



**City of Apopka
Planning Commission
Meeting Agenda
January 09, 2018
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 December 12, 2017.

IV. PUBLIC HEARING:

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – Laura Murphy from Agriculture (1 du/5 ac) to Residential Low Suburban (0-3.5 du/ac) for property located at 359 West Lester Road. (Parcel ID No. 28-20-28-0000-00-060)
2. CHANGE OF ZONING – George Thum, Jr. and Phillip & Peggy Dionne from "County" A-1 (Agricultural) and "City" Agriculture to "City" PO/I (Professional Office/Institutional) for property located west of Jason Dwelley Parkway, south of West Kelly Park Road. (Parcel ID #: 18-20-28-0000-00-053; 18-20-28-0000-00-054)
3. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Zellwood Properties, LLC from "County" Rural to "City" Commercial (Maximum of 0.25 FAR) for property located at 1102 Hermit Smith Road. (Parcel ID No. 36-20-27-0000-00-024)
4. CHANGE OF ZONING – Zellwood Properties, LLC, from "County" A-1 (Agricultural) to "City" Planned Unit Development (PUD/Commercial) for property located at 1102 Hermit Smith Road. (Parcel ID No. 36-20-27-0000-00-024)

V. SITE PLANS:

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

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

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 1 Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON DECEMBER 12, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson

ABSENT: Jose Molina, John Sprinkle, Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackins – City Attorney, Pamela Richmond – Senior Planner, Bobby Howell – Senior Planner, Phil Martinez – Planner I, Jean Sanchez – Planner I, and Jeanne Green – Recording Secretary.

OTHERS PRESENT: Jim Hall, Mike Taufel, John Kossol, Aaron Adams, David Clutts, Jeff Welch, Suzanne Kidd, Ed Velazquez, Jeff Teresa Sargeant – Apopka Chief

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 November 14, 2017, at 5:30 p.m.

Motion: Roger Simpson made a motion to approve the Planning Commission minutes from the regular meeting held on November 14, 2017, at 5:30 p.m. and seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and Roger Simpson (4-0).

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – ORLANDO BELTWAY ASSOCIATES, INC. - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Rural to “City” Mixed Use Interchange for the properties owned by Orlando Beltway Associates, Inc.; the West Parcel is located west of S.R. 429 and north of Kelly Park Road; the East Parcel is located east of S.R. 429 and north of Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: Phil Martinez, Planner, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Rural to “City” Mixed Use Interchange for the properties owned by Orlando Beltway Associates, Inc.; the West Parcel is located west of S.R. 429 and north of Kelly Park Road; the East Parcel is located east of S.R. 429 and north of Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review. That applicant is VHB, c/o Erika Hughes. The current zoning is “County” RCE-2 (ZIP). The existing use is agricultural/grazing. The proposed development for the west parcel is consistent with the Employment Overlay District of the Kelly Park Crossing Form-Based Code Area; and the east parcel is consistent with the Neighborhood Residential Overlay District of the Kelly Park Crossing For-Based Code Area. The proposed zoning is Mixed Use Interchange with

the west parcel being an Employment Overlay Zoning and the east parcel being a Transition Overlay Zone. The tract sizes are 51.0 +/- acres for the west parcel; and 56.5 +/- acres for the east parcel.

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 Interchange. Presently, the applicant proposes a residential subdivision on the parcel east of State Route 429. The residential subdivision is in the Transition Overlay Zoning Districts, as defined in the Kelly Park Crossing Form-Based Code.

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use Interchange future a land use designation must be assigned to the property.

The subject parcels are located within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore is required to adhere to the Kelly Park Crossing Form Based Code. The two parcels are located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation and the Overlay District covering the property within the Vision Plan.

The proposed use of the property is compatible with the character of the surrounding area, is within one mile of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Wekiva Parkway Interchange Vision Plan a (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

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.

7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

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.

2. **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 uses and public facilities uses... This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses.
3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

The properties are located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the Kelly Park Crossing Form-Based Code, Mixed- Use Interchange Zoning District and Neighborhood, Transition, and Employment Overlay Districts. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on August 15, 2017. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

The Development Review Committee recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by Orlando Beltway Associates subject to the information and findings in the staff report.

Staff's recommendation is to find the Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation to Mixed Use Interchange for the properties owned by Orlando Beltway Associates subject to the information and findings in the staff report.

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

Jim Hall, VHB, 225 East Robinson Street, Suite 300, Orlando, there is a small portion of neighborhood on the west side which is all employment and all of the east side is transition. Our proposal is to take that small portion of neighborhood on the west side where the more intense

development will be and move it to the east side. North is all neighborhood. We would then move the transition to the west so that the west would be employment and transition. He said they currently have a letter of intent for residential on the east and a major employer on the west. We need to do the switch.

Ms. Phillips arrived at 5:35 p.m.

Mr. Moon stated that the only future land use designation permitted for this area is the Mixed Use Interchange. Mr. Hall's request would be addressed during the change of zoning/master plan process.

Chairperson Green introduced and welcomed Patrice Phillips to the Planning Commission. Ms. Phillips was appointed by City Council, at its meeting on December 6, 2017.

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

Motion: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment from "County" Rural to "City" Mixed Use Interchange for the property owned by Orlando Beltway Associates, Inc.; the West Parcel is located west of S.R. 429 and north of Kelly Park Road; the East Parcel is located east of S.R. 429 and north of Kelly Park Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and Roger Simpson (4-0). Patrice Phillips abstained from voting and will file a Form 8B. (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – ADAMS BROTHERS CONSTRUCTION COMPANY - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Adams Brothers Construction Company, c/o Aaron Adams. The engineer is Civil Engineering Solutions, Inc., c/o David Clutts, P.E.; and the architect is L. R. Huffsterler, Inc., for the property located on the south side of East 13th Street between Tilden Avenue and South Apopka Boulevard.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Pam Richmond, AICP, Senior Planner, stated this is a request to recommend approval of the Final Development Plan for Adams Brothers Construction Company, c/o Aaron Adams. The engineer is Civil Engineering Solutions, Inc., c/o David Clutts, P.E.; and the architect is L. R. Huffsterler, Inc., for the property located on the south side of East 13th Street between Tilden Avenue and South Apopka Boulevard. The future land use is Industrial and the zoning is

I-1. The existing use is vacant land and the proposed use is light industrial. The tract size is 2.92 +/- acres; and the building size is 42,068 sq. ft.

The Adams Brothers Project Final Development Plan proposes a light industrial business to be housed in an open 42,068 square feet pre-engineered open metal building. The 1.96 acre site is located on the south side of East 13th Street between Tilden Avenue and South Apopka Boulevard. The south side of the site is bounded by Florida Central Railroad tracks.

A total of 42 parking spaces are provided of which 2 are reserved as a handicapped parking space. The City's LDC methodology for calculating required parking for industrial uses would require 89 spaces, but based on parking demand at the applicant's existing facility, which is on the adjoining parcel to the east, this is more than double the needed parking. To validate this assertion, the applicant has conducted a parking study using rates in the ITE Parking Generation Manual, 4th Edition. This analysis was conducted according to the requirements in 6.0.301.H.1 LDC and has been reviewed by the City Engineer. Based on the analysis and information provided by the applicant about parking at the existing facility, it has been determined that 42 parking spaces are sufficient to accommodate vehicles for employees and customers.

Access to the site is provided by a two (2) driveway cuts along East 13th Street. The separation of the driveways meets City standard

At its highest point at the ridge, the proposed building is 36' 6" and at the eaves, it is 32' 6", making the mean height of the building 35'. According to 1.08.13 LDC, the definition of building height is "The vertical distance from the grade to the highest point of a flat roof or a mansard roof or to the mean *height* level between the eaves and ridge for gable, hip and gambrel roofs." Therefore, the building meets the LDC for building height building. Regarding the building elevations, staff has found those proposed for this project to be in accordance with the City's Development Design Guidelines.

The master 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 planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

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

Total inches on-site:	198
Total number of specimen trees:	0
Total inches removed	198
Total inches retained:	0
Total inches replaced:	198
Total inches post development:	198

The Development Review Committee recommends approval of the Adams Brothers – 644 East 13th Street Project Final Development Plan, subject to the findings of this staff report.

Staff recommended the Planning Commission find the Adams Brothers Final Development Plan consistent with the Land Development Code and Comprehensive Plan, and recommend approval of the Adams Brothers – 644 East 13th Street Project Final Development Plan, subject to the findings of this staff report.

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

In response to a question by Ms. Phillips, Ms. Richmond stated that there were no schools in the immediate vicinity of the project.

In response to questions by Ms. Laurendeau, Mr. Moon stated that the I-1 zoning is less intensive. The Development Review Committee researched impacts to the surrounding properties and the only issue that was a concern was possible noise from the site; however, there is sufficient historical information regarding industrial uses on this site as this site has had industrial uses for many years. There has been no significant impact on the surrounding area.

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: David Clutts, P.E., Civil Engineering Solutions, Inc., 322 North Rockingham Ave, Tavares, stated that the use will be light industrial. The company fabricates steel rebar.

In response to questions by Ms. Phillips, Mr. Clutts stated that their customers are any businesses that use rebar to stabilize concrete structures. He said that they work during the day. There is no evening or night work done. There are industrial uses on the east, west, and south sides of the property. There is some residential uses on the north side.

In response to questions by Ms. Phillips, Aaron Adams, 806 E. 13th Street, Apopka, stated he is one of the property owners and they have been in the rebar business for approximately 17 years. The property has been in his family for about 50 years and a few years ago they annexed into the City. He said there is a church adjacent to the property; however it is not affected by the business because they are not open on Sunday. He said there is very little impact to the adjacent properties.

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: Roger Simpson made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for the property owned by Adams Brothers Construction Company, subject to the conditions of approval,

located on the south side of East 13th Street between Tilden Avenue and South Apopka Boulevard. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – KMG FENCE NEW HEADQUARTERS - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for KMG Fence New Headquarters. The owner/applicant is KMG Fence, LLC, c/o Karen and Joe Grimsley; and the engineer is Unroe Engineering, Inc., c/o Darcy Unroe P.E. The property is located on the northwest corner of Johns Road and Bradshaw Road.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Ms. Richmond stated this is a request to recommend approval of the Final Development Plan for KMG Fence New Headquarters. The owner/applicant is KMG Fence, LLC, c/o Karen and Joe Grimsley; and the engineer is Unroe Engineering, Inc., c/o Darcy Unroe P.E. The property is located on the northwest corner of Johns Road and Bradshaw Road. The land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is an office (3,000 sq. ft.) and warehouse (9,000 sq. ft.). The overall building size is 12,000 sq. ft. The tract size is 1.96 +/- acres.

