$$
\begin{gathered}
\text { RPVIS } \\
\text { REVISED } \\
\text { City of Apopka } \\
\text { Planning Commission } \\
\text { Meeting Agenda } \\
\text { September 13, 2016 } \\
\text { 5:30 PM @ CITY COUNCIL CHAMBERS }
\end{gathered}
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## 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 August 9, 2016, at 5:30 p.m.

## IV. PUBLIC HEARING:

1. COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Owned by Equity Waters Edge, LLC, c/o David Shapiro, from "County" Rural (1 du/10 ac) to "City" Mixed Use, for property located at 1850 South Binion Road. (Parcel ID \#: 19-21-28-0000-00-011)
2. CHANGE OF ZONING - Owned by Equity Waters Edge, LLC, c/o David Shapiro, from "County" A-1 (Rural) to "City" Mixed-EC (Mixed Use), for property located at 1850 South Binion Road. (Parcel ID \#: 19-21-28-0000-00-011)
3. MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN AMENDMENT - Robert K. Dunn, Et. Al., for property located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. (Parcel ID \#s: 05-21-28-0000-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035 \& 05-21-28-0000-00041)
4. CHANGE OF ZONING - Orchid Estates Planned Unit Development Master Plan - Owned by JTD Land at Orchid Estates, c/o James Fant and located south of Kelly Park Road, west of Jason Dwelley Parkway. (Parcel ID \#s: 18-20-28-0000-00-055 \& 18-20-28-0000-00-059

## V. SITE PLANS:

1. PRELIMINARY DEVELOPMENT PLAN - NORTHWEST DISTRIBUTION FACILITY BUILDING "D" Owned by Oakmont Apopka Road, LLC; applicant is Oakmont Industrial Group c/o Jimmy Stainback. Property located on Ocoee Apopka Road between S.R. 451 and Ocoee-Apopka Road and east of Boy Scout Road. (Parcel ID \#s: 17-21-28-5953-03-000; 17-21-28-5953-04-000)

## VI. OLD BUSINESS:

## VII. NEW BUSINESS:

## VIII. ADJOURNMENT:


#### Abstract

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:

Approve minutes of the Planning Commission regular meeting held August 9, 2016, at 5:30 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 9, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)<br>OTHERS PRESENT: Mark Reggentin, AICP - Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand, Esq., Rogers Beckett - Senior Projects Coordinator, Kyle Wilkes, AICP - Planner II, Teresa Sargeant, Suzanne Kidd, John M. Florio, John Townsend, Suzanne Sweeney, 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 meeting minutes of July 12, 2016, at 5:30 p.m. minutes.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the meeting held on July 12, 2016, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Jose Molina (6-0).

Roger Simpson arrived at 5:35.
LEGISLATIVE - LAND DEVELOPMENT CODE AMENDMENT - EX PARTE CONTACT Chairperson Greene stated this is a request to recommend approval of an amendment to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 1, to adopt provisions to provide access to public officials of the City of Apopka regarding quasi-judicial matters.

Staff Presentation: Mark Reggentin, AICP, Community Development Director, stated this is a request to recommend approval of an amendment to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 1, to adopt provisions to provide access to public officials of the City of Apopka regarding quasi-judicial matters.

It has been the recent policy of the city to allow ex'parte communication between elected and appointed board members and the public. This policy is based upon the belief that the public should be able to voice their opinions on quasi-judicial matters to city officials prior to a public hearing on the issue. In order to address this concern on a state wide basis, the legislature enacted Section 286.0115 of the Florida Statutes to address a process for disclosure of ex'parte communications and without a presumption of prejudice.

During a review of the Land Development Code, it was discovered that Section1.01.10 of the Land Development Code specifically prohibits ex'parte communications. Based upon the standing policy and practice of the city, ex'parte communications have been allowed following the procedures outlined in the statutes. To rectify this inconsistency, staff has prepared an amendment to the Land Development Code to address ex'parte communications, and disclosure procedures.

In response to questions and concerns by Ms. Laurendeau, Mr. Hand stated that the proposed amendment was taken directly from the statutes and allows due process for applicants. He added that, in addition to the Code, public officials would be subject to the ethics laws.

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

Motion: Robert Ryan made a motion to recommend approval of the amendment to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 1, to adopt provisions to provide access to public officials of the City of Apopka regarding quasijudicial matters; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (7-0). (Vote taken by poll.)

LEGISLATIVE - LAND DEVELOPMENT CODE AMENDMENT - BUILDING HEIGHTS Chairperson Greene stated this is a request to recommend approval of an amendment to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 2, Section 2.02.01 to allow building heights in excess of 35 feet when expressly permitted by Special Exception or Planned Unit Development.

Staff Presentation: Mr. Reggentin stated this is a request to recommend approval of an amendment to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 2, Section 2.02.01 to allow building heights in excess of 35 feet when expressly permitted by Special Exception or Planned Unit Development.

As Community Development staff has been reviewing the Land Development Code in anticipation of the update scheduled to begin in the next few months, one issue was discovered that could adversely affect economic development while the code is in the process of being updated. This issue is related to building height. Currently building height is limited to 35 feet except within the downtown overlay district. The downtown overlay district permits the following maximum building heights: single family residential uses - 35 feet; multi-family uses - 75 feet; and commercial or non-residential uses - 100 feet provided no residential uses or a residential zoning district is located within 200 feet. This distance is measured from property line to property line. Otherwise the maximum building height is 35 feet. This is a very common standard contained in codes from the late 1980's and early 1990's. It was primarily based upon the height that a ladder truck could reach. With the advent of modern building and fire codes, buildings have become much safer in relation to fire hazards.

Currently, in order to construct a building in excess of 35 feet, an applicant must rezone the property to Planning Unit Development (PUD) and go through a time consuming review and approval process. According to Community Development staff, development interests have approached the City to develop office buildings over 35 feet but did not move forward due to the process involved with a PUD application which may take several months. This represents lost opportunity.

To address this, staff is proposing an amendment to the Land Development Code to allow an applicant to request a special exception to height requirements. If building height is the only issue, an applicant can request a special exception and avoid the costly and time consuming PUD process. This will allow an applicant requesting non-residential development over 35 feet to have that issue addressed in an expeditious and straight forward fashion. The review criteria has been developed to avoid potential adverse effects on surrounding properties.

In response to a question by Mr. Foster, Mr. Reggentin stated that he has been with the City for a few months and there have not been any requests for buildings over 35 feet; however, he has been informed by staff that there has been requests in the past.

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

Motion: Linda Laurendeau made a motion to recommend approval of the amendment to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 2, Section 2.02.01 to allow building heights in excess of 35 feet when expressly permitted by Special Exception or Planned Unit Development; and Jose Molina seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (7-0). (Vote taken by poll.)

SWEARING-IN - Mr. Hand swore-in staff, the petitioners, and affected parties.
QUASI-JUDICIAL - MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN - EMERSON NORTH TOWNHOMES - Chairperson Greene stated this is a request to recommend approval of the Master Plan/Preliminary Development Plan for Emerson North Townhomes. The owner/applicant is Pulte Group, c/o Doug Hoffman. The engineer is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E. The property is located at 1701 Ocoee Apopka 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. Mr. Ryan stated that he had e-mailed two questions to Mr. Moon, who responded that he would answer them during his presentation.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend this is a request to recommend approval of the Master Plan/Preliminary Development Plan for Emerson North Townhomes. The owner/applicant is Pulte Group, c/o Doug Hoffman. The engineer is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E. The property is located at 1701 Ocoee Apopka Road. The future land use is Mixed-Use ( $0-15 \mathrm{du} / \mathrm{ac}$ ) and the zoning is Mixed-EC. The existing use is planted pine and the proposed use is a residential townhome community with 136 units and a future public right-of-way. The tract size is $21.42+/-$ acres. $17.1+/-$ acres for the residential community and $4.24+/-$ acres for the East Harmon Road right-of-way. The density is 7.95 units per acre.

The Emerson North Townhomes Master Plan/Preliminary Development Plan is a two phase project proposing 136 townhome units with 3.12 +/- acres of active and passive recreation and open space within a $17.1+/-$ acre site. The Mixed-EC zoning designation requires a minimum of 2.565 acres for parks and open space for this residential community to be owned and maintained by the homeowners' association. All internal roads will be private streets also maintained by the homeowners' association. The project entrances will be gated. The proposed living area for the townhomes is $1,530 \mathrm{sq}$. ft . which exceeds the $1,350 \mathrm{sq}$. ft. minimum requirement and the $1,500 \mathrm{sq}$. ft . aggregate for the Mixed-EC zoning designation.

The minimum setbacks applicable to the project are:

| Setback | Min. Standard |
| :--- | :--- |
| Perimeter | $25^{\prime}$ |
| Front | $50^{*}$ |
| Side | $20^{*}$ |
| Rear | $50^{*}$ |
| *Distance between structures. |  |

Exterior elevations of all proposed homes must be reviewed by the Community Development Department prior to issuance of a building permit. Exterior home elevations must meet the intent of the City's Development Design Guidelines.

Ingress/egress for the development will be via two access points from Harmon Road. The western access/gate will become available at the time East Harmon Road is extended to the west.

The stormwater management system includes an on-site retention area. Stormwater ponds are located within Tract "B" and Tract "C." The design of the sormwater ponds meets the City's Land Development Code requirements.

