



**City of Apopka
Planning Commission
Meeting Agenda
February 10, 2015
5:01 PM @ CITY COUNCIL CHAMBERS**

I. CALL TO ORDER

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

II. OPENING AND INVOCATION

III. APPROVAL OF MINUTES:

- 1 Approve minutes of the Planning Commission meeting held January 13, 2015, at 5:01 p.m.

IV. PUBLIC HEARING:

1. CHANGE OF ZONING – Leslie & Nancy Hebert, from "County" A-1 (Agriculture) to "City" AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)
2. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from "County" Rural (0-1 du/10 ac) to "City" Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)
3. MORATORIUM – Establishment of a Time-Limited Moratorium on development plans for properties located within the Ocoee-Apopka Road Corridor Small Area Overlay District until December 31, 2015.

V. SITE PLANS:

1. PLAT – Sam’s Club #6189-00, owned by Sam's East, Inc., located south of U.S. 441, located west of North Hiawassee Road and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 24-21-28-0000-049; 24-21-28-0000-083 & 24-21-28-0000-084)

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

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

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

Backup material for agenda item:

- 1 Approve minutes of the Planning Commission meeting held January 13, 2015, at 5:01 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: Steve Hooks, Mallory Walter, Melvin Birdsong, James Greene, Robert Ryan, and Pamela Toler

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

OTHERS PRESENT: Glenn Irby, City Administrator, R. Jay Davoll, P.E., Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Jim Stelling, Ed Velaquez, Patricia Delatte, Mary Smothers, Jerry Smothers, Jack Cooper, Miranda Fitzgerald, Alan Goldberg, Gary Singer, John Cloran, David McBee, Lou Haubner, Diann Haubner, Ellen O'Connor, Suzanne Kidd, Pichai Too-chinda, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

ELECTION OF OFFICERS:

CHAIRPERSON:

MOTION: James Greene nominated Steve Hooks as Chairperson of the Planning Commission. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Robert Ryan, and Pam Toler (6-0).

VICE - CHAIRPERSON:

MOTION: Mallory Walters nominated James Greene as Vice-Chairperson of the Planning Commission. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Robert Ryan, and Pam Toler (6-0).

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the December 9, 2014, at 5:01 p.m. minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on December 9, 2014 at 5:01 p.m.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the December 9, 2014 meeting at 5:01, and Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Robert Ryan, and Pamela Toler (6-0).

The Commission agreed to rearrange the agenda to allow the Apopka Woods site plan to be heard first.

MINOR FINAL DEVELOPMENT PLAN AMENDMENT – APOPKA WOODS, LLC – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the Minor Final Development Plan Amendment to the Apopka Woods Subdivision for the installation of a decorative pre-cast exterior buffer wall in lieu of a brick wall along McCormick Road. The owner is Apopka Woods, LLC. The property is located north of West McCormick Road and east of Irmalee Lane. The existing use is vacant land and the proposed use is a single family residential subdivision with 76 lots.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

The future land use is Residential Low (0-5 du/ac) and the zoning is R-2. The tract size is 24.82 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

The Apopka Woods Final Development Plan (FDP) and Plat was approved by City Council on July 2, 2014. Consistent with the development standards set forth in in the Land Development Code (LDC), the Apopka Woods FDP provides a six-foot high brick wall within the 10-wide landscape buffer located adjacent to McCormick Road. The applicant requests a modification of the FDP to construct a six-foot high pre-cast wall instead of the previously approved brick wall. A copy of the approved brick wall and the proposed pre-cast wall appear as Exhibit A and B.

Section 2.02.06.H, Bufferyard Requirements of the LDC states the following:

“Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard.”

A pre-cast wall is not specifically identified as an approved design standard under Section 2.02.06.H for a buffer wall. Therefore, DRC believes that use of a pre-cast wall with simulated stone or brick is a policy decision that should be made the City Council with recommendation from the Planning Commission. The pre-cast wall proposed by the applicant uses a construction material and appearance that has not appeared with any other residential development application reviewed by the Planning Commission or City Council. If the proposed pre-cast wall is acceptable to the City Council, it will be defined as a “decorative block finished wall.” Pre-cast walls with the same or similar design and material and having an appearance of simulated brick or stone will then be allowed as buffer walls for other proposed development applications.

Based on discussion with development professionals, a six-foot high brick wall cost approximately \$95.00 per lineal foot while a pre-cast wall with the same height costs approximately seventy-five dollars per lineal foot.

The Development Review Committee takes the position that the proposed modification represents a policy decision by the City Council after considering a recommendation from the Planning Commission.

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 acceptance of a pre-cast decorative wall, with simulated brick or stone, as meeting the intent of a “decorative block finished wall;” and to recommend a modification of the Apopka Woods Final Development Plan as proposed by the applicant.

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

In response to a question by Chairperson Hooks, Mr. Davoll stated that this type of buffer is used along expressways. The poles are placed and then the decorative wall slab fits down into the groves on either side of the poles.

Chairperson Hooks opened the meeting for public hearing.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

Jim Stelling, Apopka Woods, LLC, 1667 Astor Farms Place, Sanford, Florida, asked that the Planning Commission recommended approval of their request. He stated that this is a very attractive wall that contains rebar and concrete. He stated that this type of wall also drains better than a masonry wall.

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

Motion: Mallory Walters made a motion to recommend approval of the Apopka Woods, LLC Minor Final Development Plan to accept a pre-cast decorative wall, with simulated brick or stone, as meeting the intent of a “decorative block finished wall;” and that the Apopka Woods Final Development Plan is modified as proposed by the applicant subject to conditions based on consistency with the Comprehensive Plan, the Land Development Code, and the information and findings in the staff report. James Greene seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Robert Ryan, and Pam Toler (6-0).

2015 ADMINISTRATIVE REZONING - David Moon, AICP, Planning Manager, stated the Administrative Rezoning consists of 40 parcels, comprising a total of 462.12+/- acres, that have been annexed into the City of Apopka and assigned Future Land Use designations compatible with the proposed AG zoning designation. All subject properties currently have a City Future Land Use Designation of Rural Settlement (RS) and a County zoning category of either A-1 or A-2 assigned to them. A summary of each zoning case is provided in Exhibits “A” and “B”. Exhibit “A” describes parcels currently assigned a “County” A-1 zoning category while Exhibit “B” addresses those assigned a “County” A-2 category. A brief summary of the administrative rezoning cases:

All Cases

Total Number of Parcels:	40
Total Number of Property Owners:	25
Total Acreage:	462.12

A-1 Properties

Number of A-1 Parcels:	
Number of A-1 Property Owners:	22
A-1 Acreage:	424.43

A-2 Properties

Number of A-2 Parcels:	5
Number of Property Owners:	3
A-2 Acreage:	37.68

The attached exhibits provide a summary of each proposed zoning amendment. Each property owner has been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. An individual zoning report has been prepared for each zoning case. All zoning reports are provided in Exhibit “C”.

Pursuant to the Interlocal Agreement between the City and Orange County (2004), policy of the City’s Comprehensive Plan (Policy 3.9) and State law (s 163.3202, F.S.), the City is required to assign a zoning category to lands that are annexed into the City’s jurisdiction. To comply with these requirements, city

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

staff is recommending that the City assign a zoning category that is most compatible to the current zoning category that was assigned by Orange County.

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

Motion: James Greene made a motion to recommend approval of the 2015 Administrative Rezoning from “County” A-1 and A-2 to “City” AG subject to the information and findings in the staff report and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Robert Ryan, and Pamela Toler (6-0).

CHANGE IN ZONING – FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC –

Hooks: The next item is a change of zoning. Florida Land Trust - ZDA at Sandpiper, LLC from “County” PD to “City” R-1AAA. David.

Moon: The third and final case before you this evening is the request to change of zoning by Florida Land Trust a.k.a Sandpiper LLC. Planning Commission is familiar with this site. The request is to change the zoning from “County” PD, similar to the cases you just reviewed, it does not have City zoning assigned to it thus by State Law, policies of our Comprehensive Plan, and the Joint Planning Agreement with Orange County, a city zoning category must be assigned to the property. The applicant’s requesting change of zoning from “County” PD to residential “City” R-1AAA. R-1AAA requires a minimum of 16,000 square foot lot with a minimum lot width of 120 feet. The location is south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. Current zoning is “County” PD or what we call “City” ZIP, zoning in progress. The proposed development is a residential subdivision. The future land use designation assigned to the property is residential Very Low Suburban which allows for up to two dwelling units per acre. The tract size is 58.23 acres. Of that, 48.4 are considered developable. The rest is within waters of Lake McCoy or within wetlands. Based on the current land use designation and the developable acreage of the property based on a maximum of two units per acre, the maximum number of units that could be achieved on this property is 97 single family units whether it’s the existing zoning or the proposed zoning. That is the maximum number; however, based on application of the Land Development Code it’s likely that the applicant or developer will achieve much less than that number. Most likely somewhere in the range of 49 to 60 lots. Consistent with requirements for a zoning application notification included a certified letter that was mailed to all property owners within 300 feet of the boundaries of the property. That letter was mailed by the property owner. We have received the certified mail receipts that the notice has been delivered. The property owner, the applicant, has posted the property. Notices were placed in the Apopka Chief according to the City’s policies. In addition, the Joint Planning Agreement with Orange County requires that we provide them with 30 day notice. They are well aware of the activities that have been proposed on the Sandpiper property as notification has occurred in past months for the previous application. A point that I would like to make is that in this rezoning application, as well as past applications on this property, notification has been sent to Orange County government consistent with the Joint Planning Agreement. We have not received any letters of

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

concerns or objections from County staff or County officials regarding the proposed or past zoning applications. Just to give you an example the County does read our notices, last month at the December 9th hearing, there was a case called “Property Industrial Enterprises” which requested a small scale land use amendment and a rezoning. That case also abuts unincorporated property. The County was notified. Staff did provide us with a lengthy letter of concerns that was addressed. Based on our response the County did not provide any objection. We proceeded with that application and Planning Commission recommended approval. City Council adopted that application. I believe that Planning Commissioners are aware based on publications within Apopka Chief or by word that City Council, at its last hearing on January the 7th, took up discussion on the previous application for a PUD zoning which they had previously denied. They... At the next Planning Commission we’ll have a discussion to reconsider that zoning application and that Ordinance that was denied. I bring that to your attention because this application should stand on its own and consideration of the PUD zoning should not be brought up. Again this application is evaluated on its own merits for consistency with the Comprehensive Plan and for meeting the intent of the Land Development Code and meeting the character and harmony of the surrounding area. Within your package you will find a memorandum that was prepared by the City Attorney. That memorandum was requested by me. This was after this application was received or we were aware that it was pending. Based on my experience and the training I have received and my professional credentials require that I take 1.5 credits of law classes a year related to land use law. So I am already familiar with the issue of establishing conditions on the various techniques of zoning. What we call straight or standard zoning which is before you tonight and the PUD zoning, but for some reason the elected officials, the public, and the Board gave a little more validity to the legal opinion from an attorney. So I asked the City Attorney to opine on the issue of whether conditions could be added to straight zoning. For example, under a PUD ordinance, you could ask for wider buffers, ask for larger lot sizes. What that opinion states, based on course law throughout the State of Florida is that conditions cannot be added to zoning. So this case, the Planning Commission cannot ask for larger lots, cannot ask for larger setbacks, can’t ask for additional open space unless the applicant voluntarily agrees to do so. That is essentially what that lengthy memo says. So that needs to be taken into consideration. We shouldn’t be demanding any type of conditions based on your recommendation. It’s evaluated straight on the R-1AAA application. This case is considered quasi judicial so your evaluation of its merits should be based on substantially competent information, evidence and testimony that is presented to you by staff, by the public, and by the applicant. Your role is advisory to the City Council so your recommendation would be to adopt or not to adopt... to deny. If you chose to recommend denial then that motion needs to be based on findings of fact based on the substantial competent information evidence and testimony presented to you this evening. With the technicalities out of the way, I’ll move forward with the staff presentation.

Hooks: Well before you do that, let’s go back to discuss some of those technicalities.

Moon: Yes, sir.

Hooks: You made the statement that we can’t put conditions on the straight zoning request. I agree with that, but you also alluded to the developer could build the maximum build out. We

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

couldn't make larger lot sizes as a condition of zoning. That's true but when he brings a development plan we can put conditions on that. This does not grant the developer to grant to build two dwelling units per acre... up to... it starts with zero to two dwelling units per acre. Not two dwelling units per acre period. So we can put restrictions on it when it comes back with a development plan that is not compatible with the surrounding area. Right?

Moon: Let me preference by response, by saying that one of the differences between a planned unit development application and a standard or straight zoning application, is that our ordinances mandate that an applicant for PUD must submit a master site plan of their project.

Hooks: I'm not I agree and I'm not arguing.

Moon: In straight zoning...

Hooks: I agree.

Moon: The subdivision plan is not required to be submitted.

Hooks: I agree with what you just said.

Moon: So the answer to your question is that it will be answered at the time a preliminary development plan or a final development plan is submitted to the City.

Hooks: Right and that's my point.

Moon: And we'll have the opportunity for the City Attorney to...

Hooks: I just don't want to paint the picture to those that are in opposition here that this is said and done if we recommend approval of the change of zoning tonight because it doesn't. It doesn't end there. It ends when we get to a preliminary and a final development plan where we can say what he's proposed doesn't... is not compatible with the area. We still have that. That's my question. Right? We do have that.

Moon: I can't guarantee that at the time of the development application you can add conditions. There likely that will be debated.

Hooks: I am not saying at the time of the zoning application we're making conditions.

Moon: I mean at the time of the final development plan or the preliminary development plan.

Hooks: Well, sure. We do it all the time. We approve or disapprove a development plan all the time.

Moon: Correct.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

Hooks: Okay, so we can, not approve a development plan at a later date even though we may recommend approval of this.

Moon: If that plan does not meet the requirements of the Land Development Code, the Comprehensive Plan, and Development Design Guidelines. Then...

Hooks: And compatibility with the surrounding area. You always tend to leave that one out. All right, proceed.

Moon: The application is for R-1AAA zoning. Based on the Land Development Code, there is a chart exhibits under Chapter 2 that creates a hierarchy of zoning categories. R-1AA is under the Very Low Suburban land use designation is considered a permissible zoning district. So it's in our Codes and it is allowed within the Very Low Suburban land use designation which allows up to two units per acre. Within the Comprehensive Plan under Policy 3.1.c – Very Low Suburban Residential, the intent of that policy states that primary use shall be residential dwelling units up to two dwelling units per acre, elementary schools, middle schools, supported infrastructure of less than two acres of neighborhood parks. Within the zoning hierarchy and standards are established for each of the various zoning categories. And you'll notice that on the lot size for R-1AAA the minimum site area is 16,000 square feet. Minimum lot width is 120. Setbacks for the front, side, and rear are shown but they are very similar to the other similar zoning districts in that category. The minimum house size... livable area is 1,800 square feet. I'll point out that within this table that after the R-1AAA designation the next lot size is higher than that is the Rural Country Estates which is one acre. There is no zoning category that allows a minimum lot size of a 1/2 acre or 3/4 acre or 4/5 of an acre. It's either 16,000 square feet or the next step up is RCE-1 which is one unit per acre. Before you is the City Future Land Use map. This is the Sandpiper property. This color green is a very low suburban area. Other zoning categories in the area are low density residential. This color here so those are higher density zoning areas than within the very low suburban area assigned. The remainder of the area... the primary areas around the Sandpiper property are unincorporated. This small piece here on the north side is in the City of Apopka and has not received a future land use designation or zoning category as of yet. This highlights the City's zoning assigned to the property. To show how it is set up with the City policies. The color orange is the R-2. This color here is the ZIP zoning which means that zoning hasn't been assigned. To the southwest of the property is land... a platted subdivision that is R-3. To the south of the property, not including the property, is land that has a zoning of R-1AAA. This property in here is PUD. So this color here is the County PD color. This is the County's future land use map. Sandpiper property sits right here. All this area that is colored yellow is unincorporated Orange County. It has a future land use designation which is low density residential which is up to four units per acre. So taking into consideration of the zoning categories and the densities allowed in the surrounding area the intent of this area is to be urban in character based on density set forth within the Comprehensive Plan. This zoning map outlines the properties in the area surrounding the Sandpiper property in terms of their jurisdiction. This is Wekiva Preserve here and its R-1AA. Properties to the west are R-1AA, A-2. County properties to the west are RCE, which allows for a minimum of one acre lots, R-1AAA to the south in unincorporated Orange County which allows for minimum lot size of half an acre. For information

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

purposes this is the County's FLUM designation to show that area with the low density residential allows up to four dwelling units per acre and they list zoning districts that are considered permissible within that low density residential that includes Rural Country Estates, R-1, R-2, R-1A, R-1AA, all the way up to R-1AAAA. Those are all acceptable zoning categories within the County's land use designation of low density residential. This isn't the first case that the City has addressed in terms of R-1AAA zoning adjacent to properties that have zoning that allow for a minimum lot size larger than the minimum 16,000 square feet within the R-1AAA zoning. For example, Wekiva Preserve, located at this location has R-1AA. Minimum lot size is 12,500 square feet. The property across the street, unincorporated, has A-2 zoning assigned to the property. To the northeast "County" zoning of Rural Country Estate which is a minimum of one acre lot. To the south is R-1AAA and A-2 zoning and A-2 to the southwest. The property to the north is also "County" A-1 or annexed into the City but hasn't received a City zoning and is a ZIP property but retained the "County" A-1 zoning. There is a subdivision called Wekiva Glen. It has R-1A zoning. It's across the street from "City" Rural Country Estate with a minimum of one acre and "County" A-1 zoning. "County" A-1 and A-2 zoning allow a minimum of a half acre lot; however, the number of homes that are allowed are based on the future land use designation. So if it's designated a rural category it can be one unit per acre or it could be one unit per ten acres. The number of homes is based on what the future land use designation is assigned by the "County." There's a platted residential community called "Oak Ridge" on the north side of the City. It has R-1AAA zoning as does all this property in here as well as land north of it. The other properties to the west, to the south, and scattered through the north are "County" A-1, A-2 or "City" Agriculture. So the City, in the past, has found that R-1AAA is compatible with lands that have larger parcel sizes or larger lot sizes than the R-1AAA. This application was reviewed by the Development Review Committee. It found that it meets the intent of the Comprehensive Plan, its compatible with the harmony of the character of the area, it's based on similar R-1AAA zoning applications to property that are abutting similar densities and character of surrounding the property and its consistent or meets the intent of the Land Development Code. So that completes my recommendation. I'll address any questions that you might have and again your role is advisory based on the findings of fact, the evidence and testimony presented to you this evening. Thank you.

Hooks: If I didn't know any better I would say you were a representative of the applicant. Cause you presented a lot of information that didn't need to be presented tonight and you conveniently left off all the zonings of the surrounding properties that's in the County. What is the zoning? You gave us the land use. What is the Zoning?

Moon: Would you like me to go through the zoning?

Hooks: I want you to go through the zonings of the properties that are adjacent to this property.

Moon: Okay. Starting to the northeast, that subdivision....

Hooks: No, adjacent. Across the street, to the south, and to the southwest.

Moon: Those properties are R-1AAA...

