



**City of Apopka  
Planning Commission  
Meeting Agenda**

**March 08, 2016**

**5:30 PM @ CITY COUNCIL CHAMBERS**

**I. CALL TO ORDER**

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

**II. OPENING AND INVOCATION**

**III. APPROVAL OF MINUTES:**

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

**IV. PUBLIC HEARING:**

**Legislative:**

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – Owned by Emerson Point Phase 2 LLC, from “County” Medium Density Residential (0-10 du/ac) to “City” Commercial (Max. FAR 0.25), for property located north of S.R. 414, east of Marden Road. (Parcel ID #s: 21-21-28-0000-00-001 & 21-21-28-0000-00-002 - Portion) (51.88 +/- ac) (Ord. No. 2491)

**Quasi-Judicial:**

1. CHANGE OF ZONING – Owned by Little Brownie Properties, Inc., from “County” IND-2/IND-3 (ZIP) to “City” I-1 (Restricted Industrial), for property located at 532 E. 13th Street. (Parcel ID #s: 15-21-28-0000-00-077 & 15-21-28-0000-00-075) (17.47 +/- ac) (Ord. No. 2493)
2. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from “County” A-1 (ZIP) zoning designations to “City” AG (Agriculture) zoning designations. (Ord. No. 2476)

- 3. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" A-1 and A-2 (ZIP) zoning designations to "City" AG (Agriculture) zoning designations. (Ord. No. 2477)
- 4. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" A-1 and C-1 (ZIP) zoning designations to "City" PO/I (Professional Office/Institutional) zoning designations. (Ord. No. 2478)
- 5. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" C-3 (ZIP) zoning designations to "City" C-1 (Commercial) zoning designations. (Ord. No. 2479)
- 6. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" C-1 (ZIP) zoning designations to "City" C-2 (Commercial) zoning designations. (Ord. No. 2480)
- 7. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" I-2 & I-4 (ZIP) zoning designations to "City" I-1 (Restricted Industrial) zoning designations. (Ord. No. 2481)
- 8. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" R-1 (ZIP) zoning designations to "City" R-1 zoning designations. (Ord. No. 2482)

**V. SITE PLANS:**

**VI. OLD BUSINESS:**

**VII. NEW BUSINESS:**

**VIII. ADJOURNMENT:**

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

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

**Backup material for agenda item:**

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

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

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

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

**OTHERS PRESENT:** R. Jay Davoll, P.E. – Public Services Director/Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Andrew Hand, Esq., Julie Kendig, Jim Hanson, Dave Taylor, Richard Kerper, Juan Ortega, Robert Hafer, Doug Bankson, Donald Stiller, Suzanne Kidd, Ed Velazquez, Natalie Rose Bell, Phyllis Rose Brown, Teresa Sargeant, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

**APPROVAL OF MINUTES:** Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of January 12, 2016, at 5:30 p.m. minutes.

**Motion:** Linda Laurendeau made a motion to approve the Planning Commission minutes from the regular meeting held on January 12, 2016, at 5:30 p.m. and seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Pam Toler (5-0).

**LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC - Located at 1120 Clarcona Road and 1124 South Park Avenue.**

David Moon, AICP, Planning Manager, stated the applicant, Harbinder Ghulldu, has asked that this item be postponed to a later date.

**Motion:** Melvin Birdsong made a motion to postpone the Comprehensive Plan Small Scale Future Land Use amendment for property owned by Apopka Holding, LLC and located at 1120 Clarcona Road and 1124 South Park Avenue, per the applicant's request; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

Reverend Phyllis Rose Brown, 1166 South Central Avenue, Apopka, requested a meeting with staff to discuss how the land use and zoning changes to the property at 1120 Clarcona Road and 1124 South Park Avenue will affect her family's adjacent property.

Natalie Rose Bell, 1166 South Central Avenue, Apopka, requested a meeting with staff to discuss how the land use and zoning changes to the property at 1120 Clarcona Road and 1124 South Park Avenue will affect her family's adjacent property.

Mr. Moon stated that the applicant will be postponing the request for 60 days. He asked Ms. Brown and Ms. Bell to leave their contact information with the Recording Clerk so that staff may contact them to schedule a meeting.

**QUASI-JUDICIAL - CHANGE OF ZONING – APOPKA HOLDINGS, LLC - Located at 1120 Clarcona Road and 1124 South Park Avenue.**

David Moon, AICP, Planning Manager, stated the applicant, Harbinder Ghulldu, has asked that this item be postponed to a later date.

**Motion:** Melvin Birdsong made a motion to postpone the Change of Zoning for property owned by Apopka Holding, LLC and located at 1120 Clarcona Road and 1124 South Park Avenue, per the applicant's request; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

Tony Foster arrived at 5:40 p.m.

**QUASI-JUDICIAL - FINAL DEVELOPMENT PLAN – WEKIVA RIVERWALK DAY CARE –** Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC. The engineering firm is Harris Civil Engineers, LLC, c/o David W. Taylor, P.E. The property is located at 2121 East Semoran Boulevard. This request is quasi-judicial and all testimony before the Planning Commission is sworn testimony. He asked if that anyone present who would be giving a presentation or providing testimony to stand and be sworn in by the City Attorney.

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

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC. The engineering firm is Harris Civil Engineers, LLC, c/o David W. Taylor, P.E. The property is located at 2121 East Semoran Boulevard. The future land use is Commercial and the zoning is C-1. The existing use is a retail shopping plaza (retention pond). The proposed use is a day care facility. The proposed building size is 10,000 sq. ft. The tract size is 4.19 +/- acres. The overall development size is 24.74 +/- acres. He provided revised plans to the Commission members.

The Wekiva Riverwalk Daycare Building - Final Development Plan proposes a 10,000 square feet daycare facility with a 5000 square feet playground. The proposed daycare facility will be located in the rear of the shopping plaza at the Northeast corner of the site adjacent to Wekiva Spring Road; within a portion of an existing retention pond.

A total of 51 parking spaces are provided, 34 are required by code, of which 2 are reserved as a handicapped parking space.

Access to the site is provided by an existing driveway cut along Wekiva Springs Road.

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

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

The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The applicant is requesting a waiver to Land Development Code, Section 6.03.02 which requires a designated, covered drop-off and pick-up area for the students.

This waiver is being requested because as a security measure, parents or guardians are required by the day care provider to bring the child inside the building and sign them in a registrar. Day cares locating inside an existing commercial building or tenant space within a shopping plaza are not required to have a covered drop-off and pick-up area for patrons, even though location within the commercial space is considered a change of use.

DRC supports this waiver request.

DRC recommendation is subject to the applicant addressing the following outstanding items before the application is placed on a City Council meeting:

1. A transportation study prepared by the applicant's traffic engineer is under review by the City Engineer. Any recommendations generated by this study will be presented at the Planning Commission meeting.
2. Stormwater calculations must be completed prior to the City Council hearing.
3. A minimum of 20 percent of the day car parking spaces shall be constructed with permeable material.
4. Landscape plans and irrigation plans will be modified to address the minor comments from the Development Review Committee.
5. The drive aisle located west of the daycare must be 24 feet in width.
6. No monument sign is allowed along within the Wekiva Springs Road buffer. Wall signs per code are allowed.
7. All DRC comments must be incorporated into the Final Development Plan prior to submittal of City Council agenda item.

The Development Review Committee recommends the approval of the Wekiva Riverwalk Daycare Building Final Development Plan and to accept all waiver request.

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

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

In response to a question by Ms. Laurendeau, Mr. Moon stated that the waiver of Land Development Code, Section 6.03.02 which requires a designated, covered drop-off and pick-up area for the students would be granted in perpetuity.

In response to a question by Ms. Toler, Mr. Moon stated that the City Engineer had reviewed and accepted the stormwater plan for this site.

Petitioner Presentation: Julie P. Kendig Esq., Greenberg Traurig Law Firm, 450 South Orange Avenue, suite 650, Orlando, said she is representing Woolbright Wekiva, LLC. Regarding the stormwater pond engineering, in November 2015 they received their environmental resource permit from St. Johns River Water Management District. She reviewed the exhibit boards. The first graphic is an aerial that shows the existing shopping center. The proposed day care is to go into the northeastern corner. The next graphic was the proposed site plan. The third graphic is a more specific site plan and the final was the elevations for the day care.

In response to Ms. Toler's questions, David Taylor, Harris Civil Engineers, LLC, 1200 East Hillcrest Street, Suite 200, Orlando, stated that they were in talks with St. Johns River Water Management District for approximately three months regarding the stormwater plan. The District gave approval for the filling in half of the current retention pond in order to build the day care and then to offset the lost volume on that end by allowing them to dig the other end deeper.

In response to a question by Mr. Ryan, Mr. Taylor stated that this pond is in two sections to equalize with the pipe. The first section is being lowered by 6 feet and the other by 6.5 feet.

In response to a question by Ms. Toler, Mr. Taylor stated the pond is staying in its current location except for the portion that will be filled in for the pad for the day care building.

Mr. Taylor confirmed Mr. Greene's comment that they are shrinking the surface area and increasing the depth.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

In response to a question by Suzanne Kidd, 1260 Lexington Parkway, Apopka, Ms. Kendig stated that the ages that will be at the school full time is 6 weeks to 5 years old. There will be an after school option will be 5 to 8 years old.

Richard Kerper, 1702 LaForest Avenue, Safety Harbor, stated they will be taking care of infants (6 weeks to 12 months old), toddlers (12 months to 2 years old), twaddlers (2 to 3 years old), preppers (2.5 to 3.5 years old), preschoolers (3 to 5 years old), as well as having after school programs for children up to 8 years old.

In response to a question by Ms. Kidd, Mr. Kerper stated the classrooms to the back normally will open up to the playground. A lot has to do with safety. Each room will have two means of ingress/egress whether it's two doors on the interior or one interior door and one exterior door. If we have infants there's a direct access out because we have a security crib to put them in and get them out as soon as we can. For the other children, if there is an exterior door we normally fence that in with a four foot fence, if allowed by code.

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

**Motion:** Pam Toler made a motion to recommend approval of the applicant's request to waive the requirements of the Land Development Code, Section 6.03.02 that requires a designated, covered drop-off and pick-up area for the students, the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC, and located at 2121 East Semoran Boulevard, subject to the information and findings in the staff report; and Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**Motion:** Linda Laurendeau made a motion to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC, and located at 2121 East Semoran Boulevard, subject to the information and findings in the staff report; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

Mr. Hand stated that the motion to recommend approval of the Wekiva Riverwalk Day Care Final Development Plan needs to include that the plan is consistent with the City of Apopka Comprehensive Plan.

**Amended Motion:** Linda Laurendeau made a motion to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC, and located at 2121 East Semoran Boulevard; that the Final Development Plan is consistent with the City of Apopka Comprehensive Plan; and subject to the information and findings in the staff report; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 6:03 p.m.

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James Greene, Chairperson

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



**Backup material for agenda item:**

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – Owned by Emerson Point Phase 2 LLC, from “County” Medium Density Residential (0-10 du/ac) to “City” Commercial (Max. FAR 0.25), for property located north of S.R. 414, east of Marden Road. (Parcel ID #s: 21-21-28-0000-00-001 & 21-21-28-0000-00-002 - Portion) (51.88 +/- ac) (Ord. No. 2491)



**CITY OF APOPKA  
PLANNING COMMISSION**

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Future Land Use Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses Map
		Small Area Study Map
		Interchange Agreement

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**SUBJECT: COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE AMENDMENT – EMERSON POINT PHASE 2 LLC**

**PARCEL ID NUMBERS: 21-21-28-0000-00-001 & 21-21-28-0000-00-002 (Portion)**

**Request: LARGE SCALE - FUTURE LAND USE AMENDMENT  
FROM: “COUNTY” MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC)  
TO: “CITY” COMMERCIAL (MAX FAR 0.25)**

**SUMMARY**

**OWNER:** Emerson Point Phase II LLC

**APPLICANT:** GAI Consultants, Inc.

**LOCATION:** North of State Road 414, east of Marden Road

**EXISTING USE:** Vacant

**CURRENT ZONING:** R-3 Residential

**PROPOSED DEVELOPMENT:** Commercial development

**PROPOSED ZONING:** C-1 Commercial (Note: this Future Land Use amendment request is being processed along with a request to change the zoning classification from R-3 Residential to C-1 (Retail Commercial).

**TRACT SIZE:** 51.88 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: 518 Units  
PROPOSED: 564,973 sq. ft.

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**DISTRIBUTION:**

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

**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on December 30, 1991 through Ordinance 694. The applicant requests a future land use designation of Commercial. The request is compatible with surrounding future land use designations and adjacent uses. As a “Large-Scale” Future Land use Amendment (i.e., ten or more acres), this application will be transferred to State agencies for consistency review with State policies.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is compatible with the character of the surrounding area, abuts a limited access highway (S.R. 414) with a planned interchange at Marden Road, and is consistent with the Commercial Future Land Use designation. City Planning staff supports the FLUM amendment subject to construction of a highway interchange for S.R. 414 at Marden Road. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the policies below support a Commercial FLUM designation at the subject site:

*Future Land Use Element*

1. **Policy 3.1.i** Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acre; and public facilities or utilities of less than five acres. The expansion of strip commercial areas shall be prohibited except in infill area.

The applicant’s wish to develop the property for retail commercial development to serve existing and future residential communities along and near Marden Road. Therefore, the request is compatible with Policy 3.1.i.

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

The proposed use for the subject properties as retail commercial is compatible with the land uses and general character of the surrounding area. The future land use designation of surrounding properties predominantly is Mixed Use to the southwest and Commercial and High Density Residential to the west, making the requested future land use change is consistent with Policy 3.2.

*Transportation Element*

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

The proposed Commercial future land use designation and subsequent retail commercial development would promote shorter trip lengths and reduced travel demand by providing commercial for existing and proposed residential development within the area.

**SCHOOL CAPACITY REPORT:** The request is for a non-residential future land use designation; therefore, a school capacity agreement is not required.

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

11 March 9, 2016 – Planning Commission (5:30 pm)  
March 16, 2016 – City Council (7:00 pm) - 1<sup>st</sup> Reading & Transmittal

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval to transmit a change in Future Land Use from Residential Medium (0-10 du/ac) to Commercial (max 0.25 FAR) for the property owned by Emerson Point Phase II LLC, subject to the information and findings in the staff report.

**Recommended Motion:** Find the Commercial Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from Residential Medium Density to Commercial for the property owned by Emerson Point Phase II LLC, subject to the information and findings in the staff report.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Low Density Residential (0-4 du/ac) & Low Medium Density Residential (0-10 du/ac)	R-2, R-3	Marden Gardens Apartments; Single family residential neighborhood
East (County)	Low Density Residential (0-4 du/ac)	R-1A, R-3	Single-family residential
South (City)	Mixed Use	Mixed-EC	S.R. 414 and vacant lands
West (City)	Commercial & High Density Residential	C-1 & R-3	Vacant Commercial & Multi-family residential

The property has access from west from Marden Road

**II. LAND USE ANALYSIS**

The subject properties are located within an area with land uses that permit both residential and non-residential uses, which makes the request for a Commercial future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Property to the west is under development for multi-family apartment residences. The subject properties are adjacent to a proposed half-interchange to State Road 414, a limited access highway, which makes the subject properties conducive for retail commercial development.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Western Conceptual Master Plan” of the JPA. Orange County government has been notified of the proposed FLUM amendment and has not objected. The Western Conceptual Master Plan proposed Medium Density Residential for the subject Property but did not contemplate an interchange for S.R. 414 at Marden Road, nor did it anticipate changes in land use patterns generated by the proposed medical campus along Ocoee Apopka Road. This property was included in the Ocoee Apopka Road Small Area Study and is consistent with the recommendations contained within that Study. Orange County was notified and attend workshops on the Small Area Study.

Transportation: Road access to the site is from Marden Road, which connects to Ocoee Apopka Road to the north, and to Keene Road to the south. In addition, a proposed (and approved) half-interchange at Marden Road slated for construction will provide access to State Road 414. The owner of the Emerson Point Phase II property has entered into an agreement with the City to construct an interchange for S.R. 414 at Marden Road. City planning staff only supports the Commercial FLUM amendment based on the developer’s agreement addressing construction of the new (half) interchange for S.R. 414 at Marden Road.

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

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

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

Analysis of the character of the Property: The current use of the Property is vacant. The dominant soil, Lake Fine Sand, has a 0-5 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on December 30, 1991. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will not increase the population if developed.

#### **CALCULATIONS:**

ADOPTED: 518 Unit(s) x 2.659 p/h = 1,377 persons

PROPOSED: N/A x 2.659 p/h = N/A

Housing Needs: This amendment is to change the future land use to a non-residential designation, and will not impact the number of available housing units in the City of Apopka.

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

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

#### Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 101,528 GPD

3. Projected total demand under proposed designation: 84,746 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

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

#### Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 177 GPCD;  
177 GPD

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

City of Apopka

2. Projected total demand under existing designation: 108,780 GPD
3. Projected total demand under proposed designation: 112,995 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPCD
6. Projected LOS under proposed designation: 177 GPCD
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: Lake Doe
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 4.131 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None.

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

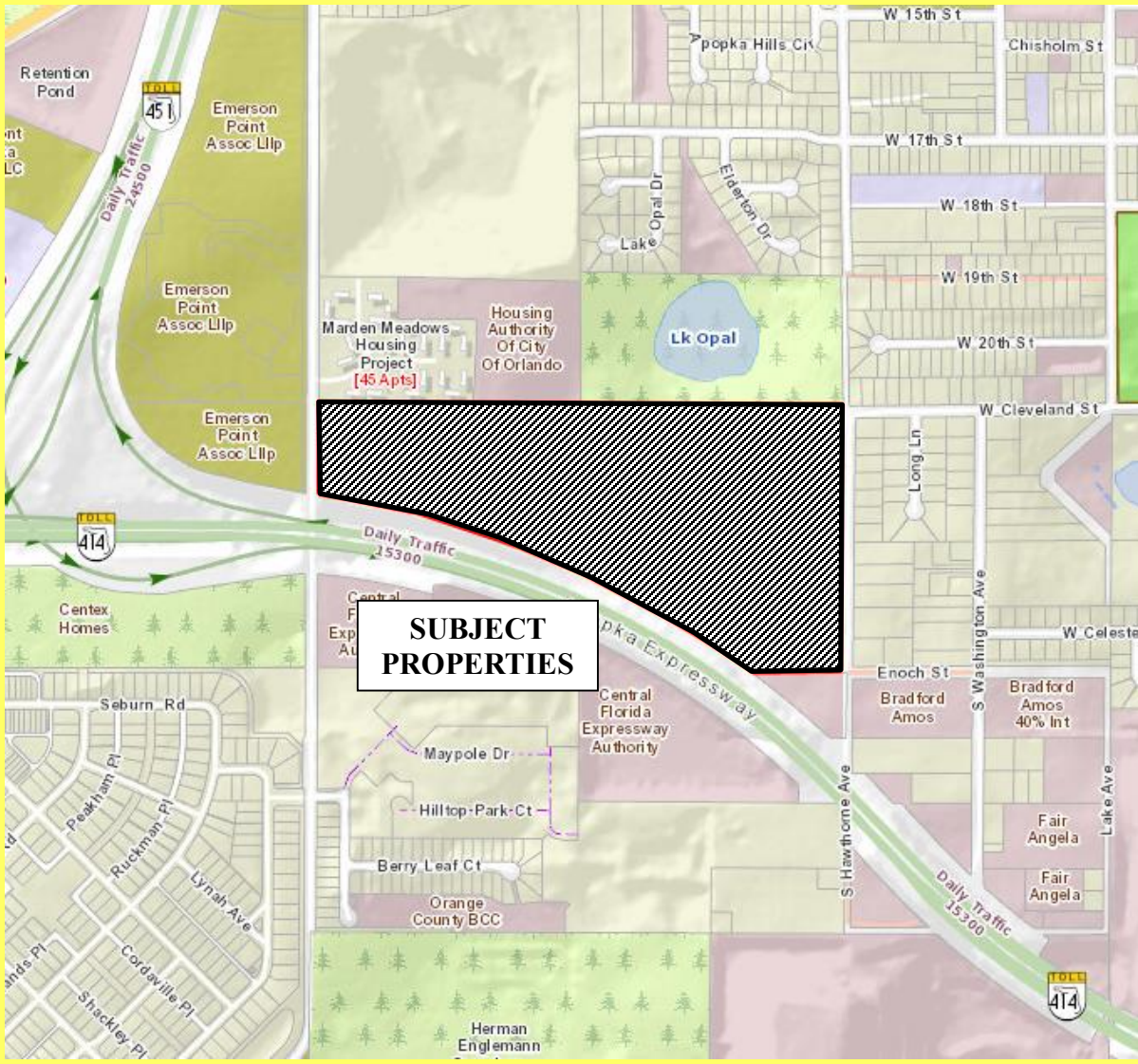


**Emerson Point Phase II, LLC**  
**Property Owner**  
**51.88 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: "County" Medium Density Residential (0 – 10 du/ac)**  
**To: "City" Commercial (max 0.25 FAR)**  
**Proposed Change of Zoning:**  
**From: "County" R-3 (ZIP)**  
**To: "City" C-1**