The developer is providing over 3.12 acres of active and passive recreation space when only 2.565 acres is required. The applicant is proposing a swimming pool with a cabana ( $400+/-\mathrm{sq} . \mathrm{ft}$.) and a tot lot within the active recreational space. Per Section 2.02.20.H.4a of the Land Development Code, developments made up of less than 300 units shall be required to construct a minimum total of $2,000 \mathrm{sq}$. ft. of facility or facilities for a Neighborhood Activity Center. This facility will be one of the following: meeting halls; recreation facilities such as a gazebo, covered pavilions, etc. The Master Plan/Preliminary Development Plan provides only a 400 sq. ft. cabana which is 1,600 sq. ft . short of the $2,000 \mathrm{sq}$. ft . required by the Code.

Buffers provided are consistent with the Land Development Code. The planted pine is exempt from the arbor requirements and will be harvested for silviculture purposes.

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

| Total inches on-site: | 15,277 |
| :--- | ---: |
| Total number of specimen trees: | 2 |
| Total specimen inches retained: | 0 |
| Total inches replaced: | 1,033 |
| Total inches removed: | 1,606 |
| Total inches retained: | 1,441 |
| Total inches post development: | 2,474 |

The developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity regarding protection and relocation of any identified protected species. A habitat management plan must be submitted with the Final Development Plan.

No development activity, clearing or grading can occur until such time that a concurrency mitigation agreement has been approved by Orange County Public Schools (OCPS).

The County was notified at the time of the land use amendment and rezoning applications for this property. Coordination occurred with County planning staff regarding impact on adjacent parcels. Orange County also receives a copy of the Development Review Committee agenda.

## CONDITIONS OF APPROVAL:

1. A developer's agreement must be approved by City Council to address the conveyance of land to the City of Apopka for the future Harmon Road right-of-way extension. The right-of-way shall be sufficient to provide a two-lane divided highway with a multi-use trail on the south side of the road.
2. A minimum of $2,000 \mathrm{sq}$. ft. shall be provided in the form of a meeting house, gazebo, covered pavilion, etc., or as allowed by Section 2.02.20.H. 4 - Neighborhood Activity Center of the Land Development Code.

The Development Review Committee recommends approval of the Emerson North Townhomes Master Plan/Preliminary Development Plan, subject to City Council approval of a Developer's Agreement, the provision of a minimum 2,000 sq. ft. of Neighborhood Activity Center, and subject to the findings in the staff report.

The recommended action is to find the Emerson North Townhomes Master Plan/Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code and recommend approval of the Master Plan/Preliminary Development Plan, subject to City Council approval of a Developer's Agreement, the provision of a minimum $2,000 \mathrm{sq}$. ft. of Neighborhood Activity Center, and subject to the findings in the staff report.

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

Mr. Ryan expressed concerns with the 20 foot front setback and residents not being able to park an oversized vehicle, like an F-150 pickup truck, in front of the garage.

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: Doug Hoffman, Pulte Homes, 4901 Vineland Road, $5^{\text {th }}$ Floor, Orlando, stated that they had built the same type of product in the Dr. Phillips area, Casselberry, and Seminole County. The townhomes will have two to three bedrooms. The living area will range from 1,540 square feet to 1,700 square feet. Each townhome will have at least two parking spaces. He stated that the 20 foot setback is the typical depth for parking space in front of a garage.

In response to questions by Mr. Ryan, Mr. Hoffman stated that half of the townhomes will have two to three bedrooms and noted that the third bedroom could be used as a den or a bedroom. He stated that due to the configuration of the lot, the density is tight. He added that the code requires they provide 34 overflow parking spaces and they are providing 88 .

John Townsend, P.E., Donald W. McIntosh Associates, 2200 Park Avenue North, Winter Park, stated that this would be a gated community and the street would be private. He said they are providing the City with an 80 foot right of way to the north of the property for the proposed widening of Harmon Road.

In response to a question by Mr. Ryan, Mr. Moon stated that the configuration of the site is tight; however, between this meeting and the City Council meeting, staff will go back and review the possibility of increasing the front setback.

Mr. Townsend stated that they would be willing to move the sidewalks two feet closer to the street if the City would allow it.

Mr. Moon stated that the City Engineer would have to review that possibility to see what impacts that would have on utilities, drainage, etc.

## Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.
Suzanne Sweeney, 246 East $2^{\text {nd }}$ Street, Apopka, expressed her concerns regarding the possibility of people parking on the grass if they did not have enough room in their driveway; the size of the garages and the lack of storage space. She suggested that the developer consider $21 / 2$ car garages to accommodate parking and storage.

Mr. Hoffman stated that there are provisions in the homeowner association documents that will address the uses of the garages and the required upkeep of the property.

With no one else wishing to speak, Chairperson Gr 8 closed the public hearing.

Mr. Ryan recommended the Commission table this item until staff has a chance to go back and review the front setback.

Mr. Greene stated that was not necessary since the Commission, if they so choose, could make their recommendation to City Council to require an increase in the front setback to accommodate larger vehicles. Then it would be City Council's decision as to whether to approve the project with that condition.

Motion: Chairman Green made a motion to find the Emerson North Townhomes Master Plan/ Preliminary Development Plan is consistent with the Comprehensive Plan and Land Development Code; to recommend approval of the Emerson North Townhomes Master Plan/Preliminary Development Plan subject to: City Council approval of a Developer's Agreement; the provision of a minimum 2,000 sq. ft. of Neighborhood Activity Center; and subject to the findings in the staff report for the property owned by Pulte Group, c/o Doug Hoffman and located at 1701 Ocoee Apopka Road.

Motion died due to lack of a second.
Motion: Tony Foster made a motion to find the Emerson North Townhomes Master Plan/ Preliminary Development Plan is consistent with the Comprehensive Plan and Land Development Code; to recommend approval of the Emerson North Townhomes Master Plan/Preliminary Development Plan subject to: City Council approval of a Developer's Agreement; the provision of a minimum 2,000 sq. ft. of Neighborhood Activity Center; and the condition for the provision of a $\mathbf{2 2}$ foot front setback to accommodate parking of large vehicles, such as $\mathbf{F - 1 5 0}$ s, in the driveways; and subject to the findings in the staff report for the property owned by Pulte Group, c/o Doug Hoffman and located at 1701 Ocoee Apopka Road. The motion was seconded by Linda Laurendewau. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (7-0). (Vote taken by poll.)

OLD BUSINESS: None.
NEW BUSINESS: Mr. Foster assured Ms. Sweeney that the homeowners association would be responsible for the upkeep of the property.

ADJOURNMENT: The meeting was adjourned at 6:24 p.m.

James Greene, Chairperson

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## Backup material for agenda item:

1. COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Owned by Equity Waters Edge, LLC, c/o David Shapiro, from "County" Rural (1 du/10 ac) to "City" Mixed Use, for property located at 1850 South Binion Road. (Parcel ID \#: 19-21-28-0000-00-011)

## CITY OF APOPKA PLANNING COMMISSION

| X PUBLIC HEARING | DATE: | September 13, 2016 |
| :--- | :--- | :--- |
| ANNEXATION | FROM: | Community Development |
| PLAT APPROVAL | EXHIBITS: | Land Use Report |
| OTHER: |  | Vicinity Map |
|  |  | Adjacent Zoning Map |
|  |  | Adjacent Uses Map |
|  |  | Existing Uses |

## SUBJECT:

COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - EQUITY WATERS EDGE, LLC

## PARCEL ID NUMBER:

19-21-28-0000-00-011

## Request:

COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT
FROM: "COUNTY" RURAL (1 DU/ 10 AC)
TO: "CITY" MIXED USE

## SUMMARY

OWNER/APPLICANT:
LOCATION:
EXISTING USE:
CURRENT ZONING:
PROPOSED DEVELOPMENT:

PROPOSED ZONING:

TRACT SIZE:
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT:

Equity Waters Edge, LLC - David Shapiro
1850 S. Binion Road
Vacant Land
"County" A-1
City has received a Preliminary Development Plan for a single family residential development.
"City" Mixed-EC (Mixed Use) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from "County"A-1 to "City" Mixed-EC [Mixed Use])
$5.6+/-$ acres

EXISTING: Vacant; 1 dwelling unit per 10 acres
PROPOSED: Employment center; $15 \mathrm{du} / \mathrm{ac}$

## 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

PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - FUTURE LAND USE AMENDMENT
PAGE 2
ADDITIONAL COMMENTS: Presently, the subject property has not yet been assigned a "City" Future Land Use Designation or a "City" zoning category. Applicant is requesting the City to assign a future land use designation of Mixed Use to the property.

The subject property has been annexed into the City of Apopka. The annexation occurred on June 5, 2013, through the adoption of Ordinance No. 2303. 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 Mixed Use is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 5.6 acres.

The parcel owner - Equity Waters Edge, LLC - also owns abutting parcels to the south, combining these for a future development site of approximately 75 acres. A Preliminary Development Plan is under review by the City's Development Review Committee for a single family residential community.

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 proposed use of the property is consistent with the Mixed Use Future Land Use designation and the City's proposed Mixed Use Zoning. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: No more than nine residential homes will be constructed on the 5.6 acre site. Pursuant to the School Planning Agreement, nine or less residential units is considered a deminimus impact on schools. Therefore, this 5.6 acre site is exempt from School Capacity Enhancement review. However, school concurrency review will occur at the time of a preliminary or final development plan.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on August 12, 2016.

## PUBLIC HEARING SCHEDULE:

September 13, 2016 - Planning Commission ( $5: 30 \mathrm{pm}$ )
October 5, 2016 - City Council (1:30 pm) - 1st Reading
October 19, 2016 - City Council (7:00 pm) - 2nd Reading

## DULY ADVERTISED:

August 26, 2016 - Public Notice and Notification
October 8, 2016 - 1/4 Page w/Map Ordinance Heading 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 "County" Rural ( $1 \mathrm{du} / 10 \mathrm{ac}$ ) to "City" Mixed Use for the property owned by Equity Waters Edge, LLC and located at 1850 S. Binion Road.

