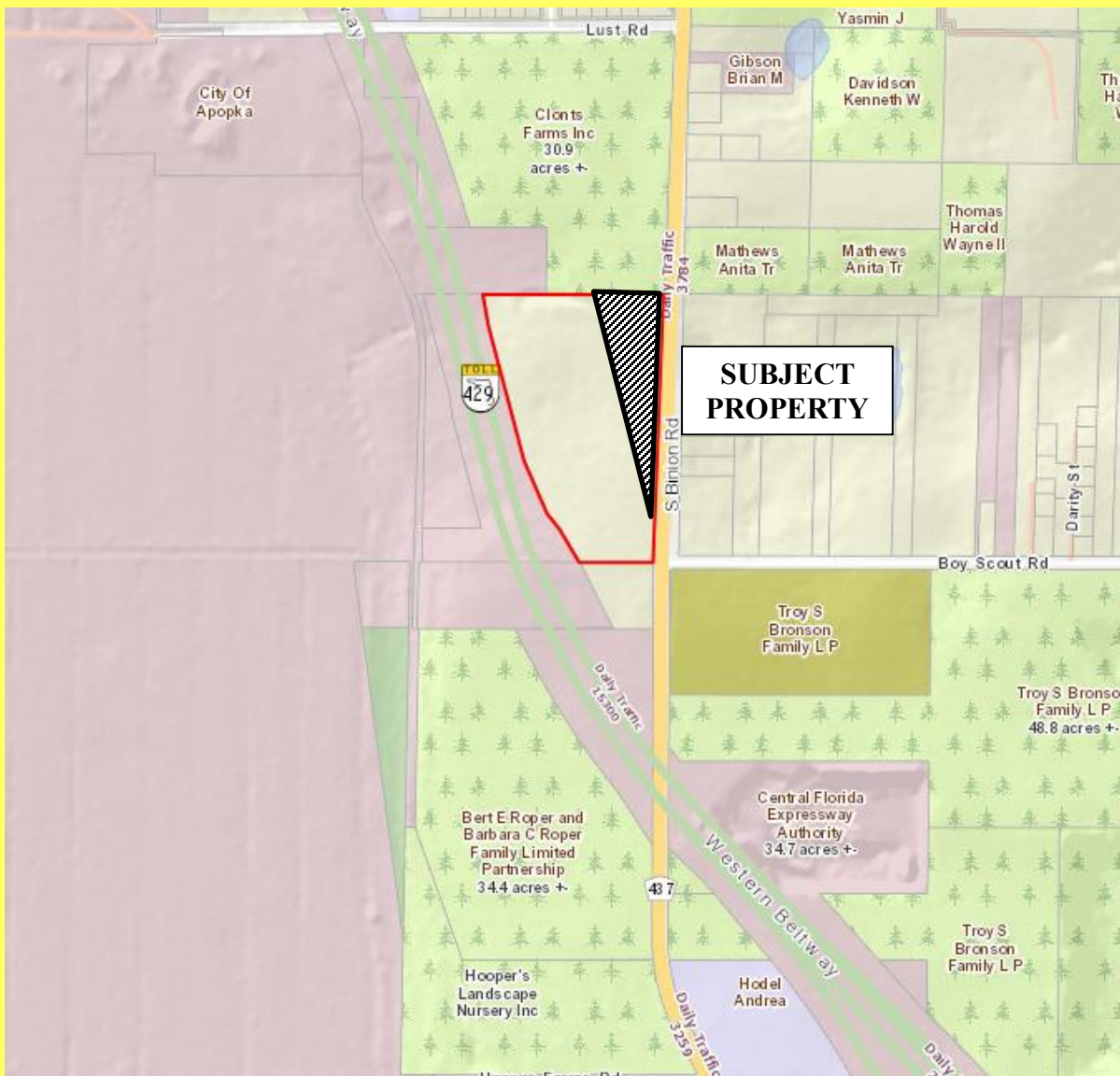
Proposed Zoning Change

From: "County" A-1 (ZIP)

To: "City" R-1A (10,000 sq. ft. min. lot size)