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

- Hooks: Okay, David... There's one or two that are adjacent.
- Moon: Please let me continue my presentation, Chairman.
- Hooks: Go ahead.
- Moon: Okay and not dictate the course of the presentation.
- Hooks: You said you were done. I asked you a question and that's what we do with staff because you said you completed your presentation. I waited through the entire thing.
- Moon: Correct.
- Hooks: Okay.
- Moon: To the north the unincorporated land is assigned a zoning category of A-2. To the northeast unincorporated property is zoned a A-1. To the east immediately adjacent to the property the zoning category is Rural Country Estates and A-1. To the south the zoning category is R-1AAA...
- Hooks: R-1AAAA.
- Moon: R-1AAAA and Rural Country Estates. This is all a part of the same subdivision here, Wekiva Landing. To the southwest the zoning on this property is PUD. It's unincorporated. This property is located the City and it has an R-1AAA zoning assigned to it. This property here has a zoning of A-2. Okay. From the corner of the property is a platted subdivision with an R-3 zoning assigned to it and that's within the City. This property here is unincorporated has a A-2 zoning assigned to it. There is R-1AAA zoning in the City located at this point with A-2 here at the northwest of the Sandpiper property. So I went full circle in terms of what is adjacent to it. If you look at the surrounding area, look at Thompson, there's zoning categories that allow for smaller lots. I have a list of subdivision in that area that shows the lot sizes and lot widths both for what is abutting and what's in the general area. We can address that is that is of interest to the Planning Commission.
- Hooks: No, I was interested in the ones that are adjacent which you just pointed out and, you know, not a question just a comment. It's interesting that your whole presentation earlier left that out but provided a whole lot of others that are in support of this project.
- Moon: I don't think it was intentional, Chairman. So I'm glad that you caught it. It was in your package so it's still considered evidence that's submitted for your consideration.
- Hooks: All right. Does the Board have any questions or Commission have any questions of staff? All right, before I open it up to public hearing, we did get an e-mail today with an additional item, from a gentleman that could not be here. I want to read part of that. His name is Alex Toledo. This was sent to the City Clerk, Linda Goff. "I am a resident

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

concerned about the developments plans for the Sandpiper property which is on the agenda for the Planning Commission today. Unfortunately, I will not be able to attend the meeting. Would it be possible for you to share this e-mail with each of the Planning Commission members and the City Attorney? I reviewed the supporting documentation for the agenda items for today's Planning Commission Meeting and as near as I can tell, the only change to Mr. Goldberg's application is the inclusion of an opinion letter from the City's attorney (which he attaches) [a copy is included in the record]. The opinion centers around the question: "When in receipt of a "straight zoning" application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City's code if all criteria of the City's zoning ordinance are met?" This question seems inherently flawed in that it presumes that the City Council has set "additional conditions" for the approval of this project. As far as I'm aware, they didn't set any additional conditions for approval. They merely denied the application. The denial was based on competent and substantial evidence promulgated by the Planning Commission and reiterated and adopted by the public (myself included) as their own. Namely that the development plan, as proposed, was not compatible with the adjacent area due to lot sizes. The other thing the City Attorney's letter does is cite case law from the 1950's and 60's in support of approval of this application. I note that absent from his analysis is any mention of the Florida Supreme Court's 1993 decision in Snyder v. Brevard County Commissioners (also attached) [a copy is included in the record] which, in my opinion, gives the City firm footing upon which to deny this application. Taken in isolation, the cases that the City Attorney cites would leave the reader with the impression that the Council's hands are tied and that any input from the public should be completely disregarded as futile. I don't believe that's the case and Snyder v. Brevard makes it quite clear that citizen input is to be considered in a local government's rezoning decisions. I am curious as to whom presented the question that the City Attorney is answering in his opinion letter. Did it come from an elected or appointed official or from staff? Please consider this question a public records request. Also, if the City Attorney is inclined to answer questions from persons other than elected/appointed officials or city staff regarding this application, might he be inclined to answer this one as well: Is the City required to approve an application (even if deemed complete) where the Council has previously decided to deny the application based on competent, substantial evidence (that the lot sizes proposed are not compatible with the adjacent area) and the decision was rendered in a non-arbitrary, non-discriminatory and reasonable manner (as evidenced by the fact that the vast majority of the public is in opposition to the development plans as written)? Thank you in advance, Alex Toledo." And I mentioned in the letter, he mentioned in the letter there's a copy of a Supreme Court case that he attaches. And with that I will ask the applicant if they would like to give their presentation.

Fitzgerald: Thank you, Mr. Chairman, Commissioners, I am Miranda Fitzgerald with Lowndes, Drosdick, Doster, Kantor & Reed law firm, representing Florida Land Trust #111.

Hooks: Give us your address please, ma'am.

Fitzgerald: 215 North Eola Drive, Orlando, Florida.

Hooks: Thank you.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

Fitzgerald: We are here in agreement with staff's position and we are going to be relying on the staff report as competent, substantial evidence in the record to ask for your recommendation for approval of this application. And I wanted to... I just want to make one thing clear, I'm not sure, I know you all are clear about this but based on the letter you just read, I think I need to clarify that this application that is before you tonight is completely different from the application for the PUD.

Hooks: Correct.

Fitzgerald: And apparently the person that wrote that letter didn't get that exactly. And the other thing that I wanted to just say really in response to some of the Chairman's comments, my view, very clearly is that once we pass the zoning stage in a land use process the discretion that this Board and that the City Council has is over on a conventional zoning, a straight zoning, when we get to the next step, when we get to site plan, when we get to subdivision, if we meet the minimum adopted standards that the City has said are appropriate under that zoning category we are entitled to have site plan approved or a plat approved. Whatever the application is as long as you meet the minimum adopted standards you are, as a matter of law, entitled to have your application approved. And there are a number of cases where plats have been denied or site plans have been denied even though the applicant has clearly come in met the minimum standards for those approvals and staff has said they meet the minimum standards and the elected officials or the appointed officials have said no you've got to go back to the drawing board, we don't like it, we're going to increase the lots, we're going to do something different. And in that circumstance the Court not only considers it that they consider it in the form of a petition that is called a writ of mandamus. That's different than the type of petition you would file to challenge a zoning application as an example. In that circumstance the courts have directed the local governments to approve those plans that meet the minimum standards. I just wanted to point that out because I disagree with the Chairman's comments that once we get past this stage that there might be another opportunity for the Council to add additional conditions or deal with compatibility issues. That in my point of view of having done this for a long, long time that is simply not the case. We're dealing... the zoning stage, where we are at tonight, is really the last opportunity to deal with compatibility issues. Once this zoning is approved and, as you heard from the staff and in the staff report, the R-1AAA is a compatible zoning district with what the City has done numerous times before and it will be deemed compatible with the surrounding areas if you chose to recommend approval and then the Board goes over... the Council goes ahead and approves it. So with that, Mr. Chairman, I would simply ask that you do recommend approval of the application before you and just might like to reserve a little bit of time for rebuttal. Thank you very much.

Hooks: Thank you. All right, we're open up for public hearing. Yeah. We'll open it up for public hearing. Anybody in the audience want to speak and I have some that we'll get to first. Mary Smothers?

Smothers: Mary Smothers, 1005 E. Sandpiper Street, and I will try to be brief. I do want to kind of pass out this little letter that I wrote to the Apopka Chief. It didn't get printed in the Apopka Chief, but Mr. Ballas did quote just about all of it. I appreciate that but I still want

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

you to have a copy. I just recommend that you turn this zoning down simply because it is not compatible and consistent. In my view, and all the evidence that has been presented, I understand there is a difference of opinion here but that is what is being said. I totally recommend for future the RCE-1 which would be compatible and that's all I'm going to have to say because we have more expert witness to come I think. Thank you.

Hooks: Thank you. Bryan Nelson?

Nelson: Thank you, Chairman, thank you members, guys. You got it right the first two times and I hate that we have to come back here tonight to represent. When we talk about compatibility with surrounding properties all of the properties are either RCE-1 one per acre or the Oak Water Estates that would be on the south side of the property are half acre. There is nothing contiguous to the property that is less than half an acre. So I think this... Unfortunately, the City does not have, like we have in the County, R-1AAAA. If you had R-1AAAA I'd think we could all move on and we'd all be happy with that. Unfortunately we don't have that. I think... I thought that the PUD that was to be presented... I think we could tweak what was presented at the Council last time with a few tweaks we could come up with something that would be representative of our community as well as giving him something that is saleable for his project. So thank you so much.

Hooks: Thank you. Lou Haubner?

Haubner: I'm not exactly sure how many lots we can get out of this property. Do you have any idea at this point or does the developer have any idea at this point how many lots you're going to be able to ask for on the 16,000 square foot lots? I'm like Bryan I think that the RCE would be more compatible with the area. If you take the area around that and there's no lots that are less than a half an acre. Oak Water Estates, and I have a list here of Oak Water Estates, and its zoned R-1AAAA, the average lot size is 1.2 acres. The average house size is 2,680 square feet. In Wekiva Landing, the average lot size is 1.57. The average house size is 2,466 square feet. If you take the properties to the north of Sandpiper, leaving a couple out that are 15 acres which would bring the average up tremendously, the average would be 2.23 acres. Those are the properties that adjoin the subject property. Now when we send out a letter or Zoning sends out a letter they send it to folks, and its required, to everybody within 300 feet. That doesn't include north of Wekiva Springs Road. It doesn't mean north of Welch Road. It doesn't mean west of Ustler Road. It means 300 feet. These are the lots within 300 feet except for a few others that may exist in the southwest corner of Ustler and Sandpiper. I am a resident of this area. I would like to see them go to a half an acre but they said we can't do that. We can only go to either 16,000 square feet or one acre, that's our next alternative. One thing that wasn't mentioned and something that I think needs to be looked at is the depleted value of surrounding homes if this development were to go in with 1,800 square foot homes. As you saw from the other homes in the area probably the average in one area of over 2,400, one was 2,600. Some of the other things that we need to look at which weren't brought up is that the buffering yard requirements. Development in area... in the R-1AAA shall provide a minimum six foot high brick, stone, or decorative block finished wall adjacent to the external roadways erected inside a minimum ten foot landscape buffer yard. Can you picture this? Landscape material shall be placed adjacent to the right-of-way on the exterior of the buffer wall. The City may

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

allow the developer the option to provide up to fifty percent of the buffer wall length in a six foot wrought iron fence between solid columns. Columns shall be a minimum of 32 feet offset, shall have stone, brick or decorative block finish. Where wrought iron is used additional landscape materials and irrigation may be required. This will be determined by the City on a case by case basis. So areas adjacent to agriculture districts or activities shall provide a minimum five foot buffer yard and a minimum of six foot high brick, stone, or decorative finished all unless acceptable alternatives are submitted. So there are a few other things that you might consider knowing what we know of the area and the country atmosphere in the area. I would highly recommend that we take a look at this closely and possibly look at approving an RCE zoning for an acre lot. I would rather see it go to an acre than down to 16,000 square foot based on the surrounding area and one thing that all of us need to consider, as Mr. Hooks said, the compatibility of the area. It's not compatible with the area. RCE is compatible with the area because now we're bringing it up to almost to what the average is that adjoins the property. Thank you.

Hooks: Thank you. Ellen O'Connor?

O'Connor: I'm going to pass.

Hooks: Okay. Jack Cooper?

Cooper: I'll be brief. Jack Cooper, 954 Oakpoint Circle, Apopka. I wasn't going to speak until I heard a few things. What they are applying for is actually worse than what they applied for before. You voted it down before and so did City Council and this is actually a worse density... a higher density than what they applied for before. I mean giving the information from Mr. Moon, to me it seems like it should be a minimum now of R-1AAA but a R-1AAA PUD. Why didn't they come in with this as a PUD with the same requirements that Council and you guys put and Council put on them before that they agreed to. And I will just say this, you know, if this was any place else in Apopka, if it was on the brick roads in the City of Apopka, if somebody went in a bought in a couple of blocks and tried to put in this density it wouldn't fly. It wouldn't apply for a second. So that's all I got to say. Let's just vote this down to send a message that we want to keep this area the way it is comparable and compatible. Thank you.

Hooks: Thank you. All right we're still in public hearing. Anybody else want to speak? All right. Do you anything to say? Go head. Okay. We'll close the public hearing. I'm going to bring it back to the Board for discussion but I want to read just two sections out of the Supreme Court decisions that Mr. Toledo provided with us regarding Snyder vs. Brevard County and it was... it essentially dealt with whether or not the County had the authority to tell a land owner, even though the land use compatible with the zoning request, they could do it. And this is the Supreme Court's decision: "Further, we cannot accept the proposition that once the landowner demonstrates that the proposed use is consistent with the comprehensive plan, he is presumptively entitled to this use unless the opposing governmental agency proves by clear and convincing evidence that specifically stated public necessity requires a more restricted use. We do not believe that a property owner is necessarily entitled to relief by proving consistency when the board action is also consistent with the plan. As noted in Lee County v. Sunbelt Equities II, Limited Partnership: Absent

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials' discretion to accept or reject the applicant's argument that change is desirable. The right of judicial review does not ipso facto ease the burden on a party seeking to overturn a decision made by a local government, and certainly does not confer any property-based right upon the owner where none previously existed. . . . Moreover, when it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the status quo is no longer reasonable. It is not enough simply to be "consistent"; the proposed change cannot be inconsistent, and will be subject to the "strict scrutiny" of Machado to insure this does not happen." And this a point of information to rebut David said earlier, "While they may be useful," and this is talking about the Board of County Commissioners not the Planning Commission in Brevard County, "While they may be used, the board will not be required to make findings of fact. However, in order to sustain the board's action, upon review by certiorari in the circuit court it must be shown that there was competent substantial evidence presented to the board to support its ruling." And again, I still take issue that we're a quasijudicial board when it comes to items of zoning changes and the like, future land use changes, cause we are not the deciding board we are only an advisory board and in my opinion that doesn't apply to us. However, we've presented all the information that has been presented here tonight both in the packets and been presented by the public. Does the Board have any questions, concerns, or what is the recommendation of Board concerning this recommended zoning and if we understand what the attorney said that represents the applicant concerning once it leaves here tonight or City Council approves it then we lose total control over this then my recommendation is that we don't grant this change of zoning yet then. So what's the recommendation of the Board to City Council?

Walters: Chairman I recommend denial of the change in zoning from "County" PD (ZIP/Residential) to "City" R-1AAA (Residential) for the property owned by Florida Land Trust #111 – ZDA Sandpiper, LLC Trustee, Trustee, and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

Hooks: All right, there's a motion is there a second?

Toler: Second.

Hooks: Motion and a second. Any discussion? All in favor indicate by saying aye.

Walters: Aye.

Toler: Aye.

Hooks: Aye.

Birdsong: Aye.

Greene: Aye.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 13, 2015, AT 5:01 P.M.

Ryan: Aye.

Hooks: Any opposed? That motion carries unanimously.

OLD BUSINESS:

Planning Commission - None.

Public - None.

NEW BUSINESS:

Planning Commission: None.

Public - None.

ADJOURNMENT: The meeting was adjourned at 6:04 p.m.

Steve Hooks, Chairperson

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

G: \Shared\4020\ADMINISTRATION\PLANNING COMMISSION\Minutes\2015\01-13-15

Backup material for agenda item:

1. CHANGE OF ZONING – Leslie & Nancy Hebert, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ANNEXATION <input type="checkbox"/> PLAT APPROVAL <input type="checkbox"/> OTHER:	DATE: February 10, 2015 FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map
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SUBJECT: **LESLIE & NANCY HEBERT – CHANGE OF ZONING**

PARCEL ID NUMBER: **13-20-27-0000-00-046**

Request: **CHANGE OF ZONING**
FROM: “COUNTY” A-1 (AGRICULTURE)
TO: “CITY” AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER/APPLICANT: Leslie & Nancy Hebert

LOCATION: North of W Kelly Park Road, east of Effie Way (3600 W Kelly Park Rd.)

EXISTING USE: Single-family home

FUTURE LAND USE: “County” Rural (0-1 du/10 ac)

PROPOSED LAND USE: Rural Settlement (0-1 du/5 ac) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from “County” Rural to “City” Rural Settlement (0-1 du/5 ac).

ZONING: “County” A-1 (Agriculture)

PROPOSED ZONING: AG (min. lot area of 5 acres)

PROPOSED DEVELOPMENT: Single-family home (existing)

TRACT SIZE: 6.11 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT:

	EXISTING ZONING:	1 Residential Units
	PROPOSED ZONING:	2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the AG zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 6.11 acres. The property owner intends to use the site for a single-family home.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, any development plan would be required to meet policies set forth in the comprehensive plan related to the Wekiva Parkway Interchange Land Use Plan, including Policy 20.4, which requires development plans to meet the development standards of an adopted form-based code for the Wekiva Parkway Interchange Vision Plan.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the proposed Future Land Use Designation of Rural Settlement (up to one unit per five acres) for this property. Minimum lot size for property assigned the AG zoning category is 5 acres.

SCHOOL CAPACITY REPORT: The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

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 January 9, 2015.

PUBLIC HEARING SCHEDULE:

February 10, 2015 - Planning Commission (5:01 pm)
February 18, 2015- City Council (7:00 pm) - 1st Reading
March 4, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

January 23, 2015 – Public Notice and Notification
February 20, 2015 – Ordinance Heading Ad
February 27, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 to “City” AG for the parcel owned by Leslie & Nancy Hebert.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Single-family home
East (City)	Mixed Use	A-1 (ZIP)	Single-family home & horse farm
South (City)	Mixed Use	A-1 (ZIP)	Timberland & grazing
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family home

**LAND USE & TRAFFIC
 COMPATIBILITY:**

The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

The zoning application covers approximately 6.11 acres. The property owner intends to use the property for one (1) single-family residence.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

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

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft.
- Minimum Site Area: 5 acres.
- Minimum Lot Width: None
- Setbacks:
 - Front: 25 ft.
 - Rear: 25 ft.
 - Side: 25 ft.
 - Corner: 25 ft.

Based on the above zoning standards, the existing 6.11 acre parcel complies with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.

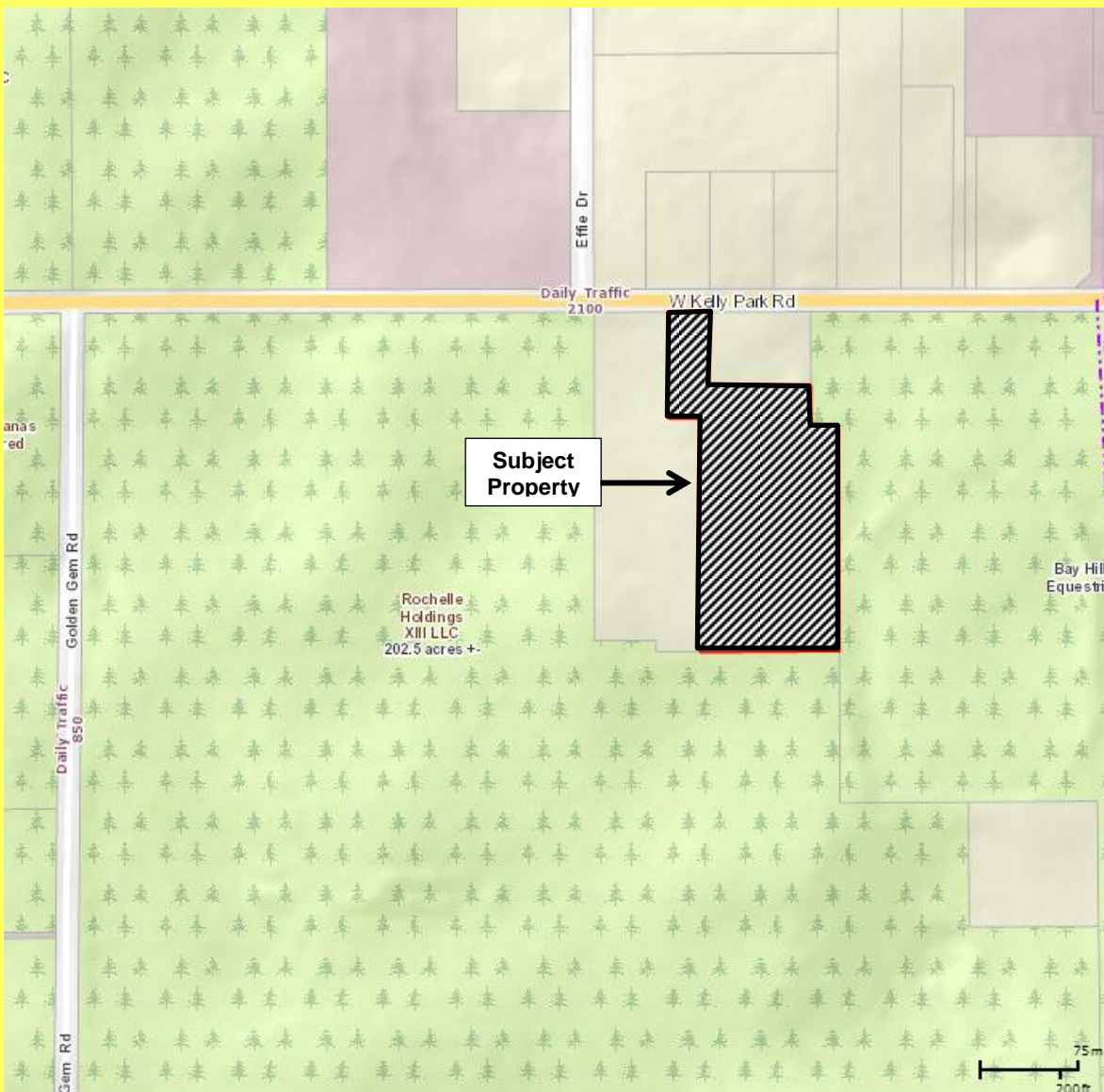
ALLOWABLE USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes. Commercial wholesale foliage plant production nursery, tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, crops and animal production and the buildings and structures necessary to support such production, as well as kennels. Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code. Apiaries.