Recommend to amend the Future Land Use Map designation from "County" Rural to "City" Mixed Use.
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:

| Direction | Future Land Use | Zoning | Present Use |
| :--- | :--- | :---: | :--- |
| North (City) | Mixed Use | Mixed-EC | Green House |
| East (City) | Mixed Use | A-1(ZIP) | Vacant $\backslash$ Binion Road |
| South (City) | Mixed Use | Mixed-EC | Vacant |
| West (County) | Rural/Agricultural (1 du/10 ac) | A-2 | SJRWMD $\backslash$ conservation |

## II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with the development of mixed uses. The subject property fronts and is accessed by a local roadway (S. Binion Rd.) and has access to Harmon Rd.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No
JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is not located within "Core Area" of the JPA.

Redevelopment: Policy 3.13. No non-conforming structure shall be substantially expanded.
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, Canova sand, and Tavares sand; and no wetlands occur on the site, and the terrain has a $0-12$ percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.r. Mixed-Use 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 Mixed Use. Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population

## CALCULATIONS:

ADOPTED (County designation): 1 Unit(s) $\times 2.659 \mathrm{p} / \mathrm{h}=2.659$ persons
PROPOSED (City designation): 15 Unit(s) $\times 2.659 \mathrm{p} / \mathrm{h}=223$ persons
Housing Needs: This amendment may 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 City of Apopka Utilities 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: City of Apopka
2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 53,054 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

## Potable Water Analysis

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

If the site is not currently served, please indicate the designated service provider: City of Apopka
2. Projected total demand under existing designation: $\quad 210$ GPD
3. Projected total demand under proposed designation: 66,427 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: $177 \mathrm{GPD} /$ 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

PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - FUTURE LAND USE AMENDMENT
PAGE 5

## Solid Waste

1. Facilities serving the site: None
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: $\underline{1380 \text { lbs./day/ } 1000 \mathrm{sf}}$
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information
Water treatment plant permit number: $\quad$ CUP No. 3217
Permitting agency: St. John's River Water Management District
Permitted capacity of the water treatment plant(s): $\underline{21.981}$ GPD
Total design capacity of the water treatment plant(s): $\underline{33.696}$ GPD $_{\text {a }}$
Availability of distribution lines to serve the property: Yes
Availability of reuse distribution lines available to serve the property: Yes

## Drainage Analysis

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

## Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: $\underline{0.669} \mathrm{AC}$
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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

EQUITY WATERS EDGE, LLC 1850 S. Binion Rd.
5.6 +/- acres

Existing Maximum Allowable Development: 1 dwelling unit/ac Proposed Maximum Allowable Development: 15 dwelling unit/ac

Proposed Small Scale Future Land Use Change
From: "County" Rural/Agricultural (1 du/10 ac)
To: "City" Mixed Use
Proposed Zoning Change
From: "County"A-1
To: "City" Mixed-EC
Parcel ID \#: 19-21-28-0000-00-011

## VICINITY MAP



PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - FUTURE LAND USE AMENDMENT

## PAGE 7



N

## ADJACENT ZONING



PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - FUTURE LAND USE AMENDMENT

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N

## ADJACENT USES



PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - FUTURE LAND USE AMENDMENT
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N
EXISTING USES


## Backup material for agenda item:

2. CHANGE OF ZONING - Owned by Equity Waters Edge, LLC, c/o David Shapiro, from "County" A-1 (Rural) to "City" Mixed-EC (Mixed Use), for property located at 1850 South Binion Road. (Parcel ID \#: 19-21-28-0000-00-011)

CITY OF APOPKA PLANNING COMMISSION

| X PUBLIC HEARING | DATE: | September 13, 2016 |
| :--- | :--- | :--- |
| ANNEXATION | FROM: | Community Development |
| PLAT APPROVAL | EXHIBITS: | Land Use Report |
| OTHER: |  | Vicinity Map |
|  |  | Adjacent Zoning Map |
|  | Adjacent Uses Map |  |
|  |  | Existing Uses |
|  |  | Small Area Study Map |

## SUBJECT:

PARCEL ID NUMBER:

## Request:

## EQUITY WATERS EDGE, LLC - CHANGE OF ZONING

19-21-28-0000-00-011
CHANGE OF ZONING
FROM: "COUNTY" A-1 (RURAL)
TO: "CITY" MIXED EC (MIXED USE)

## SUMMARY

OWNER/APPLICANT: Equity Waters Edge, LLC - David Shapiro
LOCATION:
EXISTING USE:
PROPOSED
FLUM DESIGNATION: Mixed Use (NOTE: This change of zoning application is being processed in conjunction with a small scale FLUM amendment requesting Mixed Use.)

CURRENT ZONING: "County" A-1 (ZIP)
PROPOSED
DEVELOPMENT:

TRACT SIZE:
MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING: vacant; 1 dwelling unit per 10 acres
PROPOSED: single family residential development consistent with the MixedEC zoning district

## 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

ADDITIONAL COMMENTS: Presently, the subject property has not yet been assigned a "City" Future Land Use Designation or a "City" zoning category. Applicant is requesting the City to assign a future land use designation of Mixed Use to the property.

Applicant is requesting the City to assign a zoning classification of Mixed-EC (Mixed Use) to the property, consistent with the proposed Mixed Use future land use designation.

A request to assign a change of zoning to Mixed-EC (Mixed Use) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the Mixed-EC (Mixed Use) zoning classification to accommodate the use of the property to have the potential to be single family residential. The subject property abuts nurseries along S. Binion Rd. that have a zoning of Mixed-EC. City staff supports this change of zoning request due to the Ocoee Apopka Road Small Area Study results. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Mixed Use. The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 5.6 acres.
In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property is consistent with the Mixed Use Future Land Use designation and the City's proposed Mixed Use Zoning. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: No more than nine residential homes will be constructed on the 5.6 acre site. Pursuant to the School Planning Agreement, nine or less residential units is considered a deminimus impact on schools. Therefore, this 5.6 acre site is exempt from School Capacity Enhancement review. However, school concurrency review will occur at the time of a preliminary or final development plan.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on August 12, 2016.

## PUBLIC HEARING SCHEDULE:

September 13, 2016 - Planning Commission ( $5: 30 \mathrm{pm}$ )
October 5, 2016 - City Council (1:30 pm) - 1st Reading
October 19, 2016 - City Council (7:00 pm) - 2nd Reading

## DULY ADVERTISED:

August 26, 2016 - Public Notice and Notification
October 8, 2016-1/4 Page w/Map Ordinance Heading 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(Agriculture) to Mixed-EC (Mixed Use) for the property owned by Equity Waters Edge, LLC.

Recommended Motion: Find the change of zoning to Mixed-EC (Mixed Use) consistent with the Comprehensive Plan and Land Development Code and recommend adoption subject to adoption of the Proposed Future Land Use Designation.

## ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

| Direction | Future Land Use | Zoning | Present Use |
| :--- | :--- | :---: | :--- |
| North (City) | Mixed Use | Mixed-EC | Green House |
| East (City) | Mixed Use | A-1(ZIP) | Vacant |
| South (City) | Mixed Use | Mixed-EC | Vacantlsame property owner |
| West (County) | Rural/Agricultural (1 du/10 ac) | A-2 | SJRWMD propertylconservation |

## LAND USE \& TRAFFIC

 COMPATIBILITY:
## COMPREHENSIVE

PLAN COMPLIANCE:

The subject property fronts and is accessed by a local roadway (S. Binion Rd.) and has access to Harmon Rd.

## MIXED USE-EC DISTRICT REQUIREMENTS:

Floor Area Ratio (\%): 25 min .100 max.
Minimum Site Area: Not applicable
Minimum Lot Width Varies; based on master plan
Setbacks: Front: 15 ft . (From property line)
Rear: 10 ft .
Side: 0 ft .
Corner 10 ft .

Based on the above zoning standards, the subject parcel does meet code requirements for the Mixed-EC (Mixed Use) district.

## BUFFERYARD

REQUIREMENTS:

The proposed Mixed-EC (Mixed Use) zoning is consistent with the City's Mixed Use ( $15 \mathrm{DU} / \mathrm{AC}$ ) Future Land Use designation and with the character of the surrounding area. The Mixed-EC (Mixed Use) zoning classification is one of the acceptable zoning categories allowed within the proposed Mixed Use Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

Buffer yards shall be consistent with the zoning district for the proposed use, unless otherwise noted in the Mixed-EC zoning district standards. For example, singlefamily developments shall follow the buffer requirements of the single-family zoning districts, commercial uses shall follow the buffering of the applicable commercial zoning district, etc. Buffers may be waived or varied in mixed-use buildings and projects when compatible uses and appropriate building/parking relationships are demonstrated and strong pedestrian connectivity and well-planned vehicular connectivity are provided

## ALLOWABLE

USES:
Single-Family detached residential development; duplex; multi-family residential; commercial, office, industrial, and institutional uses subject to the intensities, development standards, and land use mix criteria set forth of the Mixed-EC zoning district.