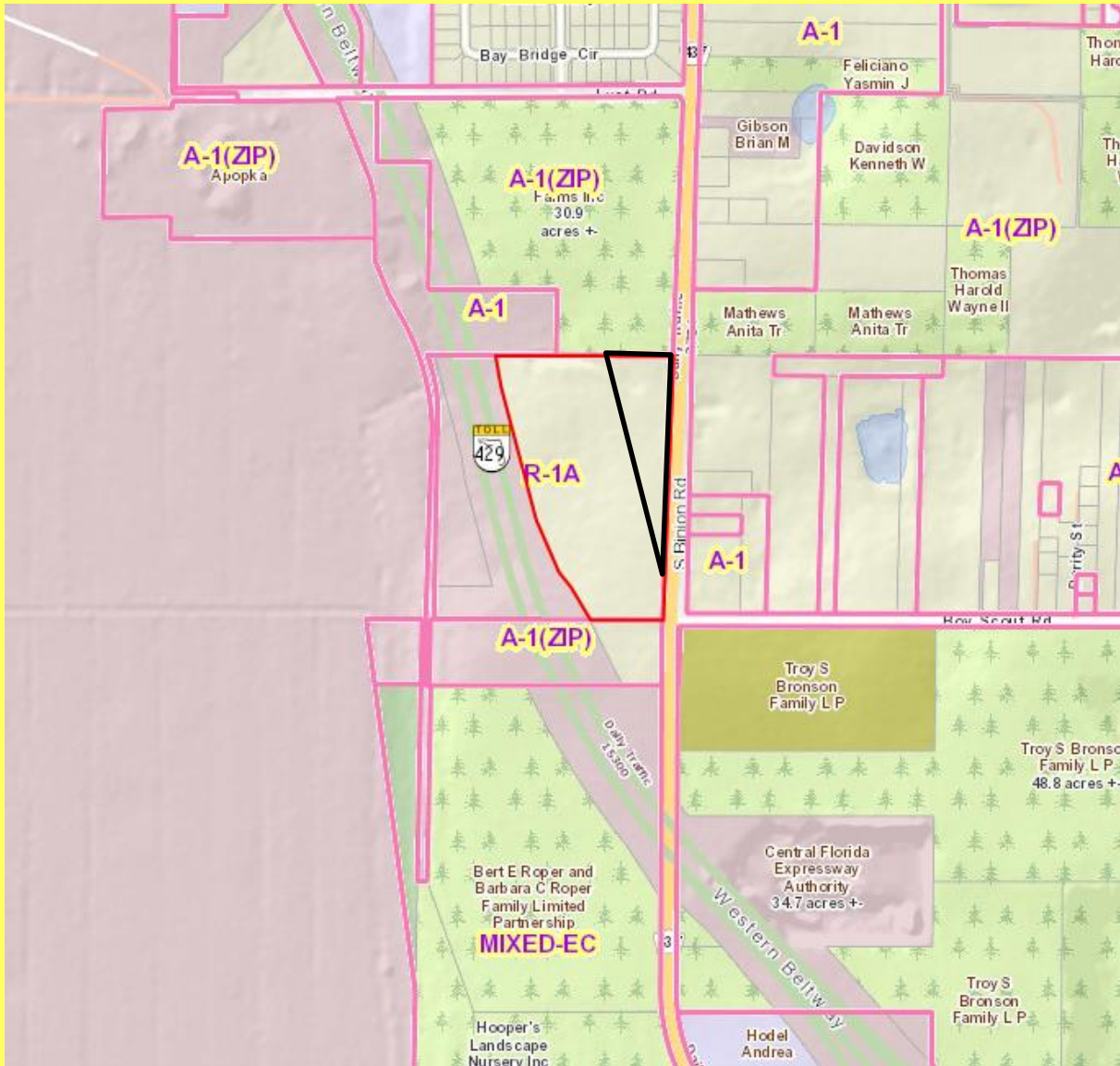
Parcel ID #: (Portion of) 18-21-28-0000-00-057