Leslie & Nancy Hebert
6.51 +/- Acres
Existing Maximum Allowable Development: 1 dwelling units
Proposed Maximum Allowable Development: 2 dwelling units
Proposed Small Scale Future Land Use Change
From: "County" Rural (0-1/10 ac)
To: "City" Rural Settlement (0-1 du/5 ac)
Proposed Zoning Change
From: "County" A-1
To: "City" AG
Parcel ID #s: 13-20-27-0000-00-046

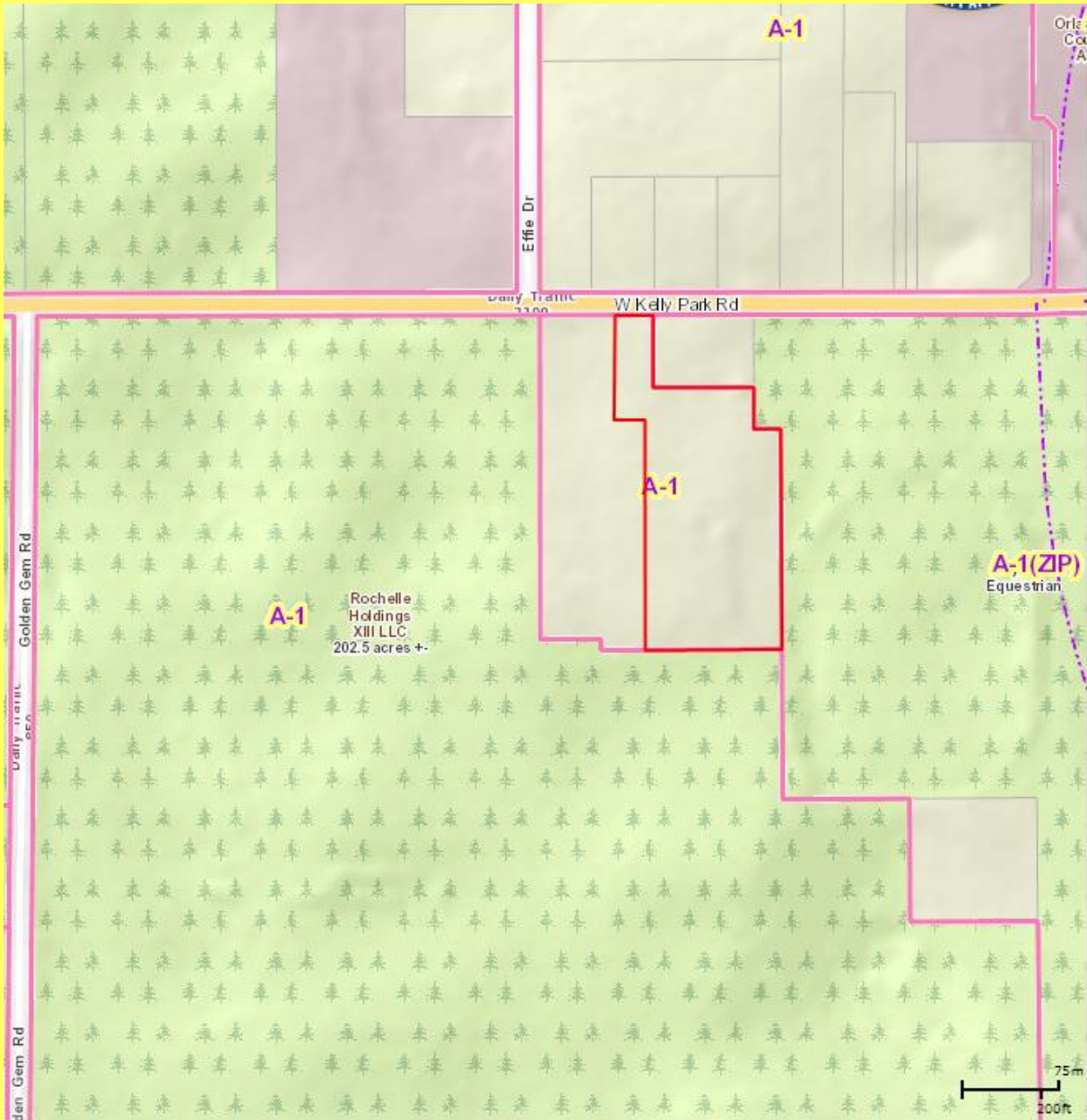


VICINITY MAP



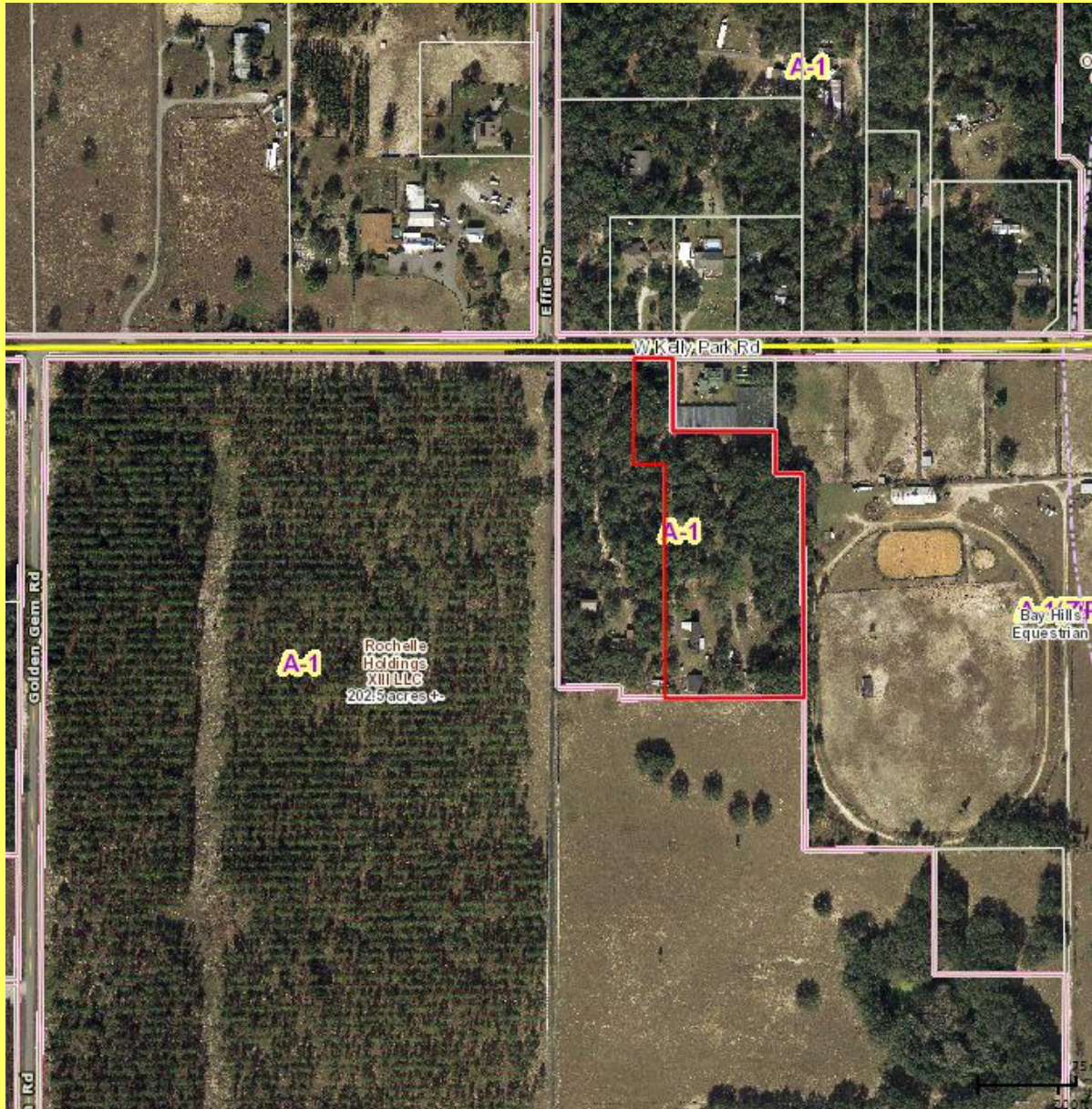


ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

2. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	February 10, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map

SUBJECT: **LESLIE & NANCY HEBERT – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT**

PARCEL ID NUMBER: **13-20-27-0000-00-046**

Request: **COMPREHENSIVE PLAN - SMALL SCALE
FUTURE LAND USE AMENDMENT
FROM: “COUNTY” RURAL (0-1 DU/10 AC)
TO: “CITY” RURAL SETTLEMENT (0-1 DU/5 AC)**

SUMMARY

OWNER/APPLICANT: Leslie & Nancy Hebert

LOCATION: South of W Kelly Park Road, east of Golden Gem Road

EXISTING USE: Vacant

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Single-family home

PROPOSED ZONING: “City” AG (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” AG.)

TRACT SIZE: 6.11 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit
PROPOSED: 2 Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. 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 Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 6.11 acres. The property owner intends to use the site for a residential development.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, a Future Land Use Amendment and zoning application must first be approved by the City consistent with the Wekiva Parkway Vision Plan.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City’s proposed AG Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

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 January 9, 2015.

PUBLIC HEARING SCHEDULE:

February 10, 2015 - Planning Commission (5:01 pm)
February 18, 2015- City Council (7:00 pm) - 1st Reading
March 4, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

January 23, 2015 – Public Notice and Notification
February 20, 2015 – Ordinance Heading Ad
February 27, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Leslie & Nancy Hebert.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Single-family home
East (City)	Mixed Use	A-1 (ZIP)	Single-family home & horse farm
South (City)	Mixed Use	A-1 (ZIP)	Timberland & grazing
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family home

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of low density residential. The property lies south of W Kelly Park Road and east of Golden Gem Road.

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is not located within “Core Area” of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basing 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 W Kelly Park Rd. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.s Rural Settlement Residential 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 Rural Settlement (0-1 du/5 ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 1 Unit(s) x 2.659 p/h = 3 persons
PROPOSED (City designation): 2 Unit(s) x 2.659 p/h = 6 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

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

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A 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: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 420 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 24 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment:
None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

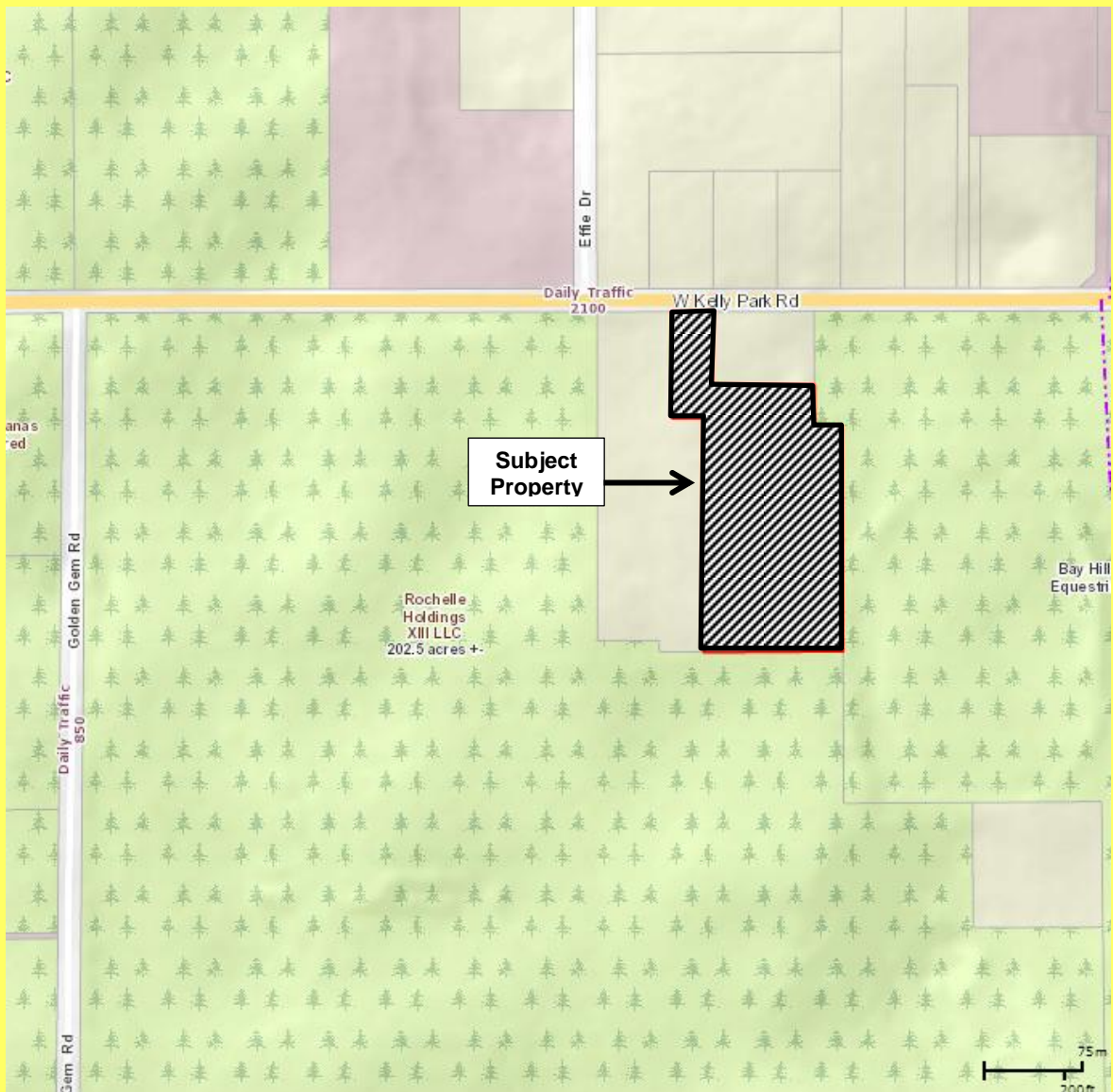
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.003 AC
3. Projected facility under proposed designation: 0.006 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

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

Leslie & Nancy Hebert
6.11 +/- Acres
Existing Maximum Allowable Development: 1 dwelling units
Proposed Maximum Allowable Development: 2 dwelling units
Proposed Small Scale Future Land Use Change
From: "County" Rural (0-1/10 ac)
To: "City" Rural Settlement (0-1 du/5 ac)
Proposed Zoning Change
From: "County" A-1
To: "City" AG
Parcel ID #s: 13-20-27-0000-00-046

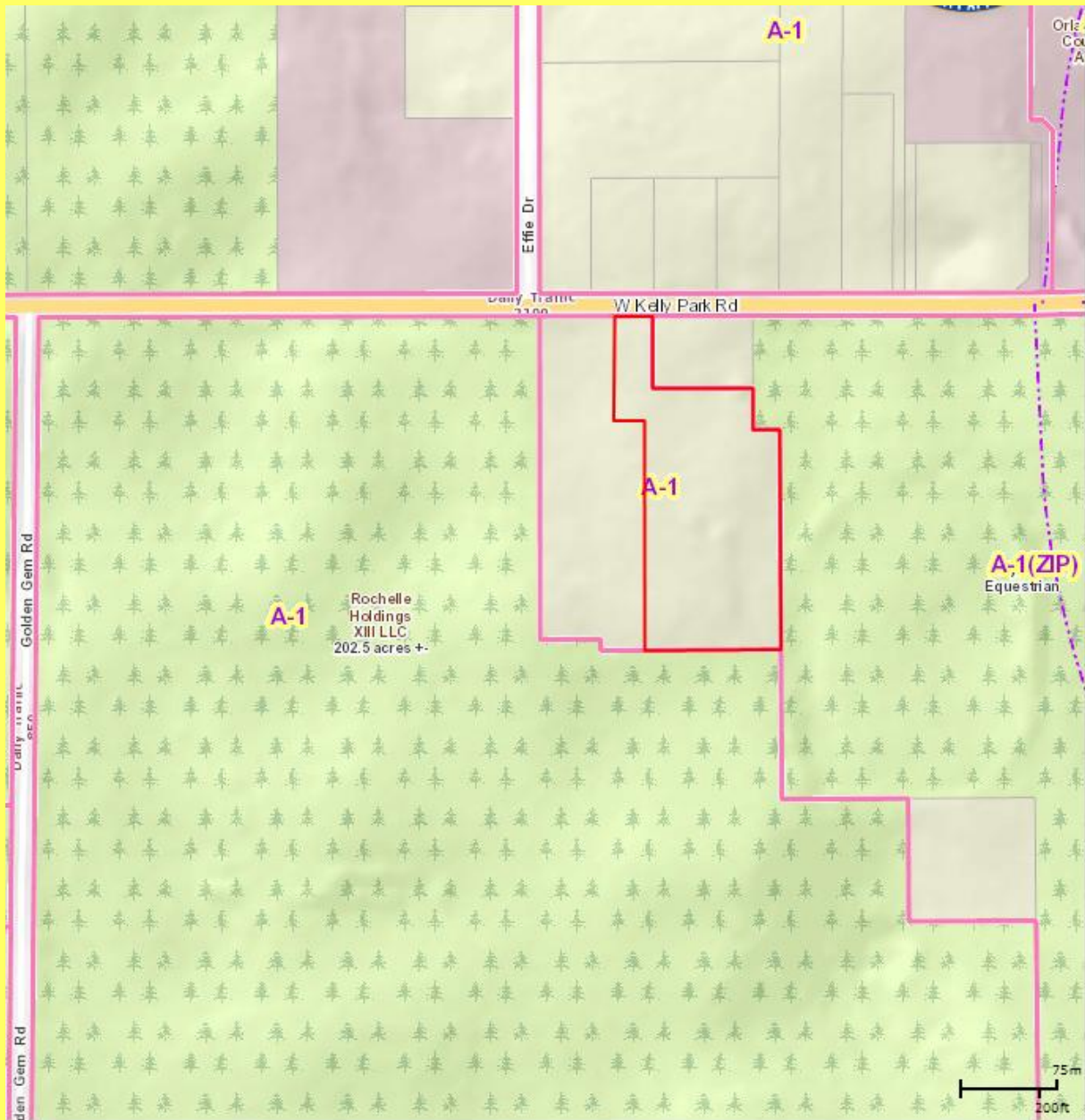


VICINITY MAP





ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

3. MORATORIUM – Establishment of a Time-Limited Moratorium on development plans for properties located within the Ocoee-Apopka Road Corridor Small Area Overlay District until December 31, 2015.



**CITY OF APOPKA
PLANNING COMMISSION**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL HEARING
 OTHER:

MEETING OF: February 10, 2015
FROM: Community Development
EXHIBITS: Vicinity Map
Ordinance No. 2408
Draft Dev. Guidelines

SUBJECT: TIME-LIMITED MORATORIUM FOR LAND USE AMENDMENTS, ZONING CHANGE AND DEVELOPMENT ORDERS FOR PROPERTIES LOCATED WITHIN THE PROPOSED OCOEE-APOPKA ROAD OVERLAY DISTRICT

Request: RECOMMEND APPROVAL FOR LAND USE AMENDMENTS, ZONING CHANGE AND DEVELOPMENT ORDERS FOR PROPERTIES TO ESTABLISH A TIME-LIMITED MORATORIUM ON FOR PROPERTIES LOCATED WITHIN THE PROPOSED OCOEE-APOPKA ROAD CORRIDOR SMALL AREA OVERLAY DISTRICT UNTIL OCTOBER 31, 2015.

SUMMARY:

In March 2014, the City commenced a small area study for an area covering approximately 4.4 square miles in the vicinity of Ocoee Apopka Road. Completion and expansion of the State Road 429, 414, and 451 tollway system, together with proposed construction of the Florida Hospital Replacement Medical Campus, have and will generate immediate and increased pressure to develop higher density residential, commercial, and industrial uses within the Ocoee Apopka Road Small Area Study boundaries. To better manage growth and development consistent with the desired land use patterns and development standards that will emerge from the Ocoee Apopka Road Small Area Study, a temporary moratorium is proposed and will sunset on October 31, 2015. The moratorium grants City Council authority to waive the moratorium if a proposed development application is determined to meet the intent of the current draft development guidelines.