The KMG Fence, LLC is a fence installation business that is relocating its office and warehouse to this site in the City of Apopka. The site is comprised of two parcels that were approved in 2009, as part of Johns Road Commerce Park, a six parcel industrial subdivision. The 12,000 square foot building will be used as an office and warehouse. In addition, there will be outside storage on the site that will be placed at the rear of the site on both sides of the building, behind a black chain link fence with screening.

A total of 30 parking spaces will be provided (28 required by code), two of which are reserved as a handicapped parking space. Access to the site is provided by a single driveway pre-existing curb cut on Johns Road located 230 feet west of Bradshaw Road. Using ITE Trip Generation Rates, 9th Edition, the estimated project trip generation is 87 daily trips, 12 a.m. peak hour trips and 12 p.m. peak hour trips. The height of the proposed building is 40' (top of parapet wall). The City approved a variance on October 10, 2006 for the overall building height for this project not to exceed 50'. The proposed height 40' is well below the maximum that could be built. 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 offsite within the master stormwater drainage system approved for the Johns Road Commerce Park.

As part of the Johns Road Commerce Park development plan approval, the site was prepared with a metal and cement fence and landscaping buffer along Johns Road and Bradshaw Road. The buffer includes a lustrum hedge along both roads and twelve oak trees within the buffer. The applicant has provided a detailed landscape and irrigation plan for the KMG Fence New

Headquarters site that complies with the requirements of the City’s Land Development Code. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

There are twelve live oak trees on the site within the existing landscape buffer that was installed in 2009 after the approval of the Johns Road Commerce Park subdivision. The site was cleared and graded at that time so no clearing is required for this project.

Total inches on-site:	366
Total inches removed	0
Total inches retained:	366
Total inches added:	44
Total inches post development:	410

The Development Review Committee recommends approval of the KMG Fence New Headquarters Final Development Plan, subject to the findings of this staff report.

Staff recommended that the Planning Commission find the KMG Final Development Plan consistent with the Land Development Code and Comprehensive Plan, and recommend approval of the KMG Fence New Headquarters Final Development Plan, subject to the findings of this staff report.

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: 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: Roger Simpson made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for the property owned by KMG Fence, LLC, subject to the conditions of approval, located on the northwest corner of Johns Road and Bradshaw Road. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – REPLAT – NORTHWEST DISTRIBUTION CENTER II REPLAT LOTS 3 & 4 - Chairperson Greene stated this is a request to recommend approval of the Replat of the Northwest Distribution Center II Lots 3 & 4 owned by Oakmont Apopka Road LLC; and located west of Ocoee Apopka Road, east of SR 451, and north of SR 414.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON DECEMBER 12, 2017, AT 5:30 P.M.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Replat of the Northwest Distribution Center II Lots 3 & 4. The owner/applicant is Oakmont Apopka Road LLC; and the surveyor is Leading Edge Land Services, Inc., c/o Jeffrey D. Hofius, P.S.M. The property is located west of Ocoee Apopka Road, east of SR 451, and north of SR 414. The land use is Industrial and the zoning is I-1. The existing use is a platted subdivision for industrial, commercial and office uses. The proposed use is a replat of a portion of the Northwest Distribution Center II affecting Lots 3 and 4. The tract size is 16.44 +/- Acres

The owners of the Northwest Distribution Center II request approval of a modification to the existing plat to address changes to their development plans for the property. The change is necessary to accommodate a single building that will occupy Lots 3 and 4. Changes to the plat involve combining Lots 3 and 4 into a single lot, to be known as Lot 1.

The Development Review Committee recommends approval of the Northwest Distribution Center II Replat of Lots 3 and 4, subject to the findings of this staff report.

Staff recommended that the Planning Commission find the Northwest Distribution Center II Replat of Lots 3 & 4 consistent with the Land Development Code and Comprehensive Plan, and recommend approval of the Northwest Distribution Center II Replat of Lots 3 & 4, subject to the findings of this staff report.

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.

In response to a question by Mr. Simpson, Mr. Moon stated that if any changes are made to a recorded plat, then legally it must be re-platted and recorded again to replace the old plat.

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: Roger Simpson made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Replat of Northwest Distribution Center II, Lots 3 & 4 owned by Oakmont Apopka Road, LLC, subject to the conditions of approval, and

located on west of Ocoee Apopka Road, east of S.R. 451 and north of S.R. 414.
Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson (5-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:00 p.m.

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director

Backup material for agenda item:

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – Laura Murphy from Agriculture (1 du/5 ac) to Residential Low Suburban (0-3.5 du/ac) for property located at 359 West Lester Road. (Parcel ID No. 28-20-28-0000-00-060)



**CITY OF APOPKA
PLANNING COMMISSION**

PUBLIC HEARING
 SITE PLAN
 SPECIAL REPORTS
 OTHER:

MEETING OF: January 9, 2018
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses
Exiting Uses

SUBJECT: COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – MURPHY EQUESTRIAN CENTER

PARCEL ID #(S): 28-20-28-0000-00-060

REQUEST: COMPREHENSIVE PLAN - LARGE SCALE - FUTURE LAND USE AMENDMENT

**FROM: AGRICULTURE (1 D/U PER 5 ACRES)
TO: RESIDENTIAL LOW SUBURBAN (0- 3.5 D/U PER ACRE)**

SUMMARY:

OWNER(S): Laura Murphy
APPLICANT: AVEX HOMES (Eric Wills)
LOCATION: 359 W. Lester Road
EXISTING USE: Equestrian Center
DEVELOPMENT POTENTIAL: Single Family Homes (est. 52 residential units)
CURRENT ZONING: Agriculture
PROPOSED ZONING: R-1 (Single Family Residential)
MAXIMUM ALLOWABLE DEVELOPMENT UNDER FLUMZONING: EXISTING: 1 D/U
PROPOSED: 69 Single Family Homes
TRACT SIZE: +/- 19.94

DISTRIBUTION:

Mayor Kilsheimer Finance Director Public Services Director
Commissioners HR Director Recreation Director
City Administrator IT Director City Clerk
Community Development Director Police Chief Fire Chief

ADDITIONAL COMMENTS: The applicant intends to use the subject properties for a residential community with detached, single-family homes. Presently the subject property is assigned an Agriculture future land use designation and Agriculture zoning.

The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low Suburban is as compatible or more compatible with the character of the existing land use in the vicinity. While the adjacent uses are agriculture-oriented, including the Avian Reconditioning Center to the east, subdivisions and vacant properties in all four cardinal directions have a future land use designation of Residential Low Suburban.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential Low Suburban Future Land Use Designation.

SCHOOL CAPACITY REPORT: School capacity determination must be completed with Orange County Public Schools prior to the adoption hearing for this Future Land Use Amendment application.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify before any public hearing or advisory board. The City properly notified Orange County on November 27, 2017.

PUBLIC HEARING SCHEDULE:

January 9, 2018- Planning Commission (5:30 pm)

January 17, 2018- City Council (7:00 pm) - 1st Reading & Transmittal

DULY ADVERTISED:

December 22, 2017 – Public Notice and Notification

December 22, 2017 – ¼ Page w/Map Ordinance Heading Ad

RECOMMENDATION 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 transmittal of the change in Future Land Use from Agriculture to Residential Low Suburban Density for the property owned by Laura Murphy.

Recommended Motion: Find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from Agriculture to Residential Low Suburban Density to the Florida Department of Economic Opportunity.

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 (County)	“County” Low Density Residential	“County” A-1	Woodlands
East (City)	“City” Agriculture	“City”AG	Bird Reconditioning Center
South (City and County)	“City” Residential Low & “County” Low Medium Density Residential	“City” R-2 & “County” A-2	Single Family Homes
West (County)	“County” Low Density Residential	“County” A-1	Greenhouse

II. LAND USE ANALYSIS

The applicant intends to develop the property as a single family home community. Predominant existing land uses and assigned zoning in the abutting and surrounding area are institutional, single family residential and agricultural.

North: Abutting the subject property to the north are woodlands. Ponkan Road is an estimated 0.7 miles north.

West: West of the subject property are horticulture sites. Across the street from Vick Road are the Errol Estates and Spring Ridge subdivisions.

East: To the east of the property is the Avian Reconditioning Center. Rock Springs Road is an estimated 0.6 miles east.

South: Single family homes on large lots are south-adjacent to the subject property. The Rock Springs Estates subdivision is southwest and the Rock Springs/Palm Isle Mobile Home Park is to the southeast.

The proposed future land use designation of Residential Low Suburban is consistent with the surrounding future land use designations and anticipated future development in the surrounding area. At the intersection of Rock Springs Road and Lester Road, a single family residential development (Raulerson/Pumphrey’s Properties) is being reviewed by the City Boards. Staff supports the proposed future land use designation.

Other Information:

Wekiva River Protection Area: No

Area of Critical State Concern: No

DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on September 25, 2017.

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 is a potential karst feature on this property.

Analysis of the character of the Property: The property has access to Lester Road to the south. Currently, the property is used as an equestrian center with multiple stables and fenced areas.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is Residential Low Suburban (0 – 3.5 du/ac) and currently has a designation of Agriculture. A change to a residential land use of Residential Low Suburban will generate an estimated population increase up to 183 persons. Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population but a housing supply is needed to meet the growing population.

CALCULATIONS:

ADOPTED: Agriculture (1 du/ 5 ac)

EXISTING: Agriculture – (1 du/ 5 ac x 19.94 ac = max 3 units x 2.659 = 7 persons)

PROPOSED: Residential Low Suburban: 3.5 du/ac x 19.94 ac = max 69 units x 2.659 = 183 persons

Net Increase: + 183 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan. The amendment will allow for additional housing to accommodate anticipated population growth projected by 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 ten (10) acres or more in size. This site is greater than ten acres. A habitat study will 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. Access to the site occurs from W. Lester Road.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the City of Apopka service area for potable water, reclaimed water and sanitary service.