VICINITY MAP



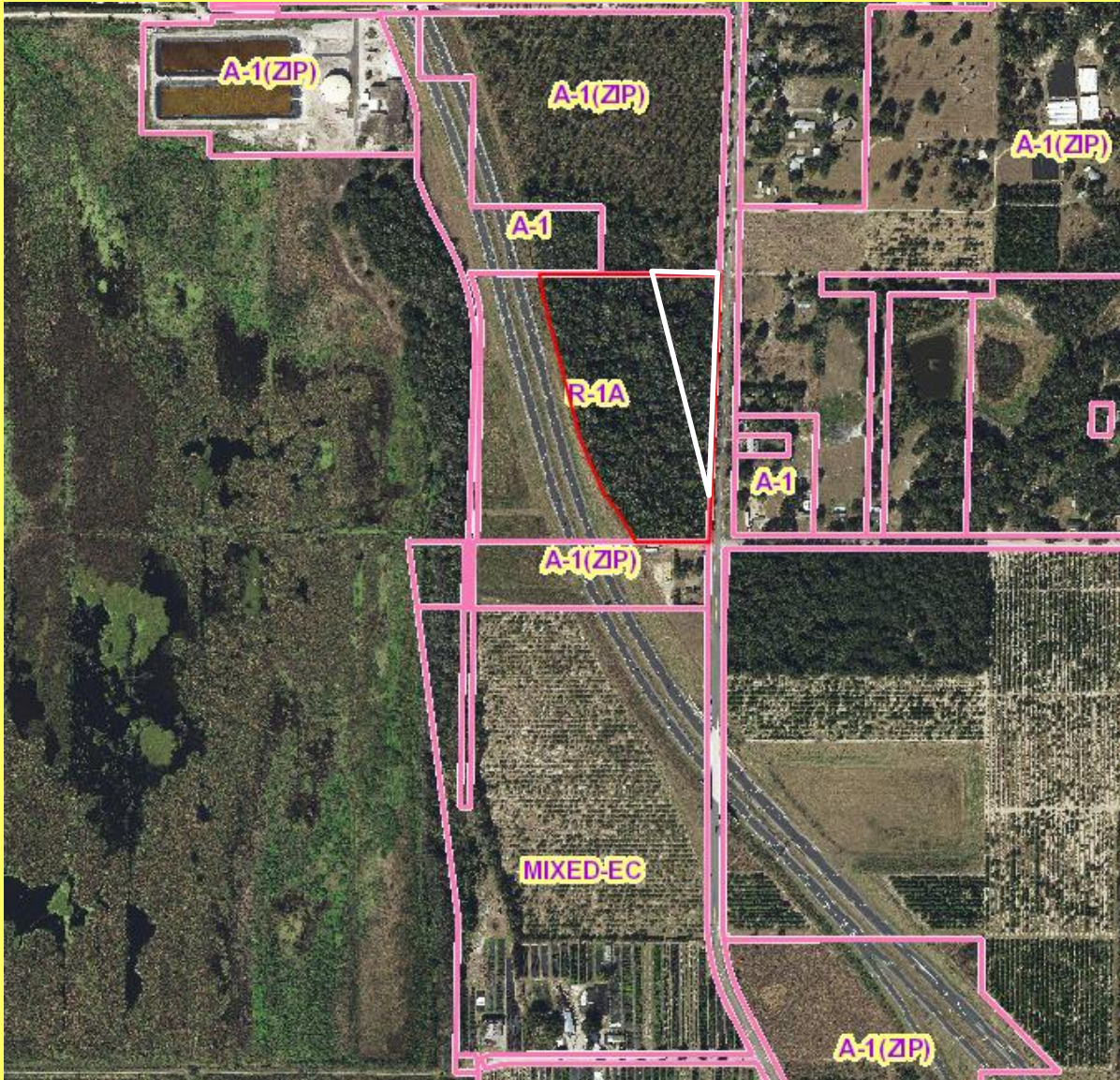


ADJACENT ZONING



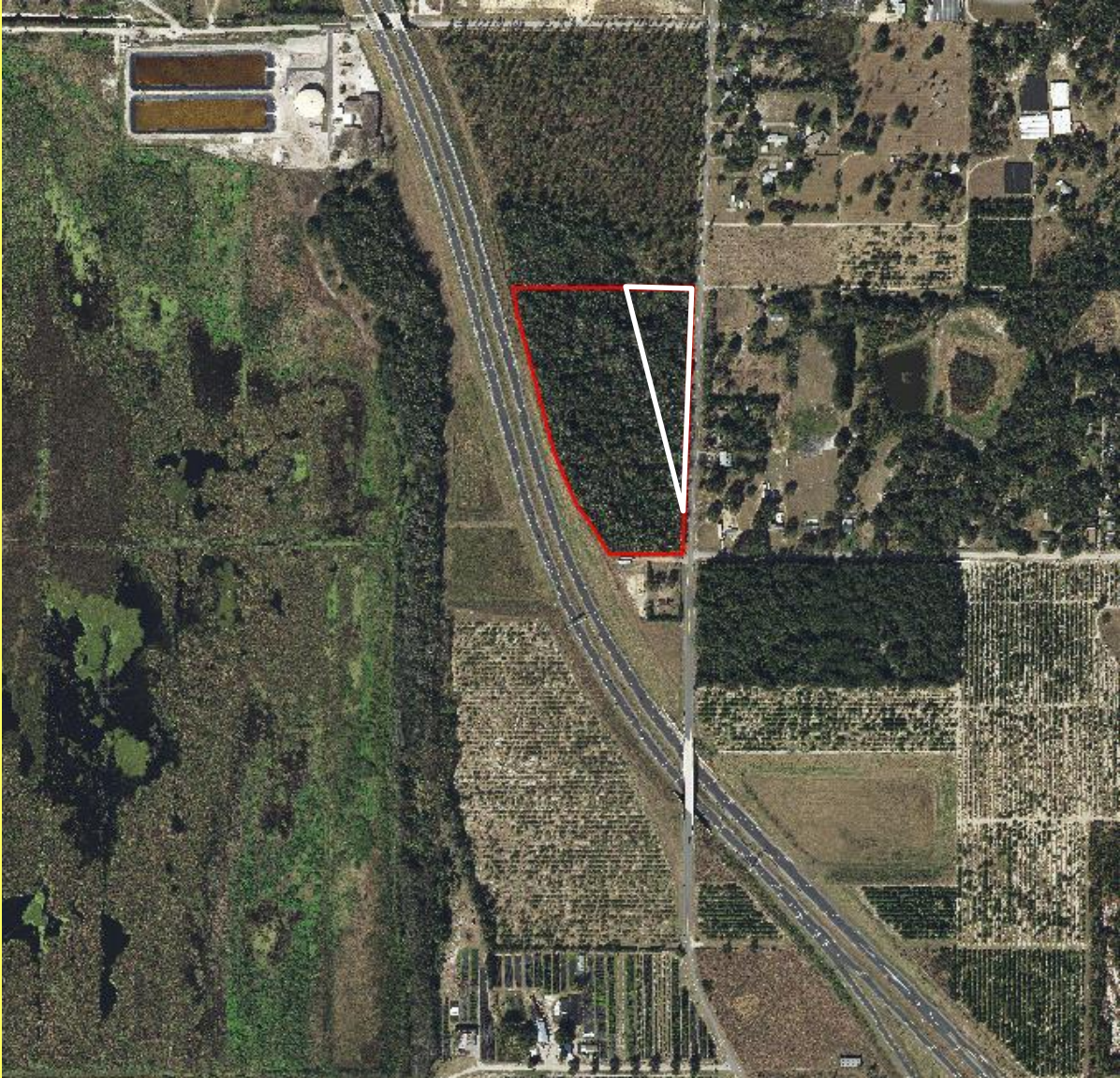


ADJACENT USES





EXISTING USES



Backup material for agenda item:

4. CHANGE OF ZONING – Owned by JTD Land at Rogers Road LLC, from “County” A-1 (ZIP) to “City” R-1A (Residential), for property located north of Lester Road, east of 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:	May 10, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

SUBJECT: JTD LAND AT ROGERS ROAD LLC – CHANGE OF ZONING

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

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

SUMMARY

OWNER/APPLICANT: JTD Land at Rogers Road LLC

LOCATION: North of Lester Road, east of Rogers Road

EXISTING USE: Vacant

PROPOSED FLUM DESIGNATION: Residential Low Suburban (0-3.5 du/ac) (NOTE: This change of zoning application is being processed in conjunction with a large scale FLUM amendment requesting Residential Low Suburban (0-3.5 du/ac).

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family residential development

TRACT SIZE: 30.5 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 122
PROPOSED: 106

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: Presently, the subject property has not yet been assigned a “City” zoning category. Applicant is requesting the City to assign a zoning classification of R-1 (Residential) to the property.

The subject parcels were annexed into the City of Apopka on December 2, 2015, through Ordinances 2459. The proposed change of zoning is being requested by the owner/applicant.

A request to assign a change of zoning to R-1 (Residential) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the R-1 (Residential) zoning classification to accommodate the use of the property for a single-family residential development. This change of zoning application is being processed in conjunction with a large scale future land use amendment for Residential Low Suburban (0-3.5 du/ac). The proposed use is consistent with the existing future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 30.5 acres.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential Low Suburban (0-2 du/ac) Future Land Use designation and the City’s proposed R-1 (Residential) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: A Capacity Enhancement Agreement or a letter must be obtained from Orange County Public Schools prior to City Council approval of a Preliminary Development Plan for the residential subdivision.