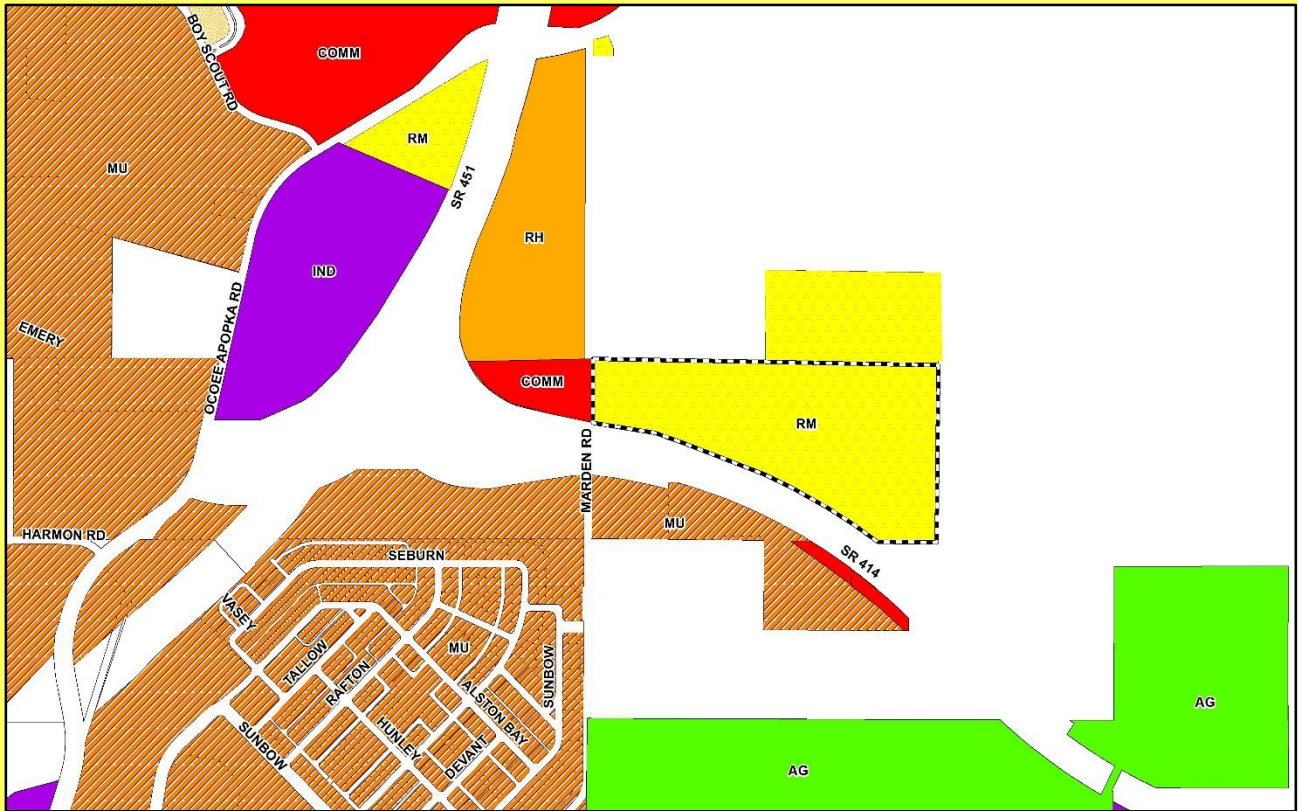
**Parcel ID #s: 21-21-28-0000-00-001 & 21-21-28-0000-00-002 (Portion)**

**VICINITY MAP**



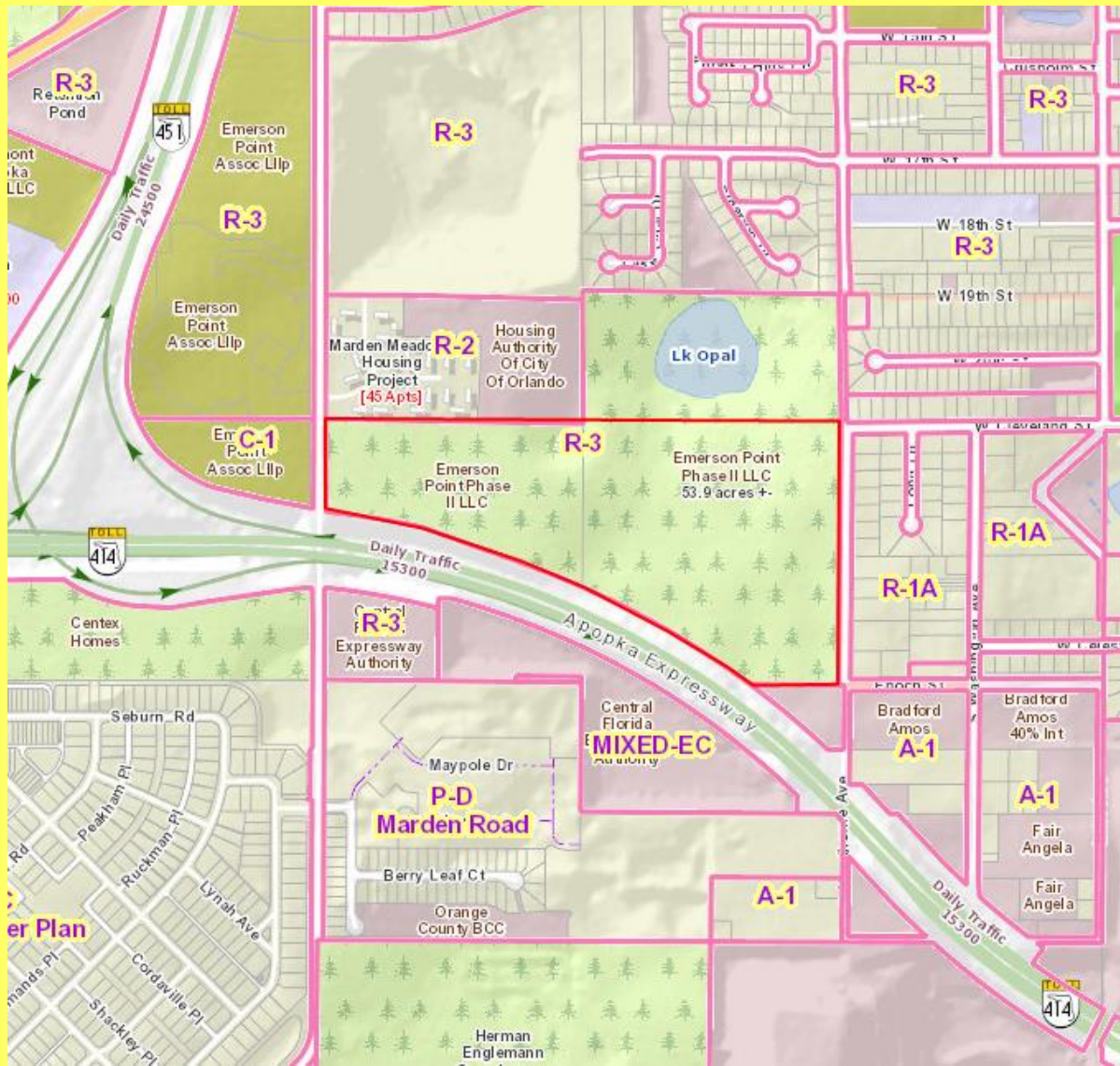


### FUTURE LAND USE MAP



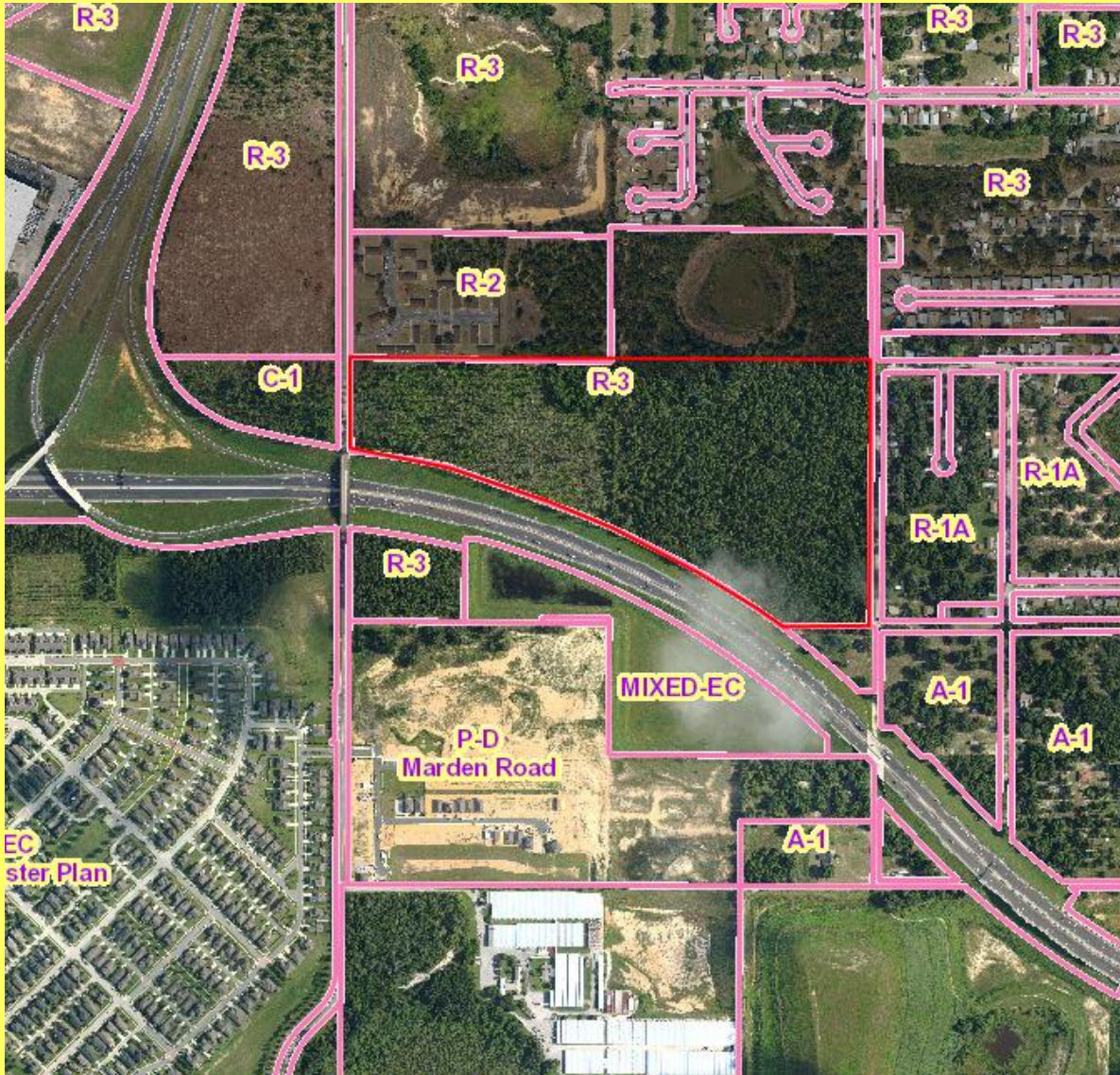


### ADJACENT ZONING





### ADJACENT USES

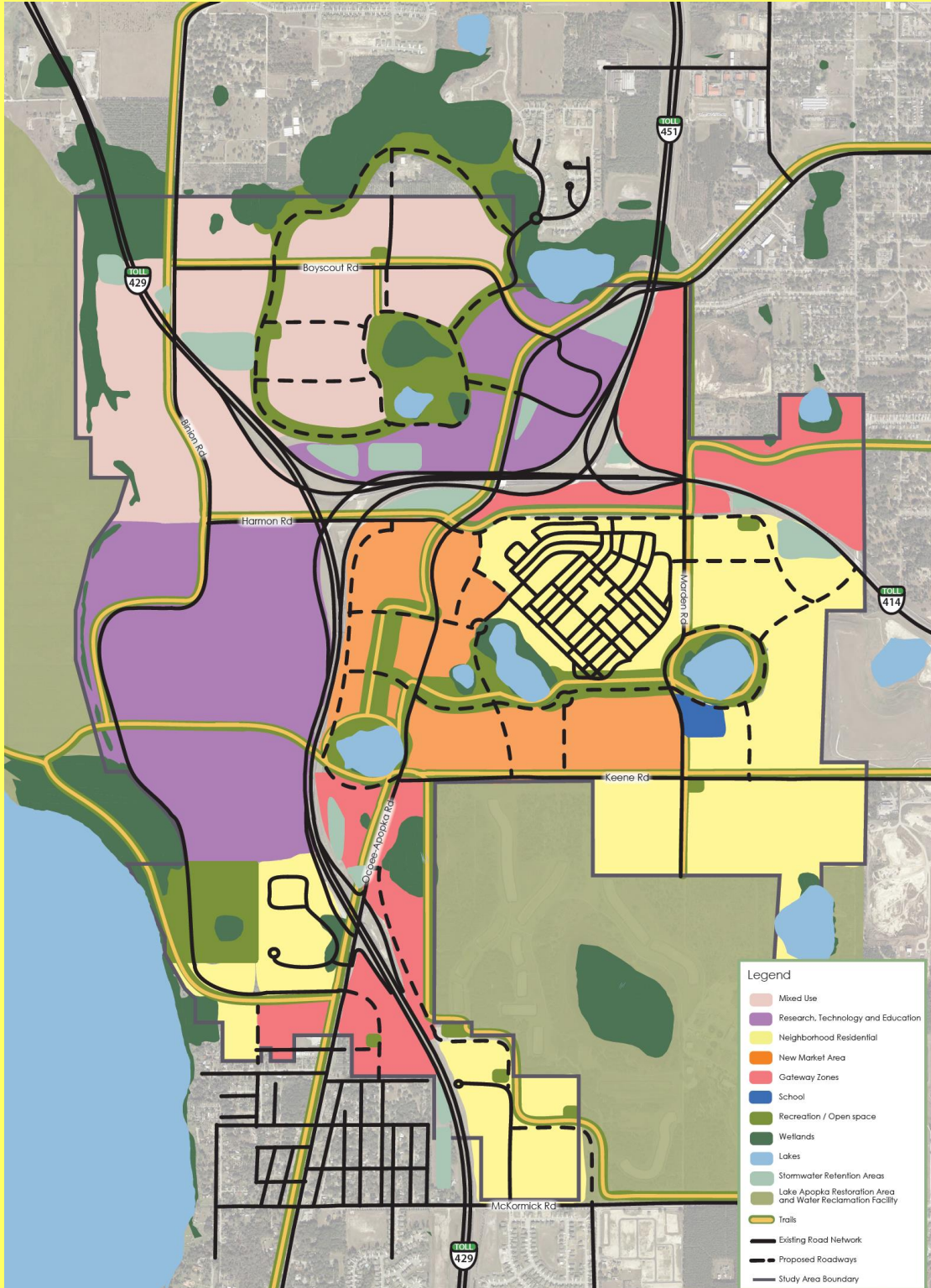


### EXISTING USES





## OCOEE APOPKA ROAD SMALL AREA STUDY CONCEPTUAL LAND USE MAP



PREPARED BY AND RETURN TO:  
EDWARD J. FORE, ESQUIRE  
1350 N. ORANGE AVENUE, SUITE 260  
WINTER PARK, FLORIDA 32789

Tax Parcel I.D. Nos.:

## **MARDEN ROAD INTERCHANGE COST SHARING AGREEMENT**

**THIS MARDEN ROAD INTERCHANGE COST SHARING AGREEMENT** (the "**Agreement**"), is effective as of the latest date of execution by the parties hereto (the "**Effective Date**"), and is made and entered into by and between **EMERSON POINT ASSOC., LLLP**, a Florida limited liability limited partnership ("**Emerson I**"); **EMERSON POINT PHASE II, LLC**, a Florida limited liability company ("**Emerson II**") (**Emerson I** and **Emerson II** collectively referred to as the "**Owners**", and individually as an "**Owner**"), **EMERSON MMI-INT, LLC**, a Florida limited liability company ("**Owners' Agent**"), and **THE CITY OF APOPKA, FLORIDA**, a Florida municipal corporation ("**City**" or "**Apopka**") (**Owners, Owners' Agent**, and the **City** are collectively referred to as the "**Parties**" and individually as a "**Party**").

### **WITNESSETH:**

**WHEREAS**, Owners are the owners of fee simple title to certain real property shown on the project location map identified as **Composite Exhibit "A"** and more particularly described in **Composite Exhibit "B,"** both of which exhibits are attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property lies within the City; and

**WHEREAS**, Owners intend for the Property to be developed as a mixed use project which is anticipated to provide economic benefits to the City (the "**Project**"); and

**WHEREAS**, Owners and Owners' Agent have received, or anticipate in the near future receiving approval from the Central Florida Expressway Authority to construct an Interchange pursuant to the terms and conditions of that certain Letter from Joseph A. Berenis to Kevin Knudsen dated July 24, 2014, attached hereto as **Exhibit "C;"** and

**WHEREAS**, Owners are willing to convey certain portions of the Property to the Central Florida Expressway Authority and/or City to construct or cause to be constructed the Interchange in accordance with plans approved by the Central Florida Expressway Authority, including, potentially, access roads to be owned by the City (if necessary); and

20150108

Interchange Cost Sharing Agreement

**WHEREAS**, to encourage Owners to construct the Interchange, the City has agreed to engage in a cost-sharing enterprise with Owners for the Project Costs associated with construction of the Interchange, as provided herein; and

**WHEREAS**, Apopka desires to improve transportation access in the vicinity of the Property and surrounding areas through the construction of an interchange at Marden Road on Florida State Road 414 (“Expressway”) at the general location depicted on **Exhibit “D”** attached hereto; and

**WHEREAS**, the Apopka City Council, after reviewing the infrastructure needs of the community, concludes that the interchange will be beneficial in improving transportation in, to and from the City of Apopka; and

**WHEREAS**, the Apopka City Council finds that the interchange will aid the promotion and development of businesses within the City limits; and

**WHEREAS**, the Apopka City Council finds that entering into this cost-sharing agreement with Owners is in the best interest of Apopka residents and business owners’ welfare, health and safety.

**NOW, THEREFORE**, in consideration of the premises, the City and Owners hereby agree as follows:

1. **Recitals**. The above recitals are true and correct and are incorporated herein by reference.

2. **Definitions**. Unless defined elsewhere within this Agreement, the terms set forth below shall have the following meanings when used in this Agreement:

2.1 **Authority** – shall mean the Central Florida Expressway Authority.

2.2 **CRA** – shall mean Community Redevelopment Area as defined in Chapter 163.330, *et al.*, Fla. Stats., as amended from time to time.

2.3 **Initial Contribution** – shall mean a payment by City to Owner’s Agent of up to \$2,500,000 towards City’s maximum cost share in the Project Costs as set forth in Section 5 herein and pursuant to the terms of this agreement.

2.4 **Interchange** – shall refer to all roadway, drainage and other improvements designed, engineered, permitted, approved and constructed in connection with the improvements described in Section 3 herein below and the Interchange Agreement.

2.5 **Interchange Agreement** – shall mean the Marden Road Interchange Agreement to be negotiated between Owners and the Authority consistent with the Letter attached hereto as **Exhibit “C.”**

2.6 **Marden Road Interchange Project Area** -- shall mean lands within the vicinity of the Interchange depicted on **Exhibit “E”** attached hereto.



Interchange Cost Sharing Agreement

2.7 Owners – shall refer to **EMERSON POINT ASSOC., LLLP**, a Florida limited liability limited partnership and **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, and, to the extent provided in Section 11, below, their successors or assigns as the fee Owners of the Property or any Parcel (as hereinafter defined) within the Property.

2.8 Owners' Agent – shall mean **EMERSON MMI-INT, LLC**, a Florida limited liability company, or such other entity as may be designated in writing by Owners from time to time.

2.9 Parcel – shall mean any lot, tract or other portion of the Property on which any building or other structure requiring a City building permit may be constructed.

2.10 Project Area - shall mean certain property shown on the project location map identified as composite **Exhibit "A"** and more particularly described in **Composite Exhibit "B,"** both of which exhibits are attached hereto and incorporated herein by reference.