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 588 GPD
3. Projected total demand under proposed designation: 13,524 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; 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: 630 GPD
3. Projected total demand under proposed designation: 14,490 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: 28 lbs / day
4. Projected LOS under proposed designation: 732 lbs / 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): 9.353 MGD

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

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
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.021 acres
3. Projected facility under proposed designation: 0.549 acres

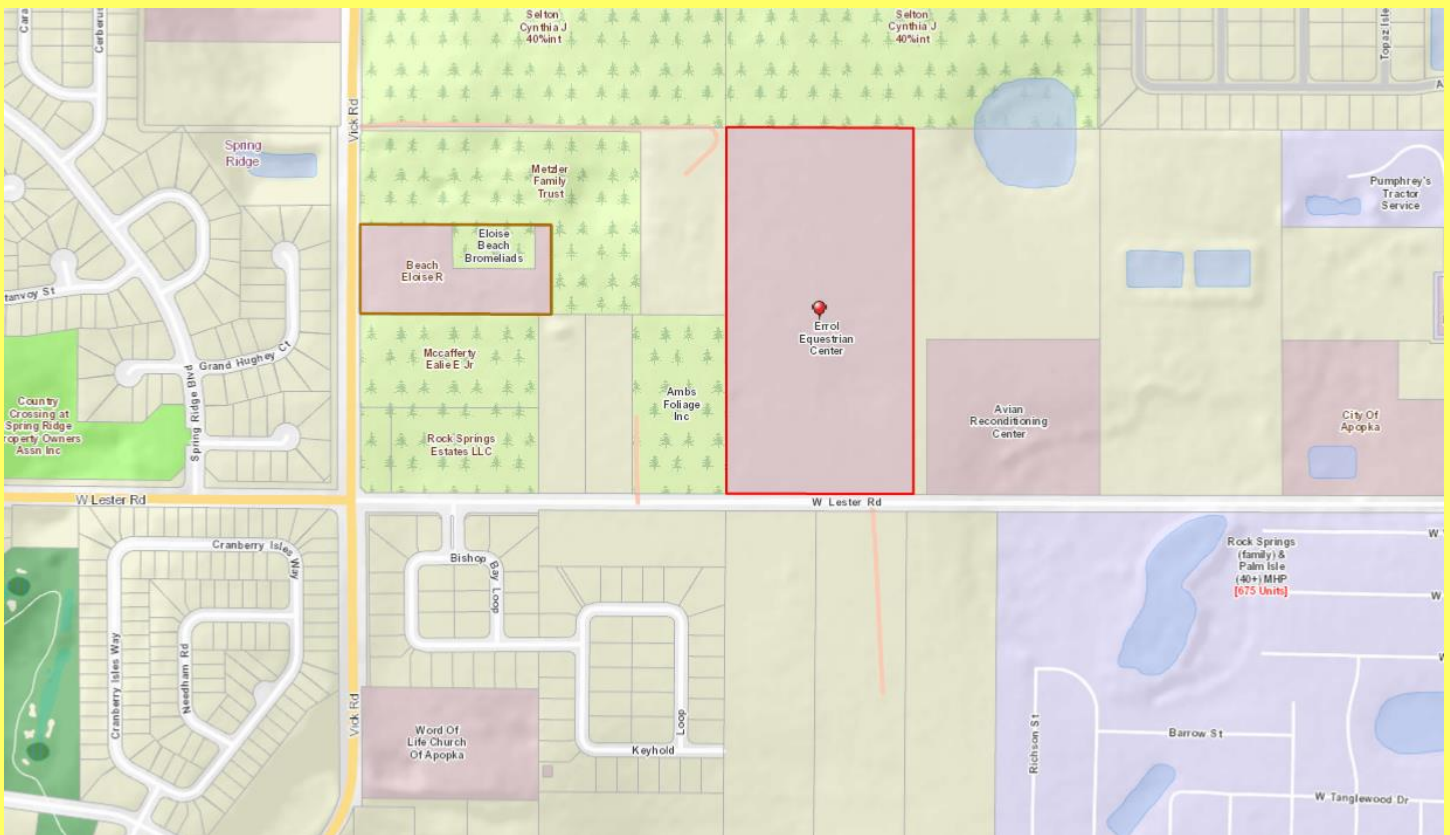
Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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



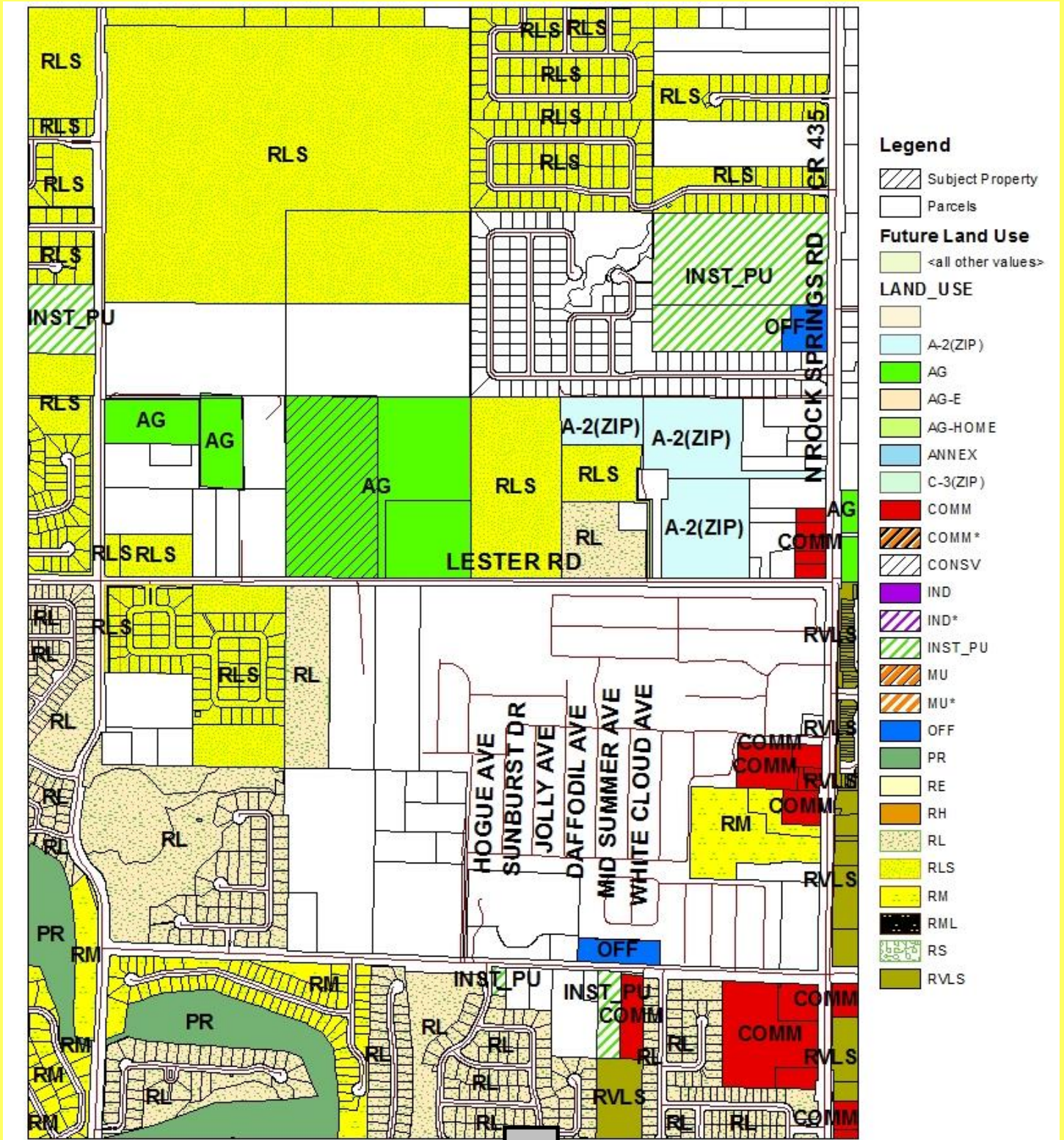
Laura Murphy, Property Owner
+/- 19.94
Proposed Large Scale Future Land Use Amendment:
From: Agriculture (1 D/U per 5 ac)
To: Residential Low Suburban (0-3.5 du/ac)
Parcel ID # 28-20-28-0000-00-060:

VICINITY MAP

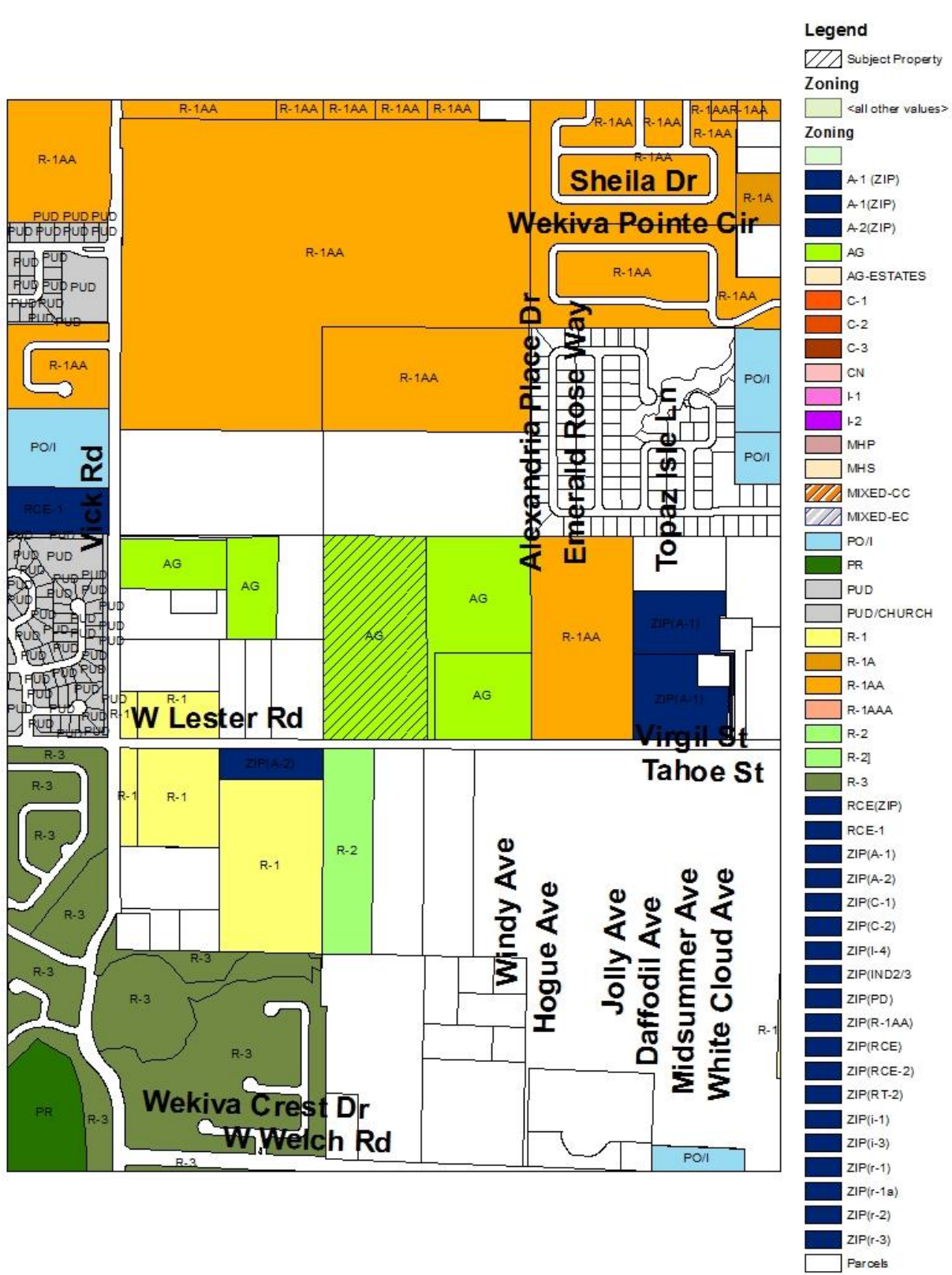




FUTURE LAND USE MAP



ADJACENT ZONING



Backup material for agenda item:

2. CHANGE OF ZONING – George Thum, Jr. and Phillip & Peggy Dionne from “County” A-1 (Agricultural) and “City” Agriculture to “City” PO/I (Professional Office/Institutional) for property located west of Jason Dwelley Parkway, south of West Kelly Park Road. (Parcel ID #s: 18-20-28-0000-00-053; 18-20-28-0000-00-054)



**CITY OF APOPKA
PLANNING COMMISSION**

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	January 9, 2018
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input type="checkbox"/> OTHER:		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Use Map

SUBJECT: CHANGE OF ZONING – GEORGE THUM, JR.