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:

May 10, 2016 - Planning Commission (5:30 pm)
May 18, 2016 - City Council (7:00 pm) - 1st Reading
June 1, 2016 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

April 22, 2016 – Public Notice and Notification
May 20, 2016 – Ordinance Heading ¼ Page w/Map Ad

RECOMMENDED ACTION:

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

Recommended Motion: Find the change of zoning to “City” R-1 (Residential) consistent with the Comprehensive Plan and Land Development Code and recommend adoption subject to adoption of the Proposed Future Land Use Designation.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AAA	Vacant
East (City)	Residential Low Suburban (0-3.5 du/ac)	PUD & R-IAAA	Vacant
South (City)	Residential Low Suburban (0-3.5 du/ac)	R-1	Single-family homes (Lester Ridge)
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

LAND USE & TRAFFIC

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

COMPREHENSIVE

PLAN COMPLIANCE: The proposed R-1 (Residential) zoning is consistent with the City’s Residential Low Suburban (0-3.5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. The R-1 (Residential) zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-1 DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

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

**ALLOWABLE
USES:**

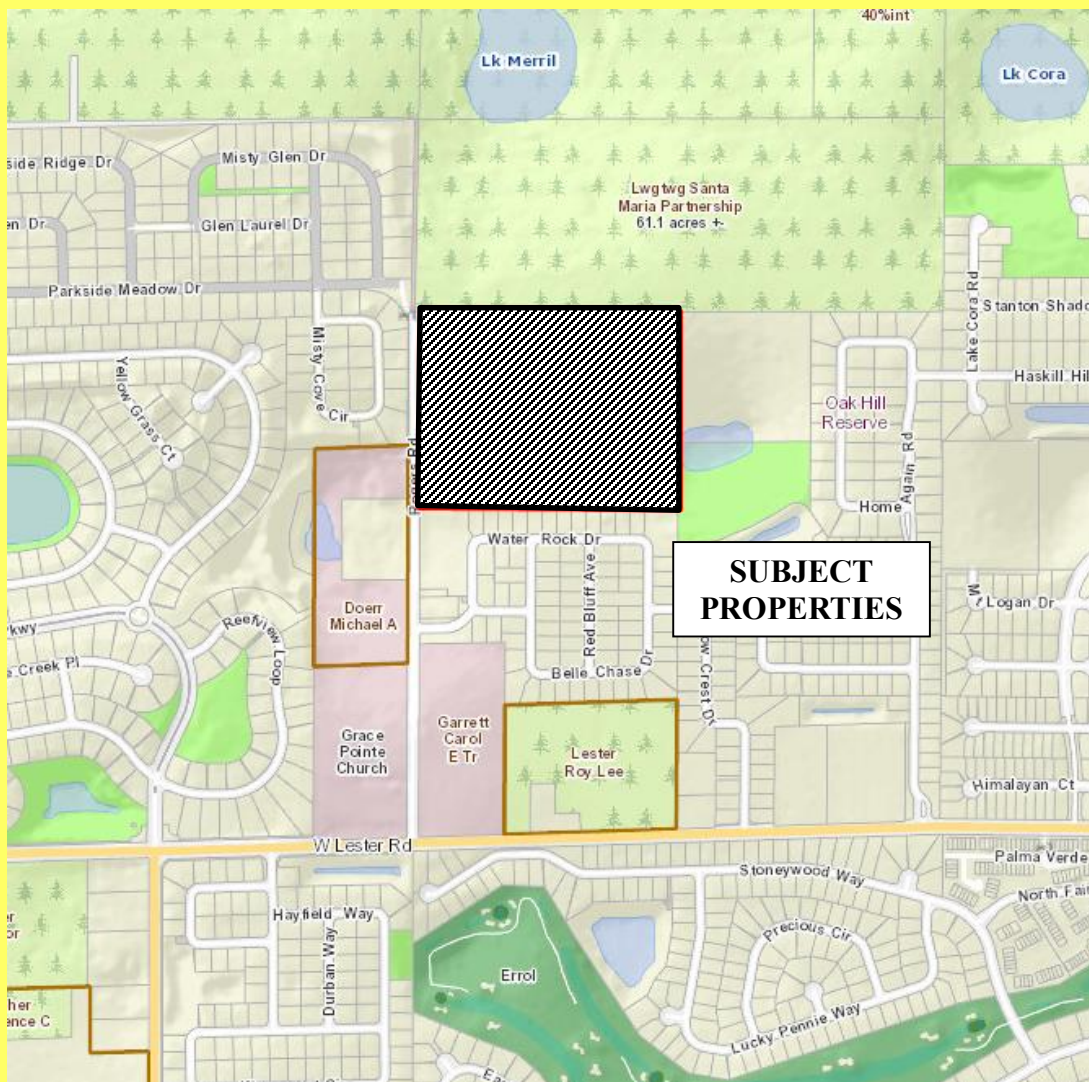
Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.