2.11 Project Costs – shall mean the total cost of the Interchange incurred by Owners' Agent, including the value of any land or drainage easements required to be conveyed by Owners to the Authority for the Project as set forth herein.

2.12 Property – shall mean certain property shown on the project location map identified as composite **Exhibit "A"** and more particularly described in **Composite Exhibit "B,"** both of which exhibits are attached hereto and incorporated herein by reference.

2.13 Road Impact Fee Credits – shall have the meaning set forth in Section 7.1 hereof.

2.14 Road Impact Fees – shall have the meaning set forth in Section 7.1 hereof.

2.15 Termination Date – shall mean ten (10) years following the Trust Fund Commencement Date as referenced in Section 6.2 of this agreement.

2.16 Trust Fund Commencement Date - shall have the meaning set forth in Section 6.2.

3. **Interchange**. Owners' Agent shall complete the design, engineering, permitting and construction of the Interchange pursuant to the terms and conditions of the Interchange Agreement, including the design, engineering, legal, permitting, and construction of any roads, drainage, retention, or other structures related to the construction of the Interchange all as set forth in the Interchange Agreement.

(i) Upon completion of the Interchange the City shall make an Initial Contribution of up to \$2,500,000 towards City's maximum cost share in the Project

## Interchange Cost Sharing Agreement

Costs as set forth in Section 5 herein. The Initial Contribution shall be paid to the Owner's Agent pursuant to the procedures set forth in Section 3(ii) herein.

(ii) As a condition precedent for payment of the Initial Contribution, upon completion of the Interchange (as evidenced by a Certificate of Completion from the Authority), Owners' Agent shall deliver to City and Owners (i) a request for a draw payment, (ii) General Contractor's sworn statements and unconditional waivers of lien, and subcontractors,' material suppliers' and laborers' conditional waivers of lien, covering all work, paid with the proceeds of the prior draw requests, together with such invoices, contracts or other supporting data as the City may reasonably require to evidence that all costs for which disbursement is sought have been incurred, and (iii) evidence that any inspection required by the Authority for the Interchange has been completed with results satisfactory to the Authority. In this regard, the City shall have the right to reasonably inspect all books, records and accounts relating to such work. These books, records and accounts are considered public records and therefore will be available for review by the public upon request. Based upon the available maximum cost share not exceeding \$5,850,000.00, the City shall promptly pay 42.7350% of the total Project Costs supported by the draw request, not to exceed \$2,500,000. Payments shall be made to Owner's Agent within ten (10) days of receipt of the draw request and supporting documentation set forth herein.

(iii) Upon City's payment of the Initial Contribution towards the total Project Costs for the Interchange as calculated above, the Owner shall be eligible to receive additional cost sharing from the City as set forth herein, not to exceed the maximum cost share in the Project Costs as set forth in Section 5 herein.

4. **Dedication of Right of Way and Drainage Easements.** Pursuant to the terms and conditions of the Interchange Agreement, Owners shall (i) dedicate to the Authority such lands owned by Owners as shall be reasonably necessary for the construction of the Interchange and (ii) provide drainage easements to accommodate the stormwater runoff for the Interchange improvements. In consideration thereof, the Project Costs may include (i) the value of the lands transferred by Owners to the Authority for the Interchange and (ii) the value of any lands owned by Owners used to provide drainage easements to the Authority for stormwater runoff for the Interchange improvements. To the extent any drainage ponds are joint use ponds, only the portions of the drainage ponds allocable to the Interchange improvements shall be used for the purposes hereof, it being the intent that the City may not share costs with the Owners for the portions of any joint use drainage ponds not necessary for the Interchange. The amount of any cost share shall be determined at the time of right-of-way or easement dedication based upon (i) mutual agreement of the Owners and the City, or, (ii) the appraised value of the land dedicated for right-of-way or drainage purposes. If desired, Owners and the City agree to acquire an appraisal for the right-of-way and drainage easements to be dedicated, which shall be prepared by an MAI and/or State Certified Appraiser. Owners and City shall split equally the appraisal costs. The Owners or City may, at their option, retain an additional appraisal to ascertain the value of property to be dedicated as right-of-way or drainage easements. Owners and the City agree that, should a conflict arise regarding the fair market value for the right-of-way and drainage easements,

## Interchange Cost Sharing Agreement

independent appraisers selected by the Owners and City shall appoint a third appraiser whose determination shall be conclusive as to the fair market value of the right of way and drainage easements.

5. **Cost Sharing.** The City shall share in the Project Costs from revenues exclusively generated as follows: (i) synthetic tax increment financing for the Interchange, as provided herein; (ii) Road Impact Fee Credits, as provided herein; (iii) Road Impact Fees from the Marden Road Interchange Project Area, as provided herein and (iv) 25% of any toll revenue provided to the City by the Authority, as provided herein. The City specifically and expressly does not pledge its general or any other revenue sources to the Project Costs. Total cost sharing may not exceed a maximum contribution by City of \$5,850,000.00. On an annual basis by not later than April 1 of each year, the City shall provide an accounting to the Owner's Agent of the funds available for cost sharing, including information regarding incremental tax increases, Road Impact Fees, any toll revenue received, and the amounts paid to Owner's Agent as set forth herein.

6. **Synthetic Tax Incremental Financing ("STIF").**

6.1 **Establishment of Tax Trust Fund.** The Apopka City Council has adopted Ordinance No. 2446 establishing a tax trust fund for the Project Area to be funded by tax increment. The Base Year Value shall be the value set forth for the Marden Road Interchange Project Area in the assessment roll used in connection with the taxation of property shall be the preliminary assessment roll of taxable real property in Orange County, Florida, prepared by the Property Appraiser of Orange County, Florida and certified pursuant to Section 193.122, *Florida Statutes*, reflecting the valuation of real property for purposes of ad valorem taxation for the year in which all Marden Road Interchange improvements are completed as evidenced by a Certificate of Acceptance for said improvements (the "Base Year"). The amount of tax increment shall be determined and appropriated annually by the City, and shall be ninety-five percent (95%) of the difference between:

(i) The City's portion of the amount of ad-valorem taxes levied each year by all taxing authorities, exclusive of any debt service millage, on taxable real property located within the geographic boundaries of the Marden Road Interchange Project Area; and

(ii) The City's portion of the amount of ad-valorem taxes levied by all taxing authorities, exclusive of any debt service millage, on taxable real property located within the geographic boundaries of the Marden Road Interchange Project Area during the Base Year.

6.2 The City shall share in the Project Costs expended by Owners' Agent, in the amount of 50% of any incremental ad valorem taxes received by the City and deposited in the tax trust fund if same is established as set forth in Section 6.1 above until the maximum cost share as set forth in Section 5 above has been paid to Owners' Agent under any of the permissible means of Cost Sharing authorized under this Agreement. The tax trust fund shall be administered by the Mayor or his/her

## Interchange Cost Sharing Agreement

designee, with funds disbursed to Owners' Agent annually by April 1 for a term beginning on the first of January of the year following the establishment of the Base Year (the "Trust Fund Commencement Date"), and ending on the Termination Date, not to exceed the maximum cost share as set forth in Section 5 above.

6.3 Pre-Conditions for Payment. As a condition for sharing the Project Costs beyond the Initial Contribution, Owners' Agent shall deliver to City (i) a request to share in Project Cost, (ii) proof of payment of the Project Costs, and (iii) evidence that any inspection required by the Authority for the Interchange has been completed with results satisfactory to the Authority. In this regard, the City shall have the right to reasonably inspect all books, records and accounts relating to such work, and may, at its option, require execution by Owners' Agent and any contractors, subcontractors, laborers and material suppliers of such affidavits, endorsements and releases as City deems necessary. These books, records and accounts are considered public records and therefore will be available for review by the public upon request.

6.4 Change in Law. In the event ad valorem taxes are abolished in Apopka and are replaced with a similar funding mechanism, this Agreement shall remain in full force and effect as to synthetic tax incremental financing, except that the name of the new tax or fee shall automatically be substituted for the term "ad valorem taxes" throughout the text of this Agreement. In such an event, the new tax system shall be established and managed in conformity with the procedures outlined in Section 6.1. Owners' Agent and the City shall meet, in such an event, to determine what modifications, if any, are needed to this Agreement to reflect the then current tax structure for the City relating to the use of taxes related to all or any portion of the Property to share in any remaining Project Costs. The parties shall then work cooperatively to make the appropriate revisions to this Agreement. The new tax system shall follow the same 50% proportionality described in Section 6.2 and shall terminate once the maximum cost share as set forth in Section 5 above has been paid to Owners' Agent, or on the Termination Date.

6.5 Sunset Provision. The tax trust fund shall expire and terminate upon the Termination Date.

## 7. Impact Fee Credits Capacity Reservation and CRA.

7.1 Allocation of Credits to Project. Commencing with the Effective Date, Owners' Agent shall be entitled to receive transportation impact fee credits pursuant to Section 26-81, Apopka City Code, in an amount not to exceed the maximum cost share set forth in Section 5 above ("**Road Impact Fee Credits**") to offset transportation impact fees otherwise payable for any development within the Property ("**Road Impact Fees**"). In the event an Owner, assignee, successor or assign, desires to obtain building permits for which Road Impact Fees would be payable, Owners' Agent shall provide the City a statement indicating the amount of impact fees that have been determined for the number and type of building permits desired. The City shall provide Road Impact Fee Credits in the amount shown on the statement so provided, the dollar value of which credits shall be applied towards but shall not exceed the maximum cost share as set forth in Section 5 above. The provisions of this Section 7.1

## Interchange Cost Sharing Agreement

shall automatically expire and terminate on the tenth (10<sup>th</sup>) anniversary of the Trust Fund Commencement Date after which date Road Impact Fee Credits shall no longer be available to Owner, and successors and assigns.

7.2 Allocation of Road Impact Fees for Property and Marden Road Interchange Project Area. Commencing with the Effective Date and to the extent Owners' Agent has not received the maximum cost share towards the Project Costs as set forth in Section 5 above, the City shall pay to Owners' Agent any Road Impact Fees received for development of lands within the Marden Road Interchange Project Area<sup>1</sup>. Payment to the Owners' Agent shall occur within thirty (30) days after the date the City receives payment of such Road Impact Fees from third parties and shall be credited towards the maximum cost share towards the Project Costs as set forth in Section 5 above. Should all or a portion of the Property be sold or transferred from Owners to another party and such subsequent owner does not receive from Owners' Agent Impact Fee Credits as provided in Section 7.1, the portion of the property no longer owned by the Owners shall be treated as Marden Road Interchange Project Area within this provision.

7.3 Change in Law. In the event Road Impact Fee collections pursuant to Chapter 26-72, *et al.*, are abolished in Apopka and are replaced with a Transportation Mobility Fee or similar fee relating to the use of capacity on the City's road network, this Agreement shall remain in full force and effect as to credits, except that the name of the new fee shall automatically be substituted for the term "Impact Fees" throughout the text of this Agreement. The Parties acknowledge that a Transportation Mobility Fee may include components for pathways and/or transit operations that are not included as part of the impact fee formula. Notwithstanding that circumstance, the Transportation Mobility Fee shall be used dollar for dollar in the same manner that Impact Fees are used under the terms of this Agreement. The City acknowledges that the provisions of this Agreement may vary from the Transportation Mobility Fee use and structure applicable to other property owners in the City.

7.4 Capacity Reservation. In the event the Owners proceed with the construction of the Interchange and related improvements, the Owners shall be entitled to a capacity reservation for the development of the Project pursuant to Section 4.04.02 of the City Code, without paying any additional consideration, other than the construction of the Interchange. The capacity reservation shall run with the land from the date hereof for the representative scope of development set forth on **Exhibit "F"** attached hereto, and ending on the Termination Date. All capacity reservation costs, if any, are to be applied only to Project Costs up to the maximum cost share as set forth in Section 5 above. However nothing herein shall vest Owners or Owners' Agent with any right to build any of the units or commercial square footages indicated on **Exhibit "F,"** and all such improvements are and will otherwise be subject to all of City's codes and approval processes.

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<sup>1</sup> The parties expressly agree that transportation impact fees from properties owned by Florida Hospital or its affiliated entities shall not be included in the cost share funds available to Owners under this agreement.

## Interchange Cost Sharing Agreement

7.5 Toll Collection. The City may request that the Authority place a toll booth at the Interchange or otherwise petition the Authority to seek toll revenue for the City from the Interchange. To the extent Owners' Agent has not received the maximum available cost share of the Project Costs as set forth in Section 5 above, the City shall pay to Owners' Agent 25% of toll revenue received by the City from the Interchange or from the Authority in connection therewith which sums shall be credited towards the Project Costs not to exceed the maximum cost share as set forth in Section 5 above. However should the Authority agree to accept the ramps into its system for future maintenance, the City shall have no obligation to seek any portion of toll revenues from the Authority.

7.6 CRA. The City may also seek to establish a CRA for the Property, which may include surrounding areas to address transportation or other blight as provided by Florida Statutes. To the extent the City establishes a CRA which includes all or any part of the Property, funding available from the CRA may proportionally be applied to satisfying the maximum cost share as set forth in Section 5 above.

7.7 Expiration. On the Termination Date, all obligations of the City to the Owners and the Owners' Agent hereunder shall terminate.

## 8. Design, Construction and Funding of Interchange

8.1 Design. Owners' Agent shall commence permitting, design and engineering for the Interchange pursuant to consulting contracts and budgets reviewed and approved by the Authority for improvements under the jurisdiction of the Authority and the City for improvements under the jurisdiction of the City, if any.

8.2 Budget. Attached hereto as Exhibit "G" is the preliminary budget for the direct and indirect costs of the Interchange based upon an engineer's opinion of cost, not on actual bids submitted by qualified contractors. Such Budget may be modified from time to time by mutual agreement of the parties hereto.

8.3 Construction. Prior to construction of the Interchange, Owners' Agent shall obtain all applicable permits and final construction plan approval from the Authority. The Interchange shall be constructed according to the terms and conditions of the Interchange Agreement. The City's approval may not be required for any improvement under the jurisdiction of the Authority, but Owners' Agent shall keep the City fully informed as to the status of the Interchange improvements. Owners' Agent shall obtain the approval of the City for any improvements within the jurisdiction of the City. The City shall reasonably cooperate with Owner for approval of such improvements, if any, within the jurisdiction of the City, which at this time is anticipated to be joint use drainage ponds upon the Property.

8.4 Funding. The funding of all permitting, design, legal, engineering and construction costs relating to each phase or phases of the Interchange undertaken by Owners' Agent pursuant to this Agreement shall be the responsibility of Owners' Agent.

## Interchange Cost Sharing Agreement

8.5 Roadway Landscaping Maintenance. The Parties acknowledge that any roadway constructed by Owners' Agent pursuant to this Agreement may include a substantial amount of landscaping, including irrigation. Owners' Agent, or a successor in interest, shall maintain said roadway landscaping for the benefit of the Project. Accordingly, upon completion of construction of any required roadway hereunder, at Owners' Agent's request, the Parties shall enter into a right-of-way utilization agreement providing for Owners or Owners' Agent or its successors to maintain all landscaping improvements constructed within said road rights-of-way, if applicable.

8.6 Street Lighting. To the extent any improvements pursuant to this Agreement include street lighting, the Parties shall cooperate in the formation of a City municipal service benefit unit for the Property to maintain the annual cost of such street lighting not maintained by the Authority.

9. Owners' Agent. Owners shall designate an agent to exercise any of Owners' rights under this Agreement and any of the other related matters including but not limited to (i) receipt of Road Impact Fee Credits and (ii) receipt of the tax trust fund funds, or (iii) other cost sharing mechanisms from the City for Project Costs. Owners hereby designate **EMERSON MMI-INT, LLC**, a Florida limited liability company, as its Owners' Agent. The City may rely upon any and all directions from the Designated Agent on behalf of the Owners unless and until such time as Owners either remove the Owners' Agent or appoint a successor. Notwithstanding any sale of all or any portions of the Property, Owners shall retain entitlement to cost sharing of the Project Costs with the City (via Owner's Agent), potential allocation of Road Impact Fee Credits, or any other rights and benefits pursuant to this Agreement, unless and until Owners or Owners' Agent provide the City written notice of an assignment of all or any such rights to a third party or third parties.

10. Notice. Any notice or other communication permitted or required to be given hereunder by one Party to the other shall be in writing and shall be either (i) hand delivered, or (ii) sent by electronic transmission with proof of electronic transmission retained by the sending Party, or (iii) sent by reputable private courier service (e.g., Federal Express, Express Mail, Airborne, United Parcel Service, or Emery Air), or (iv) mailed by registered or certified U.S. mail, postage prepaid, return receipt requested, to the Party entitled or required to receive the same at the address specified below or at such other address as may hereafter be designated in writing by any such Party, to wit:

**As to Emerson I :**

Emerson Point Assoc., LLLP  
Attn: Michael Wright  
1350 N. Orange Ave, Suite 250  
Winter Park, FL 32789  
Phone: (407) 385-0664  
Email: [mike@MMI.com](mailto:mike@MMI.com)

With a Copy to:

Ted B. Edwards, Esquire

Interchange Cost Sharing Agreement

Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, FL 32789  
Phone: (407) 340-9284  
Email: [TEdwards@TEdwardslaw.com](mailto:TEdwards@TEdwardslaw.com)

**As to Emerson II:**

Emerson Point Phase II, LLC  
Attn: Michael Wright  
1350 N. Orange Ave, Suite 250  
Winter Park, FL 32789  
Phone: (407) 385-0664  
Email: [mike@MMI.com](mailto:mike@MMI.com)

**With a Copy to:**

Ted B. Edwards, Esquire  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, FL 32789  
Phone: (407) 340-9284  
Email: [TEdwards@TEdwardslaw.com](mailto:TEdwards@TEdwardslaw.com)

**As to MMI-INT:**

Emerson MMI-INT, LLC  
Attn: Michael Wright  
1350 N. Orange Ave, Suite 250  
Winter Park, FL 32789  
Phone: (407) 385-0664  
Email: [Bill@MMI.com](mailto:Bill@MMI.com)

**With a Copy to:**

Ted B. Edwards, Esquire  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, FL 32789  
Phone: (407) 340-9284  
Email: [TEdwards@TEdwardslaw.com](mailto:TEdwards@TEdwardslaw.com)

**As to City of Apopka:**

The City of Apopka  
120 East Main Street  
Apopka, Florida 32703  
Phone: (407) 703-1700  
Email: [girby@apopka.net](mailto:girby@apopka.net)

**With a Copy to:**

Clifford B. Shepard, Esquire  
Shepard, Smith & Cassady, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751  
Phone: (407) 622-1772



Interchange Cost Sharing Agreement

Email: [cshepard@shepardfirm.com](mailto:cshepard@shepardfirm.com)

11. **Covenants Running with the Land.** This Agreement shall run with the Property and shall be binding upon and shall inure to the benefit and detriment of the legal representatives, successors, and assigns of Owners and any person, firm, corporation, or other entity that may become the successor in interest to the Property or any Parcel. Notwithstanding the foregoing, however, the authority to instruct City to provide any Road Impact Fee Credits or receive cost-sharing of Project Costs shall remain with Owners via Owners' Agent, as provided herein, unless expressly assigned in writing to another party by Owners' Agent, and then only to the extent of such assignment.

12. **Limitation of Remedies.** City and Owners expressly agree that the consideration, in part, for each of them entering into this Agreement is the willingness of the other to limit the remedies for all actions arising out of or in connection with this Agreement.

12.1 **Limitations on City's remedies.** Upon any failure by Owners or Owners' Agent to perform its obligations under this Agreement, City shall be limited strictly to only the following remedies:

- (a) action for specific performance or injunction; or
- (b) the right to set off, against the amounts of Project Costs to be shared by the City pursuant to the terms and conditions of this Agreement, the cost to City of performing any action or actions required to be done under this Agreement by Owners, but which Owners have failed or refused to do when required; or
- (c) any combination of the foregoing.

12.2 **Limitations on Owners' remedies.** Upon any failure by City to perform its obligations under this Agreement, Owners or Owners' Agent shall be limited strictly to only the following remedies:

- (a) action for specific performance or writ of mandamus; or
- (b) action for injunction; or
- (c) action for declaratory judgment regarding the rights and obligations of Owners and Owners' Agent; or
- (d) any combination of the foregoing.

The Parties expressly waive their respective rights to sue for damages of any type for breach of, or default under, this Agreement by the other. Both Parties expressly agree that each Party shall bear the cost of its own attorney fees for any action arising out of or in connection with this Agreement. Venue for any actions

Interchange Cost Sharing Agreement

initiated under or in connection with this Agreement shall be in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.

13. **Recordation of Agreement.** An executed original of this Agreement shall be recorded, at Owners' expense, in the Public Records of Orange County, Florida, within thirty (30) days after the Effective Date.