DULY ADVERTISED: January 23, 2015 – Public Hearing Notice
February 20, 2015 – Ordinance Heading

FUNDING SOURCE: N/A

RECOMMENDED ACTION:

Recommend approval to establish a Time-Limited Moratorium on development plans for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015.

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

ORDINANCE NO. 2408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL OCTOBER 31, 2015, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE FOR THE GEOGRAPHICAL AREA COMPRISING THE OCOEE APOPKA ROAD SMALL AREA STUDY WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, in March 2014, the City commenced a small area study for an area covering approximately 4.4 square miles in the vicinity of Ocoee Apopka Road; and

WHEREAS, completion and expansion of the State Road 429, 414, and 451 toll way system, together with proposed construction of the Florida Hospital Replacement Medical Campus, have and will generate immediate and increased pressure to develop higher density residential, commercial, and industrial uses within the Ocoee Apopka Road Small Area Study boundaries; and

WHEREAS, the City Council deems it in the best interest of Apopka to manage growth and development consistent with the desired land use patterns and development standards that will emerge from the Ocoee Apopka Road Small Area Study; and

WHEREAS, the aforementioned moratorium is temporary and will sunset according to an eight month schedule, but conditions are provide, if satisfactorily met, that enable City Council to waive the moratorium for a development determined to meet the intent of the development standards set forth in the current proposed development guidelines; and

WHEREAS, the City has accomplished many tasks and expended public funds over the past decade in furtherance of managing development in the general vicinity contained within the area embraced by the Ocoee Apopka Road Small Area Study for the purpose of promoting economic development and generating jobs; and

WHEREAS, the absence of such moratorium may result in rapid development of land that is inconsistent with the vision for the area defined by the Ocoee Apopka Road Small Area Study; and

WHEREAS, the City has made or plans to make an investment of taxpayers' dollars in the furtherance of the implementation and installation of public infrastructure to support future development proposed within the Ocoee Apopka Road Small Area Study; and

WHEREAS, development occurring consistent with a unified development plan is key to the success of implementing the Ocoee Apopka Small Area Study and the vision that City Council holds for that area; and

WHEREAS, the adoption of the moratorium on the processing of applications for certain development orders and permits and amendments to the current Comprehensive Plan and Land Development Code applicable to properties located within the boundaries of the Ocoee Apopka Road Small Area Study will provide the City time to prepare and adopt necessary Comprehensive Plan and Land Development Code amendments to further the desired vision of the City of Apopka for area comprising the Ocoee Apopka Road Small Area Study; and

WHEREAS, the adoption of this moratorium will allow necessary time to amend the Comprehensive Plan and Land Development Code to steer incompatible uses from encroaching within the vicinity upon a proposed new regional medical campus; and

WHEREAS, this moratorium is adopted in good faith and is not discriminatory against any property owners within the Ocoee Apopka Road Small Area Study, and is appropriate to the amendment of the Comprehensive Plan and Land Development Code; and

WHEREAS, the City Council of the City of Apopka has determined that it is in the best interest of the citizens of Apopka to enact a moratorium on the processing of certain applications for development orders and development permits, as specified herein, as well as amendments to the City's current Comprehensive Plan and Land Development Code, applicable only to properties within the boundaries of the Ocoee Apopka Road Small Area Study.

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

SECTION I. MORATORIUM IMPOSED.

- A. The City Council of the City of Apopka hereby declares a moratorium for the time period specified in Section V on the processing of the following Development Permit Applications for properties located within the boundaries of the Ocoee Apopka Road Small Area Study (as defined in Section II):

Permit Applications:

1. Proposed Development of Regional Impact;
2. Comprehensive Land Use Plan Amendments;
3. Comprehensive Plan Text Amendments;

4. Rezoning, including but not limited to, changes to zoning district boundaries and zoning district regulations;
 5. Master Plans, Final Development Plans, and Preliminary Development Plans;
 6. Variances which increase previously approved density, or intensity of development of a parcel. For purposes of this provision, and by way of example, the density or intensity of development of a parcel means the amount of square footage of a building area to be constructed on a parcel, or the number of dwelling units on a parcel;
 7. Special exceptions;
 8. Modifications to Development Orders, including but not limited to, Planned Unit Development, that result in a change in density or intensity of uses, and/or result in an increase in trips for the Development Plan previously approved. For purpose of this provision, and by way of example, the density or intensity of development of a parcel means the amount of square footage of building area to be constructed on a parcel, or the number of dwelling units on a parcel.
- B. For the purposes of this Ordinance a development order or permit means a preliminary development plan, final development plan, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

SECTION II. AREA APPLICABLE TO THE MORATORIUM - The moratorium shall apply to all lands under the jurisdiction of the City of Apopka located within the boundaries of the Ocoee Apopka Road Small Area Study as delineated within Exhibit "A". If a parcel is split by the Small Area boundary line, then the moratorium only applies to that portion of the parcel that lies within the Small Area Study.

SECTION III. EXEMPTIONS. The City Council hereby determines that the following shall be exempt from the requirements of this ordinance:

1. All applications for Development Permits exempt from the City's regulatory authority as provided by applicable Federal, State, or Local Law;
2. Applications for Development Permits, as determined by the City Administrator, or his designee, and confirmed in writing prior to first reading of this Ordinance to be sufficient pursuant to the requirements of the City's Land Development Code.
3. Development Orders for Excavations approved as part of a final development plan;

4. Any building permit for an agriculture structure associate with an existing agriculture use;
5. Arbor permits;
6. Building permits, including building, plumbing, mechanical and electrical permits for new construction of a single family dwelling or barn or for the construction of an addition to a single family dwelling or barn, and their accessory structures, or for construction of improvement that are consistent with site plans associated with Development Permits that were approved prior to the first reading of this Ordinance;
7. A preliminary development plan, final development plan, plat, master plan, special exception or building permit approved by the City prior to the effective date of this ordinance and which has not expired including but not limited to all pending and future applications for development orders or permits applicable to the following: Florida Hospital Apopka Replacement Campus PUD Master Plan and Preliminary Development Plan; Emerson Park PUD, Apopka Woods Final Development Plan, Magnolia Park Final Development Plan, and Marden Ridge Master Plan(Preliminary Development Plan);
8. A complete application for a preliminary development plan, final development plan, master plan, master plan, special exception or building permit submitted to the City prior to the effective date of this ordinance;
9. Any accessory use permits such as fences, swimming pools, etc., as defined within Chapter 7 of the Land Development Code;
10. Any building permit to replace existing damage to a single family home or to accommodate an addition to an existing single family home.
11. Applications for plat approvals for previously approved final development plans.

SECTION IV: WAIVER OF MORATORIUM. The City Council of the City of Apopka, at its discretion, may waive the moratorium for land use amendments, rezonings, or master plans, or final or preliminary development plan applications if it determines that said application meets the intent of the recommendations and findings of the Ocoee Apopka Road Small Area Study and its associated Development Standards, provided in Exhibit “B”. An applicant requesting a waiver from the Moratorium must indicate so in writing with the submittal of a development application with documentation demonstrating how the proposed development and infrastructure meet the intent of the Ocoee Apopka Road Small Area Study. If an application involves a land use amendment or rezoning request, a master plan or preliminary plan must be included with the application. Architectural renders for the exterior of all buildings shall be submitted with all moratorium waiver requests.

ORDINANCE NO. 2408

PAGE 5

SECTION V: ADMINISTRATIVE/QUASI-JUDICIAL REVIEW PROCEDURES. Owners of real property within the Ocoee Apopka Road Small Area Study or the authorized agent of such owner may request a determination of vested rights by following the procedures set for in Article VI, Section 4.06.02 of the Apopka Code of Ordinances.

SECTION VI: MORATORIUM SCHEDULE. The City Council of the City of Apopka hereby declares that the moratorium shall be effective through October 31, 2015, unless otherwise modified or extended by the City Council.

SECTION VII: SCOPE OF COVERAGE: Unless otherwise stated, this Ordinance shall cover all lands within the Ocoee Apopka Road Small Area Study, as delineated within Exhibit "A".

SECTION VIII: SEVERABILITY: 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 a section or subsection or part of this ordinance.

SECTION IX: CONFLICTS: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION X: EFFECTIVE DATE: This ordinance shall take effect upon passage and adoption.

READ FIRST TIME: February 18, 2015

READ SECOND TIME
AND ADOPTED: March 4, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

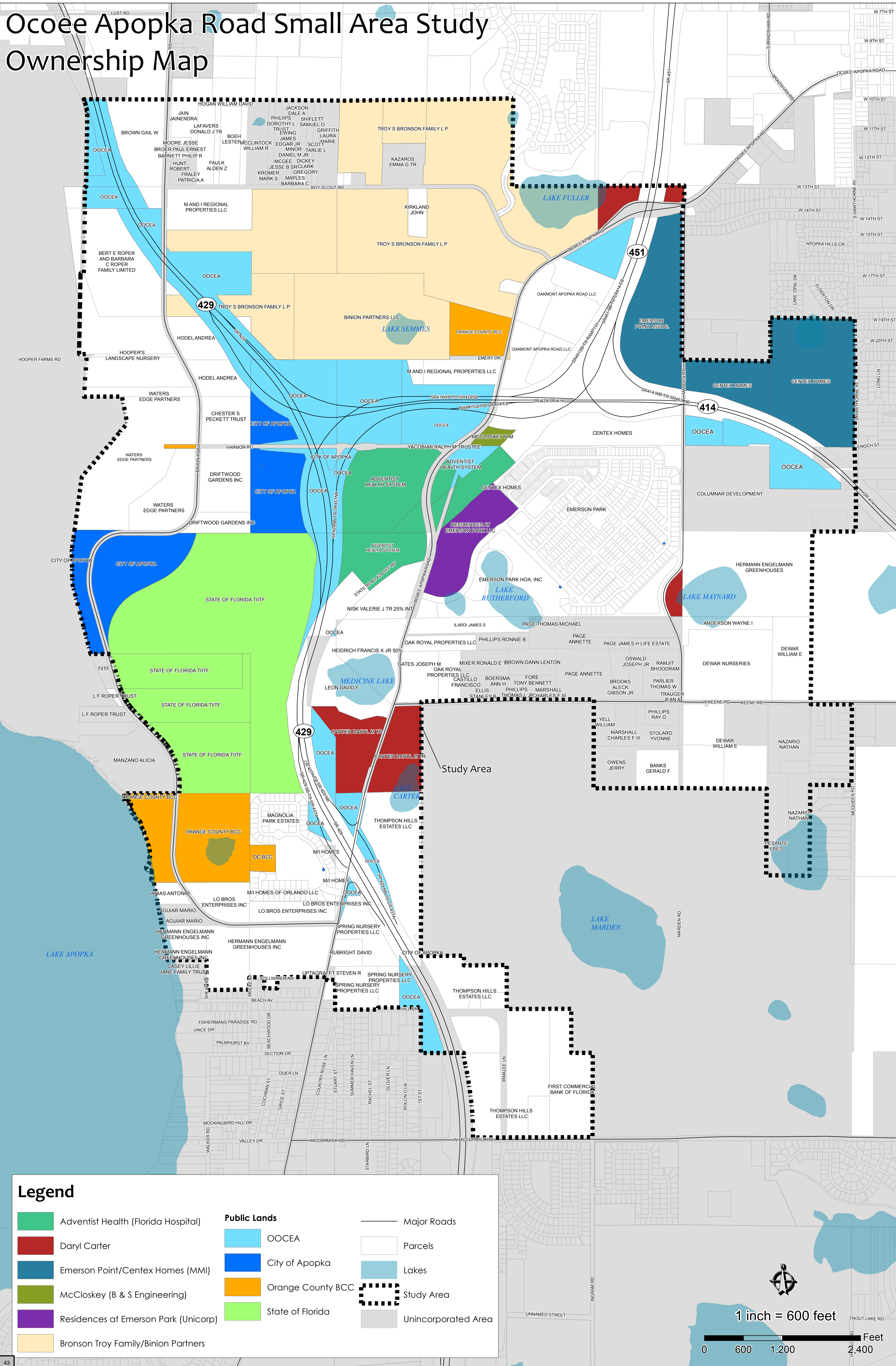
Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING: January 23, 2015
February 20, 2015

Ocoee Apopka Road Small Area Study Ownership Map



Legend

- | | | |
|---|--|--|
| Adventist Health (Florida Hospital) | Public Lands | Major Roads |
| Daryl Carter | OCEA | Parcels |
| Emerson Point/Centex Homes (MMI) | City of Apopka | Lakes |
| McCloskey (B & S Engineering) | Orange County BCC | Study Area |
| Residences at Emerson Park (Unicorp) | State of Florida | Unincorporated Area |
| Bronson Troy Family/Binion Partners | | |



1 inch = 600 feet

0 600 1,200 2,400 Feet

XI. APPENDIX C: Ocoee-Apopka Road Development Standards Sample¹

¹ The name of the Overlay should use the name selected for the area.

Table of Contents

XI. APPENDIX C: Ocoee-Apopka Road Development Standards Sample.....	1
A. PURPOSE:.....	XI-1
B. THE OVERLAY PLAN/UNDERLYING ZONING	XI-1
C. CONFLICTS	XI-1
D. ALLOWABLE USES	XI-1
E. BUILDING FORM STANDARDS	XI-3
1. Block Size.....	XI-6
2. Lot Configuration.	XI-6
3. Development Intensity.	XI-6
4. Building Frontage.....	XI-7
5. Building Setbacks.	XI-7
6. Building Height.....	XI-11
7. Glazing Requirements.....	XI-11
8. Private Frontage Zone Requirements.....	XI-11
F. STREET STANDARDS.....	XI-15
1. Street Components.....	XI-15
2. Street Types	XI-15
3. Street Requirements.....	XI-25
G. STREET LANDSCAPING.	XI-25
H. LOCATION OF PARKING FACILITIES	XI-26
I. BUILDING MASSING.....	XI-27
J. FACADE ARTICULATION	XI-27
K. BUILDING ENTRANCES.....	XI-28
L. BUILDING COLOR	XI-28
M. ROOF DESIGN.....	XI-28
N. GARDEN/STREET WALLS	XI-28
O. DEVELOPMENT COMPATIBILITY	XI-29

Ocoee-Apopka Road Zoning Overlay²

A. PURPOSE:

The purpose of the standards contained in this Section is to guide development into creating a mixed use employment center around the Florida Hospital site, located on Ocoee-Apopka Road. The standards require a more efficient and sustainable urban form throughout the overlay, and includes standards to achieve a compact, pedestrian-friendly environment in the core. The standards allow a wide range of housing, employment and recreation choices and opportunities throughout the district.

B. THE OVERLAY PLAN/UNDERLYING ZONING

The district overlay plan (Map 1) identifies the subzones within the overlay, each of which offering a full diversity of building types, street types, and civic space types, and each reflecting appropriate characteristics for its location. The standards contained in this section apply to all development within those zones. Standards not specifically mentioned in this section revert to the directives of the underlying zoning district.

C. CONFLICTS

The provisions of the land development code apply within the overlay area, except as specifically noted in this Section. When in conflict with other sections of the Code, the provisions of this Section shall take precedence over those of other codes, ordinances, regulations and standards.

D. ALLOWABLE USES

The following table shows the uses that would be allowed within the various subareas. The uses listed are only allowed if consistent the Future Land Use category applicable to each property.

Table 1. Table of Uses

USE	New Market	Gateway	RTE	Neighb	MU
RESIDENTIAL					
Single-Family Detached	Yes	Yes	No	Yes	Yes
Duplex	Yes	Yes	No	Yes	Yes
Town Houses	Yes	Yes	Yes	Yes	Yes
Multi-Family	Yes	Yes	Yes	Yes	Yes
Mobile Home Parks	No	No	No	No	No
Accessory Residential (garage apt., etc.)	Yes	Yes	No	Yes	Yes
COMMERCIAL					
Auto Dealers (new & used)	No	No	No	No	No
Auto Parts Sales	No	No	No	No	No
Auto Repair	No	No	No	No	No
Bar/Lounge (not part of a restaurant or hotel)	No	Yes	Yes	No	Yes

² The name of the Overlay should use the name selected for the area.

USE	New Market	Gateway	RTE	Neighb	MU
Bed & Breakfast	Yes	Yes	Yes	Yes	Yes
Business Services	Yes	Yes	Yes	No	Yes
Convenience Store	Yes	Yes	Yes	No	Yes
Drive-through Facilities	No	Yes	Yes	No	Yes
Drug Store	Yes	Yes	Yes	No	Yes
Grocery Store	Yes	Yes	Yes	No	Yes
Hotel/Motel/timeshare	Yes	Yes	Yes	No	Yes
Personal Service (unless noted below)	Yes	Yes	Yes	No	Yes
• Laundromats	No	No	No	No	Yes
• Pet Boarding Facility	No	No	Yes	No	Yes
• Tattoo/Body Piercing Parlors	No	No	Yes	No	Yes
Restaurant	Yes	Yes	Yes	No	Yes
Retail	Yes	Yes	Yes	No	Yes
Service Station	No	Yes	Yes	No	Yes
Theater	Yes (S)	Yes	Yes	No	Yes
Wholesale Commercial	No	Yes	Yes	No	Yes
Banking	Yes	Yes	Yes	No	Yes
OFFICE					
Finance, Insurance	Yes	Yes	Yes	No	Yes
Medical/Dental	Yes	Yes	Yes	No	Yes
Other Office	Yes	Yes	Yes	No	Yes
LIGHT INDUSTRIAL *					
Distribution	No	Yes	Yes	No	Yes
Food packaging/processing	No	No	No	No	No
Manufacturing	No	Yes	Yes	No	Yes
Research, training, testing	Yes	Yes	Yes	No	Yes
Storage/Warehouses	No	Yes	Yes	No	Yes
RECREATION					
Indoor Recreation	Yes	Yes	Yes	No	Yes
Golf Courses	No	Yes	Yes	No	Yes
Public/Private Sports Facilities	Yes (S)	Yes	Yes	Yes	Yes
Parks and Plazas	Yes	Yes	Yes	Yes	Yes
PUBLIC/CIVIC					
Public parks and playgrounds	Yes	Yes	Yes	Yes	Yes
Utilities	Yes	Yes	Yes	Yes	Yes
Civic Clubs, lodges, fraternal organizations	Yes	Yes	Yes	No	Yes
Cemeteries	No	No	No	No	No

USE	New Market	Gateway	RTE	Neighb	MU
INSTITUTIONAL					
Churches	Yes (S)	Yes	Yes	No	Yes
Elementary School	Yes	Yes	Yes	Yes	Yes
Middle School	Yes	Yes	Yes	Yes	Yes
High School	Yes (S)	Yes	Yes	No	Yes
Museums	Yes	Yes	Yes	No	Yes
Hospitals	Yes (S)	Yes	Yes	No	Yes
Clinics	Yes	Yes	Yes	No	Yes
Technical, vocational, professional schools	Yes (S)	Yes	Yes	No	Yes
Day Care	Yes	Yes	Yes	Yes	Yes
Nursing Homes	Yes	Yes	Yes	Yes	Yes
ALF	Yes	Yes	Yes	Yes	Yes
Funeral Homes	No	Yes	Yes	No	Yes

* High-tech industries including computers, advanced electronics, lasers, robotics
[\(S\) Special Exception approval required.](#)

[NOTE TO STAFF: WE DIDN'T LIST ADULT ENTERTAINMENT BECAUSE THERE IS A SECTION OF THE CODE OF ORDINANCES SPECIFICALLY STATING THAT THEY ARE ONLY ALLOWED IN I-1 AND SUBJECT TO CONDITIONS.]

E. BUILDING FORM STANDARDS

Table 2 contains the building form standards, which determine the location, scale and massing of buildings. The standards apply to all buildings within the character zones, except for civic/institutional buildings, which are exempt from certain standards as noted in the following sub-sections. **Sections E.1 through 8** contain a description of each standard, supplemental regulations, and the exceptions applicable to civic/institutional buildings.