## EQUITY WATERS EDGE, LLC

Property Owner
5.6 +/- acres

Proposed Small Scale Future Land Use Amendment:
From: "County" Rural/Agricultural (1 du/10 ac)
To: "City" Mixed Use
Proposed Change of Zoning:
From: "County"A-1
To: "City" Mixed-EC
Parcel ID \#s: 19-21-28-0000-00-011

## VICINITY MAP



PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - CHANGE OF ZONING
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## ADJACENT ZONING



PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - CHANGE OF ZONING

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## ADJACENT USES



PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - CHANGE OF ZONING
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EXISTING USES


PLANNING COMMISSION - SEPTEMBER 13, 2016
EQUITY WATERS EDGE, LLC - CHANGE OF ZONING
PAGE 9


N

OCOEE APOPKA ROAD SMALL AREA STUDY CONCEPTUAL LAND USE MAP


## Backup material for agenda item:

3. MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN AMENDMENT - Robert K. Dunn, Et. Al., for property located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. (Parcel ID \#s: 05-21-28-0000-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035 \& 05-21-28-0000-00041)

## CITY OF APOPKA PLANNING COMMISSION

| X PUBLIC HEARING | DATE: | September 13, 2016 |
| :--- | :--- | :--- |
| __ANNEXATION | FROM: | Community Development |
| __PLAT APPROVAL | EXHIBITS: | Land Use Report |
| __OTHER: |  | Vicinity Map |
|  |  | Adjacent Zoning and Uses Maps |
|  | Amended Master Site Plan\PDP |  |
|  |  | Amended Building Elevations |
|  |  | Current Approved Master Plan\PDP |
|  |  | Ordinance 2355\Approved PUD |

## SUBJECT:

AMMENDMENT TO DUNNTDIXIE MANOR PUD ZONING AND ASSISTED LIVING FACILITY PUD MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN

PARCEL ID NUMBERS:
05-21-28-0000-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035, AND 05-21-28-0000-00-041

## Requests:

1. AMENDMENT TO THE DUNNXDIXIE MANOR PUD ZONING AND ASSISTED LIVING FACILITY PUD MASTER PLAN\PRELIMINARY DEVELOPMENT PLAN TO INCREASE MAXIMUM FLOOR AREA RATIO FROM 0.25 TO 0.30.

## 2. RECOMMEND APPROVAL OF THE MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN

## SUMMARY

OWNER\APPLICANT:

## ENGINEER:

LOCATION:

EXISTING USE:
CURRENT ZONING:
PROPOSED DEVELOPMENT:

PROPOSED AMENDMENT:
TRACT SIZE:
MAXIMUM ALLOWABLE DEVELOPMENT:

Robert K. Dunn, et al
Haskell Company
North of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway

Vacant Land
PUD
Assisted Living Facility (ALF) with maximum 125-bed facility within a two and one story building with a maximum floor area ratio of .030

Increase maximum floor area ratio from 0.25 to 0.30 .
$6.99+/-$ acres

Current: $\quad 76,121$
Proposed: 91,345

## DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police 31

Public Ser. Director
City Clerk
Fire Chief
Recreation Director

ADDITIONAL COMMENTS: On April 14, 2014 through Ordinance 2355, City Council adopted a Planned Unit Development zoning and a Master Plan\Preliminary Development Plan for the Robert K. Dunn et.al. property. The PUD master plan establishes a maximum floor area ratio of 0.25 , which allows for building (s) with a maximum floor area of 76,121 square feet, for a proposed Assisted Living Facility (ALF) with up to 125 beds. A proposed ALF is similar to uses allowed with the Professional Office\Institutional zoning district, which allows a maximum floor area ratio of 0.30 for buildings. The original building proposed for the applicant was only $76,000 \mathrm{sq}$. ft., which represents a floor area ratio of 0.25 for this property. Thus, the applicant requested a 0.25 FAR instead of a 0.30 floor area ratio allowed by the Professional Office\Institutional zoning district. The building proposed by the applicant, as presented in architectural renderings and within the proposed Master Plan, contains approximately 87,000 sq. ft. floor area. Although the proposed building has more floor area than the previously approved Master Plan, the maximum number of beds - 125 beds - does not change. All the other development standards approved within the current PUD zoning and Master Plan\Preliminary Development Plan remain the same.

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: Planning staff finds the proposed amendment to the Planned Unit Development to be consistent with the Comprehensive Plan and Land Development Code.

SCHOOL CAPACITY REPORT: The amendment to the Planned Unit Development will not impact capacity at affected public schools. If the property owner proposes residential development, then school capacity review will be required as part of the PUD amendment application.

ORANGE COUNTY NOTIFICATION: The property is surrounded by properties that are within the City limits of Apopka; therefore the notice requirements in the JPA do not apply.

## PUBLIC HEARING SCHEDULE:

September 13, 2016 - Planning Commission ( $5: 01 \mathrm{pm}$ )
September 21, 2016 - City Council (7:00 pm) - $1^{\text {st }}$ Reading
October 5, 2016 - City Council (1:30 pm) - $2^{\text {nd }}$ Reading

## DULY ADVERTISED:

August 26, 2016 - Public Notice and Notification
September 13, 2016 - Ordinance Heading Ad

## RECOMMENDED ACTION:

The Development Review Committee finds the proposed amendment to the Dunn\Dixie Manor PUD zoning and Master Plan\Preliminary Development Plan to be consistent with the Comprehensive Plan and Land Development Code recommends approval of the amendment to the Planned Unit Development zoning and Master Plan\Preliminary Development Plan.

Recommended Motion: Recommend to finds the proposed amendment to the Dunn\Dixie Manor PUD zoning and Master Plan\Preliminary Development Plan to be consistent with the Comprehensive Plan and Land Development Code recommends approval of the amendment to the Planned Unit Development zoning and Master Plan\Preliminary Development Plan.

Planning Commission Role: Recommend to approve, deny, or approve with conditions.
Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting. Role of the Planning Commission in this case is advisory to the City Council.

## ZONING REPORT

## I. RELATIONSHIP TO ADJACENT PROPERTIES:

| Direction | Future Land Use | Zoning | Present Use |
| :--- | :--- | :---: | :--- |
| North (City) | Residential Low $(0-5 \mathrm{du} / \mathrm{ac})$ | PUD | Parkside at Errol, Ph. 3 |
| East (City) | Residential Low $(0-5 \mathrm{du} / \mathrm{ac})$ | PUD | Parkside at Errol, Ph. 3 |
| South (City) | Commercial | C-1 | Lowes Home Retail Center |
| West (City) | Parks/Recreation\Residential Low $(0-5 \mathrm{du} / \mathrm{ac})$ | PR/PUD | Vacant wooded parcel; Villa Capri |
| North (City) | Residential Low $(0-5 \mathrm{du} / \mathrm{ac})$ | PUD | Parkside at Errol, Ph. 3 |

## LAND USE \& TRAFFIC COMPATIBILITY:

South: Old Dixie Highway, a two-lane collector road, lies to the south of the subject property and the Lowes Home Retail Center. The land south of Old Dixie Highway is assigned a Commercial future land use designation and a zoning category of C-1.

West: Across Richard L. Mark Drive is a 1.4 acre heavily wooded parcel covered by oak trees. This parcel is owned by the City of Apopka and assigned a Park\Recreation future land use and zoning category that serves as open space. At the northwest corner of the subject property is the Villa Capri residential community. Villa Capri is assigned PUD zoning as part of the Errol Estate community. The typical lot is 51 feet wide with a typical area of about $5,700 \mathrm{sq}$. ft. Along the east side of Villa Capri is a ten-foot wide five to six foot high masonry wall. The right-of-way for Richard L. Marks Drive is 100 foot wide with landscaping and mature oak trees bordering the road. There is a twenty (20) foot wide landscaped median that contains mature oak trees.

North: To the north of the subject property, a 1.76 acre retention pond separates the subject property from most of the residential homes to the north within the Parkside at Errol Phase 3 residential subdivision. With the exception of one single family lot at the subject property's northwest corner and one single family lot at the northeast corner. Residential lots to the north range from 300 feet to zero feet from the subject property. Lots typically are 80 to 85 feet wide with a typical lot size ranging from 9,200 sq. ft. to $11,050 \mathrm{sq}$. ft.

East: $\quad$ There is a ten foot wide landscape buffer that runs along the eastern parcel line of the subject property that is adjacent to residential lots within another section of Parkside at Errol Phase 3. Single family lots adjacent to the eastern side of the subject property have typical lots with a 75 foot minimum width and a lot size ranging from $9,200 \mathrm{sq}$. ft. to 11,000 sq. ft .

Summary: The property owner requests assignment of a zoning category that is consistent with the proposed Residential Medium Future Land Use Designation. Planning staff finds the zoning category to be consistent a Residential Low-Medium Future Land Use Designation subject to the PUD master site plan/preliminary development plan and the recommended PUD development standards.

## COMPREHENSIVE

PLAN COMPLIANCE: The proposed Planned Unit Development (PUD/R-3) zoning is not consistent with the City's Residential Medium ( $0-10 \mathrm{du} / \mathrm{ac}$ ) Future Land Use designation. However, Planning staff finds the proposed zoning to be compatible with a LowMedium (0-7.5 du/ac) Future Land Use designation. Development Plans shall not exceed the intensity or density allowed for the adopted Future Land Use Designation.