14. **Applicable Law.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

15. **Further Documentation.** The Parties agree that at any time following a request therefor by the other Party, each shall execute and deliver to the other Party such further documents and instruments reasonably necessary to confirm and/or effectuate the obligations of either Party hereunder and the consummation of the transactions contemplated hereby.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be duly executed by their respective duly authorized representatives on the dates set forth below.

**CITY OF APOPKA, FLORIDA**

By: Apopka City Council

By: \_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

Date: 9-17-2015

ATTEST: Linda F. Goff  
As Clerk of the City of Apopka

By: Linda F. Goff  
City Clerk

Interchange Cost Sharing Agreement

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of SEPTEMBER 2015, by Joseph E. Kilsheimer, as Mayor of the **CITY OF APOPKA, FLORIDA**, a Florida municipal corporation. He/she is personally known to me or has produced \_\_\_\_\_ as identification.



SUSAN MARIE BONE  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF114088  
Expires 4/25/2018

Susan M Bone  
Signature of Notary Public

Susan M. Bone  
Typed name of Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

Witnesses:

“EMERSON I”

**EMERSON POINT ASSOC., LLLP** a  
Florida limited liability limited partnership

Roberto Maximo  
Print Name: Roberto Maximo

Jessica A Johnson  
Print Name: Jessica A. Johnson

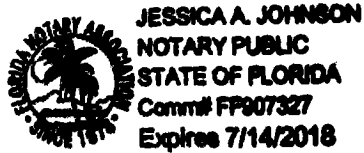
By: [Signature]  
Print Name: Michael E. Wright  
Title: General Partner

Date: 9/22/15

Interchange Cost Sharing Agreement

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of September, 2015, by Michael E. Wright, as General Partner for EMERSON POINT ASSOC., LLLP, a Florida limited liability limited partnership, on behalf of the partnership. He is personally known to me or has produced \_\_\_\_\_ as identification.



Jessica A. Johnson  
Signature of Notary Public

Jessica A. Johnson  
Typed name of Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

Interchange Cost Sharing Agreement

Witnesses:

“EMERSON II”

EMERSON POINT PHASE II, LLC a Florida limited liability company

[Signature]  
Print Name: Roberto Maximo

By: [Signature]  
Print Name: Michael E. Wright  
Title: Manager

[Signature]  
Print Name: Jessica A. Johnson

Date: 9/22/15

[Signature]  
Print Name: Daniel Conn

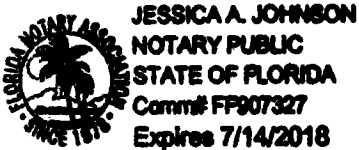
By: [Signature]  
Print Name: Mary L. Demetree  
Title: Manager

[Signature]  
Print Name: Jessica A. Johnson

Date: 9/29/15

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of September 2015, by Michael E. Wright, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification.

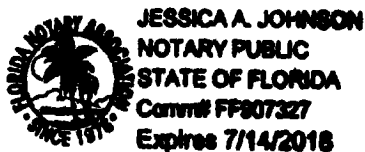


[Signature]  
Signature of Notary Public

Jessica A. Johnson  
Typed name of Notary Public

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of September 2015, by Mary L. Demetree, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
Signature of Notary Public

Jessica A. Johnson  
Typed name of Notary Public

Witnesses:

“OWNERS’ AGENT”

Interchange Cost Sharing Agreement

EMERSON MMI-INT, LLC a Florida limited liability company

Roberto Maximo  
Print Name: Roberto Maximo

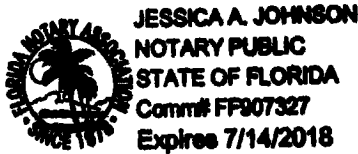
Jessica A. Johnson  
Print Name: Jessica A. Johnson

By: [Signature]  
Print Name: Michael E. Wright  
Title: Manager

Date: 9/22/15

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of September 2015, by Michael E. Wright, as Manager for **EMERSON MMI-INT, LLC**, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification.

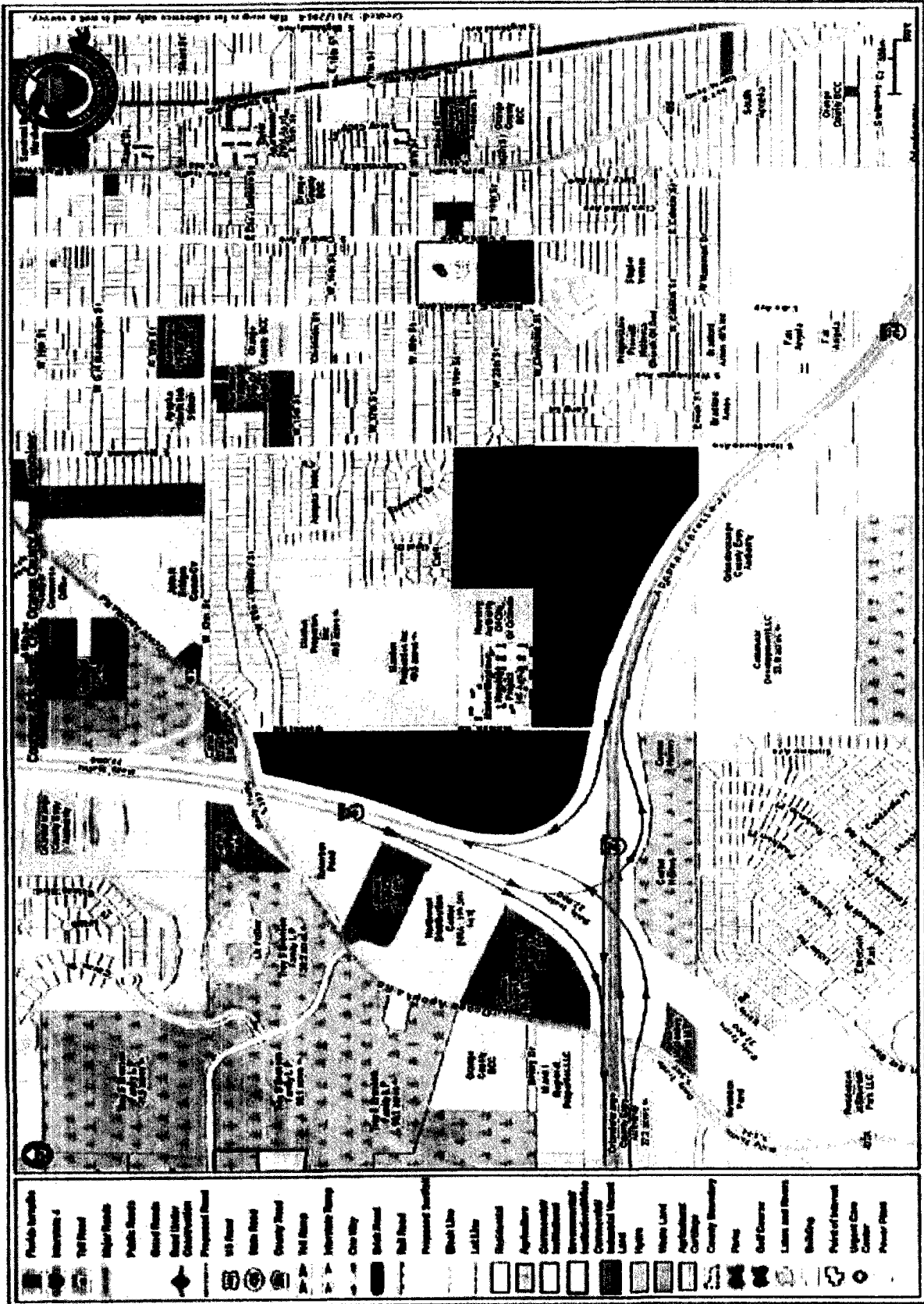


Jessica A. Johnson  
Signature of Notary Public

Jessica A. Johnson  
Typed name of Notary Public

Interchange Cost Sharing Agreement

**Composite Exhibit "A"**  
**Project Location Map**







## Interchange Cost Sharing Agreement

**Composite Exhibit "B"**  
**Property Legal Descriptions**

**LEGAL DESCRIPTION OF PROPERTY**  
**EMERSON 2 PROPERTY**

**PARCEL 1:**

A parcel of land located in the NW 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 21; thence S88°57'30"E along the North line of said NW 1/4, a distance of 30.00 feet to a point on the Easterly right-of-way line of Marden Road (60-foot right-of-way), said point being the Point of Beginning;

Thence continuing along the North line of said NW 1/4, S88°57'30"E along the North line of said NW 1/4, a distance of 1304.19 feet to the Northeast corner of the NW 1/4 of said NW 1/4; thence leaving the North line of said NW 1/4, S0°25'10"W along the East line of the NW 1/4 of said NW 1/4 a distance of 1275.71 feet to a point on the Northerly right-of-way line of Harmon Road Extension; thence leaving the East line of the NW 1/4 of said NW 1/4, N89°22'05"W along the Northerly right-of-way line of said Harmon Road Extension, a distance of 332.65 feet to a point; thence leaving the Northerly line of Harmon Road Extension, S0°25'10"W a distance of 30.00 feet to a point on the South line of the NW 1/4 of said NW 1/4; thence N89°22'05"W along the South line of the NW 1/4 of said NW 1/4, a distance of 967.87 feet to a point in the Easterly right-of-way line of said Marden Road; thence leaving the South line of the NW 1/4 of said NW 1/4, N0°15'45"E along the Easterly right-of-way line of said Marden Road, a distance of 1315.05 feet to the Point of Beginning.

LESS AND EXCEPT the West 30 feet for road right of way per Deed Book 543, Page 3, Public Records of Orange County, Florida.

ALSO LESS AND EXCEPT therefrom Parcels 229, conveyed to OOCEA in Official Records Book 8914, Page 4223, and Parcel 229A conveyed to OOCEA in Official Records Book 9038, Page 3272, Public Records of Orange County, Florida, more particularly described as follows:

**Parcel 229**

A tract or parcel of land being a portion of the Northwest 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northwest 1/4 of said Section 21 (railroad spike with "X" cut as now exist); thence S88°57'29"E, along the North line of said Northwest 1/4, for a distance of 30.00 feet to the Eastern right of way line of Marden Road, as described in Official Records Book 829, Page 94, of the Public Records of Orange County, Florida; thence S00°15'48"W, along said Eastern right of way line, for a distance of 469.38 feet to the POINT OF BEGINNING being a point on a non-tangent curve; thence, departing said Eastern right of way line, Easterly 494.88 feet along the arc of a curve concave Southerly having a radius of 4360.00 feet, a central angle of 06°30'12" and a chord bearing of S81°10'07"E; thence S70°08'59"E for a distance of 589.24 feet to the point of curvature; thence Southeasterly 276.78 feet along the arc of a curve concave Southwesterly having a radius of 4320.00 feet, a central angle of 03°40'15" and a chord bearing of S68°18'51"E, to the intersection with the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 21; thence S00°25'16"W, along said East line, for a distance of 451.76 feet to the intersection with the North right of way line of Harmon Road Extension, as recorded in Deed Book 785, Page 88 of the Public Records of Orange County, Florida; thence, departing said East line,

N89°22'08"W, along said North right of way line, for a distance of 332.66 feet; thence, continuing along the right of way line of Harmon Road Extension, S00°22'53"W for a distance of 30.00 feet to the intersection with the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 21; thence, departing said right of way line of Harmon Road Extension, N89°22'08"W, along said South line, for a distance of 392.14 feet; thence, departing said South line, N00°15'48"E for a distance of 365.68 feet to a point on a non-tangent curve; thence Northwesterly 566.96 feet along the arc of a curve concave Southwesterly having a radius of 3980.00 feet, a central angle of 08°09'43" and chord bearing of N79°34'00"W, to a point on a non-tangent curve; thence, Westerly 18.18 feet along the arc of a curve concave Southerly having a radius of 1223.14 feet, a central angle of 00°51'07" and a chord bearing of N88°00'03"W, to the intersection with aforesaid Eastern right of way line of Marden Road; thence N00°15'48"E, along said Eastern right of way line, for a distance of 383.15 feet to the POINT OF BEGINNING.

and

Parcel 229A:

A tract or parcel of land being a portion of the Northwest 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northwest 1/4 of said Section 21 (railroad spike with "X" cut as now exists); thence S88°57'29"E, along the North line of said Northwest 1/4, for a distance of 30.00 feet to the Eastern right-of-way line of Marden Road, as described in Official Records Book 829, Page 94 of the Public Records of Orange County, Florida; thence departing said North line, S00°15'48"W, along said Eastern right-of-way line, for a distance of 852.53 feet to the Point of Beginning being a point on a non-tangent curve; thence, departing said Eastern right-of-way line, Easterly 18.18 feet along the arc of a curve concave Southerly having a radius of 1223.14 feet, a central angle of 00°51'07" and a chord bearing of S88°00'03"E to a point on a non-tangent curve; thence Southeasterly 566.96 feet along the arc of a curve concave Southwesterly having a radius of 3980.00 feet, a central angle of 08°09'43" and a chord bearing of S79°34'00"E; thence S00°15'48"W for a distance of 365.68 feet to a point on the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 21; thence, N89°22'08"W along said South line for a distance of 575.77 feet to a point on the aforesaid Eastern right-of-way line of Marden Road; thence, departing said South line, N00°15'48"E along said Eastern right-of-way line for a distance of 462.56 feet to the Point of Beginning.

PARCEL 2:

The Northeast quarter of the Northwest quarter of Section 21, Township 21 South, Range 28 East, Orange County, Florida, together with the South half of the Southeast quarter of the Southwest quarter of Section 16, Township 21 South, Range 28 East.

LESS AND EXCEPT the East 30 feet for road right of way per Official Records Book 30, Page 57, Public Records of Orange County, Florida, and the South 30 feet for road right of way per Deed Book 785, Page 113, Public Records of Orange County, Florida.

ALSO LESS AND EXCEPT therefrom Parcel 237 conveyed to OOCEA by Warranty Deed recorded in Official Records Book 9038, Page 3272, Public Records of Orange County, Florida, more particularly described as follows:

A tract or parcel of land being a portion of the Northwest 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 21 (6"x6" concrete monument as now exist); thence N88°57'29"W, along the North line of said Northwest 1/4, for a distance of 30.00 feet to the Western right of way line of S. Hawthorne Avenue, as described in Official Records Book 30, Page 57, of the Public Records of Orange County, Florida; thence, departing said North line, S00°34'53"W, along said Western right of way line, for a distance of 1296.35 feet to the South line of the Northeast 1/4 of the Northwest 1/4 of Section 21; thence departing said Western right of way line, N89°22'08"W along said South line for a distance of 447.69 feet to the Point of Beginning; thence, continuing N89°22'08"W along said South line for a distance of 852.86 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 21; thence, departing said South line, N00°25'16"E, along said West line, a distance of 481.76 feet to a point on a non-tangent curve; thence departing said West line, Southeasterly 983.18 feet along the arc of a curve concave Southwesterly having a radius of 4320.00 feet, a central angle of 13°02'23" and a chord bearing of S59°57'32"E to the Point of Beginning.

Interchange Cost Sharing Agreement

Exhibit "C"  
Berenis to Knudson Letter of July 24, 2014

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY**

July 24, 2014

Mr. Kevin Knudsen, P.E.  
Project Manager  
Dewberry | Bowyer-Singleton  
520 South Magnolia Avenue  
Orlando, Florida 32801

**RE: Interchange Justification Report  
SR 414 at Marden Road  
Review of May 2014 Submittal**

Dear Mr. Knudsen:

The Central Florida Expressway Authority (CFX) staff has reviewed your May 2014 Interchange Justification Report (IJR) submittal for a proposed half diamond interchange on SR 414 (John Land Apopka Expressway) at Marden Road. In general, it appears the revised report adequately addresses the majority of comments provided to you following our February 2014 review. Attached is a letter from our General Engineering Consultant, Atkins, containing the balance of our technical review comments for the May 2014 submittal. The Expressway Authority's Traffic and Revenue Consultant, CDM Smith, has reviewed the recent submittal and their comments are also included in the attached letter.

Should your client decide to further advance the proposed interchange at Marden Road, the following non-technical items must be addressed to the satisfaction of CFX prior to final approval of the IJR document:

1. A formal funding agreement between the applicant, other potential partners and CFX to clearly delineate roles and responsibilities of each entity. Such agreement shall address the interchange ramp improvements as well as correction of deficient local roadway elements as a result of the interchange (specifically, Marden Road north and south of the proposed interchange and Keene Road east and west of SR 414). Further, the agreement shall stipulate that all interchange design elements meet CFX design criteria (geometry, drainage, signage, pavement markings, lighting, etc.) and that CFX shall have final review and approval of all construction plans. Lastly, the agreement shall outline the requirements for permits and right-of-entry documents necessary from CFX for construction of the proposed project.

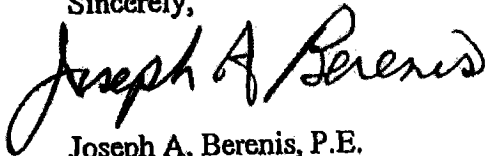
4974 ORL TOWER RD. ORLANDO, FL 32807 | PHONE: (407) 690-5000 | FAX: (407) 690-5011  
WWW.EXPRESSWAYAUTHORITY.COM

K. Knudsen  
July 24, 2014  
Page 2

2. All proposed right-of-way required for the project shall be acquired by the applicant or potential partners. This includes the right-of-way to be acquired from CFX for the eastbound entrance ramp.
3. All impacts to the existing CFX storm water pond and existing permits (at the eastbound entrance ramp) shall be identified and a mitigation plan proposed.

Should you have any questions or require additional information as it pertains to our review comments, please contact Glenn Pressimone at 407-690-5321.

Sincerely,



Joseph A. Berenis, P.E.  
Deputy Executive Director

**Attachment**

cc: Angel de la Portilla  
Glenn Pressimone  
Nathan Silva  
Hugh Miller



Atkins North America, Inc.  
482 South Keller Road  
Orlando, Florida 32810-6101  
Telephone: +1.407.647.7275  
[www.atkinsglobal.com/northamerica](http://www.atkinsglobal.com/northamerica)

July 22, 2014

Glenn M. Pressimone, P.E.  
Director of Engineering  
Central Florida Expressway Authority  
4974 ORL Tower Road  
Orlando, FL 32807

Re: **State Road 414 and Marden Road, Interchange Justification Report (May 2014) and Responses to Review Comments (February 28, 2014)**

Dear Mr. Pressimone:

Atkins' and CDM Smith's staffs have reviewed the referenced documents prepared by GMB Engineers & Planners in association with Dewberry/Bowyer-Singleton as requested.

Atkins' review comments are as follows:

1. Atkins' staff reviewed the Draft Marden Road IJR and provided comments to you in a letter dated February 6, 2014. Comment Number 3 clearly disputed the method in which the Applicant performed the Highway Capacity Analysis (HCS) of the merge and diverge maneuvers at the proposed SR 414/Marden Road ramps and the SR 414 / SR 451 ramps. Given the potential close proximity of the SR 414 westbound exits to Marden Road and SR 451 and the similar eastbound consecutive entrance ramps from SR 451 and Marden Road, the HCS analysis must include the adjacent ramp information to generate an accurate assessment of the operational characteristics. The adjacent ramp information is not included HCS analysis spreadsheets. Given the relatively low ramp volume forecasts and the high levels of services projected on the facilities, it is anticipated that the correct analysis would result in the same conclusion, however, it is important that the correct analysis be performed and documented.
2. In general, it appears the Applicant has adequately addressed all of the other comments dated February 6, 2014, provided on the Draft IJR. There does not appear to be any fatal flaws associated with the engineering characteristics of the proposed Interchange ramps.

Glenn Pressimone, P.E.  
 July 22, 2014  
 Page 2

CDM Smith's review comments are as follows:

1. As described in the IJR, the purpose of "the proposed SR 414/Marden Road Interchange is to improve access to the south part of the City of Apopka (page iii)." While this will certainly be true for the proposed and on-going land development projects on Marden Road, it is less clear for the land developments in the Apopka Westside Research Park and the Northwest Distribution Center.
2. Project funding is addressed in the IJR. "The applicant will be responsible for the full costs of design and construction of the interchange (page iv)." This statement, which repeats many times in the IJR, should be revised to read "... the full capital cost, including but not limited to design, right-of-way, mitigation and construction."
3. There is a minor inconsistency between the area of influence, defined at the start of the study, and the results. There appear to be changes in the level of service on SR 429 and Keene Road, which are not fully documented.
4. The level of service on Marden Road, south of the interchange, changes from LOS D under No Build conditions to LOS F under Build conditions. Who and how will this need be addressed.
5. Why would traffic volume forecasts on SR 429, north and south of the interchange with SR 414, increase by between 5% and 8% by 2035? If the SR 414/Marden Road interchange provides useful access to land developments in the area along SR 429 and the Ocoee/Apopka Road, the traffic volume forecasts under Build conditions should be lower than the No Build forecasts.