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



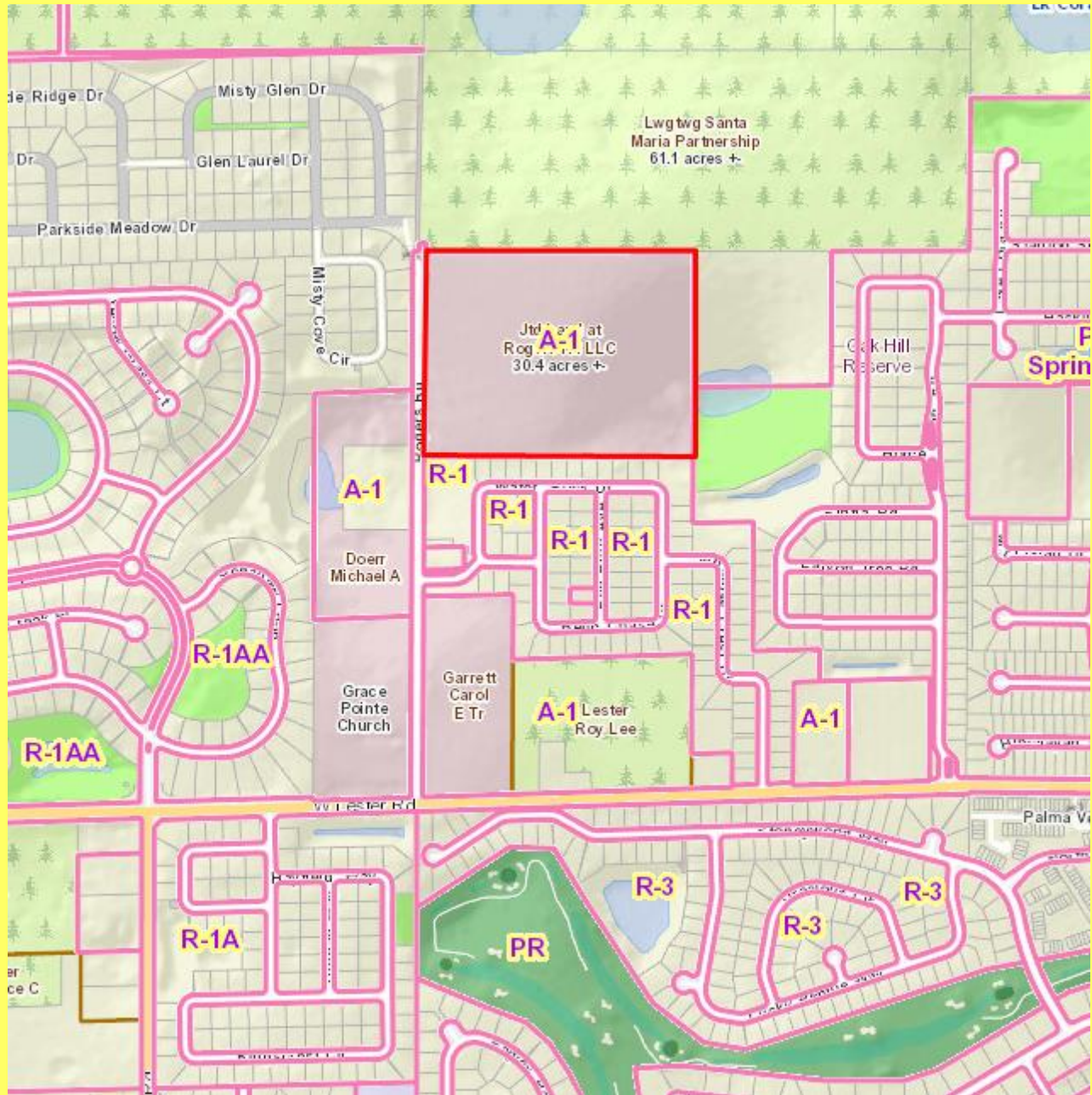
Parcel ID #s: 29-20-28-0000-00-004 & 29-20-28-0000-00-026