PARCEL ID NUMBERS: 18-20-28-0000-00-053; 18-20-28-0000-00-054

REQUEST: CHANGE OF ZONING
FROM: “COUNTY” A-1 (AGRICULTURE) & “CITY” AG (AGRICULTURE)
TO: “CITY” PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL)

SUMMARY

OWNERS: George Thum, Jr. & Phillip and Peggy Dionne

APPLICANT: Orange County Public Schools c/o Tyrone Smith, AICP

LOCATION: West of Jason Dwelley Parkway, south of West Kelly Park Road

EXISTING USE: Single-family residences

FLUM DESIGNATION: Institutional\Public Use (proposed)

CURRENT ZONING: “County” A-1 (Agriculture) and “City” AG (Agriculture)

DEVELOPMENT POTENTIAL: Proposed elementary school

PROPOSED ZONING: “City” PO/I (Professional Office/Institutional) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from “County” Rural (0-1 du/10 ac) and “City” Agriculture (0-1 du/ 5 ac) to “City” Institutional/Public Use.

TRACT SIZE: 15.17 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT:
EXISTING: Single-family residences
PROPOSED: Elementary School

DISTRIBUTION

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

ADDITIONAL COMMENTS. The subject properties were annexed into the City on November 16, 2005 via Ordinance 1787; and on June 21, 2017 via Ordinance 2573. The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies. The applicant requests the change of zoning to Professional Office/Institutional to accommodate a public elementary school. This change of zoning request is being processed in conjunction with a proposed future land use map amendment requesting Institutional/Public Use. The proposed use as an elementary school is permitted within the proposed FLU designation per FLU Policy 3.1.Q, Institutional/Public Use:

“Primary uses shall include public buildings and facilities. Existing public buildings and facilities and public education sites may be designated as institutional on the FLUM.”

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the proposed Institutional/Public Use Future Land Use designation and the City’s proposed PO/I Zoning classifications. An elementary school is a permitted use within the Institutional\Public Use FLUM designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: Because this Change of Zoning represents a change to a non-residential underlying zoning classification, a capacity enhancement agreement with Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County.

PUBLIC HEARING SCHEDULE:

January 9, 2018 – Planning Commission (5:30 pm)
February 7, 2018 – City Council (1:30 pm) – 1st Reading
February 21, 2018 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

December 22, 2017 – Public Notice and Notification (Apopka Chief, letters, property posting)
February 9, 2018 – Public Notice (Apopka Chief)

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from “County” A-1 (ZIP) and “City” AG (Agriculture) to “City” PO/I (Professional Office/Institutional).

Recommended Motion: Find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the change in zoning from “County” A-1 (ZIP) and “City” AG (Agriculture) to “City” PO/I (Professional Office/Institutional).

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

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City & County)	“County” Rural (0-1 du/10 ac) and “City” Agriculture (1-5 du/5 ac)	AG	Single-family residence
East (City)	Residential Estates (1 du/ac)	PUD	R-O-W and Rock Springs Ridge subdivision
South (City)	Residential Very Low Suburban (0-2 du/ac)	PUD	Orchid Estates subdivision
West (City & County)	“County” Rural (0-1 du/10 ac) and “City” Agriculture (1-5 du/5 ac)	A-1	Single family home

LAND USE

COMPATIBILITY:

The proposed zoning and use is compatible with adjacent zoning districts and the general character of the surrounding area. Predominant land uses in the abutting and surrounding area are single family residential. However, properties abutting the subject site have the Residential Very Low Suburban Future Land Use. The proposed use for a public elementary school is permitted within the Institutional/Public Use future land use designation policy, which supersedes zoning. Further, the proposed use is located approximately one-half mile from the City’s Northwest Recreation Complex, which is a public/institutional use.

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

TRAFFIC

COMPATIBILITY:

The property has access to a city collector roadway (Jason Dwelley Parkway). Future land use designations and zoning categories assigned to properties to the north, south, east and west are consistent with the proposed future land use and zoning classification for the subject property.

COMPREHENSIVE

PLAN COMPLIANCE:

The proposed PO/I (Professional Office/Institutional) zoning is compatible with policies set forth in the Comprehensive Plan.

PO/I DISTRICT

REQUIREMENTS:

FAR: 0.30
 Open Space: N/A
 Minimum Site Area: 10,000
 Minimum Lot Width: 85
 Setbacks: Front: 25 ft.
 Side: 10 ft.
 Corner: 25 ft.
 Rear: 10 ft.

ALLOWABLE USES:

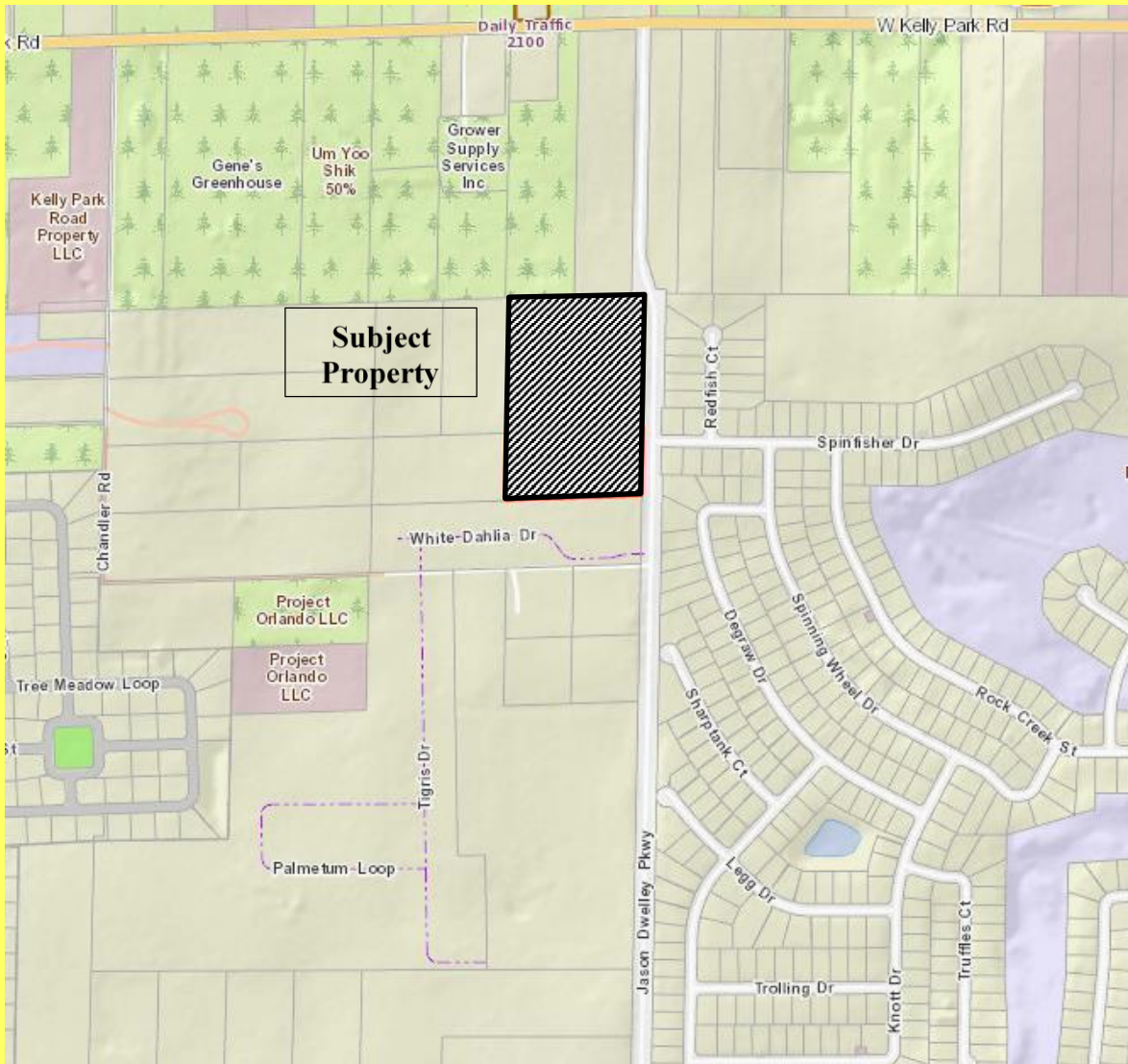
2.02.10. - Professional Office/Institutional District (PO/I)

1. Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc.
2. Medical or dental clinics and offices.
3. Establishments for the retail sale of pharmaceutical, medical and dental supplies and other hospital-related items such as wheelchairs, braces, crutches, etc., for the handicapped and other similar merchandise
4. Parks and recreational areas owned and operated by nonprofit organizations.
5. Hospitals, museums, libraries, and cultural institution.
6. General government offices, including, but not limited to, fire stations, police stations, and post offices.
7. Churches and attendant educational facilities.
8. **Educational facilities** and day nurseries.
9. Public and private utilities.
10. Supporting infrastructure and public facilities.
11. 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 on the community development director's recommendation

George Thum, Jr. & Phillip and Peggy Dionne
Proposed Large Scale Future Land Use Amendment:
From: “County” Rural (0-1 du/10 ac) &
“City” Agriculture (0-1 du/5 ac)
To: “City” Institutional/Public Use
Proposed Change of Zoning:
From: “County” A-1 (ZIP) & “City” AG (Agriculture)
To: “City” PO/I (Professional Office/Institutional)
Parcel ID #s: 18-20-28-0000-00-053; 18-20-28-0000-00-054