If the Applicant decides to advance the proposed interchange ramps at Marden Road, the following topics must be addressed to the satisfaction of CFX prior to final approval of the IJR.

1. A formal funding agreement, which includes the interchange ramps as well as correction of deficient local roadway elements, between the Authority, the Applicant and other potential partners will be required to clearly delineate roles and responsibilities of each entity.
2. The ramp design must meet all Expressway Authority criteria including geometry, drainage, signage, pavement markings, lighting, etc. The Expressway Authority will have final review and approval of all construction plans.
3. The proposed westbound exit ramp has the potential to impact private property. Securing the right of way necessary to construct the ramp will be the Applicant's responsibility.

ATKINS

Glenn Pressimone, P.E.

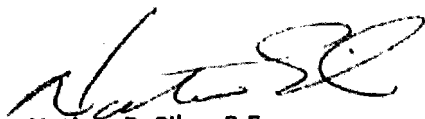
July 22, 2014

Page 3

4. The proposed eastbound entrance ramp appears to impact a parcel owned by the Expressway Authority. The Applicant will be required to obtain the property necessary to construct the ramp in accordance with the Expressway Authority's surplus property guidelines.
5. The proposed eastbound entrance ramp also appears to impact an Expressway Authority storm water pond. Further coordination will be required to address permitting requirements associated with any pond impacts.
6. Table 17-5 *SR 414/Marden Road Interchange Justification Report, Year 2035 Build Alternative-Peak Directional Roadway LOS Analysis* of the IJR indicates that Marden Road (north and south of the proposed interchange) and Keene Road (east and west of SR 414 existing interchange) will operate at LOS F. The Expressway Authority will not be responsible for funding corrective actions at any of these locations.

Please contact me with any questions or if additional clarifications are necessary.

Sincerely,



Nathan P. Silva, P.E.

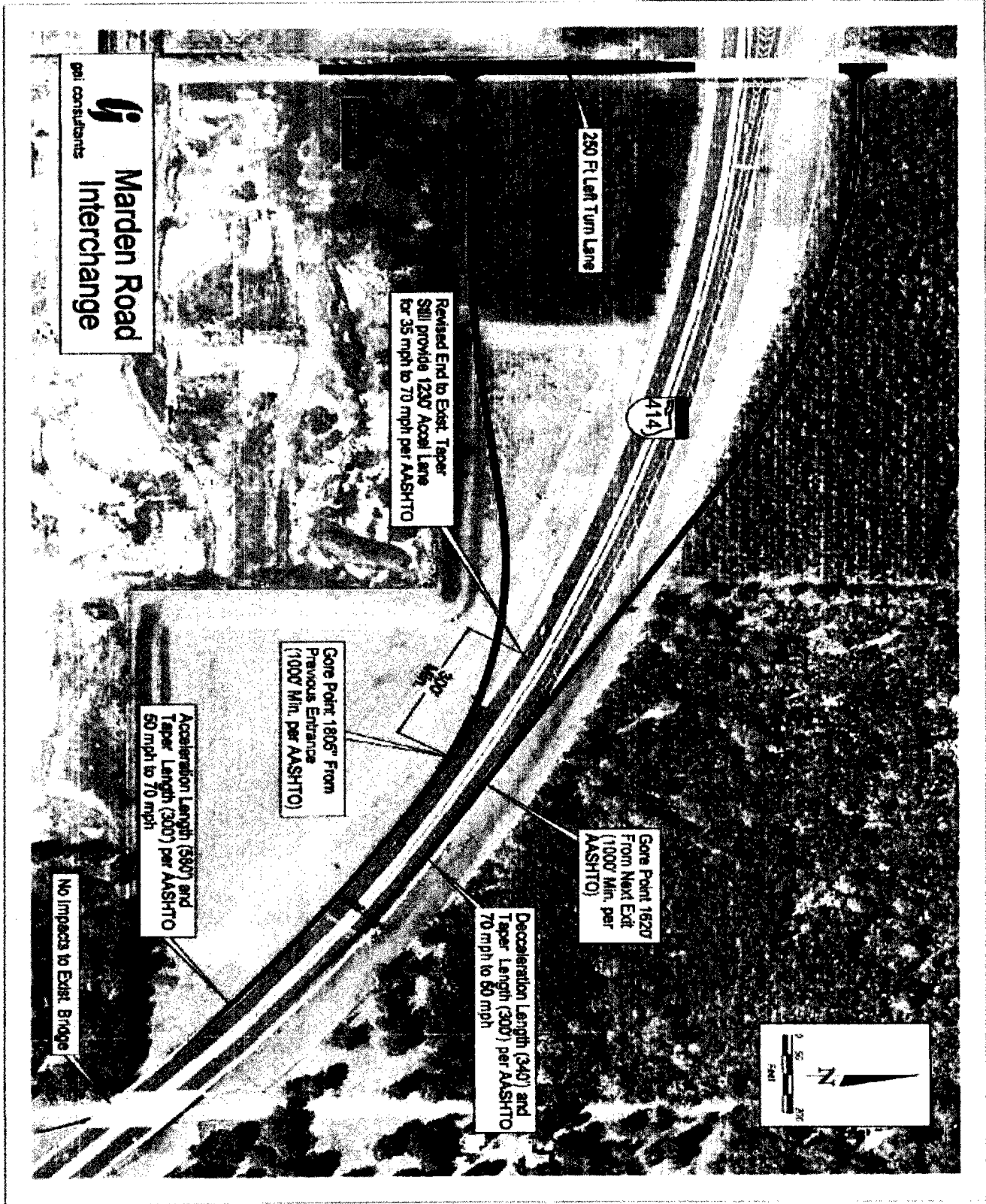
Program Manager

cc: Joseph A. Berenis, Deputy Executive Director



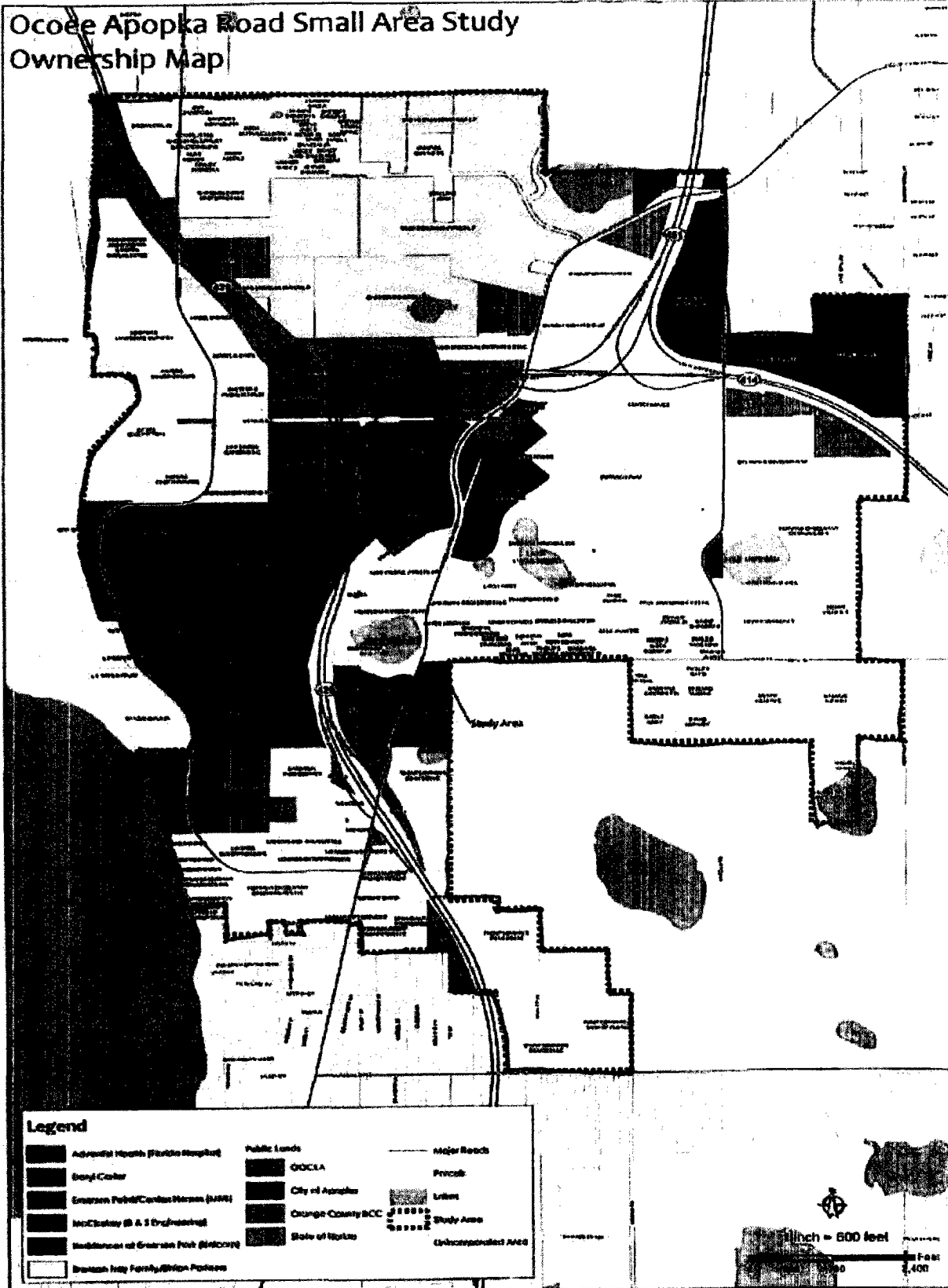
Interchange Cost Sharing Agreement

**Exhibit "D"**  
**Conceptual Improvements Plan**



Interchange Cost Sharing Agreement

**Exhibit "E"**  
**Marden Road Interchange Project Area**



Interchange Cost Sharing Agreement

**Exhibit "F"**  
**Representative Scope of Development**

Emerson I Multifamily: 544 units  
Emerson I Commercial: 75,000 square feet

Emerson II Multifamily: 272+ units  
Emerson II Commercial: 350,000 square feet.

Interchange Cost Sharing Agreement

**Exhibit "G"**  
**Budget**

Marden Road Access Ramps - Preliminary Conceptual Cost Estimate					
Location	Unit	Value	Cost per Mile	Cost Revision	Basis
SR 414 EB on ramp	miles	0.45	\$2,044,323	\$964,773	FDOT LRE: 2 lane rural roadway
SR 414 WB off ramp	miles	0.42	\$2,044,323	\$900,455	FDOT LRE: 2 lane rural roadway
SR 414 widening	miles	0.33	\$3,519,430	\$1,218,006	FDOT LRE: widen interstate
Marden Road S of bridge	miles	0.07	\$4,084,261	\$299,830	FDOT LRE: new con. 3 lane urban
Marden Road N of bridge	miles	0.03	\$482,833	\$15,191	FDOT LRE: m&r 2 lane urban
<b>Sub Total</b>				<b>\$3,398,255</b>	
<i>Maintenance of Traffic</i>				\$339,825	10% of subtotal
<i>Contingency (includes costs such as permitting fees)</i>				\$679,651	20% of subtotal
<b>Total Construction</b>				<b>\$4,417,731</b>	
Engineering -Interchange Ramps				\$415,000	
Engineering - Marden Roadway Improvements				\$150,000	
Materials Testing and Inspections				\$80,000	
CFL Strategies				\$75,000	
Interchange Justification Report				\$72,500	
Legal				\$100,000	
Landscaping				\$175,000	
<b>Estimated Subtotal</b>				<b>\$5,485,231</b>	
Financing Fees, etc.				\$82,278	
Appraisal Fee				\$5,000	
Construction Management				\$274,262	5%
Emerson II R/W Dedication (Approximately 3 acres)				\$225,000	
Performance Bond				\$50,000	
Completion bond				\$50,000	
Builder's Risk				\$25,000	
Interest Reserve				\$360,000	
<b>Estimated Total Cost</b>				<b>\$6,556,771</b>	
Less: City of Apopka Contribution				-\$2,500,000	
<b>Total Interchange Cost</b>				<b>\$4,056,771</b>	

**Backup material for agenda item:**

1. CHANGE OF ZONING – Owned by Little Brownie Properties, Inc., from “County” IND-2/IND-3 (ZIP) to “City” I-1 (Restricted Industrial), for property located at 532 E. 13th Street. (Parcel ID #s: 15-21-28-0000-00-077 & 15-21-28-0000-00-075) (17.47 +/- ac) (Ord. No. 2493)



# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Land Use Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

---

**SUBJECT:** LITTLE BROWNIE PROPERTIES, INC. – CHANGE OF ZONING

**PARCEL ID NUMBER:** 15-21-28-0000-00-077 & 15-21-28-0000-00-078

**Request:** CHANGE OF ZONING  
FROM: “COUNTY” IND-2/IND-3 (ZIP)  
TO: “CITY” I-1 (RESTRICTED INDUSTRIAL)

**SUMMARY**

OWNER/APPLICANT: Little Brownie Properties, Inc.

LOCATION: 532 E 13<sup>th</sup> Street

EXISTING USE: Vacant

FLUM DESIGNATION: Industrial

CURRENT ZONING: “County” IND-2/IND-3 (ZIP)

PROPOSED DEVELOPMENT: Light industrial development/wholesale warehousing

TRACT SIZE: 17.47 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 380,496 sq. ft.  
PROPOSED: 456,595 sq. ft.

**DISTRIBUTION**

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

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

The subject property was annexed into the City of Apopka on January 20, 2010, through the adoption of Ordinance No. 2143. The proposed change of zoning is being requested by the owner/applicant.

A request to assign a change of zoning to I-1 (Restricted Industrial) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the I-1 (Restricted Industrial) zoning classification to accommodate the use of the property for light industrial/wholesale warehousing. This use is consistent with the existing future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 17.47 acres.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Industrial (max 0.60 FAR) Future Land Use designation and the City’s proposed I-1 (Restricted Industrial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies. Based on the adjacent road system and nearby residential neighborhoods, I-1 (Restricted Industrial) Industrial is more suitable and compatible than I-2 Industrial zoning.

**SCHOOL CAPACITY REPORT:** The proposed rezoning is to a non-residential zoning district and, therefore, a capacity enhancement agreement with OCPS is not necessary.

**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 February 5, 2016

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 - Planning Commission (5:30 pm)  
April 20, 2016 - City Council (7:00 pm) - 1st Reading  
May 4, 2016 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
April 8, 2016 – Ordinance Heading ¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in zoning from “County” IND-2/IND-3 (ZIP) to “City” I-1 (Restricted Industrial) for the property owned by Little Brownie Properties, Inc., located at 532 E 13<sup>th</sup> Street.

**Recommended Motion:** Find the change of zoning to “City” I-1 (Restricted Industrial) consistent with the Comprehensive Plan and recommend adoption.

**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:**

Direction	Future Land Use	Zoning	Present Use
North (County)	Low Density Residential (0-4 du/ac)	R-1	R-O-W & Vacant Residential
East (City)	Industrial (max 0.60 FAR)	I-1	Warehousing
South (City)	Industrial (max 0.60 FAR) Residential Medium (0-10 du/ac) Residential Low (0-5 du/ac)	I-1 R-2 R-1	Vacant Industrial Vacant Residential Single-Family Residential
West (City)	Residential Medium (0-10 du/ac)	R-1AA	Vacant

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The subject property fronts and is accessed by a local roadway (E 13<sup>th</sup> Street).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed I-1 (Restricted Industrial) zoning is consistent with the City’s Industrial (max 0.60 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 (Restricted Industrial) zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 15,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks:
  - Front: 25 ft.
  - Rear: 10 ft. (30 ft. to residential)
  - Side: 10 ft.
  - Corner: 25 ft.

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

**BUFFERYARD  
 REQUIREMENTS:**

1. Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard.
2. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.
3. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard.
4. Industrial uses adjacent to nonresidential, nonindustrial uses or districts shall provide one of the following:



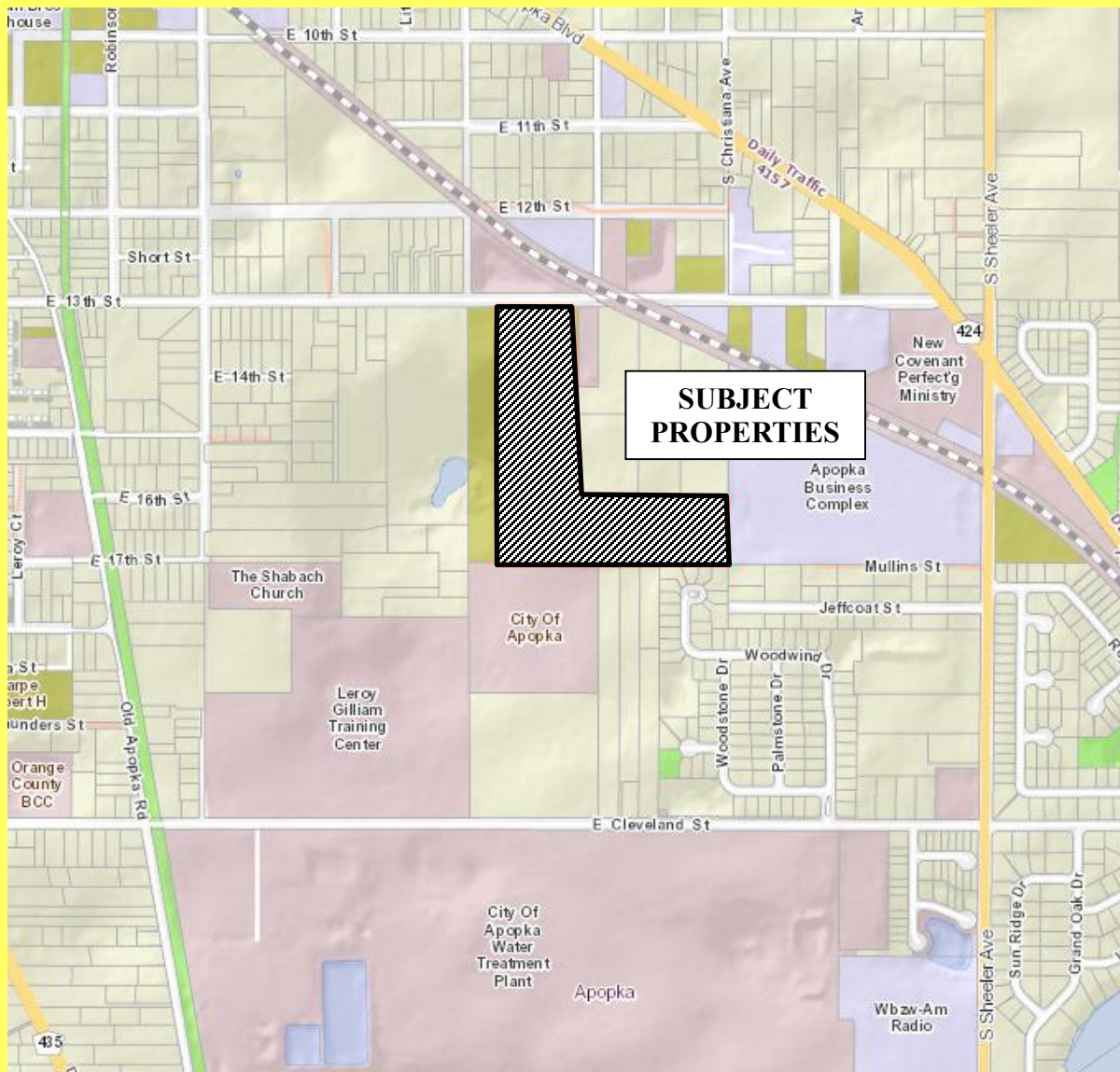
- a. A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or
- b. A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

**ALLOWABLE  
USES:**

Any C-3 Commercial District permitted use and wholesale distribution, storage and light manufacturing, including: manufacture and processing of novelties, bakery and confectionary products, garments, scientific, electrical, instruments or equipment. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales and machine shops. Cold storage and frozen food lockers. All other uses not prohibited, and similar and compatible to those within the I-1 Restricted Industrial Zoning District.