## PUD

RECOMMENDATIONS: The PUD recommendation is to assign a zoning classification of Planned Unit Development (PUD) for the described subject property with the following Master Plan provisions is subject to the following zoning provisions:
A. The uses permitted within the PUD district shall be:

1. A maximum of one-hundred twenty-five Assisted Living Facility (ALF) beds or 38 permanent residential. For any Assisted Living Facility, such use shall meet the State of Florida definition for an Assisted Living Facility, at least eight (80) percent of the beds shall be occupied by those age 55 of over, and the ALF shall follow a policy that demonstrates an intent to provide residential care for those aged 55 or older. A nursing home, group home facility, foster home, drug or alcohol detox center or rehabilitation center or similar emergency shelter are not permissible uses under this PUD zoning ordinance unless as otherwise superseded by Florida Statutes.
2. Any building other than single family residential shall be setback a minimum of one hundred (100) feet from the northern and eastern property line, units and fifty (50) feet from the western property line.
3. Outdoor storage shall not be allowed.
4. No recreation or similar outdoor activities (walking path, gathering places etc.) shall occur within twenty (20) feet of the property line excepting any public sidewalk along Old Dixie Highway.
5. No outdoor activities shall occur after 9:00 PM or before 7:00 AM. Delivery services for shall be limited to similar hours.
6. Regular visitor hours shall be limited to no earlier than 7:00 AM and not later than 11:00 PM except for emergency purposes.
7. Any use or activity allowed within the $\mathrm{R}-3$ residential zoning category exception as otherwise noted herein. Duplex residential units shall not be allowed.
B. Development Standards:
8. Development standards and setbacks shall comply with those established for the R-3 zoning category unless otherwise approved herein or within the Master Site Plan.
9. Maximum number of stories: two (2)
10. A thirty (30) foot landscape buffer shall occur along the northern and eastern property lines, and a fifteen (15) foot landscape buffer along the western property line.
11. Monument sign (identification sign) shall be limited to no more than 24 square feet and no electronic reader board will be allowed. The monument sign may be placed within the front yard along Old Dixie Highway near the site driveway entrance. No signage shall be allowed along Richard L. Mark Drive. No wall sign or other signage will be allowed except for on-site directional signage, unless otherwise allowed by the City's sign codes for special event or grand opening.
12. No outdoor illumination shall spillover into residential areas.
13. All trees and landscaping within the perimeter buffers shall be allowed to grow and will be maintained to a height to screen the ALF building from adjacent residential areas.
14. Architectural design of the building shall be generally consistent with that approved with the PUD ordinance unless otherwise approved by the City Council.
15. Changes to the Master Site Plan\Preliminary Development Plan or architectural design considered to be insignificant may be approved by the Community Development Director.
16. Employee parking shall occur at the southwest parking area and visitor parking directed to the southeast parking area. On-site direction signage shall be posted to direct visitor parking as such.
17. Driveway access to Richard L. Mark Drive will not be allowed.
C. The Master Plan Site\Preliminary Development Plan is hereby approved and is part of the PUD zoning ordinance.
D. The R-3 zoning standards shall apply to the development of the subject property unless as otherwise addressed within the PUD ordinance.

## COMPREHENSIVE

PLAN COMPLIANCE:
The proposed City PUD zoning is not consistent with the City's Residential Medium ( $0-10 \mathrm{du} / \mathrm{ac}$ ) Future Land Use designation. However, DRC finds that the proposed PUD zoning is consistent with the residential Low-Medium ( $0-7.5 \mathrm{un} / \mathrm{ac}$ ) Future Land Use designation. Development Plans shall not exceed the density and intensity allowed in the adopted Future Land Use Designation.

## PAGE 6

Robert K. Dunn et al<br>6.98 +/- Acres

Existing Maximum Allowable Development: . 25 FAR Proposed Maximum Allowable Development: . 30 FAR Request: Amendment to an Existing PUD Master Plan Parcel ID \#s: 05-21-28-0000-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035, 05-21-28-0000-00-041

## VICINITY MAP



PLANNING COMMISSION - SEPTEMBER 13, 2016
ROBERT K. DUNN, ET AL - PUD ZONING/MASTER PLAN AMENDMENT

## PAGE 7

## ADJACENT ZONING



PLANNING COMMISSION - SEPTEMBER 13, 2016
ROBERT K. DUNN, ET AL - PUD ZONING/MASTER PLAN AMENDMENT
PAGE 8

## ADJACENT USES




## 42000201

CANTERWOOD MANOR AT APOPKA (FORMERLY DIXIE MANOR AT ERROL ESTATES) CITY OF APOPKA, FLORIDA


## (2016) AMENDED MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN FOR









## MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN FOR

 DIXIE MANOR CITY OF APOPKA, FLORIDAPROPERTY ADDRESS 1290

OWNER/DEVELOPER

ENGINEER
Funk pionemar we.

ARCHITECT

㫦
LANDSCAPE ARCHITECT Moscove innucs wc




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SECTION 5, TOWNSHIP 21 SOUTH, RANGE 28 EAST






## ORDINANCE NO. 2355


#### Abstract

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-3 TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY, EAST OF RICHARD L. MARK DRIVE, AND SOUTH OF ERROL PARKWAY, COMPRISING 6.98 ACRES MORE OR LESS, AND OWNED BY ROBERT K. DUNN ET. AL.; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.


WHEREAS, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

WHEREAS, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

WHEREAS, the proposed Planned Unit Development (PUD/R-3) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Apopka, Florida, as follows:

SECTION I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan zoning and development standards provisions:
A. The uses permitted within the PUD district shall be:

1. A maximum of one-hundred twenty-five (125) Assisted Living Facility (ALF) beds or a maximum of fifty-one (51) permanent residential units. For any Assisted Living Facility, such use shall meet the State of Florida definition for an Assisted Living Facility, at least eighty (80) percent of the beds shall be occupied by those age 55 of over, and the ALF shall follow a policy that demonstrates an intent to provide residential care for those aged 55 or older. A nursing home, group home facility, foster home, drug or alcohol detox center or rehabilitation center or similar emergency shelter are not permissible uses under this PUD zoning ordinance unless as otherwise superseded by Florida Statutes.
2. Any use or activity allowed within the R-3 residential zoning category exception as otherwise noted herein the PUD ordinance. Duplex residential units shall not be allowed.
3. Any building other than single family residential shall be setback a minimum of one hundred (100) feet from the northern and eastern property line, and at minimum of fifty (50) feet from the western property line.
4. Outdoor storage shall not be allowed (including donation bins).
5. No recreation or similar outdoor activities (walking path, gathering places etc.) shall occur within twenty (20) feet of the property line excepting any public sidewalk along Old Dixie Highway.
6. No outdoor activities shall occur after 9:00 PM or before 7:00 AM. Delivery services for shall be limited to similar hours.
7. Regular visitor hours shall be limited to no earlier than 7:00 AM and not later than 11:00 PM except for emergency purposes.
8. Consistent with Section 2.02.02B.5.e. (3)(b), Apopka Land Development Code, no ALF shall be occupied by any person who has been convicted of, entered a plea of guilty or nolo contender to, or has been found guilty by reason of insanity of a forcible felony under Florida Statutes, a felony of the second degree under Florida Statutes, or any of the sex offenses set forth under Florida Statutes, regardless of whether an adjudication of guilt imposition of sentence was suspended, deferred or withheld.

## B. Development Standards:

1. Development standards and setbacks shall comply with those established for the R-3 zoning category, as set forth under Section 2.02.07 of the Land Development Code, unless otherwise approved herein or within the Master Site Plan, or unless the City Council finds, based on substantial competent evidence, a proposed alternative development guideline is adequate to protect the public health safety and welfare, development within the PUD district.
2. Maximum number of stories: two (2).
3. A thirty (30) foot landscape buffer with a six foot high masonry wall shall occur along the northern and eastern property lines, and a fifteen (15) foot landscape buffer along the western property line. Location of the wall and landscaping shall be setback from the northwest property line to accommodate sufficient line-of-sight along Richard L. Mark Drive and to place open space next to the abutting residential lot.
4. If the site is developed as an ALF, monument sign (identification sign) shall be limited to no more than twenty-four (24) square feet, and no electronic reader board will be allowed. The monument sign may be placed within the front yard along Old Dixie Highway near the site driveway entrance. No signage shall be allowed along Richard L. Mark Drive. No wall sign or other signage will be allowed except for on-site directional signage, unless otherwise allowed by the City's sign codes for special event or grand opening.
5. No outdoor illumination shall spillover into abutting residential areas.
6. All trees and landscaping within the perimeter buffers shall be allowed to grow and will be maintained to a height to screen the ALF building from adjacent residential areas.
7. Architectural design of the building shall be generally consistent with that approved with the PUD ordinance unless otherwise approved by the City Council.
8. Changes to the Master Site Plan\Preliminary Development Plan or architectural design considered to be insignificant may be approved by the Community Development Director or as approved by the City through the Final Development Plan.
9. Employee parking shall be directed to the southwest parking area and visitor parking directed to the southeast parking area. On-site direction signage shall be posted to direct visitor parking as such.
10. Driveway access to Richard L. Mark Drive shall not be allowed unless needed for emergency
access.
C. The Master Site Plan\Preliminary Development Plan is hereby approved and is part of the PUD zoning ordinance. Any requisite development standards not addressed within the Master Site Plan\Preliminary Development Plan shall be addressed within the Final Development Plan.
D. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after the effective date of this ordinance, the approval of the Master Plan provisions will expire. At such time, the City Council may:
11. Permit a single six-month extension for submittal of the required Final Development Plan;
12. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
13. Rezone the property to a more appropriate zoning classification.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-3) As defined in the Apopka Land Development Code.

Legal Description:
The East 100 Feet of the North $1 / 2$ of the West $1 / 2$ of the Southwest $1 / 4$, lying north of Old Brick Road, in Section 5, Township 21 South, Range 28 East, Orange County, Florida
Parcel I.D. \# 05-21-28-0000-00-019
$1.38+/$ - acres
The North $1 / 2$ of the East $1 / 2$ of the West $1 / 2$ of the Southwest $1 / 4$ of Section 5, Township 21 South, Range 28 East, lying north of Road, LESS the North 100.00 feet thereof, and also LESS the East 106.00 feet thereof, Orange County, Florida.