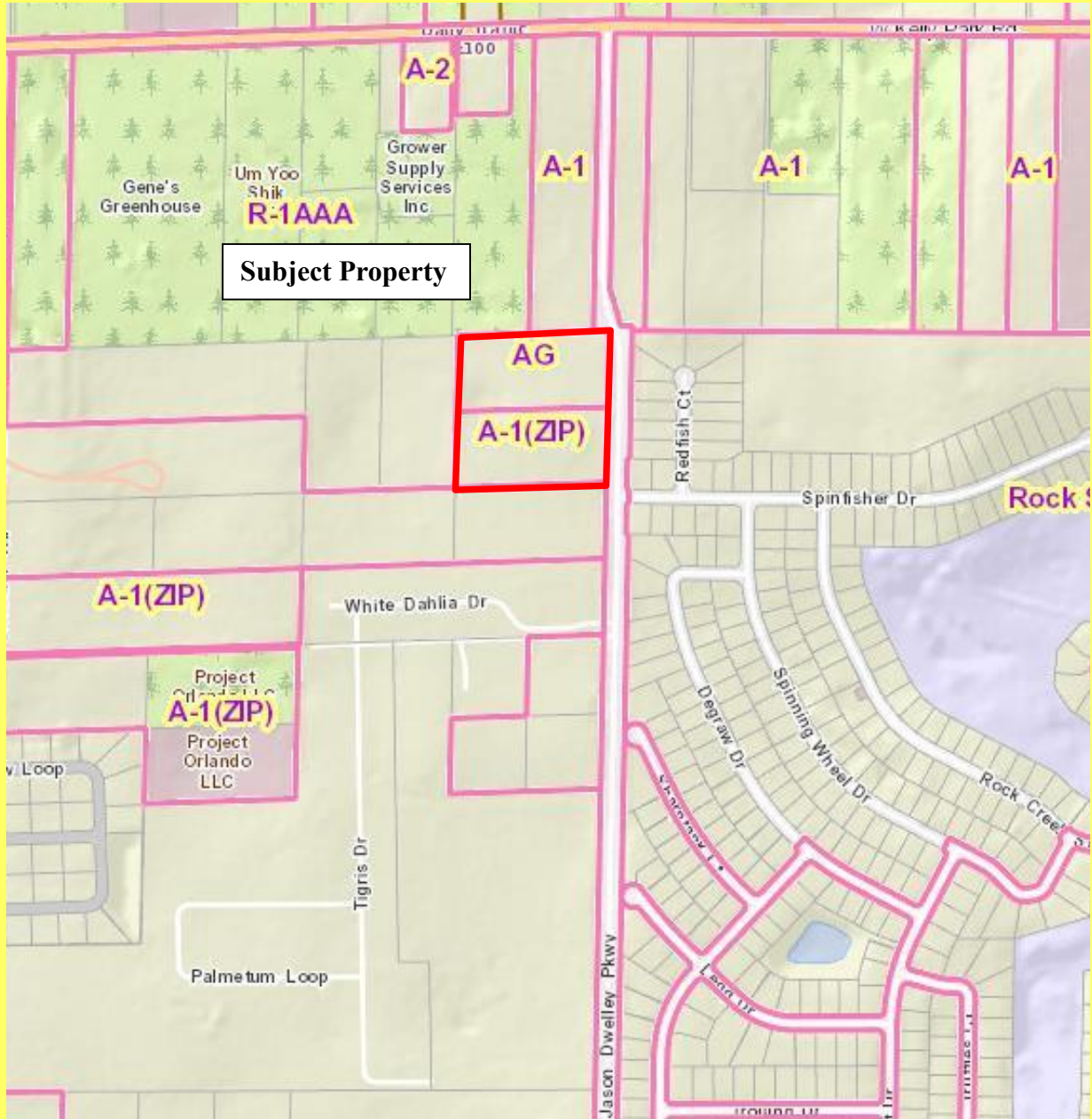


VICINITY MAP



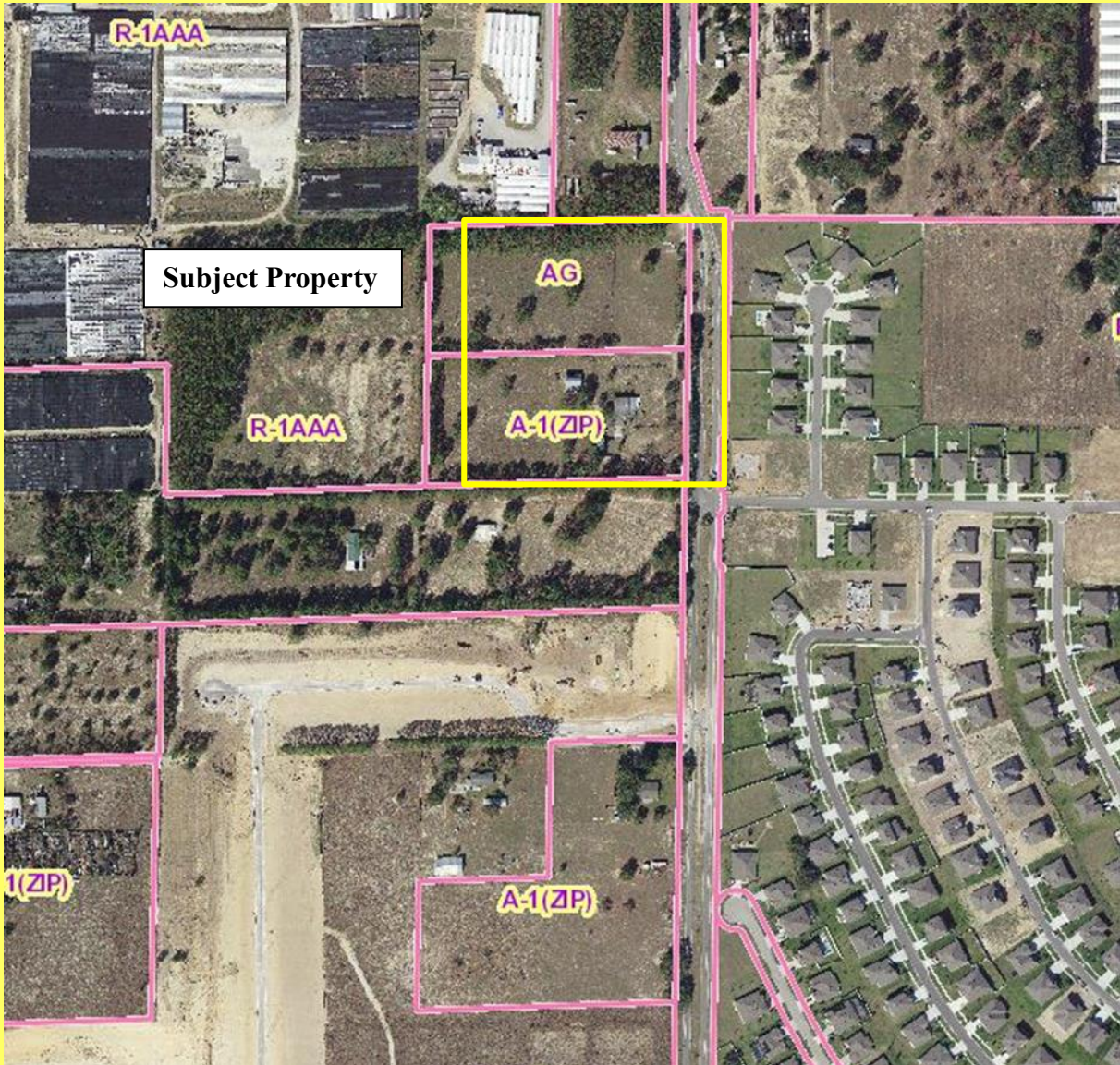


ADJACENT ZONING





ADJACENT USES





EXISTING USES



Backup material for agenda item:

3. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Zellwood Properties, LLC from “County” Rural to “City” Commercial (Maximum of 0.25 FAR) for property located at 1102 Hermit Smith Road. (Parcel ID No. 36-20-27-0000-00-024)

ADDITIONAL COMMENTS: The subject parcel was annexed into the City of Apopka on June 20, 2012, through Ordinance 2262. Presently, the subject property does not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Commercial.

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property is consistent with the Commercial 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 Commercial FLUM designation at the subject site:

Future Land Use Element

1. **Policy 3.1.i**

Commercial - Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acres; and public facilities or utilities of less than five acres.

Planned Unit Development uses may include: (Policy 3.1.i)

1. All primary uses
2. All Special Exception uses
3. Multifamily Development of up to fifteen dwelling units per acre, when located within a primary use structure
4. Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

SCHOOL CAPACITY REPORT: Because this request represents a change to a non-residential future land use designation and zoning classification, school capacity determination by Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION:

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on November 27th.

PUBLIC HEARING SCHEDULE:

- January 9, 2018- Planning Commission (5:30 pm)
January 17, 2018- City Council (1:30 pm) - 1st Reading
February 7, 2018 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

- December 29, 2017 – Public Notice and Notification (Letters, property posting, Apopka Chief)
January 26, 2018 – Public Notice (Apopka Chief)

RECOMMENDED ACTION:

The **Development Review Committee** finds the Commercial FLUM Designation to be compatible with the character of the surrounding area and consistent with the Comprehensive Plan, and recommends to approve a change in Future Land Use from “County” Rural to “City” Commercial for the property owned by Zellwood Properties, subject to the information and findings in the staff report.

Planning Commission: Find the Commercial FLUM Designation to be compatible with the character of the surrounding area and consistent with the Comprehensive Plan, and recommend to approve a change in Future Land Use from “County” Rural to “City” Commercial for the property owned by Zellwood Properties, 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 (County)	Rural (1 D/U per 10 Acres)	“County” A-1	Vacant
East (City)	Not Assigned	“City” A-1 (ZIP)	Hermit Smith Rd\Vacant
South (County)	Rural (1 D/U per 10 Acres)	“County” C-3 & R-3	US 441\Single-family homes
West (County)	Rural (1 D/U per 10 Acres)	“County” A-1	Vacant\

II. LAND USE ANALYSIS

The subject property is located on a site that is ideal for commercial use, which makes the request for a Commercial future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties to the south of US 441 and to the southwest are developed as existing single-family homes, while properties to the east and north are currently 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 “West” of the JPA. The proposed FLUM Amendment request for a change from “County” Rural (1 un/10 ac) to “City” Commercial (Max. 0.25 FAR) is consistent with the terms of the JPA (Second Amendment). Tannath Design, Inc., 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 West Orange Blossom Trail to the South and Hermit Smith Road to the east.

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 in the vicinity of this property.

Analysis of the character of the Property: The present use of the Property is vacant and heavily wooded.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on June 20, 2012.