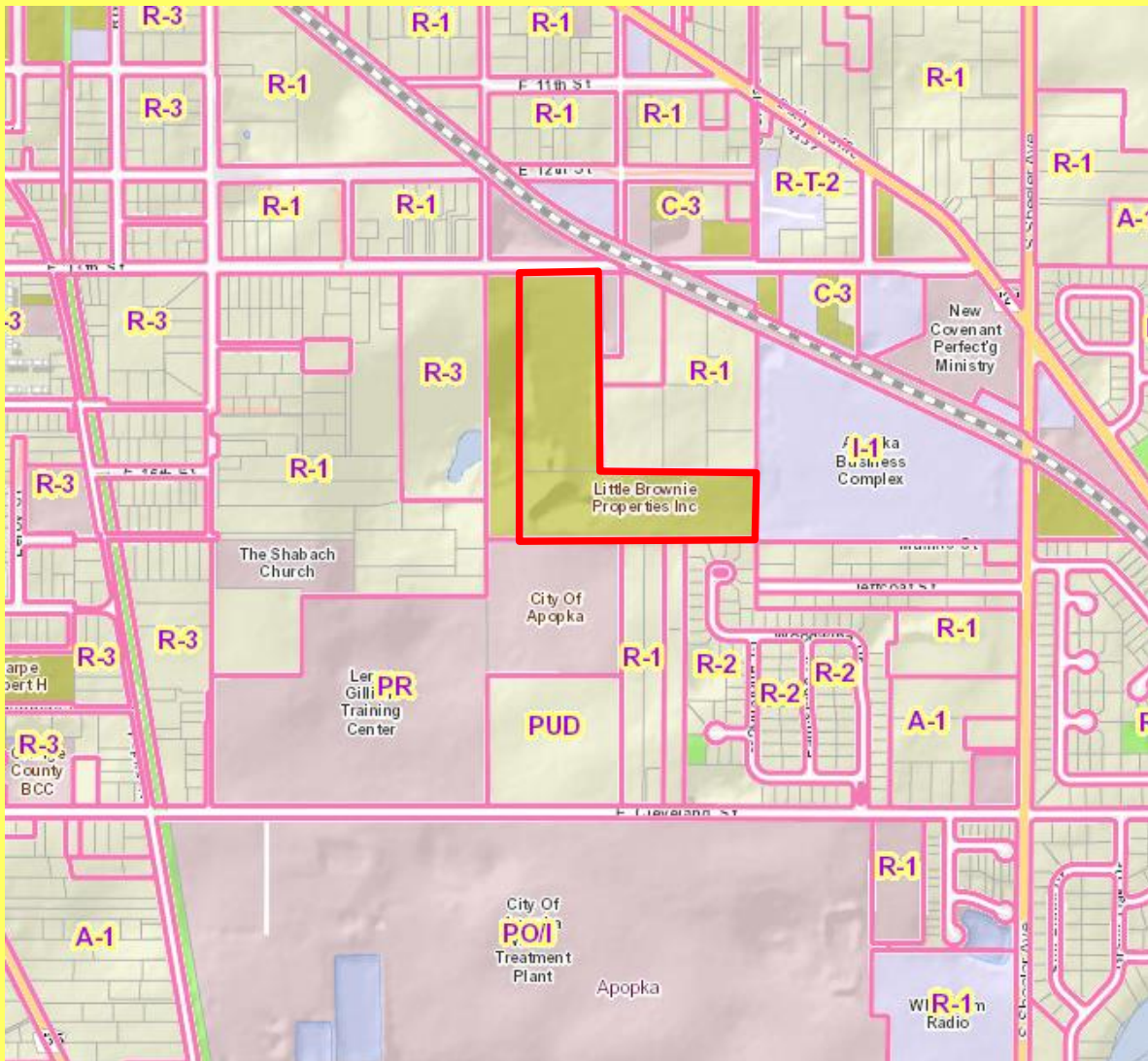
**Little Brownie Properties, Inc.**  
**532 E 13<sup>th</sup> Street**  
**17.47 +/- Acres**  
**Existing Maximum Allowable Development: 380,496 sq. ft.**  
**Proposed Maximum Allowable Development: 456,595 sq. ft.**  
**Proposed Zoning Change**  
**From: “County” IND-2/IND-3 (ZIP)**  
**To: “City” I-1 (Restricted Industrial)**  
**Parcel ID #: 15-21-28-0000-00-077 & 15-21-28-0000-00-078**

**VICINITY MAP**



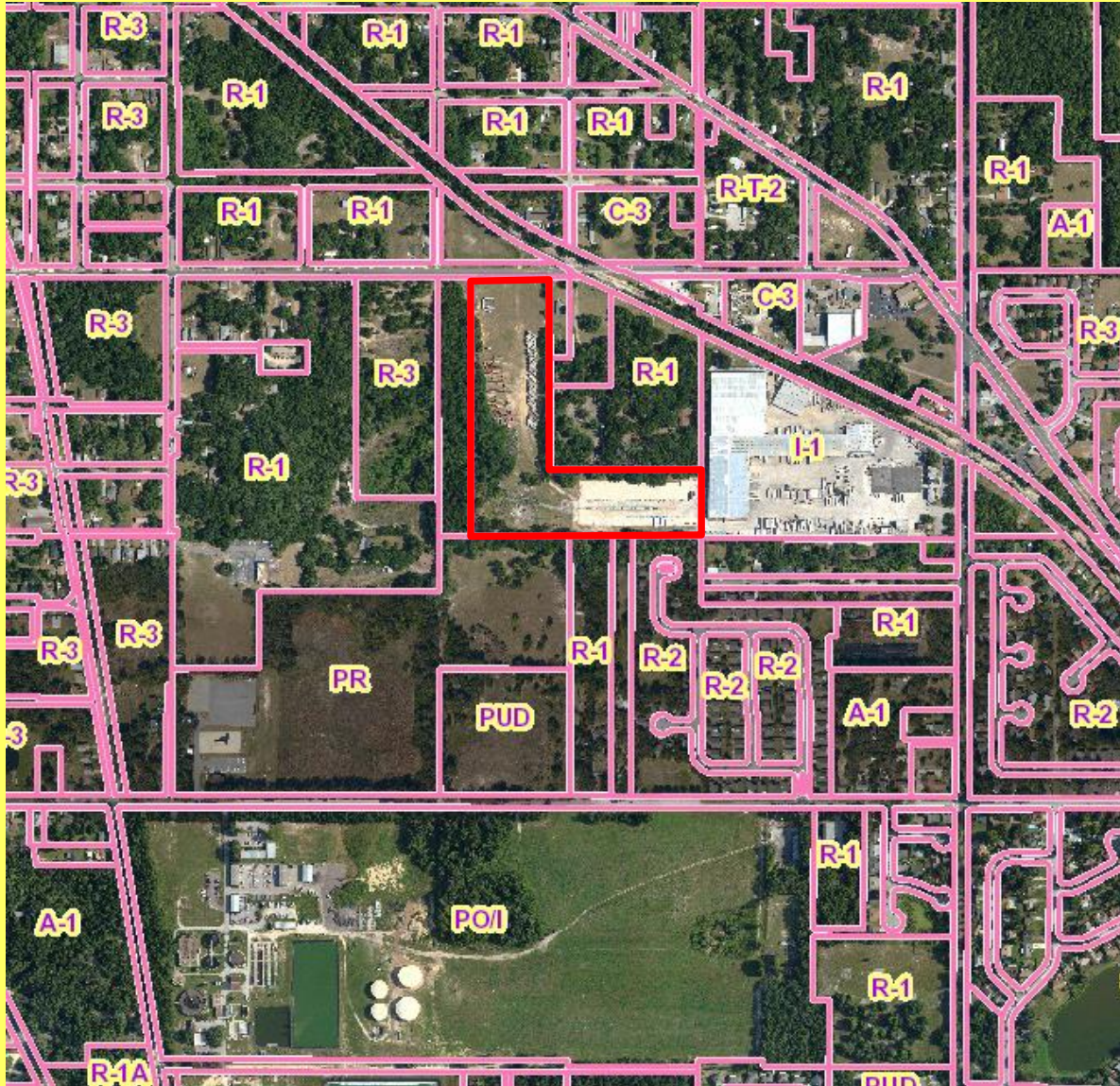


### ADJACENT ZONING



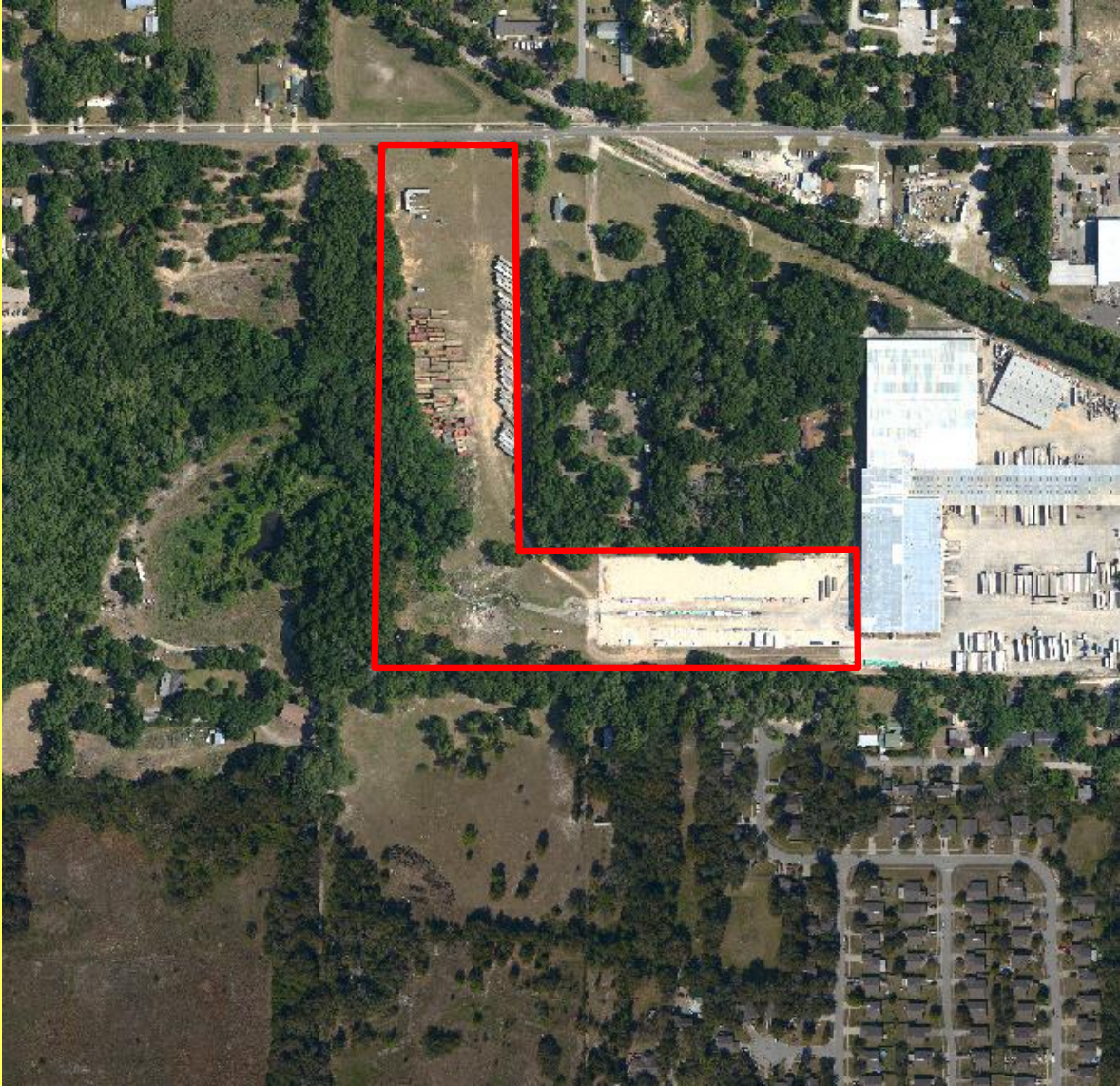


ADJACENT USES





**EXISTING USES**



**Backup material for agenda item:**

2. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" A-1 (ZIP) zoning designations to "City" AG (Agriculture) zoning designations. (Ord. No. 2476)



**CITY OF APOPKA  
PLANNING COMMISSION**

<input checked="" type="checkbox"/>	PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/>	ANNEXATION	FROM:	Community Development
<input type="checkbox"/>	PLAT APPROVAL	EXHIBITS:	“A” A-1 Spreadsheet
<input type="checkbox"/>	OTHER:		“B” Zoning Report

**SUBJECT: 2016-1 ADMINISTRATIVE REZONING**

**Request: CHANGE OF ZONING**  
**FROM: “COUNTY” A-1 (ZIP)**  
**TO: “CITY” AG (AGRICULTURE)**

**SUMMARY**

The 1 parcel, comprising a total of 6.14 +/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed AG zoning designation. The subject property currently has a City Future Land Use Designation of Agriculture (AG) and a County zoning category of A-1 assigned to it. A summary of the zoning case is provided in Exhibit “A”.

A brief summary of the administrative rezoning case:

<u>A-1 Properties</u>	
# of A-1 Parcels:	1
# of A-1 Property Owners:	1
A-1 Acreage:	6.14 +/- acres

The attached exhibits provide a summary of each proposed zoning amendment. The 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 the zoning case. The zoning report is provided in Exhibit “B”.

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 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.

**DISTRIBUTION**

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

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning for the case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 – City Council (1:30 pm) – 1st Reading  
April 20, 2016 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 to “City” AG as set forth in Exhibit “A” for the property described therein.

**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.**



**EXHIBIT "A"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" A-1 TO "CITY" AG**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-2	17-20-28-0000-00-018	Donald S. & Kathleen V. Smithers	6.14	AG	A-1 (ZIP)	AG



# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** DONALD S. & KATHLEEN V. SMITHERS (CASE # 2016-1-2)

**PARCEL ID NUMBER:** 17-20-28-0000-00-018

**Request:** ADMINISTRATIVE REZONING ORDINANCE 2476  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 ACRES) (AGRICULTURE)

**SUMMARY**

OWNER: Donald S. & Kathleen V. Smithers

APPLICANT: City of Apopka

LOCATION: South of W Kelly Park Road, west of Anton Avenue

EXISTING USE: Manufactured home

FUTURE LAND USE: Agriculture (0 - 1 du/10 acre)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Manufactured home (existing)

PROPOSED ZONING: AG

TRACT SIZE: 6.14 Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

**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:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 1999. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The character of the area is predominantly single-family residential, with “City” RCE-1 zoning to the west and “County” A-1 zoning to the north and east. Single-family residential is present to the south of the subject property. The current and proposed use of the site is for a manufactured home, which is a permitted use within the proposed “City” AG is zoning district. It is compatible with the uses in the surrounding area, which is predominantly rural.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into 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 acres)	AG & RCE-1	Single-family home & vacant residential
East (County)	Rural (0 – 1 du/10 acres)	A-1	Manufactured home
South (City)	Residential Estates (0 – 1 du/ac)	PUD	Vacant residential
West (City)	Residential Estates (0 – 1 du/ac)	RCE-1	Manufactured home and ornamental nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (W Kelly Park Rd).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Agriculture Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Agriculture Future Land Use category. 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. (Single-family)  
400 sq. ft. (mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft. (100 ft. non-residential uses)  
Rear: 25 ft. (100 ft. non-residential uses)  
Side: 25 ft. (100 ft. non-residential uses)  
Corner: 25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site 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 lines.

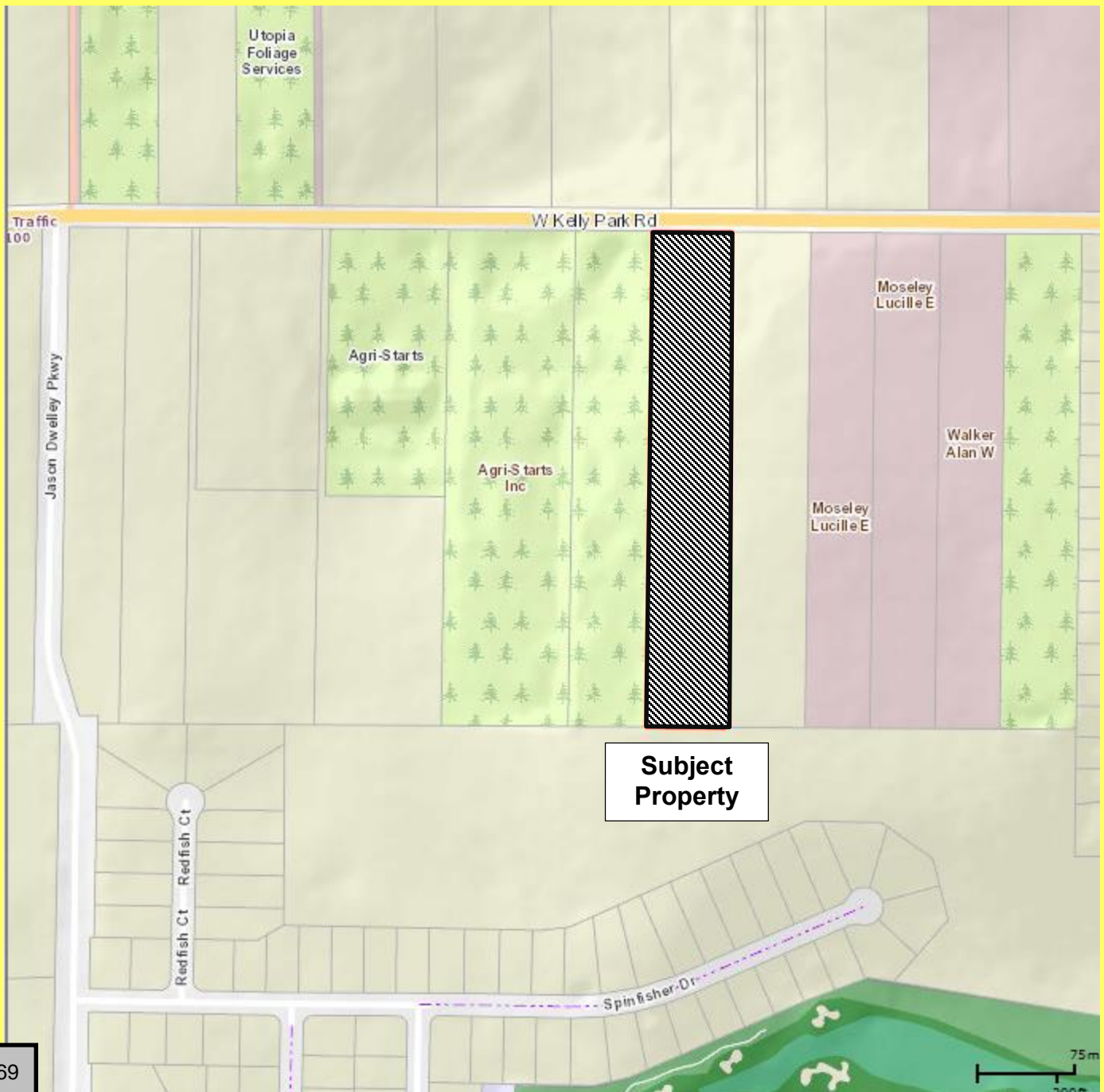
**ALLOWABLE USES:**

Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.