Parcel I.D. \# 05-21-28-0000-00-034
$4.23+/$ acres
The West 6 feet of the East 106 feet of the Northeast $1 / 4$ of the Northwest $1 / 4$ of the Southwest $1 / 4$ lying north of Old Brick Road in Section 5, Township 21 South, Range 28 East, Orange County, Florida.
Parcel I.D. \# 05-21-28-0000-00-035
$0.80+/-$ acre
South 21.69 feet of the North 100.00 feet of the North $1 / 2$ of the East $1 / 2$ of the West $1 / 2$ of the Southwest $1 / 4$ of Section 5, Township 21 South, Range 28 East, LESS the East 106.00 feet thereof, Orange County, Florida.
Parcel I.D. \# 05-21-28-0000-00-041
$1.27+/$ - acres
Total Combined Acreage: $6.98+/$ Acres
Section III. That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

Section IV. That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

Section V. That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

Section VI. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.
Section VII. That this Ordinance shall take effect upon the effective date of City of Apopka Ordinance No. 2354.

READ FIRST TIME: $\quad$ March 19, 2014
READ SECOND TIME
AND ADOPTED:
April 2, 2014


## ATTEST:



February 21, 2014
March 21, 2014


$\left(\begin{array}{ll}N \\ \sim\end{array}\right.$




## Backup material for agenda item:

4. CHANGE OF ZONING - Orchid Estates Planned Unit Development Master Plan - Owned by JTD Land at Orchid Estates, c/o James Fant and located south of Kelly Park Road, west of Jason Dwelley Parkway. (Parcel ID \#s: 18-20-28-0000-00-055 \& 18-20-28-0000-00-059

CITY OF APOPKA PLANNING COMMISSION

| PUBLIC HEARING | DATE: | September 13, 2016 |
| :--- | :--- | :--- |
| ANNEXATION | FROM: | Community Development |
| PLAT APPROVAL | EXHIBITS: A: Zoning Report |  |
| OTHER: |  | B: Vicinity Map |
|  |  | C: Adjacent Zoning Map |
|  | D: Adjacent Uses Map |  |
|  |  | E: Amended Master Plan/PDP |

## SUBJECT: <br> ORCHID ESTATES - AMENDMENT TO ORCHID ESTATES PLANNED UNIT DEVELOPMENT ZONINGAND MASTER PLAN <br> PARCELID NUMBERS: <br> Request: <br> 18-20-28-0000-00-055 \& 18-20-28-0000-00-059 <br> RECOMMEND APPROVAL OF THE AMENDMENT TO THE ORCHID ESTATES PLANNED UNIT DEVELOPMNET ZONINGAND MASTER PLAN

## SUMMARY

OWNER/APPLICANT: JTD Land at Orchid Estates, c/o James Fant
ENGINEER:
LOCATION:
EXISTING USE:
FUTURE LAND USE:
CURRENT ZONING:
PROPOSED
AMENDMENT:

TRACT SIZE:

Engineering \& Environmental Design, Inc., c/o Larry T. Ray P.E.
South of Kelly Park Road, west of Jason Dwelley Parkway
Vacant
Residential Very Low Suburban (0-2 du/ac)
Planned Unit Development

Ownership of Tract "B" and "F" will change from the City of Apopka to the Orchid Estates Homeowners Association. Land se for Tract " B " will change from a City "fire station site" to a "Open Space\Tot Lot" that will serve the 112 lots within the Orchid Estates PUD. No other change is proposed to the Master Plan.

Combined total Acreage: $60.82+/-$ Total Acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING: 112 Dwelling Units (as approved with existing PUD zoning ordinance; plans expired)
PROPOSED: 112 Dwelling Units

## 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

PROJECT DESCRIPTION: Orchid Estates PUD is located on the west side of Jason Dwelley Parkway, generally south of Spinfisher Drive and north of Apply Lane.

The applicant requests to change the future ownership of Tracts "B" and "F" from the City of Apopka to the Homeowners Association. City staff notified JTD Land at Apopka, LLC several months ago that a fire station site within the project boundaries was not needed because an alternative site was identified, and that the City does not need the 17.2 acre site for open space purposes. JTD Land agreed to amend the PUD Master Plan to change the owner ship of two parcels from City ownership to HOA ownership. Tract "B" was originally proposed to serve as a site for a new City fire station. However, the City has made a decision to locate this new fire station at a more strategic location at a site along the east side of Jason Dwelley Parkway, across from the Northwest Regional Recreation Facility. The City of Apopka owns this preferred site. Orchid Estates is currently under construction, and model homes are proposed to begin construction within a few months. Approval of the amendment to the PUD Master Plan will allow administrative amendment of the Final Development Plan to address the same change in ownership of Tract " $B$ " and Tract " $F$ ".

The City's Development Review Committee supports the change in the ownership of Tract "B" and Tract "F" to the homeowners association. Dedication of Tract "F" will require the City to pay for the cost to maintain 17.2 acres of open space that is internal to a residential community. A different site along Jason Dwelley Parkway has been selected for a future fire station. Tract "B" will not be needed for this purpose.

PUD DESCRIPTION: A single family residential community with a total of 112 lots. The minimum lot size is $70^{\prime}$ x $115^{\prime}$ ( 8,050 sq. ft .) with a minimum living area of 1,500 square feet as allow by the Land Development Code.

| Minimum Site Area: | 7,500 sq. ft. |
| :--- | :--- |
| Minimum Lot Width: | $70^{\prime}$ |
| Setbacks: | Front: |
| Side: | $25^{\prime}$ |
| Rear: | $10^{\prime}$ |
| Corner: | $20^{\prime}$ |
| Minimum Living Area: | 1,500 sq. ft. |

ALLOWABLE USES: Single Family Residential homes and their associated uses.
ACCESS: The subdivision has two access points off of Jason Dwelley Parkway. The property owner has control over the lands adjacent to the north. An ingress/egress easement in favor of the applicant for legal access to the project runs along the southern property line of the Ever Meadow LLC parcel to reach the

STORMWATER: The stormwater management system includes two on-site retention areas. The stormwater design meets the City's Land Development Code requirements.

BUFFER/PARK: The applicant is proposing landscaped buffer areas adjacent to the agricultural uses located to the north and south of the property. This residential community will include a 17.17 acre woodland park and a two-acre tot lot.

TREE PROGRAM: The applicant has proposed reserved 17.17 acres of land for open space within Tract "F" in lieu of going through the tree mitigation process. This will preserve the mostly wooded area on the site as a City Park.

COMPREHENSIVE PLAN COMPLIANCE: The proposed amendment to the Orchid Estates PUD zoning and Master Plan are consistent with the City's proposed Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: This PUD Master Plan is located on a site with a previously approved Final Development Plan. This final development plan is exempt from school concurrency because it was approved by the City prior to the effective date of school concurrency. School impact fees will be paid with each building permit application for a single family home.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on August 12, 2016.

## PUBLIC HEARING SCHEDULE:

September 13, 2016 - Planning Commission ( $5: 30 \mathrm{pm}$ )
October 5, 2016 - City Council (1:30 pm) - $1^{\text {st }}$ Reading
October 19, 2016 - City Council (7:00 pm) - $2^{\text {nd }}$ Reading

## DULY ADVERTISED:

August 26, 2016 - Public Notice and Notification
October 7, 2016 - Ordinance Heading Ad

## RECOMMENDED ACTION:

The Development Review Committee recommends approval of Amendment to the Orchid Estates Planned Unit Development and the Master Plan.

Recommended Motion: Find the Amendment to the Orchid Estates Planned Unit Development Zoning and the Master Plan to be consistent with the Comprehensive Plan and Land Development Code, and recommend to approve.

Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting. Role of the Planning Commission in this case is advisory to the City Council.

## EXHIBIT "A"

## ZONING REPORT

## RELATIONSHIP TO ADJACENT PROPERTIES:

| Direction | Future Land Use | Zoning | Present Use |
| :--- | :--- | :---: | :---: |
| North (County) | Rural (1 du/10 ac) | A-1 | Vacant |
| East (City) | Res. Very Low Suburban $(0-2 \mathrm{du} / \mathrm{ac})$ | PUD | Vacant |
| South (City) | Res. Very Low Suburban $(0-2 \mathrm{du} / \mathrm{ac})$ | PUD | SFR (4) |
| West (City) | Res. Very Low Suburban $(0-2 \mathrm{du} / \mathrm{ac})$ | PUD | Oak Ridge Subdivision |

LAND USE \& TRAFFIC COMPATIBILITY:

A transportation study was prepared with the adopted Orchid Estates PUD, and the number of residential units has not increased. No additional transportation study is needed. The amendment to the PUD zoning and Master Plan does not changes the subdivision design and stormwater management plan, but no increase in residential units or density is proposed.

No changes to the buffers are proposed with the PUD amendment.
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 of the LDC.