Table 2: Development Standards

	New Market	Gateways	RTE	MU*	Neighborhood
					
A. BLOCK STANDARDS					
Block Perimeter (max.)	1,600'	2,000'	2,600'	2,000'	2,000'
B. LOT CONFIGURATION					
Lot Width	40' min/120' max	18' min.	18' min.	18' min.	See note 1
C. DEVELOPMENT INTENSITY					
Building Coverage (max.)	100%	80%	70%	90%	See note 1
Ground Floor Area (max. sq. ft.)	NA	20,000 ^{[LEA1]**}	NA	NA	See note 1
D. BUILDING FRONTAGE					
Primary Frontage (min.)	80%	60%	50%	65%	See note 1
Secondary Frontage (min.)	60%	40%	30%	50%	See note 1
E. BUILDING SETBACKS*** [SHOWN AS PRIVATE FRONTAGE ZONE ON CROSS-SECTIONS]					
New Market Local Street ①	8' build-to-line	NA	NA	NA	NA
New Market Principal Street ②	8' min. - 15' max.	NA	NA	NA	NA
Principal Street ③	NA	8' min. - 80' max.	NA	NA	15' min.
Urban Avenue ④	8' min. - 15' max.	8' min. - 80' max.	8' min. - 80' max.	8' min. - 80' max.	15' min.
Scenic Avenue ⑤	NA	NA	8' min. - 80' max.	8' min. - 80' max.	NA
Local Street ⑥	NA	8' min. - 80' max.	8' min. - 80' max.	8' min. - 80' max.	15' min.
Side Setback (min.)	0' or 5'	5'	0' or 5 ^[LD12] '	0' or 5'	See note 1
Rear Setback (min.)	3' or 15' (alley ^[LEA3]) 0' (no alley)	3' or 15' (alley) 10' (no alley)	3' or 15' (alley) 10' (no alley)	3' or 15' (alley) 0' (no alley)	See note 1

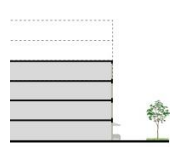
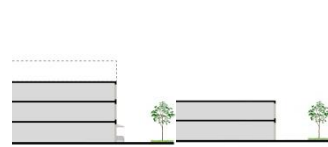

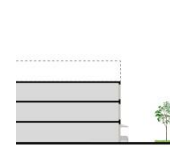
* For areas within the overlay district only. The Mixed-ED standards still apply to areas outside the district.

** May allow up to 50,000 square feet through the special exception process.

*** See Section 12.04 for landscape zone and sidewalk requirements. Garages must be setback a minimum of 25' from the site frontage line.

Note 1: Per Mixed-EC standards for sites designated as such. All others shall meet the standards of R-2.

Table 2: District Development Standards (Cont.)

	New Market	Gateways	RTE	Mixed Use	Neighborhood	
						
F. BUILDING HEIGHT						
Minimum	25 ft.	24 ft.	24 ft.	24 ft.		
Maximum (stories by right/bonus*)	4/7	2/4	4/7	4/7	2/4	
G. GLAZING						
Non-residential 1st floor	New Market Local Street All other streets	65% 30%	50% 30%	-- 30%	-- 30%	NA NA
Non-residential above 1st floor & multiple-family		15%	15%	15%	15%	15%
H. PRIVATE FRONTAGE ZONE						
Storefront	YES	YES	YES	YES	NO	
Gallery	YES	YES	YES	YES	NO	
Arcade	YES	YES	YES	YES	NO	
Forecourt	YES	YES	YES	YES	NO	
Stoop	YES	YES	YES	YES	YES	
Porch	NO	YES	YES	YES	YES	

* See Bonus System requirements (Error! Reference source not found.) [SECTION NOT DEVELOPED]

** See O for Development Compatibility standards

1. Block Size.

Connectivity is achieved by limiting the size of city blocks. Therefore, in order to prioritize connectivity, land shall be organized by development blocks based on the requirements listed in Table 2 for each zone. **Figures 1 and 2** depict the process of breaking down large blocks to meet the standards.

Figure 1: Creating Blocks

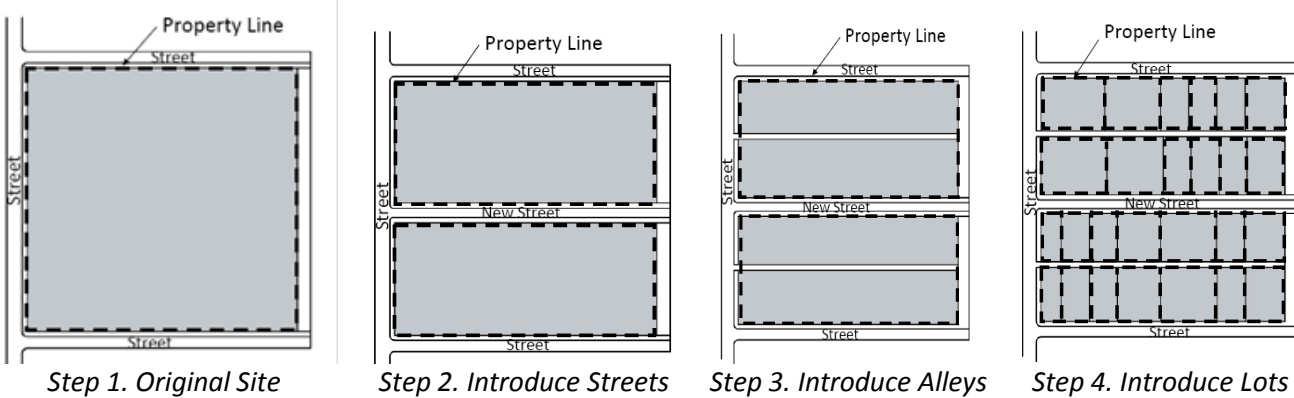


Figure 2: Example of Block Scale³



2. Lot Configuration.

No maximum lot width is prescribed for development within some of the zones. However, the width of a lot shall not be justification for not meeting the building frontage requirements. If the lot is too wide for a particular type of building, the applicant has the option of subdividing the lot into smaller, narrower lots.

3. Development Intensity.

The maximum development intensity on a site is determined by a combination of maximum permitted setbacks, height and building coverage. The intent of building coverage restrictions is to ensure a higher level of openness within the less urban zones while allowing more intensive development in the core. In no event shall the density and intensity prescribed in the comprehensive plan be exceeded.

³ Lansing, Michigan, Form-Based Code presentation

4. Building Frontage.

The purpose of the building frontage requirements is to create a continuous urban form along all streets.

- a. The building frontage standards are stated as a proportion of the building length within the required minimum and maximum setback relative to the width of the development site measured at the site frontage line (see **Figure 4**).
- b. Building frontage requirements vary based on the street type. See **Section F.2** for the definition of primary and secondary streets. Sites with multiple street frontages shall meet the minimum frontage requirement along all streets.
- c. In the case where the required building frontage cannot be met due to the need to provide vehicular access from the primary frontage, a gateway, arch or similar feature shall be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement (see **Figures 3 and 4**).
- d. Libraries, places of religious assembly, public administration buildings, hospitals and schools (elementary, middle and high) are not subject to the minimum frontage requirements.

Figure 4: Building Frontage

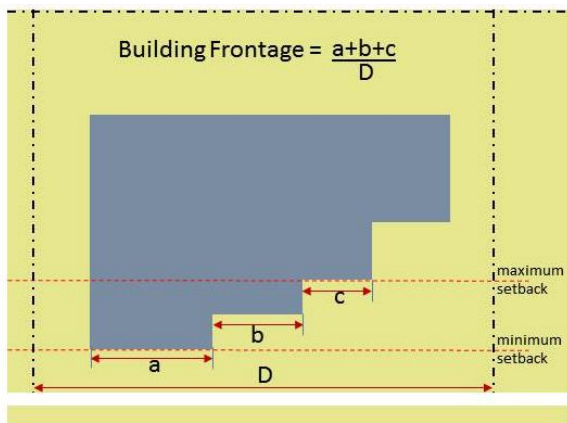


Figure 3: Example of Gateway



Floor above gateway not required

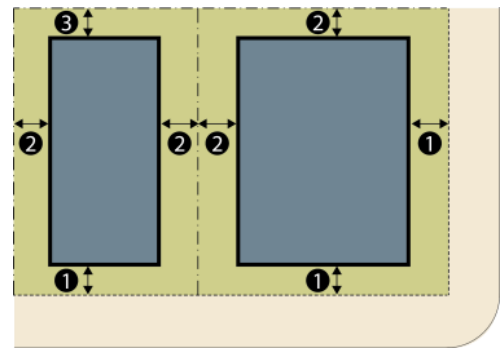
- e. On New Market Local streets, as defined in **Section F**, the ground floor along the street frontage shall contain active uses oriented to the street. Active uses may include, but are not limited to, display or floor areas for retail uses, waiting and seating areas for restaurants, atriums or lobbies for offices, and lobbies or dining areas for hotels or multifamily residential buildings. Residential units shall not be located directly on the first floor street frontage of buildings on New Market Local streets.

5. Building Setbacks.

The placement of a building on a site is critical to creating a vital and coherent public realm. The intent of the building setback standards is to shape the public realm, and strengthen the physical and functional character of the area. **Figure 5** depicts the types of setbacks.

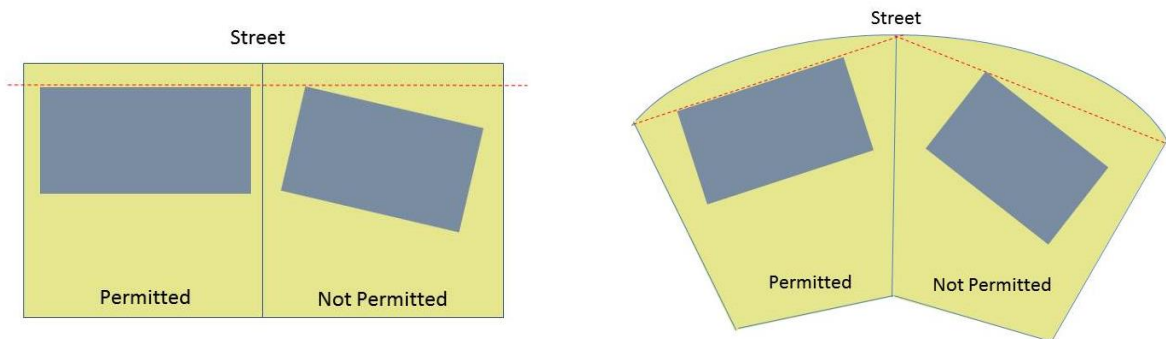
- a. The front/street setbacks listed in **Table 2** shall be measured from the back of the sidewalk as depicted in the cross-sections shown in **Section F**, instead of the actual front property line, except for the following:
- (1) If the site fronts on a street that is not being redesigned to match the cross sections in **Section F**, the setback shall be determined by staff. In making the determination, staff will consider the adopted cross-sections and vision for the public realm.
 - (2) Should the required street setback fall within a public right-of-way, it shall be shifted to the property line instead.
- b. Libraries, places of religious assembly, public administration buildings, hospitals and schools (elementary, middle and high) are not subject to the maximum street setback requirement, unless located within a multi-use development, or shopping center. The setbacks shall be determined through the development review process considering the vision for the area.
- c. The configuration of the Public Frontage Zone (landscape zone and sidewalk), as well as the installation of landscaping and furniture within the landscape zone, are the responsibility of the developer in conjunction with the development of a site. The design of the landscape zone varies depending on the street type.
- (1) Along New Market Streets, the landscape/furniture zone shall be used to expand the sidewalk. Therefore, trees shall be planted within sidewalk cutouts, planters or tree grates. Street furniture such as benches, trash receptacles and bike racks may also be installed in the landscape zone.
 - (2) Along other streets, the landscape zone shall be used to buffer the pedestrians from the vehicular traffic. Therefore, sod, shrubs, ground cover and/or accent plants and street trees shall be planted within the landscape zone.
- d. Facades shall be built parallel to a rectilinear Site Frontage Line or parallel to the tangent of a curved Site Frontage Line (see **Figure 6** Building Alignment).

Figure 5: Building Setbacks



- ① Street Setback
- ② Side Setback
- ③ Rear Setback

Figure 6: Building Alignment



- e. The building setback and frontage standards position buildings relatively close to the street and, in the case of the New Market Area, extending almost to the side property lines. This configuration restricts the location of parking areas and drop-off drives along the street frontage. Placing these uses to the side of the building is permitted only if the building frontage requirements are met. In such cases, vehicular areas along the street shall be masked from the street by a garden wall (see garden wall standards under fences and walls in **Section N**). Pedestrian comfort shall be a primary consideration. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- f. The placement of buildings at the rear of a site is allowed as long as one or more buildings are placed along the front of the site meeting the setback and building frontage requirements of this division. **Figure 7** shows an acceptable design alternative. Streets or access drives must be incorporated into the site to break it down into smaller lots/blocks (platting will not be required). The main access drive shall be centered on the anchor building and shall be lined with buildings, which shall meet the required frontage standards along the street and access drive.

Figure 7: Multiple Buildings on a Site

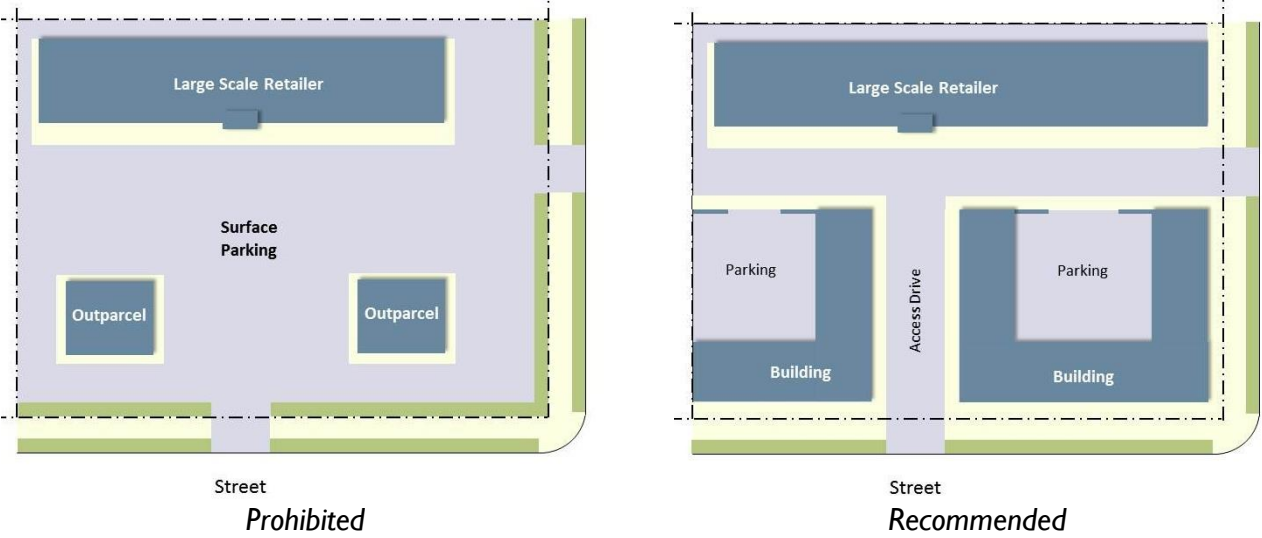


Figure 8: Public and Private Frontage Zone Components

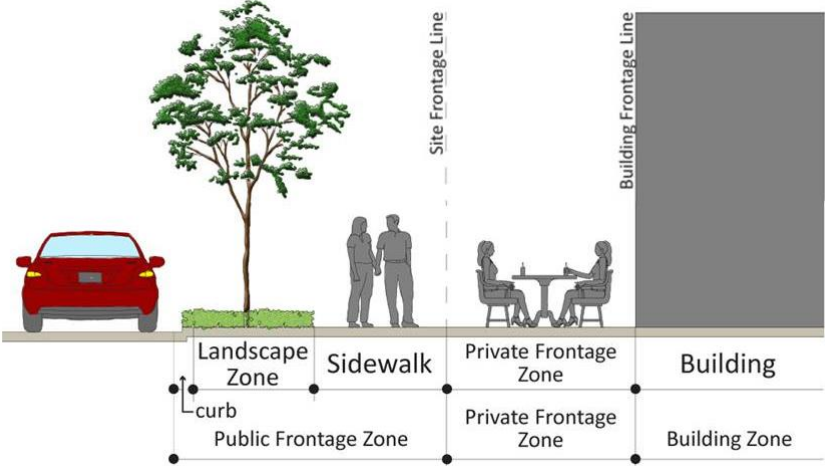


Table 3: Public and Private Frontage Zone Dimensions

Street:	New Market			Gateway			RTE			MU			Neighborhood		
	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone
New Market Local Street	10'	9'	8'	NA	NA	NA	NA	NA	NA			NA			NA
New Market Principal	13'	10'	8'-15'	NA	NA	NA	NA	NA	NA			NA			NA
Principal Street	NA	NA	NA	13'	6'	8'-80'	NA	NA	NA			NA	13'	6'	15'
Urban Avenue	11'	8'	8'-15'	11'	8'	8'-80'	11'	8'	8'-80'	11'		8'-80'	11'	8'	15'
Scenic Avenue	NA	NA	NA	NA	NA	NA	11'	8'	8'-80'	11'	8'	8'-80'			NA
Local Street	NA	NA	NA	6'	6'	8'-80'	6'	6'	8'-80'	6'	6'	8'-80'	6'	6'	15'

* Dimension includes a 2' step strip adjacent to parallel parking. Street trees planted within a landscape zone of less than 8' in width must utilize an acceptable method to ensure healthy tree growth.

6. Building Height

The building height limitations contained in **Table 2** do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances required to be placed on the roof and not intended for human occupancy. Other exceptions include:

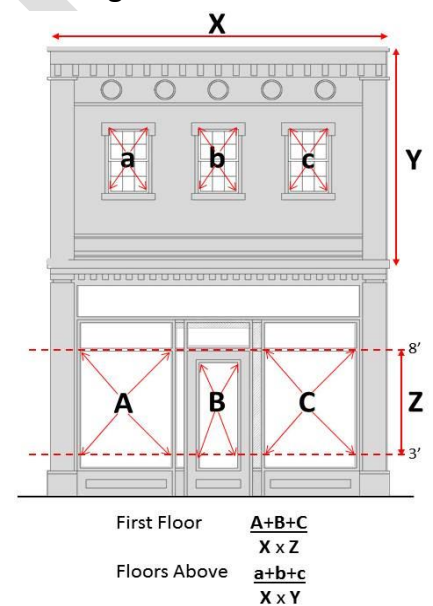
- a. Roof structures above eave line can vary in height up to a maximum of fifteen (15) feet above eave line.
- b. Trellises may extend above the maximum height up to eight (8) feet.
- c. Stair, elevator or mechanical enclosures shall be limited to ten (10) feet above the maximum height and shall not exceed twenty (20) percent of the roof area.

7. Glazing Requirements

The glazing requirements apply to retail and multifamily uses within the New Market Area.

- a. Glazing percentages shall be calculated as follows:
 - i. Non-Residential First Floor: The area of glass between 3 feet and 8 feet above grade divided by the area of the building façade also between 3 feet and 8 feet above grade.
 - ii. Non-Residential above First Floor: The combined area of glass on all floors above the first divided by the total area of the building façade for those floors.
 - iii. Residential: The area of glass divided by the area of the façade.
- b. The approving authority may allow reduced glazing and/or glass transmittance for places of religious assembly and schools.
- c. There is no limit on how much glazing is provided. However, if glass walls are utilized, an architectural feature, such as a canopy/marquee, overhang, or a horizontal change in plane shall be provided between the first and second floors to ensure pedestrian scale at the sidewalk level.
- d. Windows and glass doors shall be glazed in clear glass with 80% minimum transmittance. The use of reflective glass and reflective film is prohibited on the ground floor of all buildings.

Figure 9: Non-Residential Glazing



8. Private Frontage Zone Requirements

All buildings shall have at least one type of frontage incorporated into its design. Figure 11 contains the dimensional requirements for the various types of private frontages allowed. The intent of the private frontage zone is to provide a transition, both physical and visual, between the public frontage zone (street) and the building zone. The type of activity conducted in the private frontage zone depends on how much privacy is needed along the building facade. For a commercial building, for instance, the intent of the private frontage zone is to attract customers into the business (Figure 10). For a residential site, the intent of the private frontage zone is to provide for some privacy to the ground floor rooms.