CALCULATIONS:

ADOPTED: 1 Unit(s) x 2.659 p/h = 3 persons

PROPOSED: N/A, no residential

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: A habitat study is required for developments greater than ten (10) acres in size. A habitat management plan is not required because the subject site is less than 10 acres.

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 4,002 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; 177 GPD/Capita ; 177 GPD / Capita

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

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 5,336 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 program 40 r 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: 12 Lbs / Day
4. Projected LOS under proposed designation: 53 Lbs / 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): 9.353 MGD

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

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
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention pond

Recreation

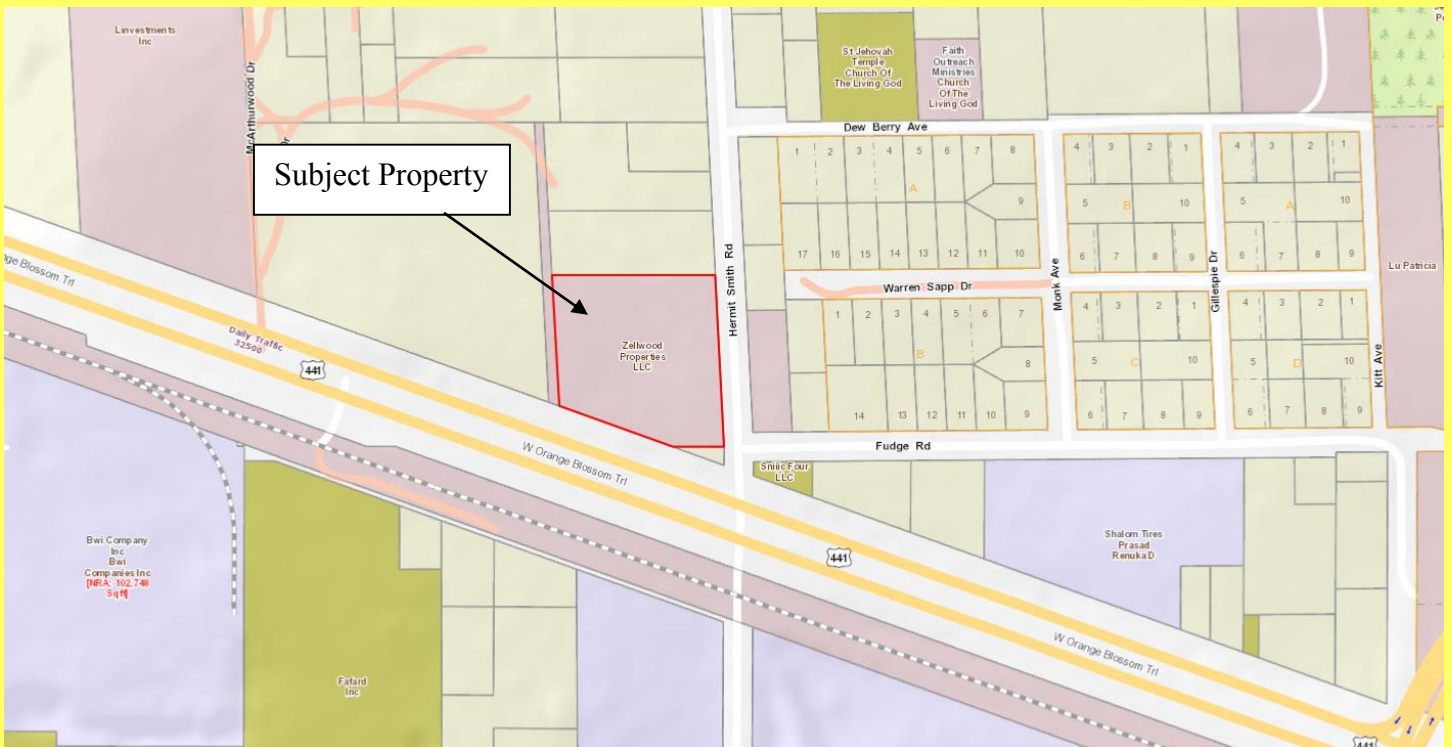
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.009 Acres
3. Projected facility under proposed designation: N/A
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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

Zellwood Properties, LLC
Property Owner
2.45 +/- Acres
Proposed Small Scale Future Land Use Amendment:
From: “County” Rural (0 – 10 du/ac)
To: “City” Commercial (Max. 0.25 FAR)
Proposed Change of Zoning:
From: “County” A-1 (ZIP)
To: “City” PUD
Parcel ID #s: 36-20-27-0000-00-024