## EXHIBIT "B"

## JTD Land at Orchid Estates, c/o Larry Fant

60.82 +/- Total Acres

Existing Zoning Maximum Allowable Development: 112 Dwelling Units Proposed Zoning Maximum Allowable Development: up to 112 Dwelling Units Proposed Zoning Change: Amendment to the PUD and Master PlanlFinal Development Plan To: "City" Planned Unit Development (PUD/Residential)
Parcel ID \#s: 18-20-28-0000-00-055 \& 18-20-28-0000-00-059

N
VICINITY MAP


PLANNING COMMISSION - SEPTEMBER 13, 2016
ORCHID ESTATES - PUD AMENDMENT

## PAGE 6

## EXHIBIT "C" ADJACENT ZONING

N


PLANNING COMMISSION - SEPTEMBER 13, 2016
ORCHID ESTATES - PUD AMENDMENT
PAGE 7

## EXHIBIT "D" <br> ADJACENT USES

N


## PUD MASTER PLAN <br> FOR <br> ORCHID ESTATES

FEBRUARY 4, 2010
Revised: JANUARY, 2016

GENERAL LOCATION MAP

I HEREBY CERTIIF THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF,
THE ROAD DESIGN ON THESE PLANS IS IN ACOPDANCE THE ROAD DESIGN ON THESE PLANS IS IN ACCORDANCE WTH THE MANUAL OF UNIFORM MINMUM STANDARDS FOR DESIGN, CONSTRUCTION, AND MAINTENANCE
FOR STREETS AND HIGHWAYS, STATE OF FLORIDA, (FDOT GREEN BOOK) 2004 FOR STREETS AND HIGHWAYS, STATE OF FLORIDA, (FDDT
AND CITY OF APOPKA REGULATONS AND SPECIFICATIONS.



SECTION 18 TOWNSHIP 20S RANGE 28E
$18-20-28-0000-00-055$
$18-20-28$
$18-20-28-0000-00-059$
$18-20-28-0000-00-117$

PROJECT CONTACTS:
$\triangle \frac{\text { OWNER/DEVELOPER }}{\text { TD LAND AT ORCHID ESTATES, LI }}$
2105. hoagland boulevard

KISSIMMEE, FL. 3278
CIVIL ENGINER



SURVEYOR



GEOTECHNICAL ENGINEER
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SEPERATE OWNER OF $60^{\circ}$ TRAC
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## Backup material for agenda item:

1. PRELIMINARY DEVELOPMENT PLAN - NORTHWEST DISTRIBUTION FACILITY BUILDING "D"Owned by Oakmont Apopka Road, LLC; applicant is Oakmont Industrial Group c/o Jimmy Stainback. Property located on Ocoee Apopka Road between S.R. 451 and Ocoee-Apopka Road and east of Boy Scout Road. (Parcel ID \#s: 17-21-28-5953-03-000; 17-21-28-5953-04-000)

## CITY OF APOPKA PLANNING COMMISION

X PUBLIC HEARING
ANNEXATION PLAT APPROVAL
X OTHER: Preliminary Development Plan

MEETING OF: September 13, 2016
FROM: Community Development
EXHIBITS: Vicinity/Aerial Map
Site/Landscape Plans Building Elevations Alternative Parking Plan

| PROJECT: | PRELIMINARY DEVELOPMENT PLAN - SITE PLAN |
| :--- | :--- |
|  | NORTHWEST DISTRIBUTION FACILITY BUILDING "D" |
| Request: | RECOMMEND APPROVAL OF THE PRELIMINARY DEVELOPMENT |
|  | PLAN FOR THE NORTHWEST DISTRIBUTION FACILITY BUILDING |
|  | "D" |

## SUMMARY:

OWNER:
APPLICANT:
ENGINEER:
ARCHITECT:
LOCATION:

PARCEL ID \#:
LAND USE:
ZONING:
EXISTING USE:
PROPOSED USE:
TRACT SIZE: $\quad 16.43+/-$ acres
OVERALL SITE: 45.09 +/- acres
BUILDING SIZE: $\quad 180,000$ sq. ft.
GMA Architects
Ocoee Apopka Road

Industrial
I-1
Vacant Land

## DISTRIBUTION

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

Oakmont Apopka Road, LLC
Oakmont Industrial Group c/o Jimmy Stainback
Highland Engineering, Inc. c/o Jeffery W. Banker, PE
(Between S.R. 451 and Ocoee-Apopka Road and east of Boy Scout Road)
17-21-28-5953-03-000 and 17-21-28-5953-04-000

Industrial Warehouse (167,270 S.F.) w/ Office Complex (13,730 S.F.)

## RELATIONSHIP TO ADJACENT PROPERTIES:

| Direction | Future Land Use | Zoning | Present Use |
| :---: | :---: | :---: | :---: |
| North (City) | Industrial | I-1 | Northwest Distribution Center <br> Bldg. A and B |
| East (City) | Expressway | N/A | State Road 451 |
| South (City) | Expressway | N/A | State Road 414 |
| West (City) | Mixed Use | A-1(ZIP) | Vacant Property |
| West (County) | Rural | A-1 |  |

ADDITIONAL COMMENTS: The Northwest Distribution Facility Building D - Preliminary Development Plan proposes an 180,000 square feet industrial warehouse and office space.

PARKING: A total of 187 parking spaces are provided ( 330 required by code) of which 6 are reserved as a handicapped parking space. The applicant has requested to defer and waive 143 of the parking space requirement for the site. In accordance with 6.03.02.D, the applicant has provided a deferred parking plan providing a total of 333 parking space for the site. A parking study has been prepared by the applicant to demonstrate that the requested number of parking spaces meets the demand by to accommodate vehicles for employees and customers.

ACCESS: Access to the site is provided by a two (2) driveway cuts along Ocoee-Apopka Road.
EXTERIOR ELEVATIONS: 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: Stormwater run-off and drainage will be accommodated by a master stormwater drainage system. The master stormwater management system is designed according to standards set forth in the Land Development Code.

BUFFER/TREE PROGRAM: A twenty-five foot landscape buffer is provided along Ocoee-Apopka Road and State Road 451. 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.

Total inches on-site: 3719
Total number of specimen trees: 0
Total inches removed 2308
Total inches retained: 1411
Total inches replaced: 528
Total inches post development: 1939
Site Clearing Acres 8.7

## PUBLIC HEARING SCHEDULE:

September 13, 2015 - Planning Commission ( $5: 30 \mathrm{pm}$ )
September 21, 2015 - City Council (7:00 pm)

## RECOMMENDED ACTION:

The Development Review Committee recommends approval of the Northwest Distribution Facility Building D - Revised Final Development Plan, subject to the findings of this staff report.

Planning Commission Recommendation: Recommend approval of the Northwest Distribution Facility Building D - Preliminary Development Plan, subject to the findings of this staff report.

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

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.

Application:
Owner:
Applicant:
Engineer:
Parcel I.D. No:
Location:
Acres:


N

Preliminary Development Plan Oakmont Apopka Road Property, LLC Oakmont Industrial Group c/o Jimmy Stainback
Highland Engineering, Inc. c/o Jeffery W. Banker, PE
17-21-28-5953-03-000; 17-21-28-5953-04-000
Ocoee-Apopka Road
16.43 +/-

## VICINITY MAP



PLANNING COMMISSION - SEPTEMBER 13, 2016
NW DISTRIBUTION FACILITY BUILDING D - PRELIMINARY DEVELOPMENT PLAN PAGE 5

Application:
Owner: Applicant:
Engineer:
Parcel I.D. No:
Location:
Acres:

Preliminary Development Plan
Oakmont Apopka Road Property, LLC
Oakmont Industrial Group c/o Jimmy Stainback
Highland Engineering, Inc. c/o Jeffery W. Banker, PE
17-21-28-5953-03-000; 17-21-28-5953-04-000
Ocoee-Apopka Road
16.43 +/-

## AERIAL MAP

N


## (MAJOR) PRELIMINARY SITE DEVELOPMENT PLAN FOR <br> NORTHWEST DISTRIBUTION FACILITY - BUILDING D






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15. buffer radss:







20. Waier Senice Provider $\begin{aligned} & \text { Apopka uilites } \\ & \text { Apopka untues }\end{aligned}$
26. Variancoor WVaives Required:

PREPARED FOR OAKMONT INDUSTRIAL GROUP


|  | SHEET INDEX |
| :---: | :---: |
| c.100 | cover sheet |
| c.200 | OVERall Prelimmar site development plan |
| C.201 | Prelimmary ste devllopment plan |
| $\mathrm{c}^{2} 222$ | PRELIMNARY STE development plan |
| C.203 | Prelimmary ste devilomenit plan |
| c.204 | PRELIMMARY STE DEVELIOPMENT PLAN |
| c.300 | general detals |
| c.301 | general detals |
| c.302 | Suling and orectionl igiv plan |
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OVERALL SITE LAYOUT PLAN SEC. 17, TSP 21S, R 28 APOPKA, FLORIDA




OWNER OF RECORD
OAKMONT APopkA ROAD LLC
3520 Piedmont Rad. suite
100



SOILS MAP
 Mitand



LOCATION MAP









DUMPSTER ENCLOSURE Detall










IREE STARNG DETAL



TREE PROTECTION






































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C. Pananing pits dimenions shown on plan





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# OAKMONT 

INDUSTRIAL GROUP

August 24, 2016
Mr. Rogers Beckett, Sr. Projects Coordinator
City of Apopka
Community Development Department
120 East Main Street, Second Floor
Apopka, FL 32703

## Re: Northwest Distribution Center Build-To-Suit for Quality Custom Distribution Services, Inc.

Dear Mr. Beckett:

In support of the parking variance request for the above referenced project, see the attached letter and parking analysis from Quality Custom Distribution Services, Inc.("QCD"). As you will see from their letter and analysis, the designed 187 auto spaces exceeds the maximum projection by $35 \%$ and the designed trailer spaces is right in line with the projections.

We have also attached a similar parking analysis for the 2 existing buildings in Northwest Distribution Center which are $100 \%$ leased. This analysis shows the following actual densities: 1 office employee for each 284 SF of office; 1 warehouse employee for each 5,433 SF of warehouse and 0.07 trailer spaces for each $1,000 \mathrm{SF}$ of warehouse. These actual densities are significantly less than either the projected or designed densities for QCD and further support the requested parking variance.