Figure 10: Examples of Private Frontage Zone Activity

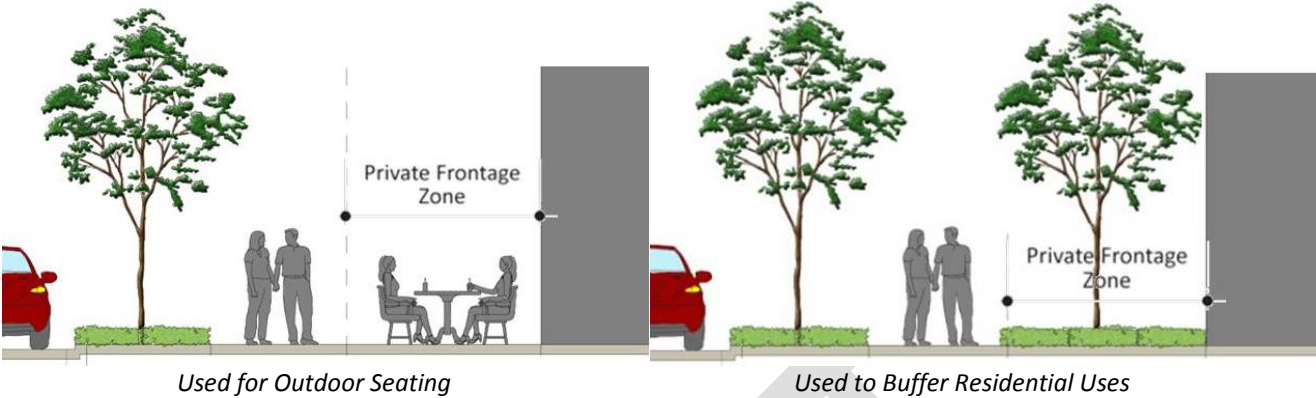


Figure 11: Private Frontage Standards

Storefront	Gallery	Arcade
New Market, Mixed-Use	New Market, Mixed-Use	New Market, Mixed-Use
		
<p>1. Width: 25% of façade width min. 2. Depth: 5' min. 3. Clear Height: 8' min.</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>
Forecourt	Stoop	Porch
RTE, Gateway	Neighborhoods	Neighborhoods
		
<p>1. Width: 10' min. to 50% of façade width max. 2. Depth: 10' min./20' max. 3. Elevation: 18" max. above grade.</p>	<p>1. Width: 5' min. to 16' max. 2. Depth: 5' to 8' 3. Clear Height: 8' 4. Elevation: 21" min. above grade.</p>	<p>1. Width: 12' min. 2. Depth: 8' min. 3. Clear Height: 8' min. 4. Elevation: 21" min. above grade.</p>

Note: See Article II for definitions of frontages.

- a. Private Frontage Standards, General.
 - i. Landscaping within private frontage zones in the New Market Zone, if provided, shall be in the form of containers and/or planter boxes in scale and consistent with the building mass and architecture. Private frontage zones in other areas or in front of uses that do not require pedestrian interaction along the façade (e.g. offices, hotels, multifamily) may be landscaped with a combination of intermediate trees, palms, shrubs, vines and/or ground covers.
 - ii. In addition to the encroachments listed in Figure 11, cantilevered balconies, bay windows, and roof overhangs are allowed to encroach into the private frontage zone.
 - iii. Street furniture such as benches, trash receptacles, and/or bicycle racks may be installed within the private frontage zone.
 - iv. Outdoor cafes are permitted in conjunction with private frontages subject to meeting the standards of this section.
 - v. Elements within the private frontage zone (landscaping and architectural features) must comply with the vision triangle requirements.
- b. Standards for storefronts, awnings and canopies.
 - i. Storefront doors shall not be recessed more than 5 feet from the front façade. If the doors are recessed more than 3 feet, angled walls leading to the door are recommended to promote the visibility of the entrance.
 - ii. Awnings and canopies shall not cover architectural elements such as cornices or ornamental features.
 - iii. High gloss or plasticized fabrics and aluminum are not allowed for awnings.
 - iv. Backlit awnings are not allowed.
 - v. Awning should be at minimum match the width of the window or door opening and shall be in keeping with the character of the building.
- c. Standards for galleries and arcades.
 - i. Along storefront streets, gallery/arcade openings shall correspond to storefront entrances.
 - ii. Galleries may be one (1) or two (2) stories.
 - iii. Arcades and galleries must have consistent depth along a frontage.
- d. Standards for forecourts.
 - i. Forecourts shall be paved and enhanced with landscaping.
 - ii. Forecourts are not intended to be covered; however, awnings and umbrellas are allowed and encouraged.
- e. Standards for stoops and porches.
 - i. Stoops must correspond directly with the building entry.
 - ii. Porches may be one (1) or two (2) stories.
 - iii. Porches shall be open and not air conditioned to be allowed to encroach into the private frontage zone.

F. STREET STANDARDS

Streets are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, and shall be designed in context with the urban form and desired design speed of the Character Area through which they pass. Infill development and redevelopment on sites fronting on existing streets shall not be required to reconfigure the street to meet the Travel Zone standards of this section, but shall be required to implement the Public Frontage Zone requirements. The Travel Zone standards contained in this section apply to the creation of new City public streets. The standards may also be used whenever an existing City street is reconfigured by the City or a developer.

1. Street Components

The street system generally consists of the vehicular lanes, on-street parking, bicycle lanes, curbs, landscape zone and sidewalk. The travel lanes, bicycle lanes and on-street parking and curb make up the Travel Zone, while the landscape zone and sidewalk are classified as the Public Frontage Zone. **Figure 11** depicts these components. In addition to the travel lanes and associated public frontages, a system of rear alleys or lanes serves as the primary means of vehicular ingress to individual lots.

2. Street Types

The Ocoee-Apopka Road Small Area Study depicts the following types of streets: Avenues, Principal Streets, New Market Streets and Local Streets. Below is a detailed description of the function of each street type. Figures 12 through 17 depict the roadway design for each street type. Map 2 shows their location.

“Primary” and “secondary” streets shall be determined based on the following street hierarchy, with New Market Local streets having the highest priority and local streets the lowest.

a. *New Market Streets:*

New Market Streets are intended to function at the highest level of pedestrian functionality rather than as auto-centric throughways. Storefront Streets typically include spacious sidewalks and private frontage zones to accommodate a comfortable public realm. New Market Streets in the study area include the proposed connections in the New Market area.

b. *Principal Streets:*

Principal streets carry high volumes of through traffic, but include less pedestrian traffic than New Market streets. Principal Streets should be designed to include on-street parking as well as allow for bicycle traffic through bike lanes or sharrow lane designations. Bump outs interspersed with on-street parking facilitate pedestrian crossing from one side of the street to the other. Typical Principal street types include the segment of Ocoee-Apopka Road from Highway 414 to Highway 429.

c. *Avenues:*

Avenues are roadways that carry high volumes of through traffic with limited pedestrian activity and slightly higher vehicular speeds than Principal, New Market and Local streets. The design of the Avenue may include on-street parking, but at a minimum should include bike lanes. If parking is provided, bump outs should be used to shorten the distance for pedestrians trying to cross the street. Avenues may have two or three drive lanes and could be classified as Urban or Scenic. Typical Urban Avenue street types include segments of Harmon Road, Keene Road and Marden Road. Binion

Road is classified as a scenic avenue with greater natural buffers outside the street right-of-way and limited surrounding development.

d. Local Streets

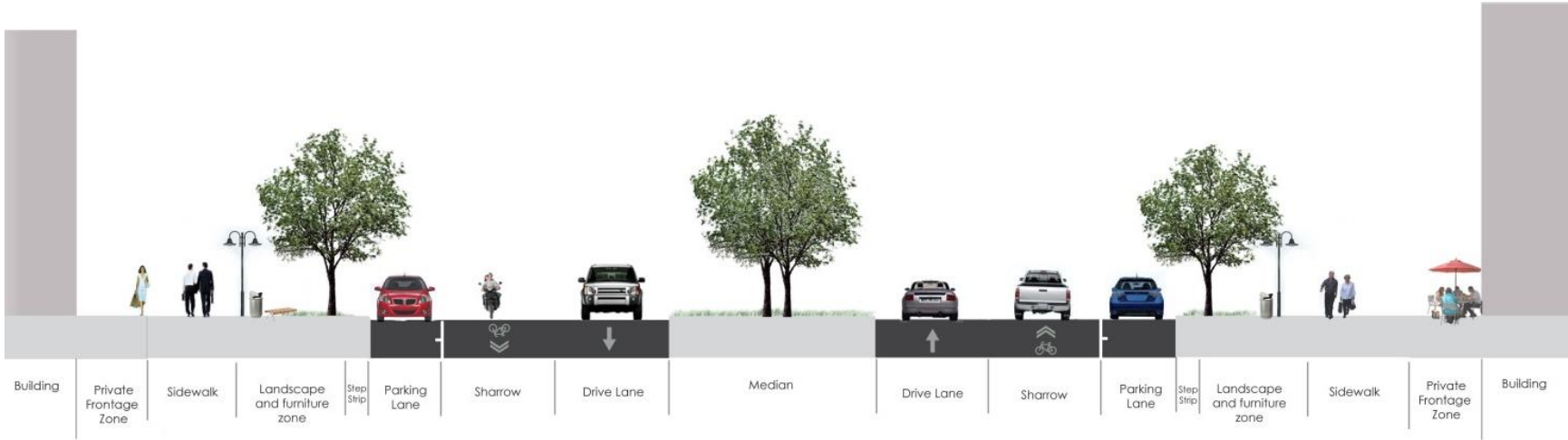
Local Street types make up a large portion of the transportation network within and around the study area. These roadways are intended to have slow speeds (may contain traffic calming devices) and provide the predominant connection between residential areas and the New Market and Research, Technology and Education districts. Bike lanes are encouraged in the design of Local Streets as the trail system primarily follows Principal and New Market Streets. Local streets may also allow informal (un-striped) on-street parking in some of the neighborhood districts. Typical local streets in the study area include many of the existing and proposed roads in the neighborhood and gateway districts.

e. Urban Walkways

An Urban Walkway (also known as Muses) is a pedestrian/bicycle pathway that serves to improve pedestrian/bicycle connectivity, delineate blocks and provide for expanded pedestrian space. Development may front on these walkways as long as there is vehicular access provided along another frontage.

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Figure 12: Typical Components of a Street



Sharrow means that the bicycles share the right-of-way with vehicles.

Figure 13. New Market Local Street Typical Section

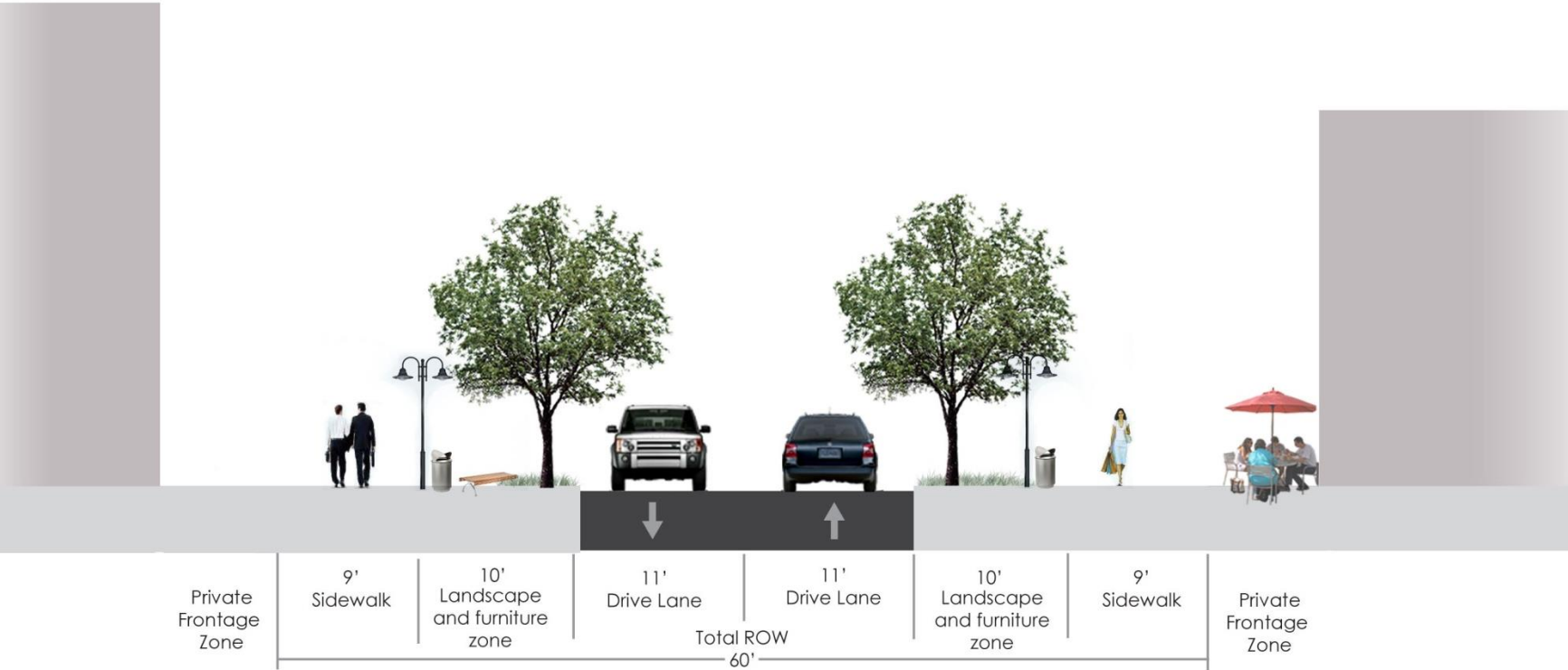
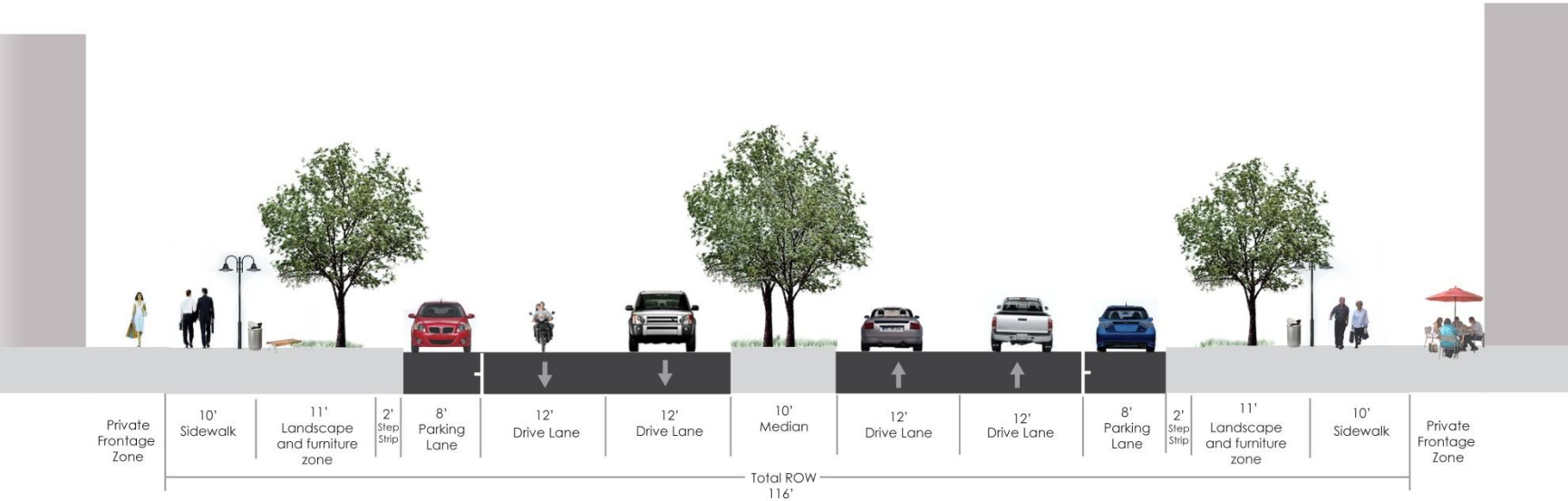
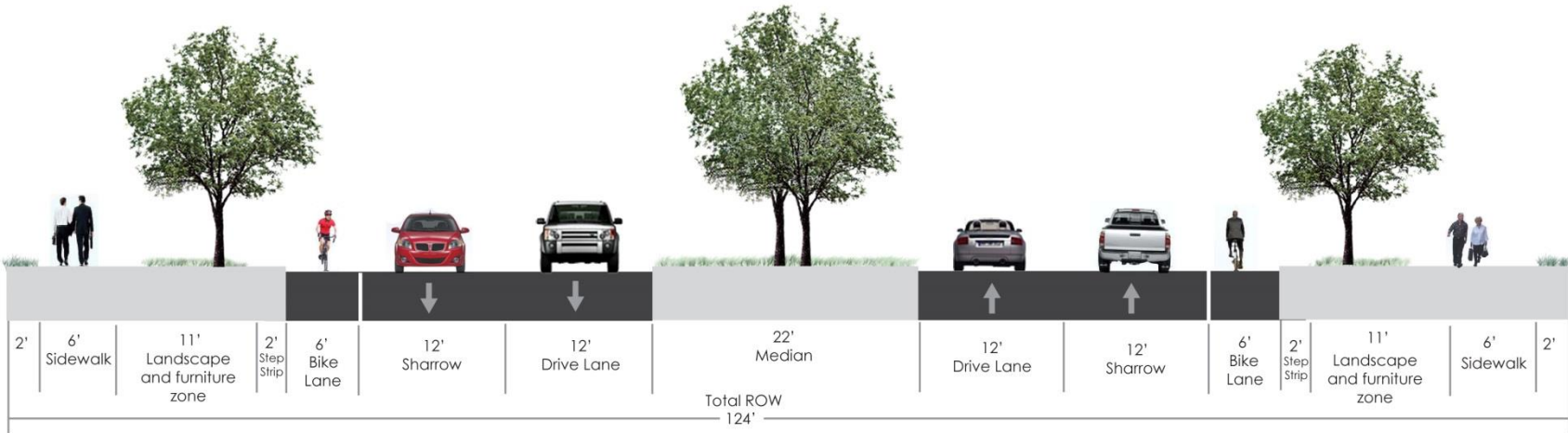


Figure 14. New Market Principal Street Typical Section



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Figure 15. Principal Street Typical Section



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Figure 16. Urban Avenue Typical Section