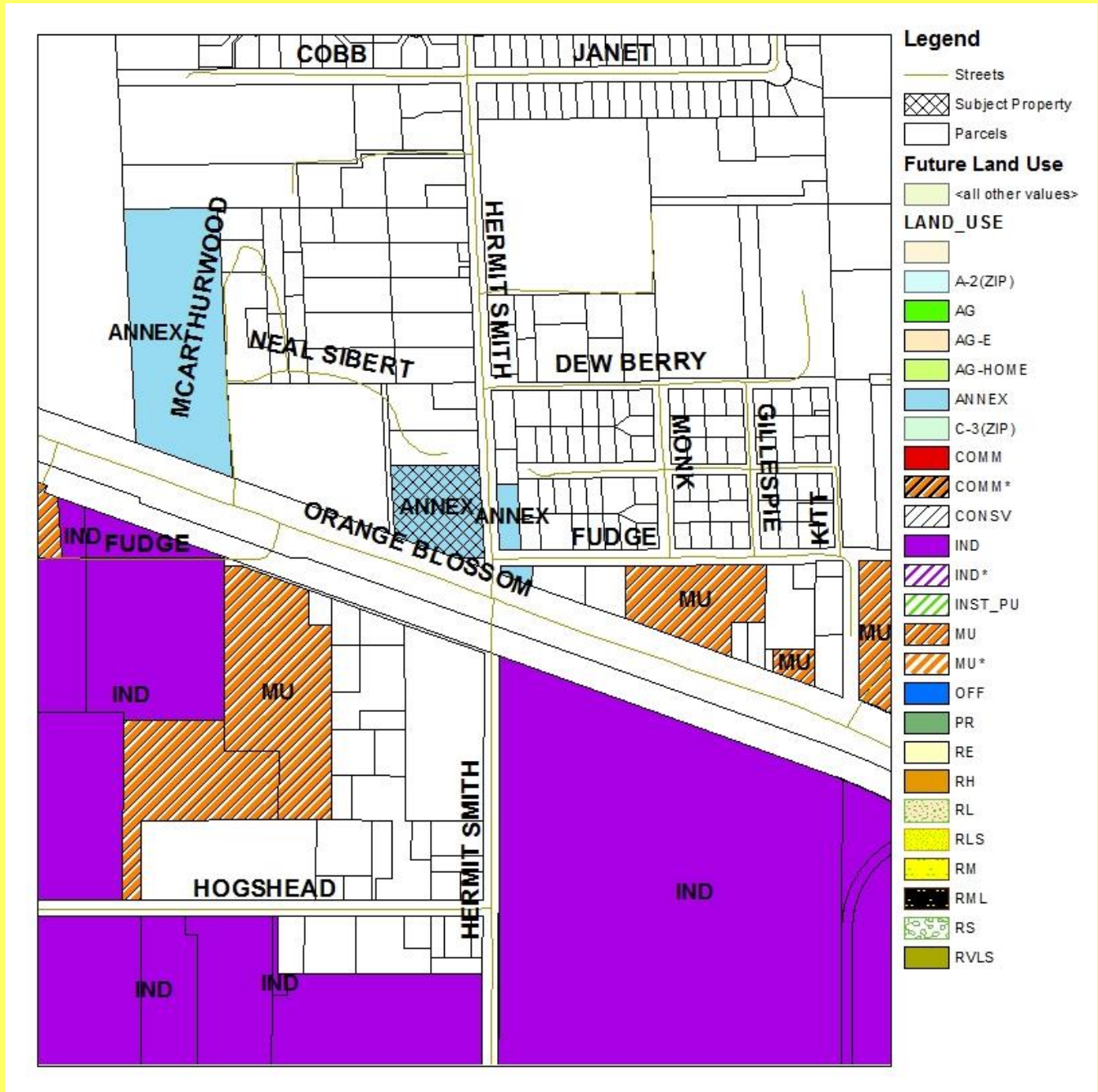


VICINITY MAP



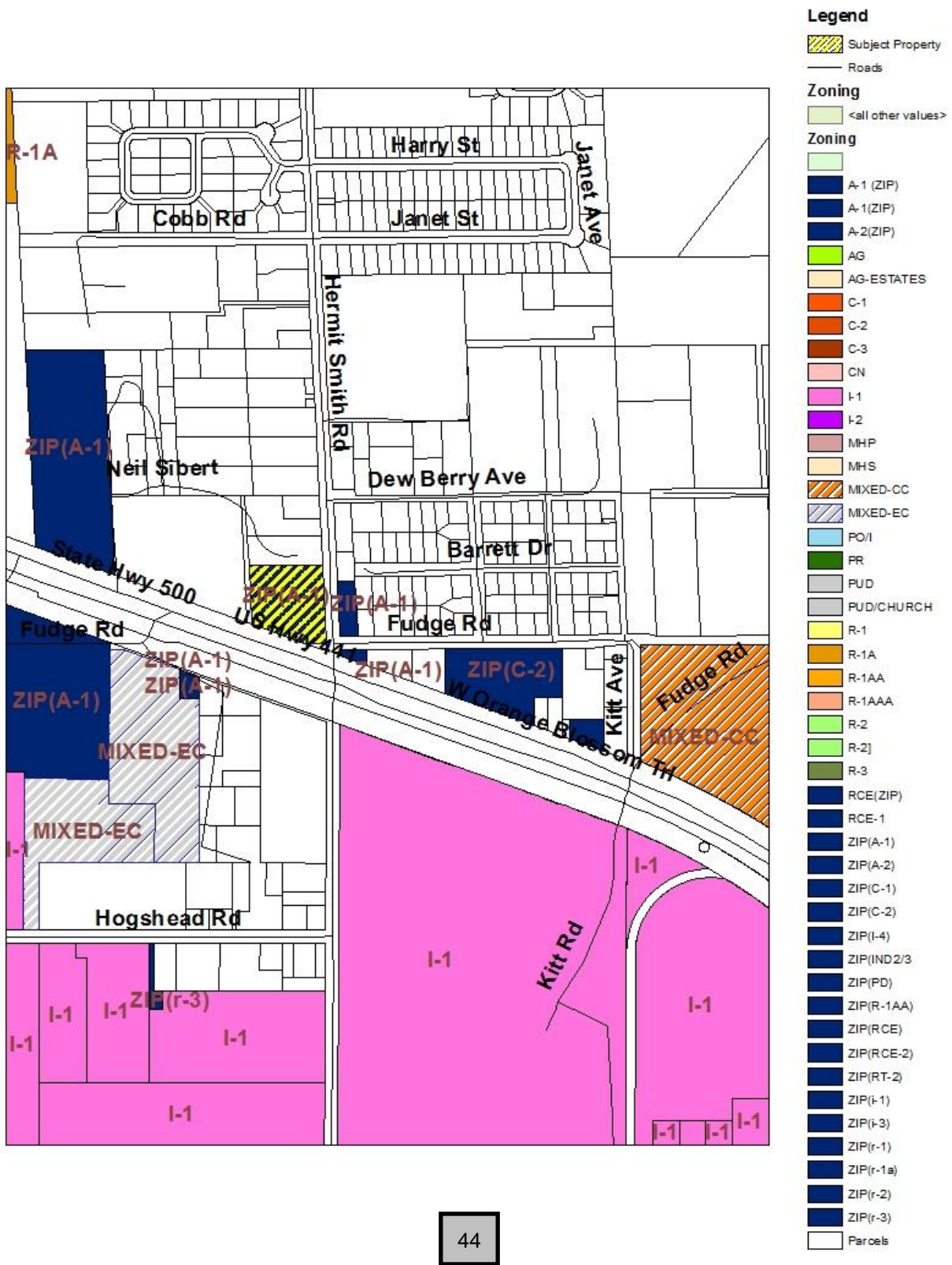


FUTURE LAND USE MAP





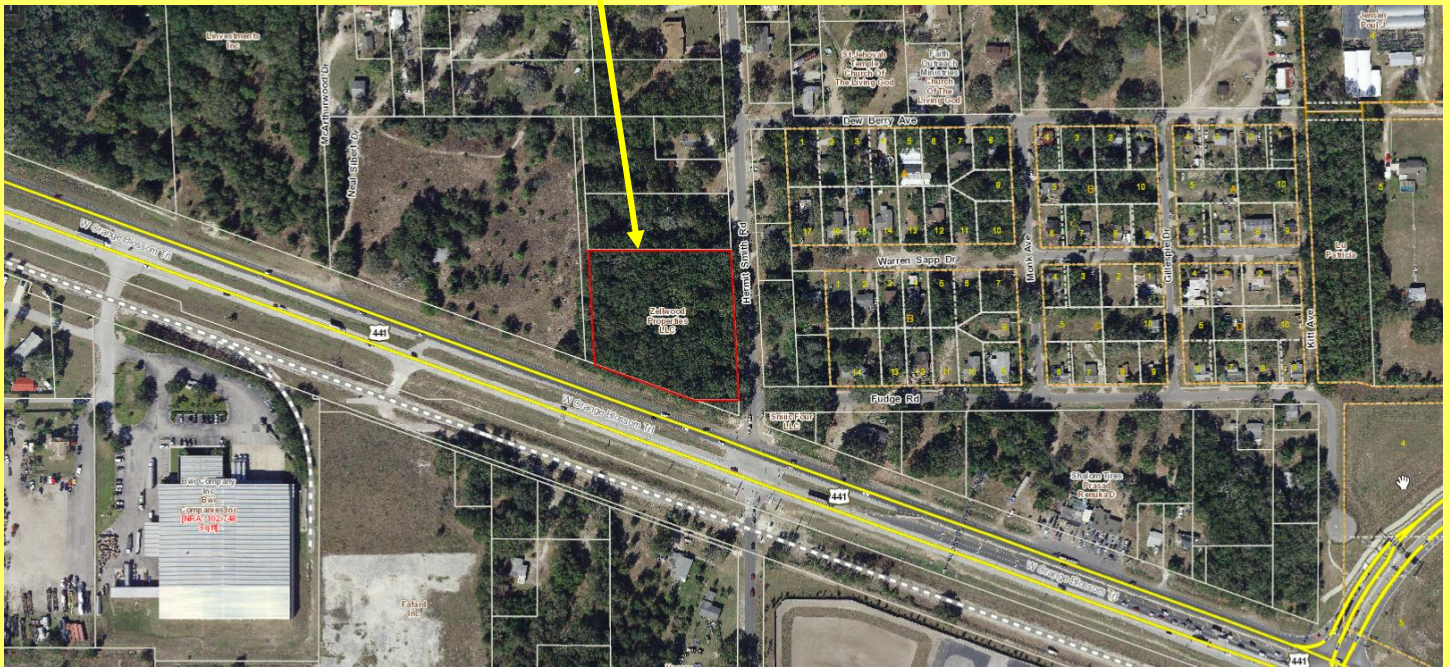
ADJACENT ZONING





ADJACENT USES

Subject Property



Backup material for agenda item:

4. CHANGE OF ZONING – Zellwood Properties, LLC, from “County” A-1 (Agricultural) to “City” Planned Unit Development (PUD/Commercial) for property located at 1102 Hermit Smith Road. (Parcel ID No. 36-20-27-0000-00-024)



CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 SITE PLAN
 PLAT APPROVAL
 OTHER:

DATE: January 9, 2018
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Zoning Map
Adjacent Uses

SUBJECT: CHANGE OF ZONING – ZELLWOOD PROPERTIES, LLC

PARCEL ID NUMBER: 36-20-27-0000-00-024

Request: CHANGE OF ZONING
FROM: “COUNTY” A-1 (AGRICULTURAL)
TO: “CITY” PUD (PLANNED UNIT DEVELOPMENT\COMMERCIAL)

SUMMARY

OWNER: Zellwood Properties, LLC
APPLICANT: Tannath Design, Inc., c/o Bryan Potts, P.E.
LOCATION: 1102 Hermit Smith Road
EXISTING USE: Vacant-Woodlands
CURRENT ZONING: “County” A-1 (ZIP)
DEVELOPMENT POTENTIAL: Maximum 26,681 sq. ft. commercial use (Max. 0.25 floor area ratio)
PROPOSED ZONING: “City” PUD (Planned Unit Development) (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from “County” Rural (0-10 du/ac) to Commercial (Max. 0.25 FAR)
TRACT SIZE: 2.45+/- acres
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence
PROPOSED: Up to 26,681 sq. ft.

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
Recreation Director

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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 PUD (Planned Unit Development) to the property.

The subject property was annexed into the City of Apopka on June 20, 2012, through the adoption of Ordinance No. 2262.

The intent of the PUD zoning was to restrict uses on a Gateway Property. A master site plan accompanies the PUD zoning application.

A request to assign a change of zoning to PUD is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The change of zoning request is being processed in conjunction with a future land use amendment from “County” Rural to “City” Commercial.

PUD DEVELOPMENT AND ZONING CONDITIONS: That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: all such uses permitted within the C-1 Commercial zoning category and automobile service stations unless as otherwise listed as a prohibited use below. Automobile service stations are a permissible use within the C-2 zoning category. Other than automobile service stations, no other C-2 zoning district permissible or special exception use is allowed within the PUD. Uses also prohibited within this PUD site and the Master Plan are:
1. Drugstore and sundry stores (which includes medical marijuana dispensaries)
 2. Boarding or rooming house(s);
 3. Outdoor storage or display of merchandise (including vending machines other than fuel stations and air pumps)
- B. The requisite Master Plan shall be submitted with or as part of the Preliminary Development Plan application.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Final Development Plan;
 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the proposed Commercial (Max. 25% Floor Area Ratio) Future Land Use designation and the City’s proposed Planned Unit Development Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: The proposed zoning category of PUD\Commercial will not create any additional impact on student enrollment at public schools.

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 27, 2017.

PUBLIC HEARING SCHEDULE:

Planning Commission, January 9, 2018 (5:30 pm)
City Council, January 17, 2018 (1:30 pm) - 1st Reading
City Council, February 7, 2018 (7:00 pm) - 2nd Reading

DULY ADVERTISED:

December 29, 2017 - Public Notice (Letters, Apopka Chief, Site Posting)
January 26, 2018 - Public Notice (Apopka Chief)

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from “County” A-1 to “City” PUD for the property owned by Zellwood Properties LLC, and located at 1102 Hermit Smith Road.

Recommended Motion: Planning Staff recommends finding the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommends approval of the proposed Change of Zoning from “County” A-1 to “City” PUD| (Commercial) for the property owned by Zellwood LLC, and located at 1102 Hermit Smith Road, subject to the PUD Development and Zoning Conditions provided in the Staff Report.

Planning Commission: Find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommends approval of the proposed Change of Zoning from “County” A-1 to “City” PUD| (Commercial) zoning for the property owned by Zellwood LLC, and located at 1102 Hermit Smith Road, subject to the PUD Development and Zoning Conditions provided 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.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (1 D/U per 10 Acres)	“City” A-1 (ZIP)	Vacant
East (City)	Not Assigned	“City” A-1 (ZIP)	Hermit Smith Rd\Vacant
South (County)	Rural (1 D/U per 10 Acres)	“County” C-3 & R-3	Us 441\Single-Family Homes
West (City)	Rural (1 D/U per 10 Acres)	“County” A-1	Vacant

**LAND USE & TRAFFIC
 COMPATIBILITY:**

The concept plan proposes accesses on West Orange Blossom Trail and Hermit Smith Road.

**COMPREHENSIVE PLAN
 COMPLIANCE:**

The proposed PUD zoning is consistent with the proposed Future Land Use designation, “Commercial” (Max. 25% FAR) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.