It is my understanding that the current code would require 330 auto spaces for QCD in lieu of the designed 187 spaces. Providing 330 spaces would put an undue burden on the project and would make the expansion of QCD impossible. We respectfully request approval of the requested parking variance.

Please let me know if you need any additional information.
Sincerely,


Thomas A. Cobb
Senior V.P., Development

August 24, 2016

Mr. Thomas A. Cobb
Oakmont Industrial Group
3520 Piedmont Road, Suite 100
Atlanta, GA 30305

## Re: Northwest Distribution Center Build-To-Suit for Quality Custom Distribution Services, Inc.

Dear Tom:

As part of the design process for our proposed 180,000 SF Build-To-Suit project at Northwest Distribution Center in Apopka, FL, we understand that a parking variance is required in order to accommodate the auto and truck parking requirements of our use. In order to assist with this process we are providing the following information in order to substantiate the project design with 187 auto spaces and 59 truck/trailer spaces.

## Requirements upon initial operations

- Total number of employees 110
- Number of shifts 3
- Maximum number of employees for largest shift 75 (75 auto spaces)
- Required truck/trailer parking spaces, excluding dock doors 59


## Requirements after full ramp of operations (Expected to be 2 years after occupancy)

- Total number of employees 160
- Number of shifts 3
- Maximum number of employees for largest shift 90 (90 auto spaces)
- Required truck/trailer parking spaces, excluding dock doors 59

In further support of our required parking, we have done an analysis of 5 of our existing facilities across the country including our current operations at Northwest Distribution Center (See attached analysis). This analysis looks at the square footage of office and warehouse as well as the maximum number of office and warehouse employees and trailer spaces at each facility. We then took the employee and trailer density data from these existing facilities and applied them to our proposed $180,000 \mathrm{SF}$ project. We looked at the average densities of all 5 facilities and then also looked at the densities for the most comparable existing facility located in Pineville, NC. These results project that we would require 138 auto spaces and 58 trailer spaces using the 5 building averages and 136 auto spaces and 58 trailer spaces using the Pineville employee densities and again using the average trailer density.

Since our new facility will operate with multiple shifts, our projected parking requirement of 90 spaces is less than what the attached analysis projects. The designed 187 auto spaces exceeds the highest projected parking requirement by $35 \%$ and the designed 59 trailer spaces is right in line with the projected 58 trailer spaces in the attached analysis. This analysis should sufficiently justify the requested parking variance.

Please let us know if you need any additional information. We look forward to expanding our operations with Oakmont and the City of Apopka.


Kevin McDade
General Manager
1451 Ocoee Apopka RD BLD B Suite 300
Apopka FL 32703
Phone: 321-248-7551

| Existing Facilities NWDC Buildings A \& B - Apopka, Florida |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Office SF Office Employees | SF/Office <br> Employee | Warehouse SF | Warehouse/Driver Employees | SF/Warehouse \& Driver Employee | Trailer Spaces | Trailer Spaces/1,000 WHSF |
| 4,512 18 | 251 | 91,562 | 40 | 2,289 | 20 | 0.22 |
| Total Required Auto Parking - 58 Total Required Trailer Spaces - 20 <br> Project 2 - Pineville, NC |  |  |  |  |  |  |
| Office SF Office Employees | SF/Office Employee | Warehouse SF | Warehouse/Driver Employees | SF/Warehouse \& Driver Employee | Trailer Spaces | Trailer Spaces/1,000 WHSF |
| 15,000 35 | 429 | 105,000 | 65 | 1,615 | 32 | 0.30 |
| Total Required Auto Parking - 100 Total Required Trailer Spaces - 32 <br> Project 3 - Miami, FL |  |  |  |  |  |  |
| Office SF Office Employees | SF/Office <br> Employee | Warehouse SF | Warehouse/Driver Employees | SF/Warehouse \& Driver Employee | Trailer Spaces | Trailer Spaces/1,000 WHSF |
| 3,800 9 | 422 | 38,920 | 25 | 1,557 | 18 | 0.46 |
| Total Required Auto Parking - 34 Total Required Trailer Spaces - 18 <br> Project 4 - Suffolk, VA |  |  |  |  |  |  |
| Office SF Office Employees | SF/Office <br> Employee | Warehouse SF | Warehouse/Driver Employees |  <br> Driver Employee | Trailer Spaces | Trailer Spaces/1,000 WHSF |
| 5,000 17 | 294 | 43,000 | 40 | 1,075 | 18 | 0.42 |
| Total Required Auto Parking - 57 Total Required Trailer Spaces - 18 <br> Project 5 - Spokane, WA |  |  |  |  |  |  |
| Office SF Office Employees | SF/Office Employee | Warehouse SF | Warehouse/Driver Employees | SF/Warehouse \& Driver Employee | Trailer Spaces | Trailer Spaces/1,000 WHSF |
| 2,000 6 | 333 | 17,000 | 8 | 2,125 | 6 | 0.35 |
| Total Required Auto Parking - 14 Total Required Trailer Spaces - 6 |  |  |  |  |  |  |


| Proposed Facility Based on Average of 5 Existing Facilities NWDC Building D - Apopka, Florida |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Office SF | Office Employees | AVG. SF/Office Employee | Warehouse SF | Warehouse/Driver Employees | AVG. SF/Warehouse \& Driver Employee | Trailer Spaces | AVG. Trailer Spaces/1,000 WHSF |
| 14,448 | 42 | 346 | 165,552 | 96 | 1,732 | 58 | 0.35 |
| Total Required Auto Parking - 138 <br> Total Required Trailer Spaces - 58 |  |  |  |  |  |  |  |


| Proposed Facility Based on The Most Comparable Existing Facility NWDC Building D - Apopka, Florida |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Office SF | Office Employees | SF/Office <br> Employee | Warehouse SF | Warehouse/Driver Employees | SF/Warehouse Employee | Trailer Spaces | AVG. Trailer Spaces/1,000 WHSF |
| 14,448 | 34 | 429 | 165,552 | 102 | 1,615 | 58 | 0.35 |
| Total Required Auto Parking - 136 <br> Total Required Trailer Spaces - 58 |  |  |  |  |  |  |  |


| NWDC Building B-Access Information Mgmt. |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Office SF | Office Employees | SF/Office <br> Employee | Warehouse SF | Warehouse Employees |  | SF/Warehouse Employee | Trailer Spaces | Trailer Spaces/1,000 WHSF |
|  |  |  |  |  |  |  |  |  |
| 1,865 | 4 | 466 | 38,193 |  | 4 | 9,548 | 0 | 0.00 |
| Total Required Auto Parking - 8 |  |  |  |  |  |  |  |  |
| Total Required Trailer Spaces - 0 |  |  |  |  |  |  |  |  |
| NWDC Building B -Coke |  |  |  |  |  |  |  |  |
|  |  | SF/Office |  | Warehouse |  | SF/Warehouse |  | Spaces/1,000 |
| Office SF | Office Employees | Employee | Warehouse SF | Employees |  | Employee | Trailer Spaces | WHSF |
| 1,257 | 2 | 629 | 98,859 |  | 4 | 24,715 | 0 | 0.00 |
| Total Required Auto Parking - 6 |  |  |  |  |  |  |  |  |
| Total Required Trailer Spaces - 0 |  |  |  |  |  |  |  |  |
| NWDC Buildings A \& B -QCD |  |  |  |  |  |  |  |  |
|  |  | SF/Office |  | Warehouse |  | SF/Warehouse |  | Spaces/1,000 |
| Office SF | Office Employees | Employee | Warehouse SF | Employees |  | Employee | Trailer Spaces | WHSF |
| 4,512 | 18 | 251 | 91,562 | 4 | 0 | 2,289 | 20 | 0.22 |
| Total Required Auto Parking - 58 |  |  |  |  |  |  |  |  |
| Total Required Trailer Spaces - 20 |  |  |  |  |  |  |  |  |
| NWDC Building A -Container Centralen |  |  |  |  |  |  |  |  |
|  |  | SF/Office |  | Warehouse |  | SF/Warehouse |  | Spaces/1,000 |
| Office SF | Office Employees | Employee | Warehouse SF | Employees |  | Employee | Trailer Spaces | WHSF |
| 214 | 1 | 214 | 22,294 |  | 4 | 5,574 | 0 | 0.00 |
| Total Required Auto Parking - 5 |  |  |  |  |  |  |  |  |
| Total Required Trailer Spaces - 0 |  |  |  |  |  |  |  |  |
| NWDC Building A -Miner |  |  |  |  |  |  |  |  |
|  |  | SF/Office |  | Warehouse |  | SF/Warehouse |  | Spaces/1,000 |
| Office SF | Office Employees | Employee | Warehouse SF | Employees |  | Employee | Trailer Spaces | WHSF |
| 3,616 | 19 | 190 | 17,992 |  | 1 | 17,992 | 0 | 0.00 |
| Total Required Auto Parking - 20 |  |  |  |  |  |  |  |  |
| Total Required Trailer Spaces - 0 |  |  |  |  |  |  |  |  |
| NWDC Building A -SupplyOne |  |  |  |  |  |  |  |  |
|  |  | SF/Office |  | Warehouse |  | SF/Warehouse |  | Spaces/1,000 |
| Office SF | Office Employees | Employee | Warehouse SF | Employees |  | Employee | Trailer Spaces | WHSF |
| 1,591 | 2 | 796 | 35,325 |  | 3 | 11,775 | 0 | 0.00 |
| Total Required Auto Parking -5 |  |  |  |  |  |  |  |  |
| Total Required Trailer Spaces - 0 |  |  |  |  |  |  |  |  |




[^0]:    Mark Reggentin, AICP
    Community Development Director