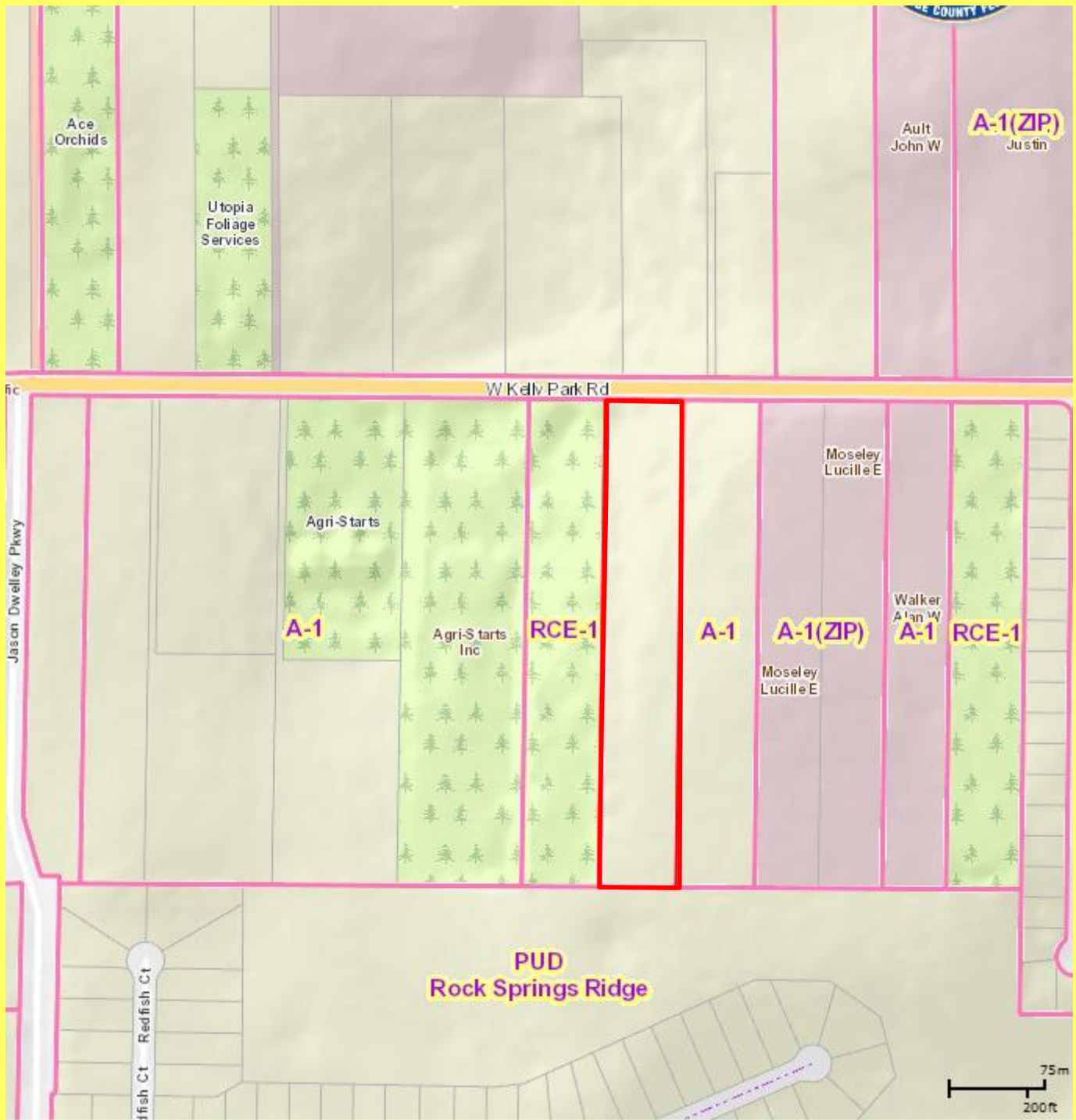


**Donald S. & Kathleen V. Smithers**  
**6.14 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "County" AG (Agriculture) (5 acre min. lot)**  
**Parcel ID #: 17-20-28-0000-00-018**

**VICINITY MAP**



### ADJACENT ZONING



ADJACENT USES



EXISTING USES





**Backup material for agenda item:**

3. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" A-1 and A-2 (ZIP) zoning designations to "City" AG (Agriculture) zoning designations. (Ord. No. 2477)



CITY OF APOPKA
PLANNING COMMISSION

X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL
OTHER:
DATE: March 8, 2016
FROM: Community Development
EXHIBITS: 'A' A-1 Spreadsheet
'B' A-2 Spreadsheet
'C' Zoning Reports

SUBJECT: 2016-1 ADMINISTRATIVE REZONING

Request: CHANGE OF ZONING
FROM: 'COUNTY' A-1 (ZIP) & A-2 (ZIP)
TO: 'CITY' AG (AGRICULTURE)

SUMMARY

The 3 parcels, comprising a total of 13.32 +/- acres, have been annexed into the City of Apopka and have been 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 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' describes parcels currently assigned a 'County' A-2 zoning category.

A brief summary of the administrative rezoning cases:

- A-1 Properties
# of A-1 Parcels: 2
# of A-1 Property Owners: 2
A-1 Acreage: 11.09 +/- acres
A-2 Properties
# of A-1 Parcels: 1
# of A-1 Property Owners: 1
A-1 Acreage: 2.23 +/- acres

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 'B'.

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 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.

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

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning for each case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 – City Council (1:30 pm) – 1st Reading  
April 20, 2016 – City Council (8:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 and “County” A-2 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

**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.**

**EXHIBIT "A"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" A-1 TO "CITY" AG**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-3	09-20-28-7608-00-050	Robert & Joyce Ayers	9.88	RS	A-1 (ZIP)	AG
2016-1-4	<i><b>CASE WITHDRAWN</b></i>					
2016-1-5	05-20-28-0000-00-020	James & Pamela Wright	1.21	RS	A-1 (ZIP)	AG

**EXHIBIT "B"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" A-2 TO "CITY" AG**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-1	24-20-27-0000-00-012	Michael & Melessa Handy	2.23	RS	A-2 (ZIP)	AG



# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** MICHAEL & MELESSA HANDY (CASE # 2016-1-1)

**PARCEL ID NUMBER:** 24-20-27-0000-00-012

**Request:** ADMINISTRATIVE REZONING  
**FROM:** "COUNTY" A-2 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
**TO:** "CITY" AG (0-1 DU/5 ACRES) (AGRICULTURE)

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**SUMMARY**

**OWNER:** Michael & Melessa Handy

**APPLICANT:** City of Apopka

**LOCATION:** West of Plymouth Sorrento Road, north of Lent Road

**EXISTING USE:** Single-family home

**FUTURE LAND USE:** Rural Settlement (0 - 1 du/5 acres)

**ZONING:** A-2 (ZIP)

**PROPOSED DEVELOPMENT:** Single-family home (existing)

**PROPOSED ZONING:** AG

**TRACT SIZE:** 2.23 Acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1964. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in a predominantly rural and single-family residential area, with “County” A-2 zoning to the north, west and south, and vacant “City” R-1AAA to the east. The existing and proposed use for the site is for a single-family home, which is permitted within the proposed AG zoning district and compatible with the surrounding uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
East (City)	Residential Very Low Suburban (0 – 2 du/ acre)	R-1AAA	Vacant
South (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
West (County)	Rural (0 – 1 du/10 acres)	A-2	Container nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a minor arterial roadway (Plymouth Sorrento Rd).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. 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. (Single-family)  
 400 sq. ft. (mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft. (100 ft. non-residential uses)  
 Rear: 25 ft. (100 ft. non-residential uses)  
 Side: 25 ft. (100 ft. non-residential uses)  
 Corner: 25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site 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 lines.

**ALLOWABLE USES:**

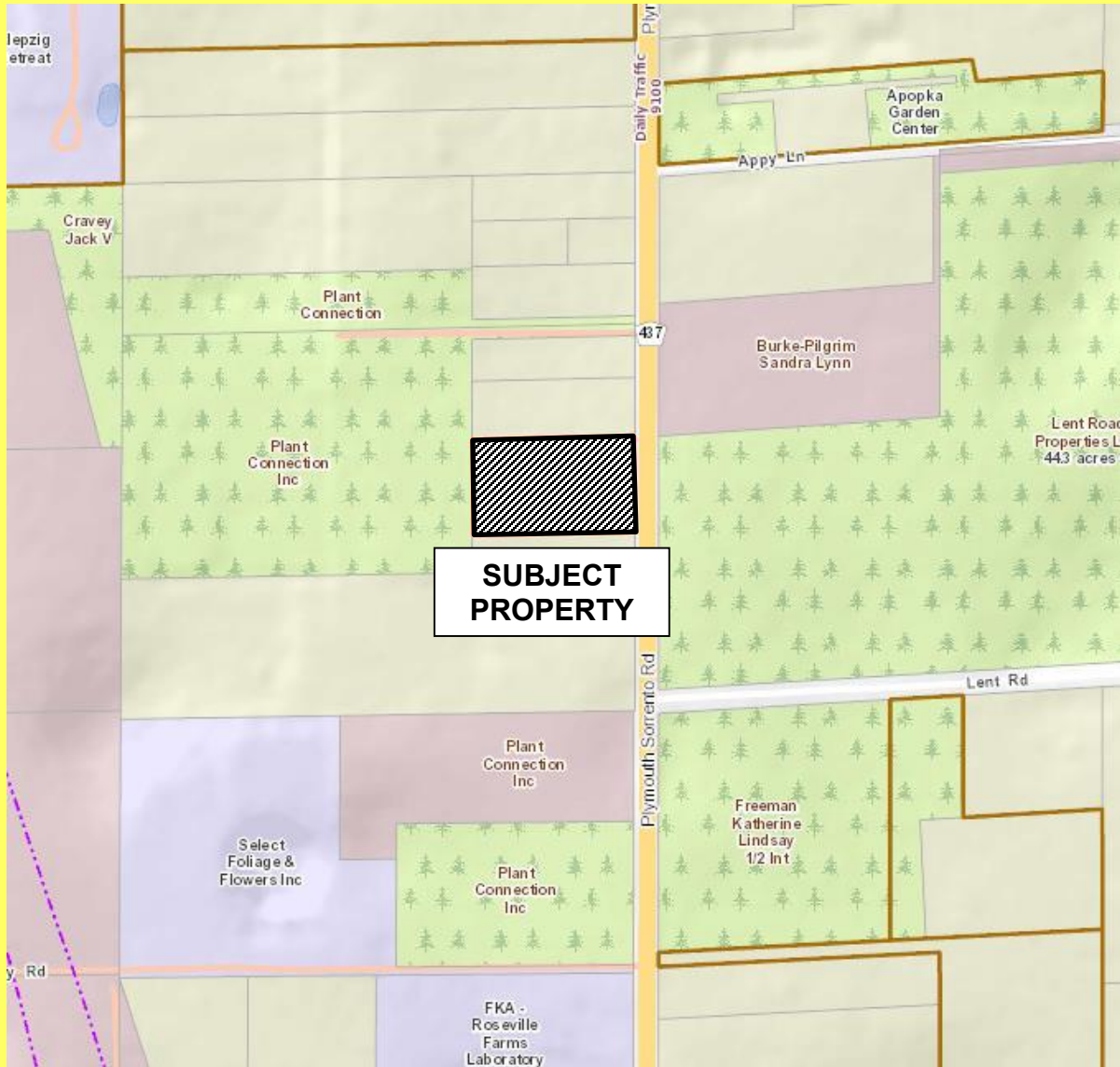
Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.





**Michael & Melessa Handy**  
**2.23 +/- Acres**  
**Proposed Zoning Change:**  
**From: “County” A-2 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: “County” AG (Agriculture) (5 acre min. lot)**  
**Parcel ID #: 24-20-27-0000-00-012**

**VICINITY MAP**



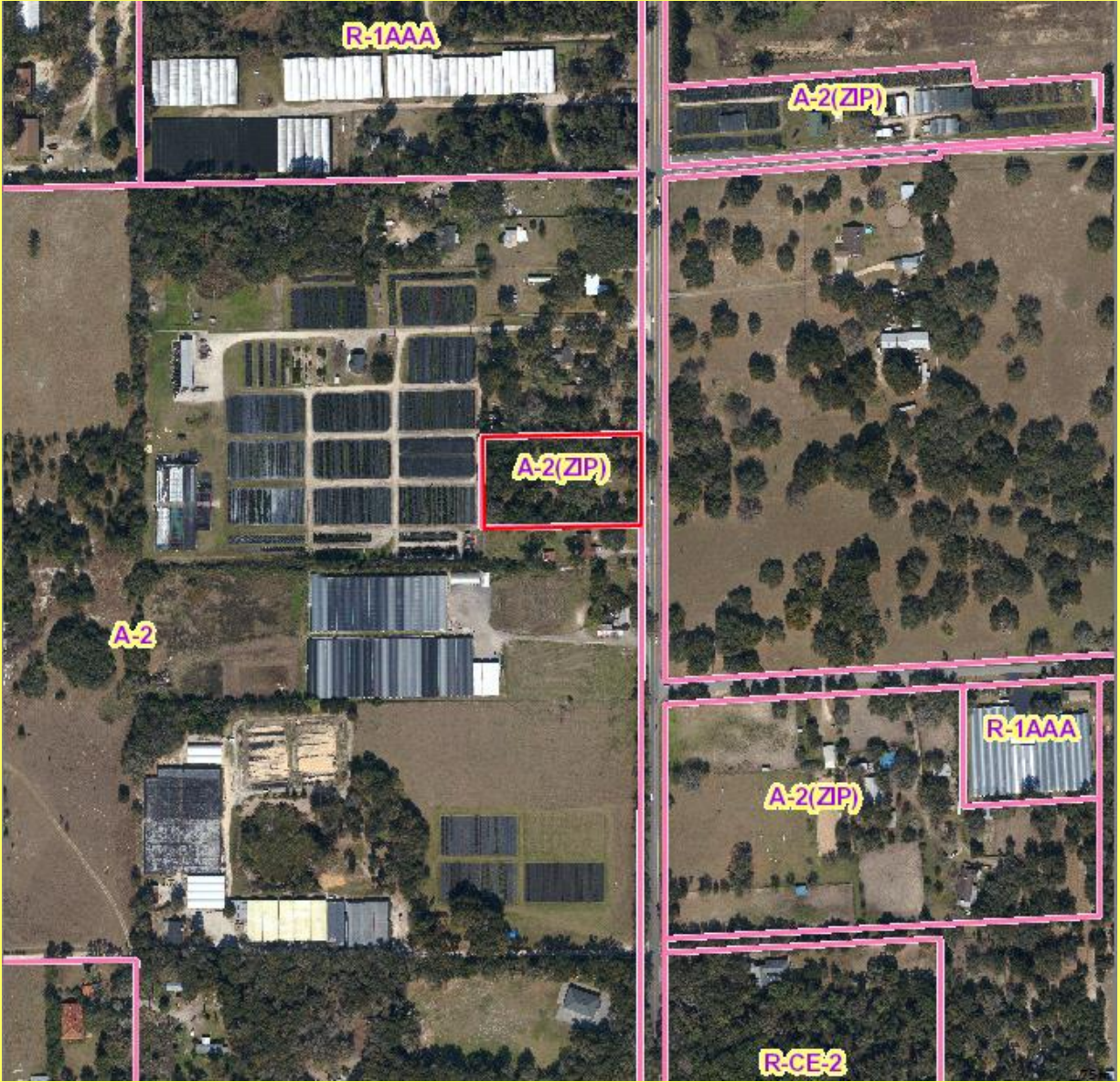


### ADJACENT ZONING





ADJACENT USES





**EXISTING  
USES**





# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** ROBERT & JOYCE AYERS (CASE # 2016-1-3)

**PARCEL ID NUMBER:** 09-20-28-7608-00-050

**Request:** ADMINISTRATIVE REZONING  
**FROM:** "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
**TO:** "CITY" AG (0-1 DU/5 ACRES) (AGRICULTURE)

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## SUMMARY

**OWNER:** Robert & Joyce Ayers

**APPLICANT:** City of Apopka

**LOCATION:** West of Mt. Plymouth Road, north of Longhorn Drive

**EXISTING USE:** Manufactured home

**FUTURE LAND USE:** Rural Settlement (0 - 1 du/5 acres)

**ZONING:** A-1 (ZIP)

**PROPOSED DEVELOPMENT:** Manufactured home (existing)

**PROPOSED ZONING:** AG

**TRACT SIZE:** 9.88 Acres

**MAXIMUM ALLOWABLE DEVELOPMENT:**

EXISTING ZONING:	1 Residential Unit
PROPOSED ZONING:	1 Residential Unit

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## DISTRIBUTION

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1777. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-1 zoning to the north and west of the subject property, and single-family residential to the east and south of the site. The existing and proposed use of the subject site for a manufactured home is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into 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) North (County)	Rural Settlement (0 – 1 du/5 acres) and Rural (0 – 1 du/10 acres)	AG A-2	Single-family home
East (City)	Low Density Residential (0 – 4 du/ acre)	R-1	Vacant residential
South (County)	Rural Settlement (0 – 1 du/5 acres)	AG	Single-family home
West (City)	Rural Settlement (0 – 1 du/5 acres)	A-1 (ZIP)	State conservation

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Mt. Plymouth Rd).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. 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. (Single-family)  
400 sq. ft. (mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft. (100 ft. non-residential uses)  
Rear: 25 ft. (100 ft. non-residential uses)  
Side: 25 ft. (100 ft. non-residential uses)  
Corner: 25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site 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 lines.

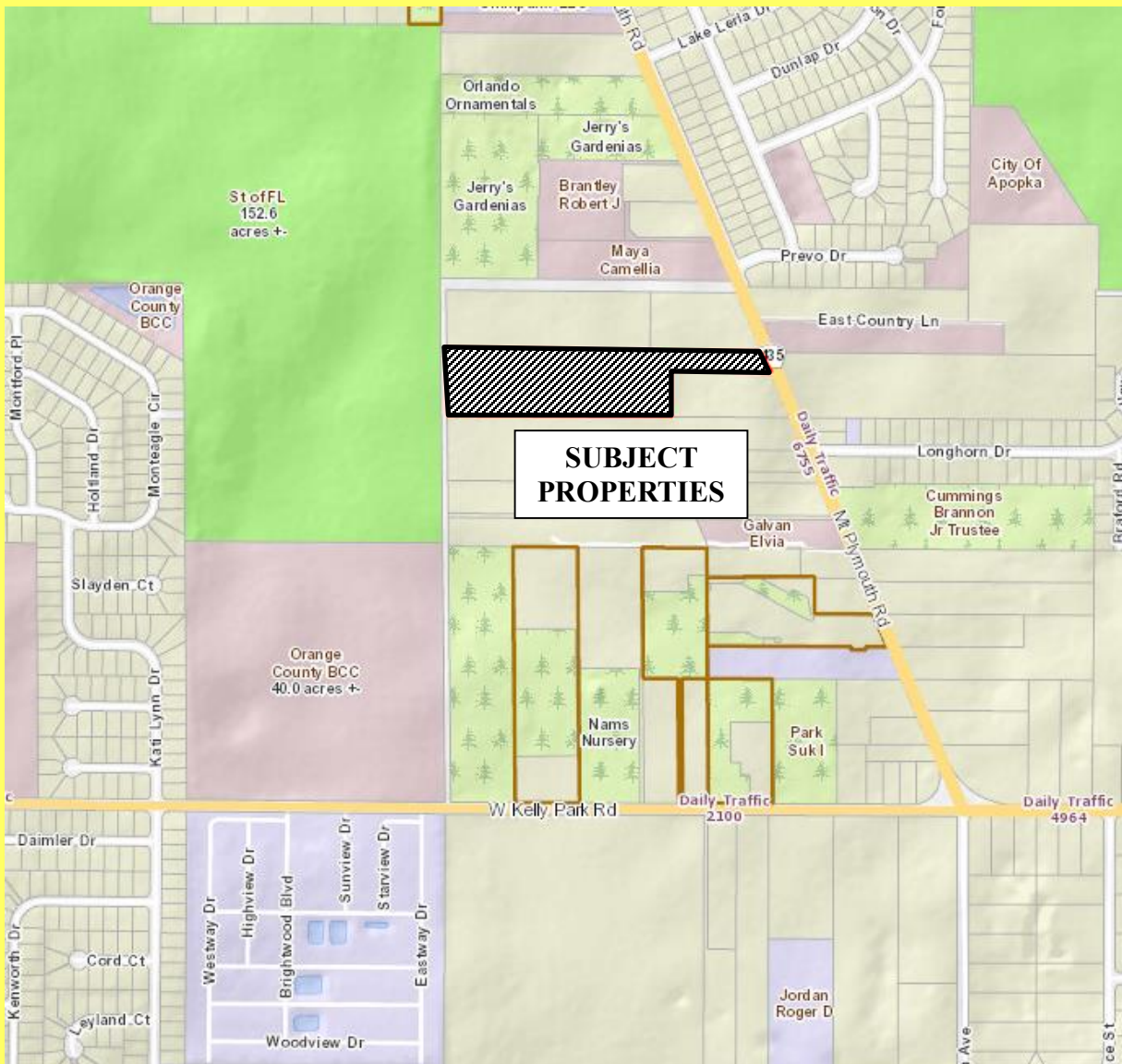
**ALLOWABLE USES:**

Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



**Robert & Joyce Ayers**  
**9.88 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "County" AG (Agriculture) (5 acre min. lot)**  
**Parcel ID #: 09-20-28-7608-00-050**