**BUFFERYARD
 REQUIREMENTS:**

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

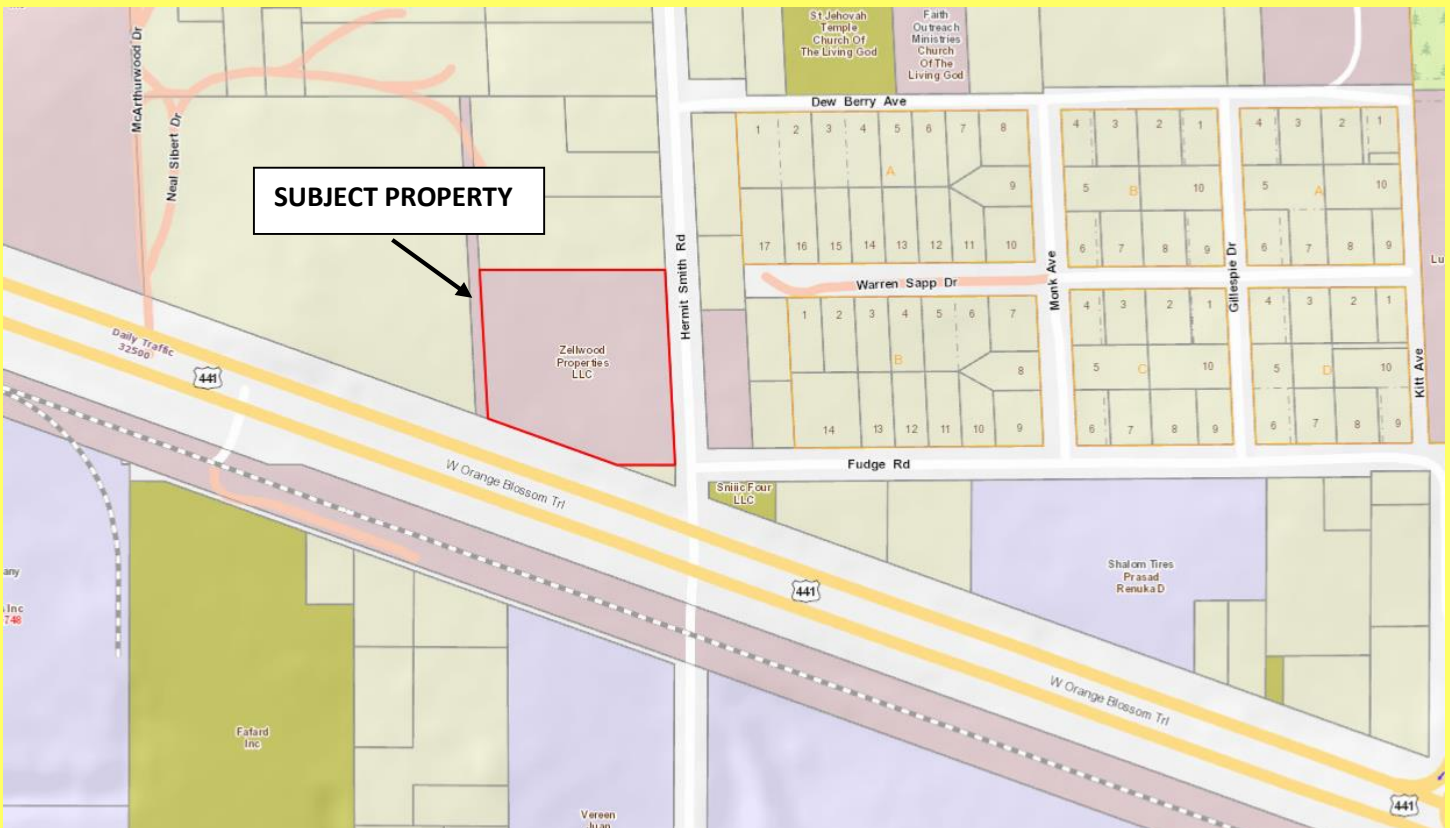
ALLOWABLE USES:

As described in the PUD Recommendations herein provided above.



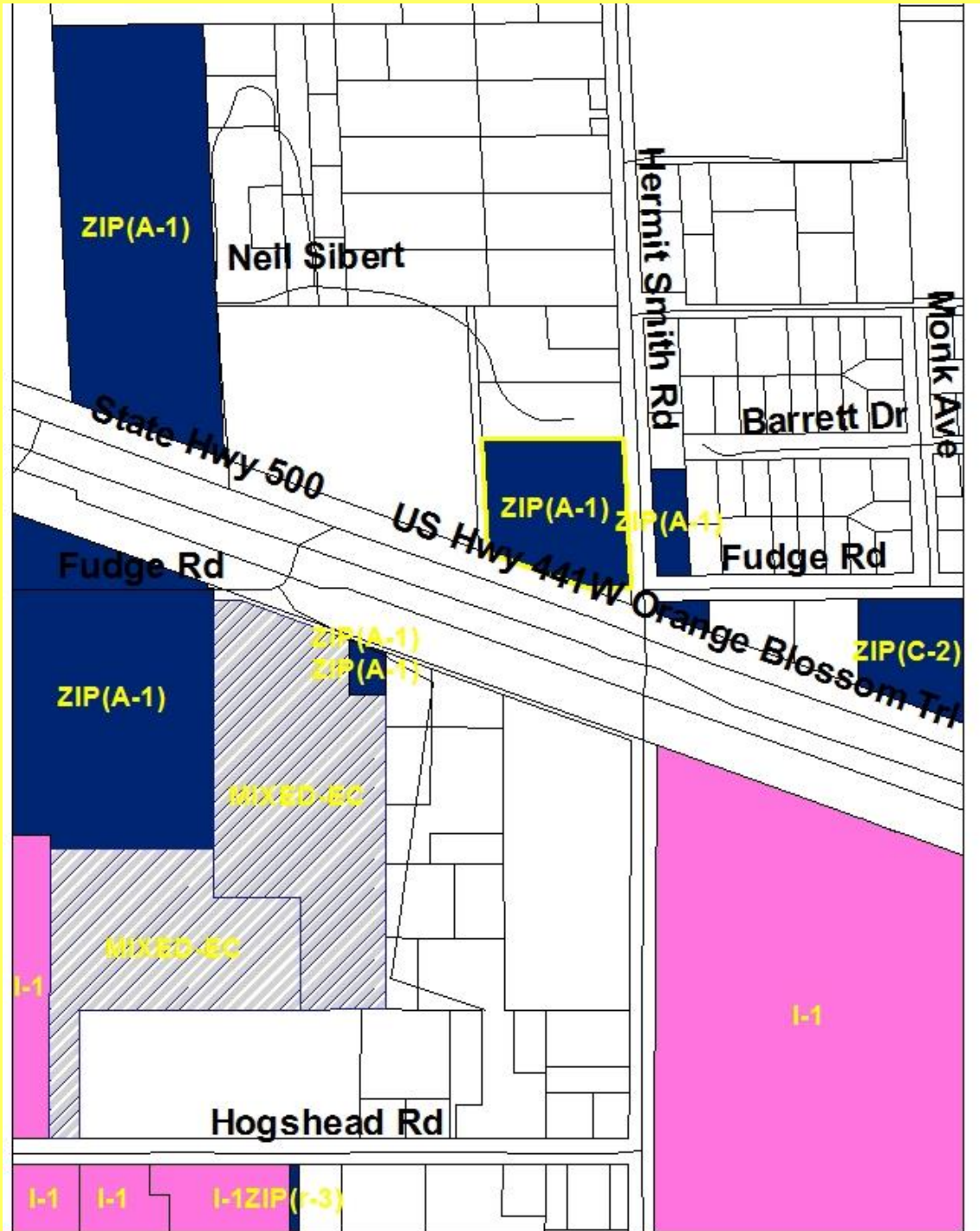
Zellwood Properties, LLC
2.45 +/- acres
Proposed Small Scale Future Land Use Amendment:
From: “County” Rural
To: “City” Commercial
Proposed Change of Zoning:
From: A-1 (ZIP)
To: PUD (Commercial)
Parcel ID #: 36-20-27-0000-00-024

VICINITY MAP





ADJACENT ZONING MAP

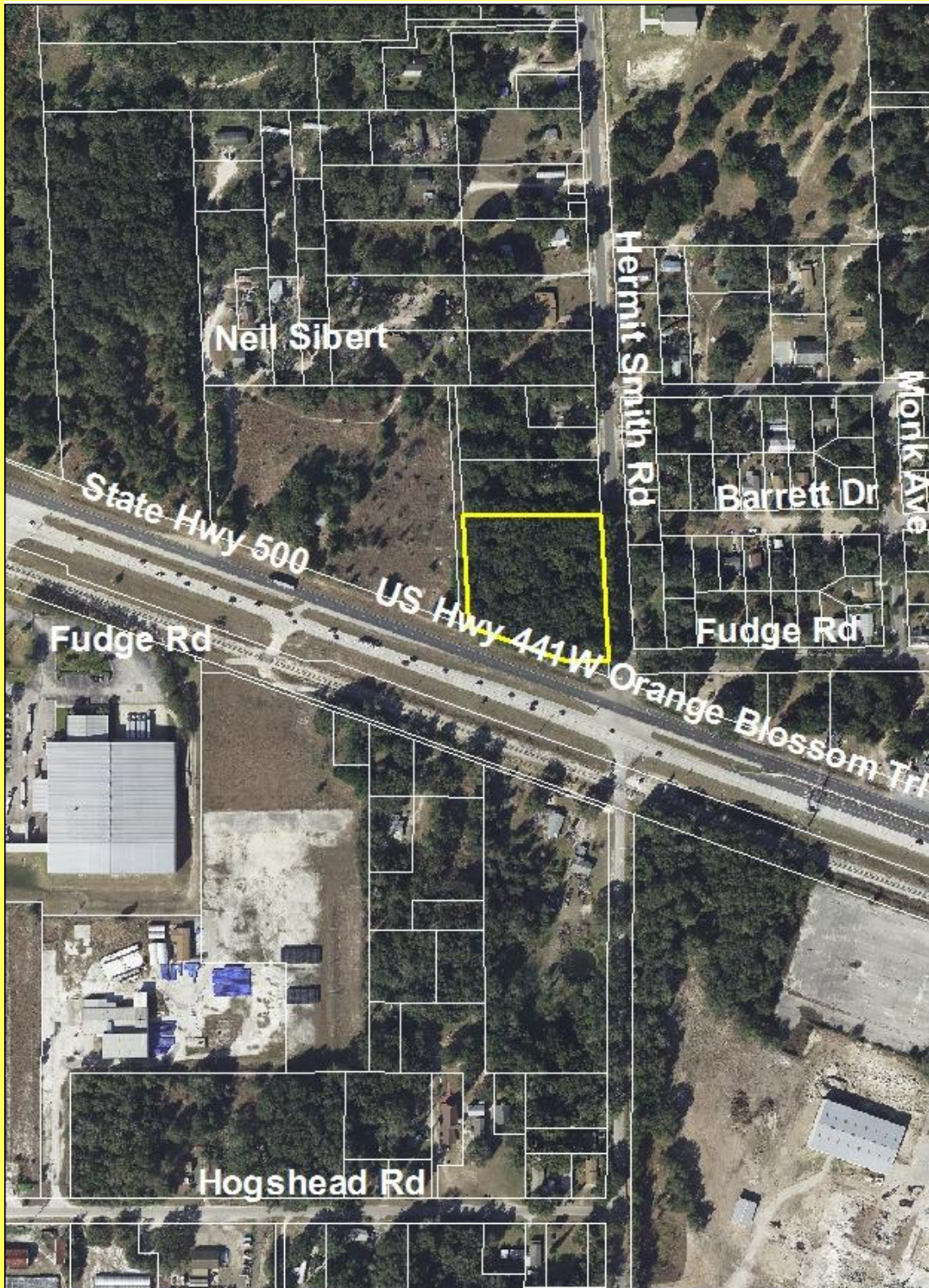


Legend

 Subject Property



ADJACENT USES MAP



Legend

 Subject 53 property