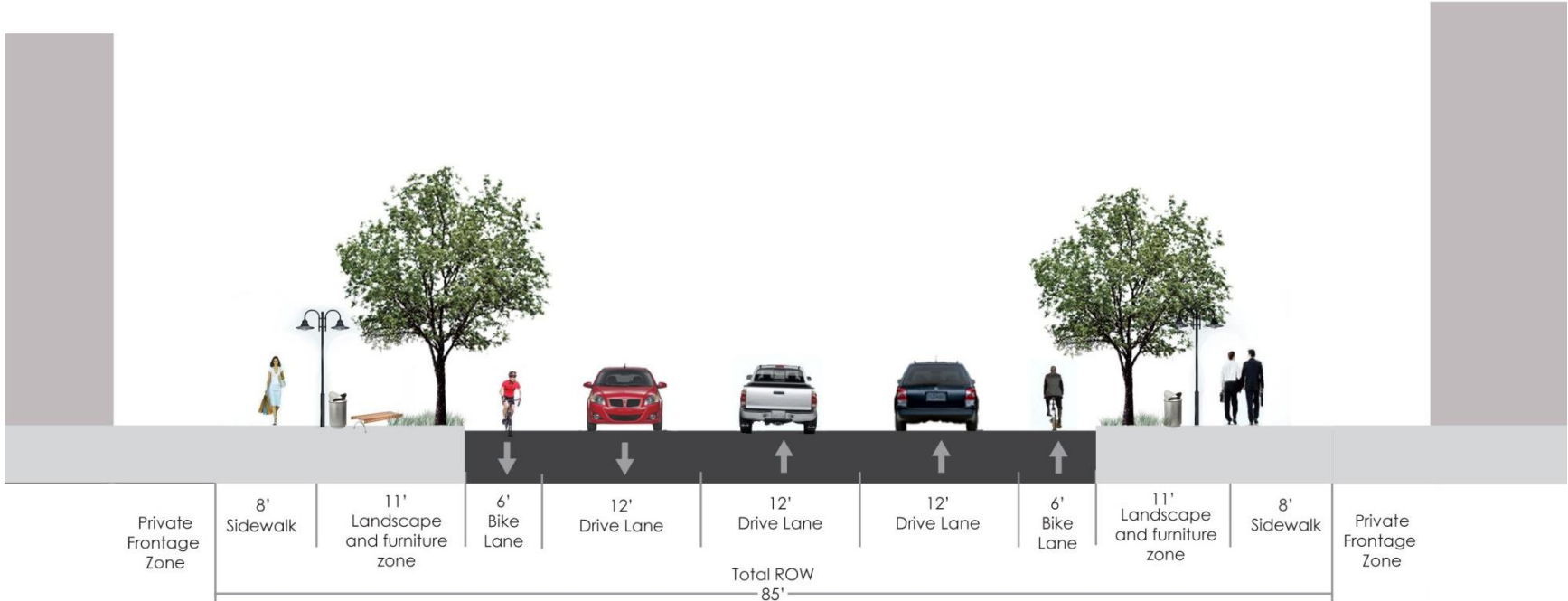
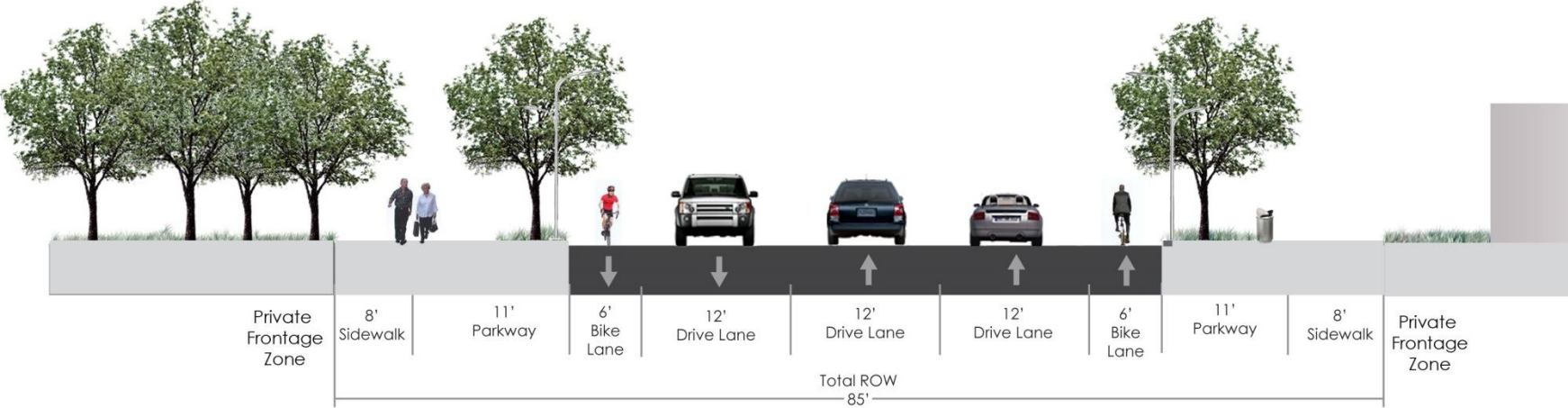


Figure 17. Scenic Avenue Typical Section



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Figure 18. Local Street Typical Section

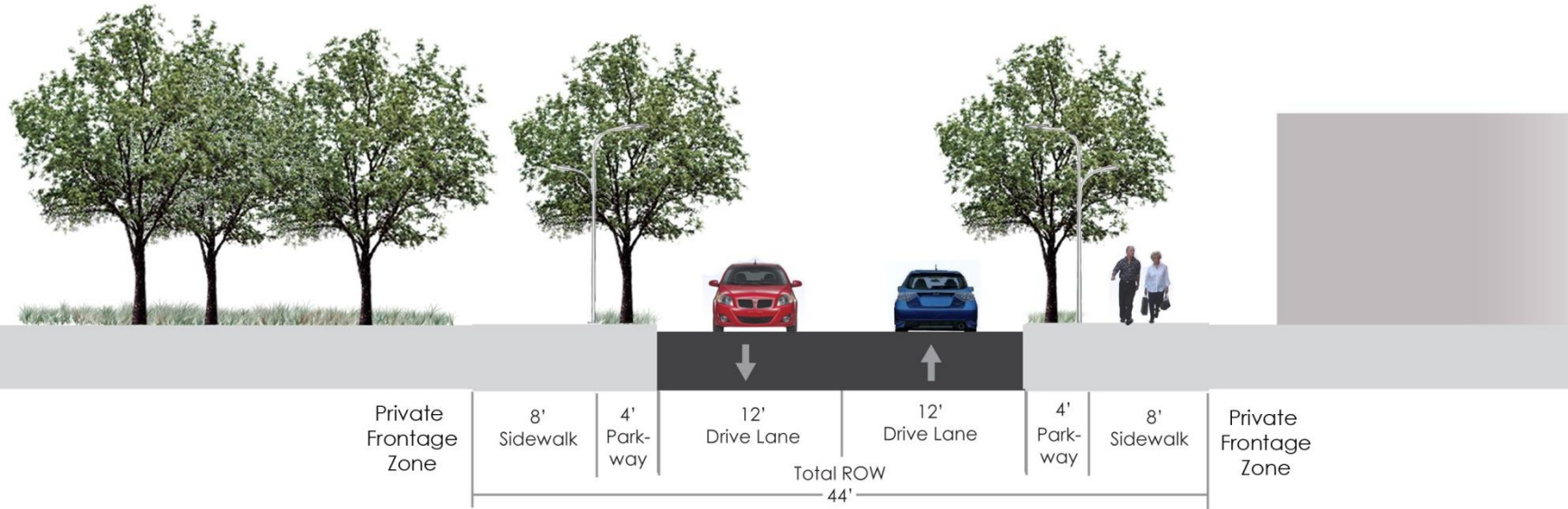


Figure 19. Urban Walkways



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3. Street Requirements

Any new streets, alleys or urban walkways proposed as part of a new development shall be constructed at the expense of the owner/developer. As new City streets are built or existing streets are rebuilt (excluding maintenance and repair), their design shall conform to the cross sections shown in the previous section and the following standards:

- a. All streets shall terminate at other streets, in order to form a network. Therefore, cul-de-sac streets are not permitted. Internal streets and driveways shall connect wherever possible to those on adjacent sites.
- a. A system of joint use driveways and cross access easements shall be established between abutting non-residential sites (including mixed-use sites). The site design shall incorporate the following:
 - i. Stub-outs and other design features to make it visually obvious that the abutting properties will be tied in to provide cross access via a service drive;
 - ii. A unified access and circulation system that includes coordinated or shared parking areas, wherever feasible.
- b. Corner curb radii should be between 9 ft. for New Market Local Streets and alleys, and 15 ft. for all other streets. Corner radii and clear zones shall be created within the vision triangle established using AASHTO standards.

G. STREET LANDSCAPING.

Street trees shall be planted along the sides of all streets. A street tree shall be planted for every 30 to 50 feet of street frontage, depending on the canopy area needed for the tree species. The widths of driveways along a street shall be subtracted from the linear feet of street frontage length for the purposes of calculating the number of required street trees. In no case shall trees be spaced closer together than 25 feet or farther apart than 60 feet. Alleys are exempt from this requirement for street trees.

1. Street trees shall be high quality shade trees and shall be planted in tree lawns with a minimum width of 8 feet, or within tree wells with minimum 4-foot by 4-foot surface openings.
 - a. On-street parking spaces may be located between street trees, as long as the required number of trees are planted along the street frontage, and the minimum rootzone volume is provided for each tree.
 - b. Tree wells may be enclosed with pavers or other hardscape materials above the required rootzone volume. The city manager or designee may determine if installation of an aeration system is necessary to conduit water and oxygen to the roots of trees within tree wells.
2. Street trees shall be planted between the street and the public sidewalk.
3. City staff may require the adjustment of the prescribed build-to line in order to accommodate the required street trees and ensure that the trees will meet separation requirements from utility lines, buildings, and paved areas.

4. A minimum 10-foot separation shall be provided between street trees and street stormwater inlets, except where bioretention inlets that incorporate trees are utilized.

H. LOCATION OF PARKING FACILITIES

1. Surface parking lots shall be located in the rear of the lot, behind the building. A portion of the parking area may be located to the side of the building as long as the minimum building frontage requirements are met. However, no surface parking area shall extend more than fifty (50) percent of the development site or seventy (70) feet along any street frontage, whichever is less, without a building, structure or park interrupting the parking frontage.
2. Surface and structure parking areas shall be accessed from rear alleys or rear lanes where available, from an adjacent property (shared use agreement necessary), or from a secondary street (see **Figures 19 and 20**). Vehicular access from a primary street will only be allowed in the absence of the three options mentioned above.
3. Any parking areas located along a public street, alley or urban walkway shall be screened from street view by a garden wall.

Figure 20: Site Access

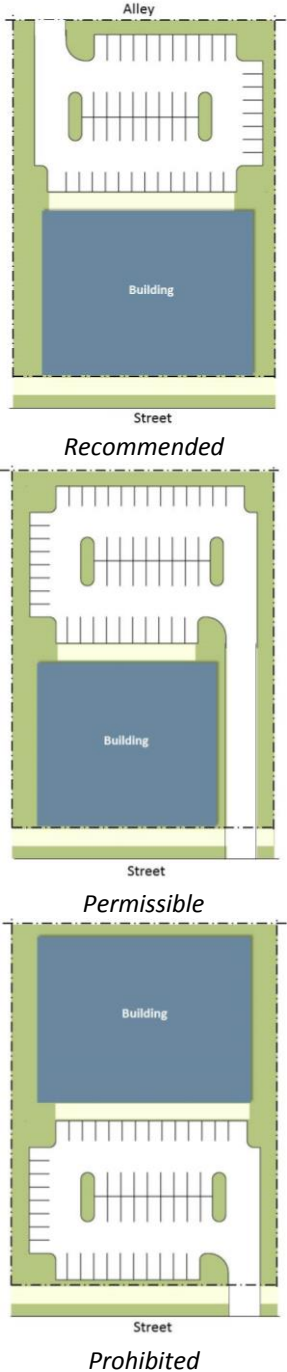
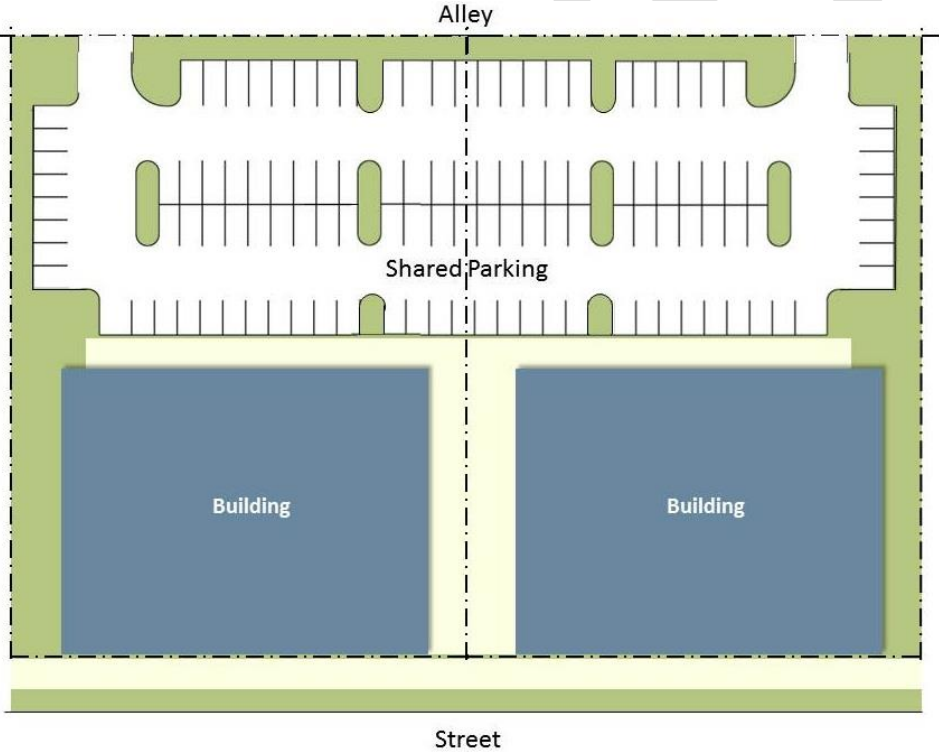


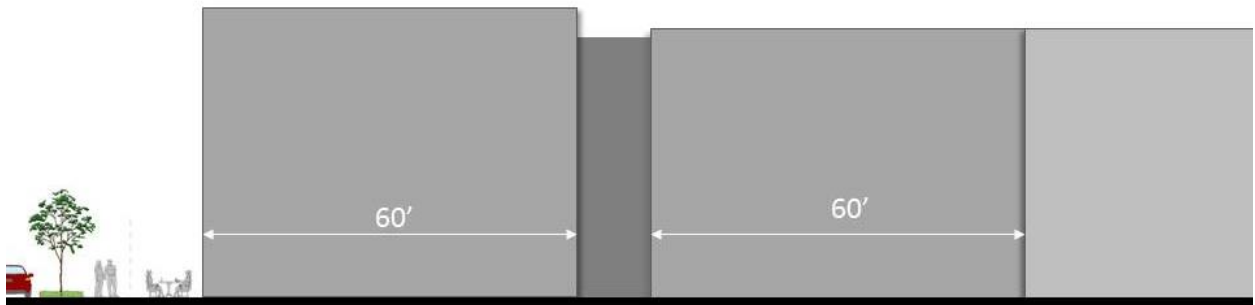
Figure 21: Shared Parking.



I. BUILDING MASSING

Large building volumes shall be divided to appear as smaller volumes grouped together. Volume breaks may be achieved by volume projections and recesses, and varying heights and roof lines. Therefore, building facades shall not exceed sixty (60) feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance (**Figure 21**). The recesses and projections shall have a minimum depth of three (3) feet.

Figure 22: Building Massing



J. FACADE ARTICULATION

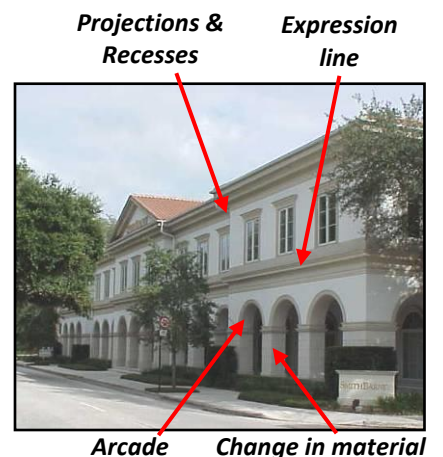
The standards contained in this section apply to multi-family residential, non-residential and mixed-use buildings. The parts that make up a building façade are key elements for defining the public realm (street space). The façade design standards contained in this section are not intended to regulate style or appeal. The purpose of these standards is to ensure facades are designed to:

- Reduce the mass/scale and uniform monolithic appearance of large unadorned walls by requiring architectural detail;
- In the case of commercial and public buildings, ensure the building facades are inviting; and,
- Increase public safety by designing buildings that provide human surveillance of the street.

Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements as follows:

1. Façades shall not exceed twenty (20) horizontal feet and ten (10) vertical feet without including at least one (1) of the following elements:
 - A window or door
 - Awning, canopy or marquee.
 - An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six (6) inches.
 - Arcade, gallery or stoop.
 - Complementary changes in materials or texture.
2. Architectural treatments on the façade, such as cornices or expression lines, shall be continued around the sides of the building.

Figure 23: Façade Elements



3. Building elevations (secondary/interior side façades) shall have the same color and materials as the facade.
4. An expression line is required between the first and second stories delineating the transition between ground and upper floors.

K. BUILDING ENTRANCES

1. The *main* entrance of all buildings shall be oriented toward the public right-of-way.
2. Where parking areas are located behind the building, a *secondary* pedestrian entrance may be provided from the parking area directly into the building.
3. Entrances shall be operable, clearly-defined and highly-visible. In order to emphasize entrances they shall be accented by a change in materials around the door, recessed into the façade (alcove), or accented by an overhang, awning, canopy or marquee.
4. When two New Market, Avenue or Principal Streets intersect customer entrances shall be provided from both streets. A corner entrance will be a permitted exception to this requirement.
5. Buildings located along New Market streets shall provide a door every seventy-five (75) feet along that façade, regardless of the size of the building.
6. Multi-family residential buildings shall have entrances every 150 feet.

L. BUILDING COLOR

1. A minimum combination of two (2) and a maximum of three (3) colors shall be allowed per building.
2. Black and neon paint as the predominant exterior color is prohibited.

M. ROOF DESIGN

1. Buildings with flat roofs shall have a cornice treatment or a parapet. The cornice shall be at least eighteen (18) inches in height. Parapet shall be a minimum of two (2) feet in height.
2. Sloping roofs shall not exceed the average height of the supporting walls.
3. Roof materials shall be light-colored or a planted surface.

N. GARDEN/STREET WALLS

Fences are typically used to achieve privacy on a site. Garden walls are used to continue the building frontage along a street, to screen vehicular areas such as parking lots, and to frame public zones such as courtyards and outdoor cafes. Garden walls shall meet the following standards:

3. In the absence of a building façade along any part of a Building Frontage Line, a street wall shall be built co-planar with the façade. Breaks are permitted in the street wall to provide pedestrian access to the site and for the purpose of tree protection. Street walls shall have openings no larger than necessary to allow automobile and pedestrian access.
4. Urban garden walls are the only types of fences/walls allowed facing streets and alleys.
5. Garden walls shall be a minimum of 3 feet in height and shall not exceed a 5 foot maximum. However, the portion of the wall above 3 feet shall be no more than 50% solid.

6. Garden walls shall be constructed of wrought iron, brick, masonry, stone or other decorative materials and shall match or compliment the finishes on the building. Chain link fences shall be prohibited.
7. If landscaping is provided on either side of the wall, the landscaping strip shall be a minimum of two (2) feet wide.

Figure 24. Examples of Garden/Street Walls

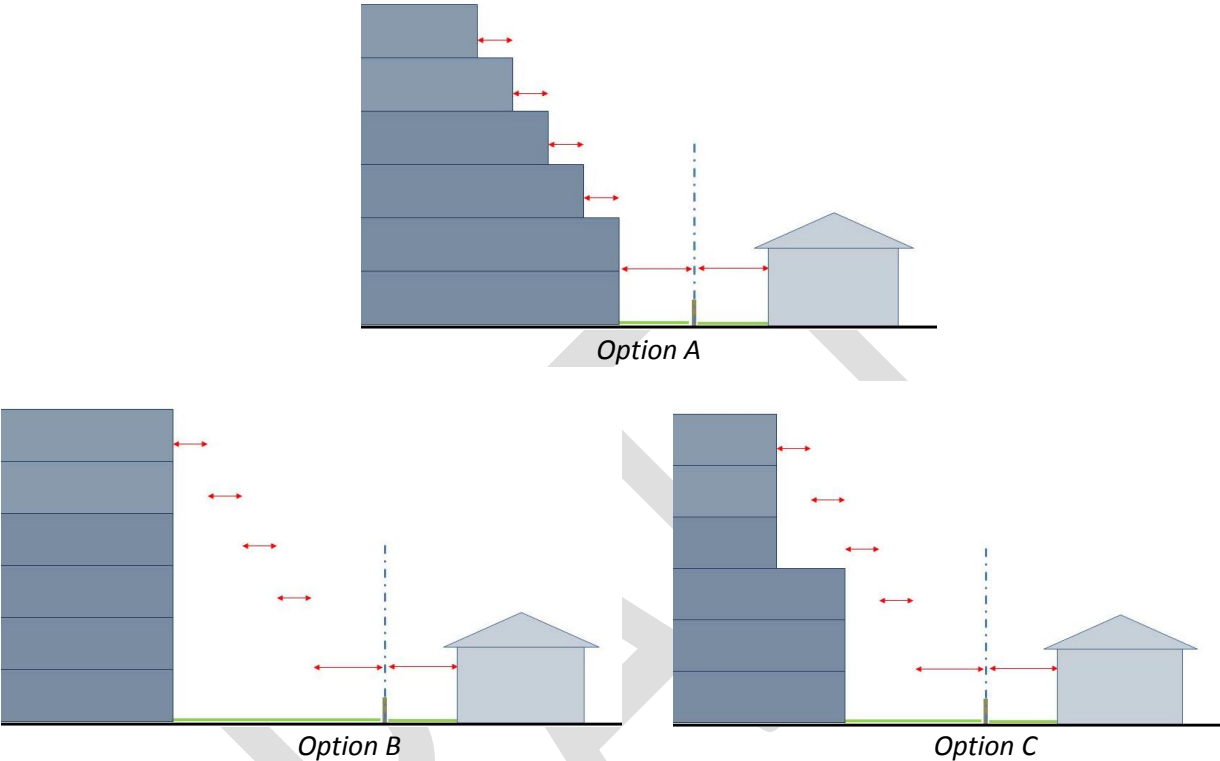


O. DEVELOPMENT COMPATIBILITY

1. The compatibility buffers required by the LDC shall only apply to proposed non-residential and multifamily development abutting a residential zoning district, and only along the property line shared by the two uses. No buffers shall be required between any other uses, unless specifically required as part of a special exception approval.
2. The minimum required side and rear setback for non-residential and multifamily buildings located on property abutting a single family zoning district shall be the same as the setback required on the adjacent residential lot or as determined by the required buffer, whichever is greater.
3. Proposed non-residential and multifamily buildings abutting a single family zoning district shall provide an additional building setback of ten (10) feet for each floor above two (2) stories for that portion of the building facing the residential area. Developers may elect to apply the setback just to those floors above the second/third story (step back approach, Option A), to the entire façade (Option B) or a combination of the two (Option C). See **Figure 24**. The additional setback/step-back for multi-story buildings may render some sites ineligible for the maximum permitted height in that district.