VICINITY MAP



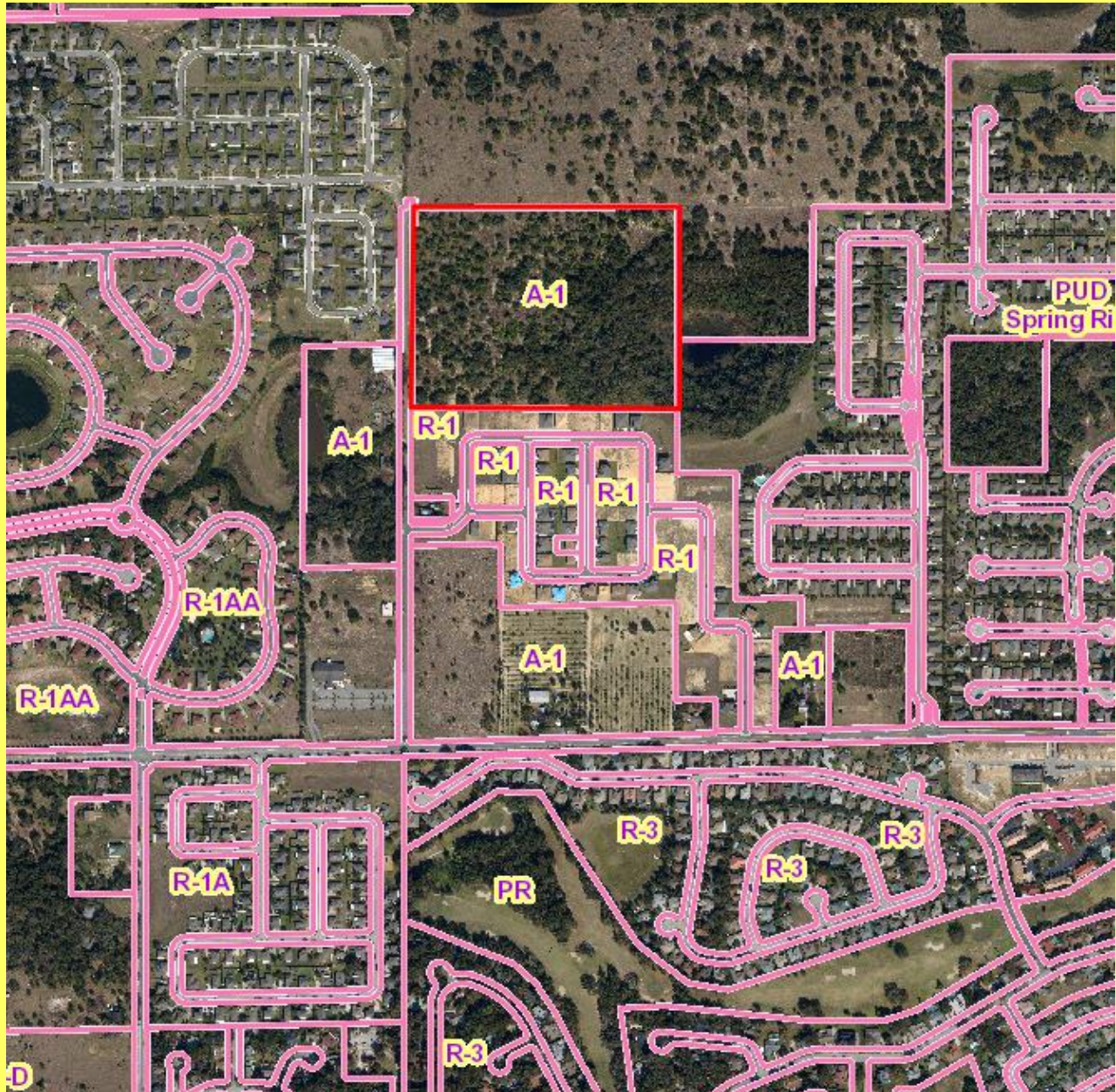


ADJACENT ZONING





ADJACENT USES





EXISTING USES