- 4. Proposed non-residential and multifamily buildings across a street or alley from a single family zoning districts shall also comply with the additional setback requirements of this subsection. Credit will be given for the distance between the street/alley center lane and the curb.

Figure 25. Setbacks Abutting Residential Zoning



- 5. Whenever a zero foot setback is allowed, it may only be used if the abutting property is within a district/zone that allows the same setback.
- 6. Within 300 feet of any property which is in a residential zoning district or shown for residential use on the future land use map of the comprehensive plan, all activity and uses, except storage of equipment and parking, shall be conducted within completely enclosed buildings.

Backup material for agenda item:

1. PLAT – Sam’s Club #6189-00, owned by Sam's East, Inc., located south of U.S. 441, located west of North Hiawassee Road and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 24-21-28-0000-049; 24-21-28-0000-083 & 24-21-28-0000-084)



**CITY OF APOPKA
PLANNING COMMISSION**

PUBLIC HEARING
 SPECIAL REPORTS
 PLAT APPROVAL
 OTHER: Plat

MEETING OF: February 10, 2015
 FROM: Community Development
 EXHIBITS: Vicinity Map
 Plat

PROJECT: SAM'S CLUB #6189-00 PLAT

Request: RECOMMEND APPROVAL OF THE SAM'S CLUB #6189-00 PLAT.

SUMMARY:

OWNER: Sam's East, Inc.
 APPLICANT: Kimley-Horn and Associates, Inc., c/o Greg Ripple, P.E.; Sam's East, Inc.
 LOCATION: South of U.S. 441, west of North Hiawassee Road, and East of Lake Pleasant Road.
 EXISTING USE: Vacant Land
 LAND USE: Commercial
 ZONING: C-2 (Commercial)
 PROPOSED DEVELOPMENT: 2 Lot Plat for a Retail Commercial Center and Gas Station owned by Sam's Club and a stormwater pond owned by the City of Apopka
 OVERLAY ZONING: None
 TRACT SIZE: 33.3 +/- Acres

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Public/Institution Commercial	PO/I C-2	United Pentecostal Church of Apopka Vacant Land
North (County)	Low Density Residential (2 du/ac)	A-1	Vacant Land and Wetlands
East (City)	Commercial	C-2	Gas Station\ Convenience Store, and Commercial Retail
South (City)	Residential Low (0-5 du/ac)	R-3	Piedmont Park Subdivision
West (City)	Low Density Residential (2 du/ac)	A-1	Stormwater Retention Pond

DISTRIBUTION

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

Finance Dir.
 HR Director
 IT Director
 Police Chief

Public Ser. Dir.
 City Clerk
 Fire Chief

ADDITIONAL COMMENTS:

The Sam’s Club #6189-00 Final Development Plan was approved on September 18, 2013. A condition of this Final Development Plan approval requires “approval and recording of a plat prior to issuance of a certificate of occupancy.” To accommodate the land design needs for the Sam’s Club site plan, a land swap was made between the City and the property owner to accommodate relocation of the City’s stormwater pond and a drainage easement. Lot 2 shown in the Plat establishes the boundary of the property owned by the City. The Plat is consistent with the Final Development Plan.

PUBLIC HEARING SCHEDULE:

Planning Commission – February 10, 2015, 5:01 p.m.

City Council – February 18, 2015, 7:00 p.m.

RECOMMENDED ACTION:

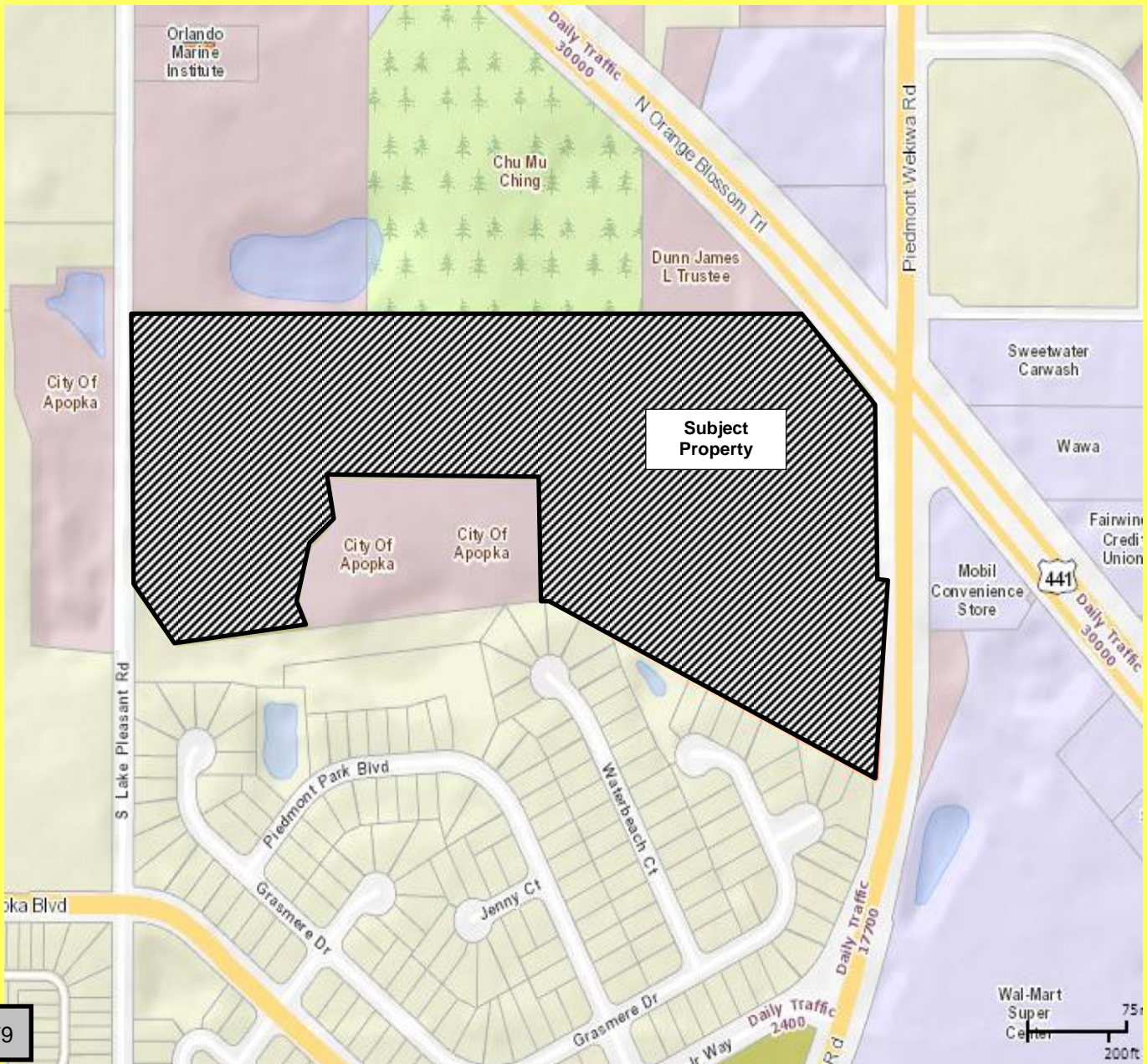
The **Development Review Committee (DRC)** recommended approval of the Sam’s Club #6189-00 Plat for the property owned by Sam’s Inc. East and located south of U.S. 441, west of North Hiawasse Road, subject to the information and findings in the staff report.

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

Application: Sam's Club #6189-00 Plat
Owner: Sam's East, Inc.
Applicant: Kimley-Horn and Associates, Inc., c/o Cory J. Howell, P.E.
Parcel ID Nos.: 24-21-28-0000-00-002; 24-21-28-0000-00-049; 24-21-28-0000-00-083 & 24-21-28-0000-00-084
Total Acres: 33.3 +/-



VICINITY MAP



LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PORTION OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST OF THE TALLAHASSEE BASE MERIDIAN, ORANGE COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING FOR REFERENCE AT THE NORTHWEST CORNER OF SAID SECTION 24;

THENCE, BEARING SOUTH 89°30'51" EAST, ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 25.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH LAKE PLEASANT ROAD AND THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, CONTINUE SOUTH 89°30'51" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1,724.35 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 441 PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NUMBER 7502-205, DATED FEBRUARY 1954, AND THE ADDITIONAL 3' WIDE RIGHT OF WAY DONATION RECORDED IN OFFICIAL RECORDS BOOK 10825, PAGE 5447, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;

SAID POINT BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5,893.85 FEET, A CENTRAL ANGLE OF 92°01'34", A CHORD LENGTH OF 201.33 FEET BEARING SOUTH 43°39'44" EAST;

THENCE, SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 201.35 FEET TO A POINT;

THENCE, BEARING SOUTH 42°38'56" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 56.21 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD;

THENCE, LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, BEARING SOUTH 47°15'04" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 4.80 FEET TO A POINT;

THENCE, BEARING SOUTH 42°43'56" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 15.19 FEET TO A POINT;

THENCE, BEARING SOUTH 00°21'48" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 398.49 FEET TO A POINT;

THENCE, BEARING NORTH 89°38'14" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 26.25 FEET TO A POINT;

THENCE, BEARING SOUTH 03°11'51" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 450.72 FEET TO A POINT;

THENCE, BEARING NORTH 64°12'16" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 10.40 FEET TO THE NORTHEAST CORNER OF LOT 2, REPLAT OF A PORTION OF PIEDMONT PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 49 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;

THENCE, LEAVING SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, BEARING NORTH 64°12'16" WEST, ALONG THE NORTH LINE OF LOT 2, A REPLAT OF A PORTION OF PIEDMONT PARK AND THE NORTHERLY LINE OF PIEDMONT PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 928.60 FEET TO A POINT;

THENCE, BEARING SOUTH 83°47'44" WEST, ALONG SAID NORTHERLY LINE OF PIEDMONT PARK, A DISTANCE OF 961.62 FEET TO A POINT;

THENCE, BEARING NORTH 39°12'16" WEST, ALONG SAID NORTHERLY LINE OF PIEDMONT PARK, A DISTANCE OF 176.50 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH LAKE PLEASANT ROAD;

SAID POINT BEING 25' EAST OF AND PERPENDICULAR TO THE WEST LINE OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST;

THENCE, BEARING NORTH 00°10'23" EAST, A DISTANCE OF 622.17 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 1,449,886 SQUARE FEET OR 33.29 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

APOPKA SAM'S CLUB
A PORTION OF LAND LYING WITHIN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



VICINITY MAP
NOT TO SCALE

NOTES

1. THE BEARING BASE FOR THIS SURVEY IS STATE PLANE GRID NORTH, THE NORTH LINE OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST BEARS SOUTH 89° 30'51" EAST.
2. PLATTED UTILITY EASEMENTS ARE ALSO EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
3. LOT 1 IS HEREBY RESERVED TO SAM'S EAST, INC. AND/OR ASSIGNS AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAM'S EAST, INC. AND/OR ASSIGNS.
4. LOT 2 IS HEREBY RESERVED TO CITY OF APOPKA AND/OR ASSIGNS AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF THE CITY OF APOPKA AND/OR ASSIGNS.
5. ACCESS TO LOT 2 IS PROVIDED OVER LOT 1 AS DESCRIBED IN THAT CERTAIN NON-EXCLUSIVE PERPETUAL ACCESS EASEMENT BETWEEN SAM'S EAST, INC., CITY OF APOPKA AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AS RECORDED IN OFFICIAL RECORDS BOOK _____, PAGE _____ OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ABBREVIATIONS AND SYMBOLS

CCR	CERTIFIED CORNER RECORD	ORB	OFFICIAL RECORD BOOK
CHL	CHORD LENGTH	PB	PLAT BOOK
CHB	CHORD BEARING	PG	PAGE
CM	CONCRETE MONUMENT	PLS	PROFESSIONAL LAND SURVEYOR
CMO	CONCRETE MONUMENT WITH DISK	POB	POINT OF BEGINNING
		POC	POINT OF COMMENCEMENT
Co	COMPANY	PRM	PERMANENT REFERENCE MONUMENT OR NOTED
C	CENTERLINE	PSM	PROFESSIONAL SURVEYOR AND MAPPER
Δ	DELTA ANGLE	R	RADIUS
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION	ROW	RIGHT-OF-WAY
ID	IDENTIFICATION	RNG	RANGE
L	LENGTH	SEC	SECTION
LB	LICENSED BUSINESS	SQ FT	SQUARE FEET
NCF	NO CORNER FOUND	TWP	TOWNSHIP
NCS	NO CORNER SET	TYP	TYPICAL
NR	NON-RADIAL	US	UNITED STATES
□	CONCRETE MONUMENT		
○	IRON PIPE or IRON ROD		

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Kimley»Horn

THIS INSTRUMENT PREPARED BY:
KIMLEY-HORN AND ASSOCIATES, INC.
LICENSED BUSINESS NO. 6986
445 24TH STREET, SUITE 200
VERO BEACH, FLORIDA 32960
PAUL C. SUTHARD

APOPKA SAM'S CLUB

DEDICATION

KNOWN BY ALL MEN BY THESE PRESENTS, THAT SAM'S EAST, INC. AND THE CITY OF APOPKA, OWNERS OF THE HEREIN DESCRIBED LANDS, HAVE CAUSED THIS PLAT OF APOPKA SAM'S CLUB, LYING IN THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA TO BE MADE AND HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED AND SAM'S EAST, INC. HEREBY DEDICATES TO THE CITY OF APOPKA A RIGHT OF ENTRY IN PERPETUITY TO RECONSTRUCT, REPAIR, INSPECT AND MAINTAIN ALL FACILITIES ON, OR IN THE DEDICATED RIGHT OF WAY SHOWN HEREON, WHICH MAY HAVE BEEN CONSTRUCTED OR INSTALLED FOR THE PUBLIC GOOD AND WELFARE AND WHICH MAY INCLUDE ANY OR ALL OF THE FOLLOWING: STREET, ALLEYS, GUTTERS, CURBS, SIDEWALKS, STREET SIGNS AND POSTS, PARKS AND PARKWAYS, WATER LINES, SANITARY SEWERS, STORM SEWERS AND THEIR ACCOUTREMENTS, UTILITY LINES TO INCLUDE A MINIMUM OF POWER, TELEPHONE, TELEGRAPH AND TELEVISION CABLE SERVICE, STREET LIGHTS AND POLES, POWER AND TRANSFORMER STATIONS, SEWAGE LIFT STATIONS AND ALL OTHER FACILITIES THAT SHALL BE CONSTRUED TO BE FOR THE PUBLIC GOOD AND WELFARE, AND FURTHER DEDICATES TO THE CITY OF APOPKA, THE RIGHT TO CLEAR TREES, BRUSH OR ANY OTHER IMPEDIMENT TO RECONSTRUCTION, MAINTENANCE, INSPECTION OR REPAIR OF THE ABOVE LISTED FACILITIES; PROHIBITING ALL OTHERS FROM PLANTING, CONSTRUCTING OR PLACING ANY OBJECT ON THE DEDICATED RIGHT-OF-WAY OR THE 40 FT. WIDE DRAINAGE EASEMENT OR LOT 2 WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE DIRECTOR OF PUBLIC SERVICES OF THE CITY OF APOPKA.

IN WITNESS WHEREOF SAM'S EAST, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO ON:

DATE _____

AUTHORIZED AGENT FOR SAM'S EAST, INC.,

SIGNED AND SEALED IN THE PRESENCE OF:

PRINTED NAME _____

PRINTED NAME _____

STATE OF _____

COUNTY OF _____

THIS IS TO CERTIFY, THAT ON _____ BEFORE ME AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED: _____ TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION SEVERALLY ACKNOWLEDGED THEIR EXECUTION THEREOF TO BE HIS/HER FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE ABOVE DATE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____ (DATE)

IN WITNESS WHEREOF, THE CITY OF APOPKA HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO ON:

DATE _____

CITY OF APOPKA

BY: _____
JOE KILSHEIMER, MAYOR

SIGNED AND SEALED IN THE PRESENCE OF:

PRINTED NAME _____

PRINTED NAME _____

STATE OF _____

COUNTY OF _____

THIS IS TO CERTIFY, THAT ON _____ BEFORE ME AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED: _____ TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION SEVERALLY ACKNOWLEDGED THEIR EXECUTION THEREOF TO BE HIS/HER FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE ABOVE DATE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____ (DATE)

CERTIFICATE OF REVIEW BY CITY SURVEYOR

PURSUANT TO SECTION 177.081, FLORIDA STATUTES, I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, PART 1 OF THE FLORIDA STATUTES AND THAT SAID PLAT COMPLIES WITH THE TECHNICAL REQUIREMENTS OF THAT CHAPTER; PROVIDED HOWEVER, THAT MY REVIEW DOES NOT INCLUDE FIELD VERIFICATION OF ANY OF THE COORDINATES, POINTS OR MEASUREMENTS SHOWN ON THIS PLAT.

SIGNED: _____ DATE: _____

PRINTED NAME: _____

REGISTRATION NUMBER: _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOWN BY ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A PROFESSIONAL SURVEYOR AND MAPPER THAT HAS PREPARED THE FOREGOING PLAT BEING MADE UNDER MY DIRECTION AND SUPERVISION AND THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES; AND THAT SAID LAND IS LOCATED IN THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA.

DATED: _____ SIGNED: _____

E.C. DEMETER, PSM NO. 5179

KIMLEY-HORN AND ASSOCIATES, INC.
445 24TH STREET, SUITE 200
VERO BEACH, FLORIDA 32960
LICENSED BUSINESS NO. 6986

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY THAT THE FOREGOING PLAT WAS RECORDED IN THE ORANGE COUNTY OFFICIAL RECORDS ON _____ AS FILE NO. _____

COUNTY COMPTROLLER
IN AND FOR ORANGE COUNTY, FLORIDA.

BY: _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, THAT ON _____ THE CITY COUNCIL OF THE CITY OF APOPKA APPROVED THE FOREGOING PLAT.

SIGNED: _____

MAYOR, CITY OF APOPKA

PRINTED NAME: _____

SIGNED: _____

CITY CLERK, CITY OF APOPKA

PRINTED NAME: _____

CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION

EXAMINED AND APPROVED:

CHAIRMAN _____

DATE _____

CERTIFICATE OF APPROVAL BY CITY ENGINEER

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 20____ THE FOREGOING PLAT WAS EXAMINED AND APPROVED BY

_____, CITY ENGINEER

APOPKA SAM'S CLUB

A PORTION OF LAND LYING WITHIN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA