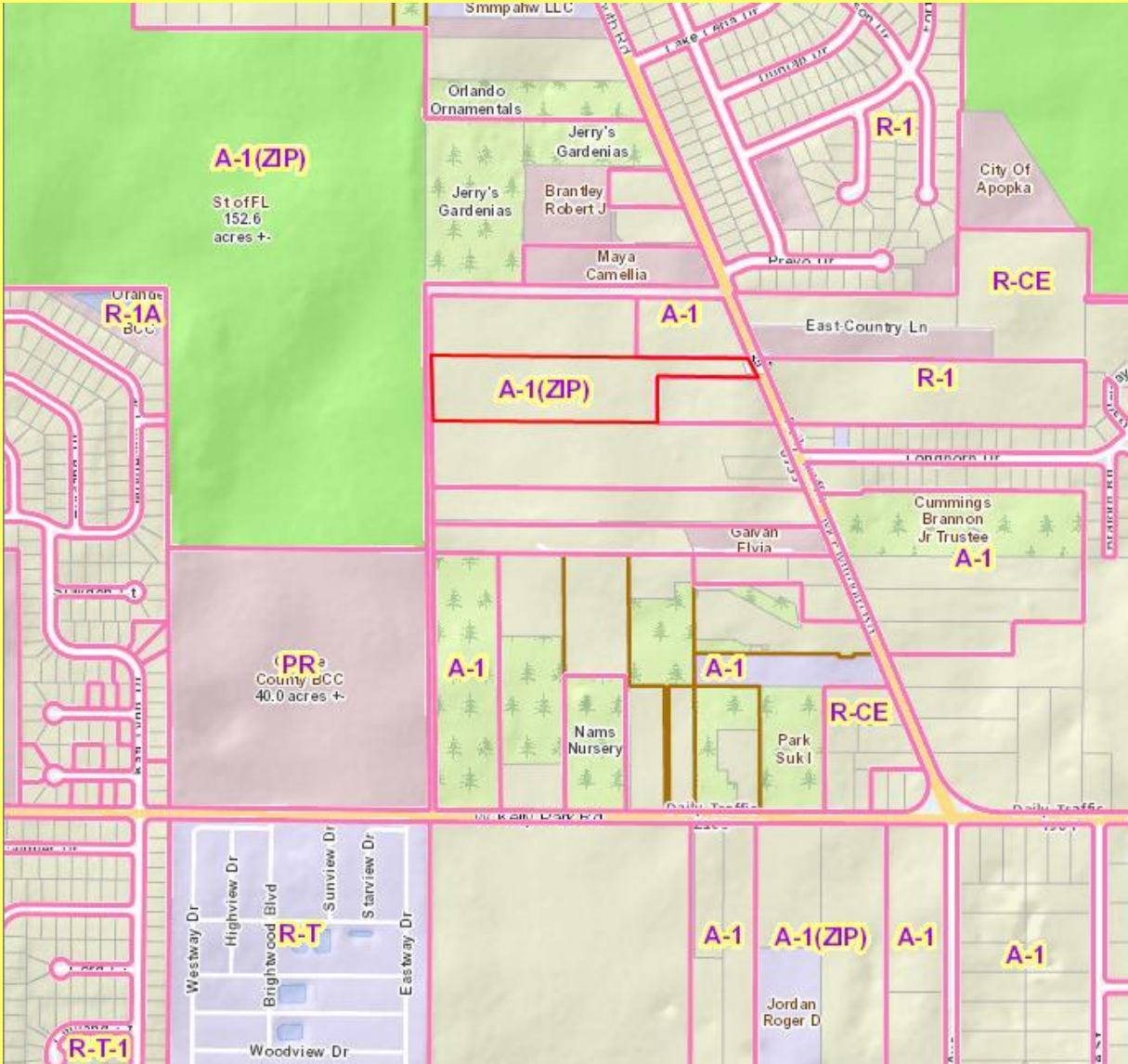
**VICINITY MAP**





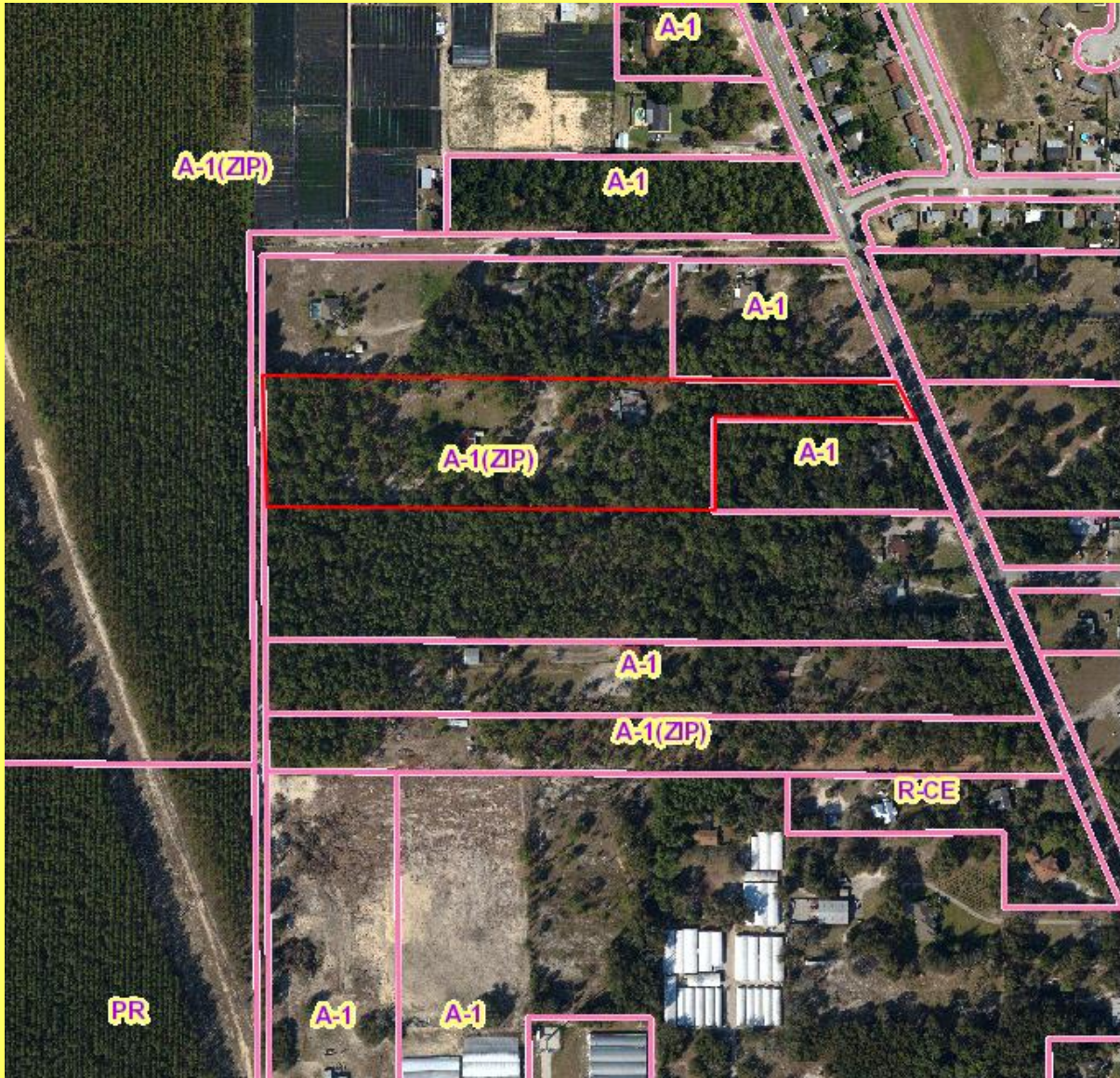


### ADJACENT ZONING



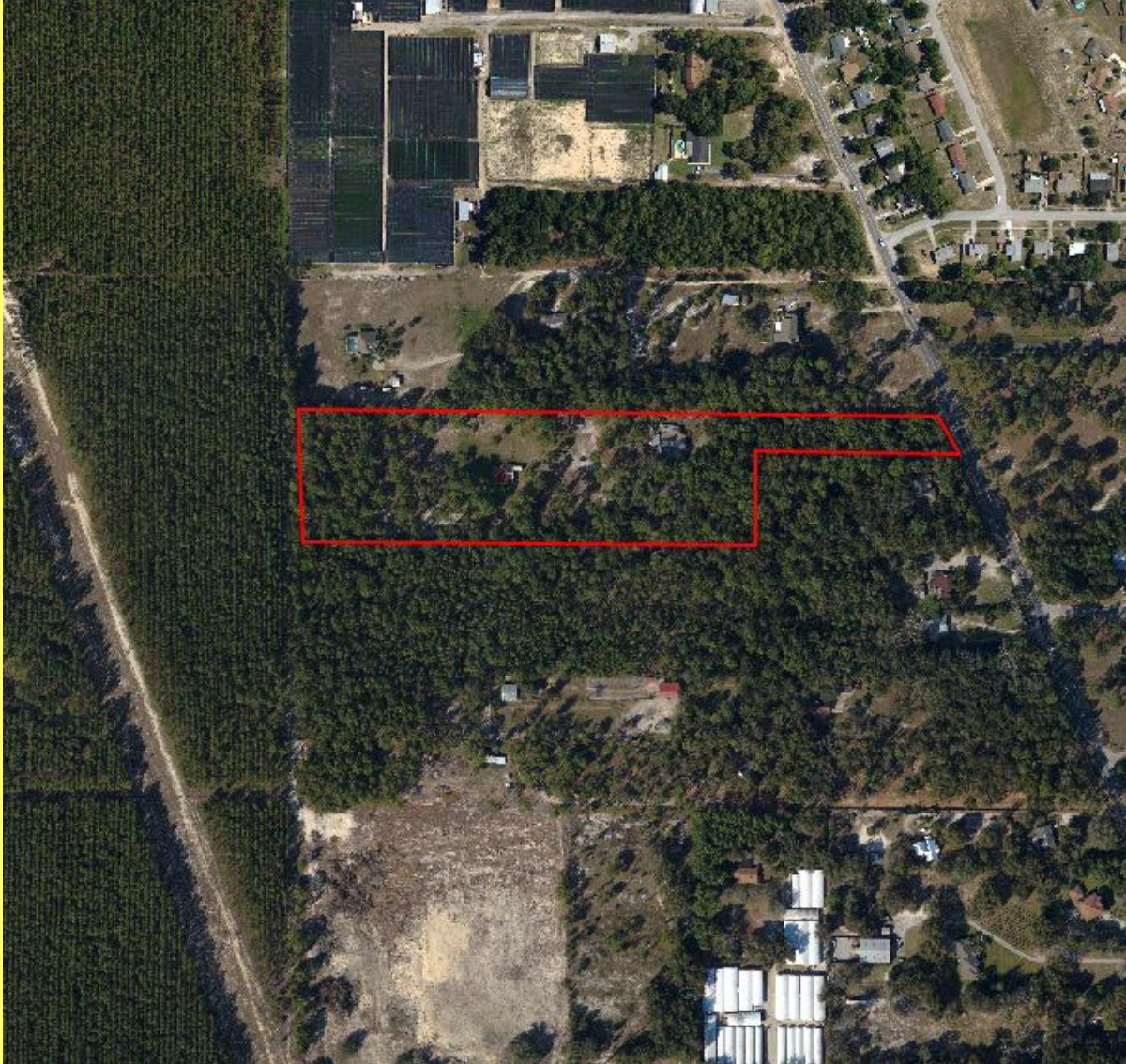


### ADJACENT USES





**EXISTING  
USES**





# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** JAMES & PAMELA WRIGHT (CASE # 2016-1-5)

**PARCEL ID NUMBER:** 05-20-28-0000-00-020

**Request:** ADMINISTRATIVE REZONING

**FROM:** “COUNTY” A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
**TO:** “CITY” AG (0-1 DU/5 ACRES) (AGRICULTURE)

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**SUMMARY**

**OWNER:** James & Pamela Wright

**APPLICANT:** City of Apopka

**LOCATION:** North of Haas Road, east of Foliage Way

**EXISTING USE:** Single-family home

**FUTURE LAND USE:** Rural Settlement (0 - 1 du/5 acres)

**ZONING:** A-1 (ZIP)

**PROPOSED DEVELOPMENT:** Single-family home (existing)

**PROPOSED ZONING:** AG

**TRACT SIZE:** 1.21 Acres

**MAXIMUM ALLOWABLE DEVELOPMENT:**

EXISTING ZONING:	1 Residential Unit
PROPOSED ZONING:	1 Residential Unit

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1776. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area that is surrounding by agricultural/rural land uses and single-family/manufactured homes. The properties to the south are “county” A-1 with planted timberland, with AG zoning and timberland to the east of the subject property. Properties to the north and west of the site are vacant with “City” AG zoning or ZIP (zoning in progress) zoning. The existing and proposed use of the subject property is for a single-family home, which is permitted in the AG zoning district and compatible with surrounding uses and zoning.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**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 acres)	A-2	Manufactured home
East (City)	Rural Settlement (0 – 1 du/5 acres)	AG	Planted timberland
South (City)	Rural Settlement (0 – 1 du/5 acres)	A-1 (ZIP)	State conservation land
West (City)	Rural Settlement (0 – 1 du/5 acres)	AG	Manufactured home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Haas Rd).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. 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. (Single-family)  
 400 sq. ft. (mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft. (100 ft. non-residential uses)  
 Rear: 25 ft. (100 ft. non-residential uses)  
 Side: 25 ft. (100 ft. non-residential uses)  
 Corner: 25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site does not meet the minimum lot standards of the AG zoning district, but is considered a legal, non-conforming lot.

**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 lines.

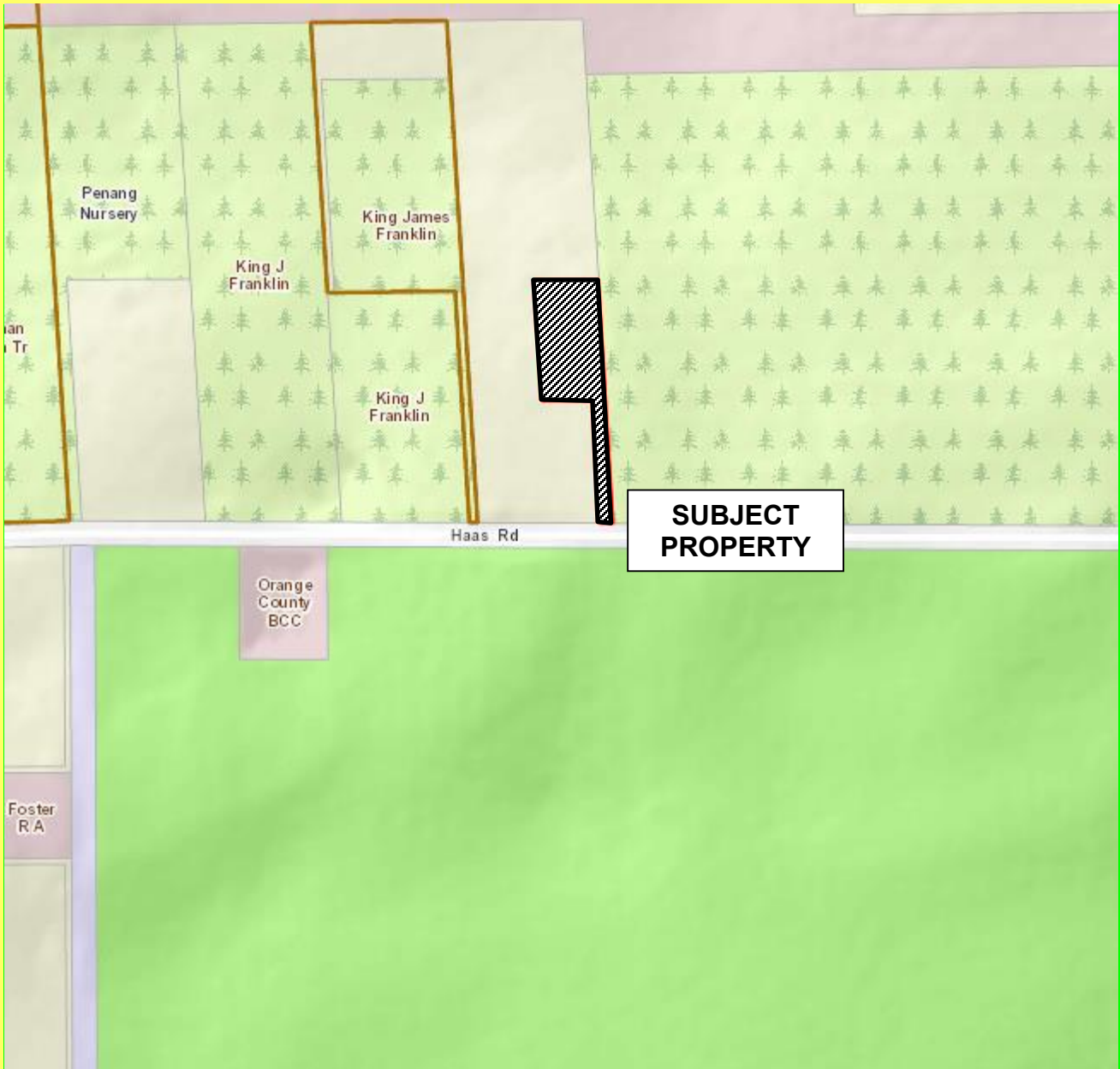
**ALLOWABLE USES:**

Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



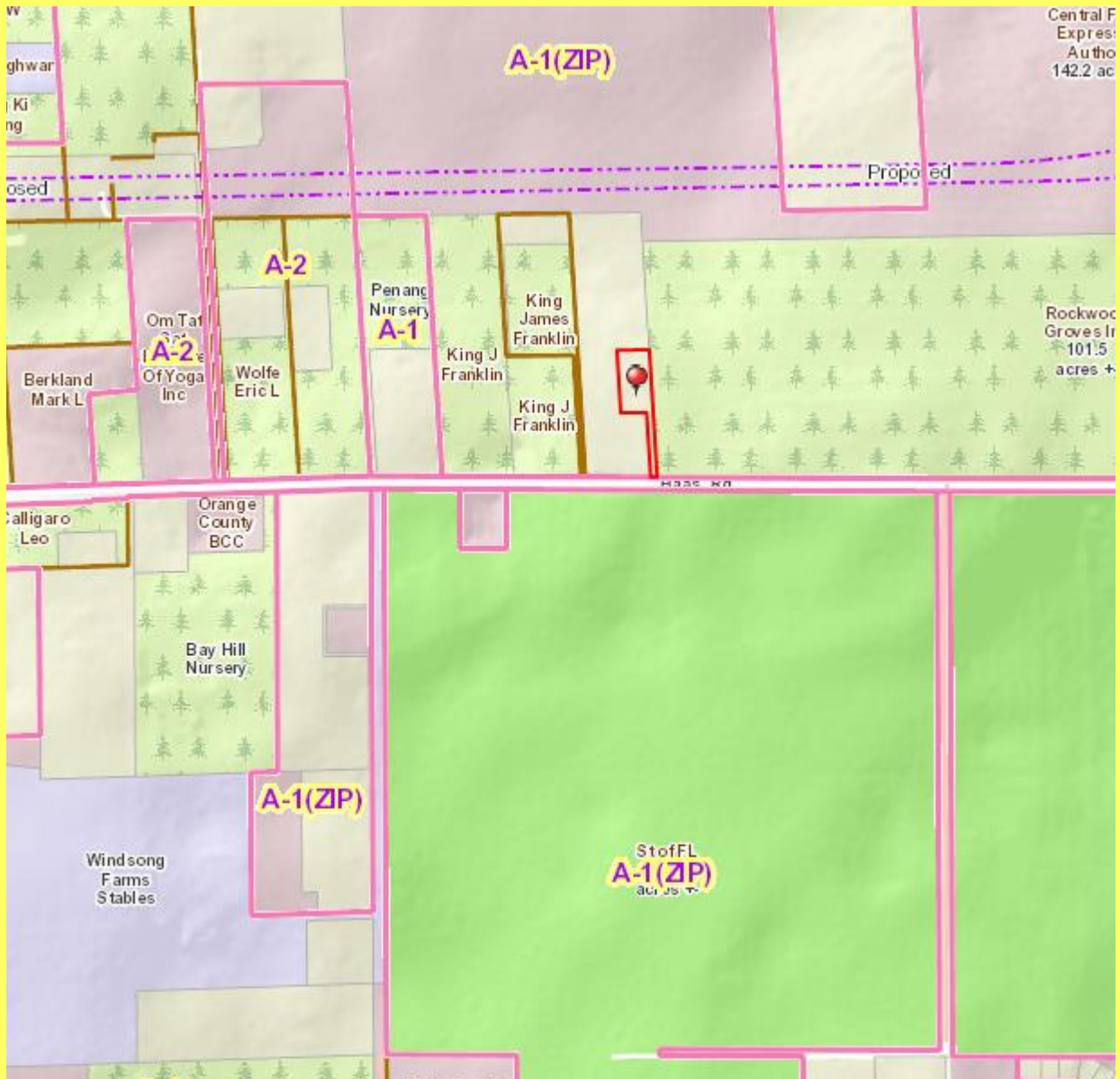
**James & Pamela Wright**  
**1.21 +/- Acres**  
**Proposed Zoning Change:**  
**From: “County” A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: “County” AG (Agriculture) (5 acre min. lot)**  
**Parcel ID #: 05-20-28-0000-00-020**

**VICINITY MAP**





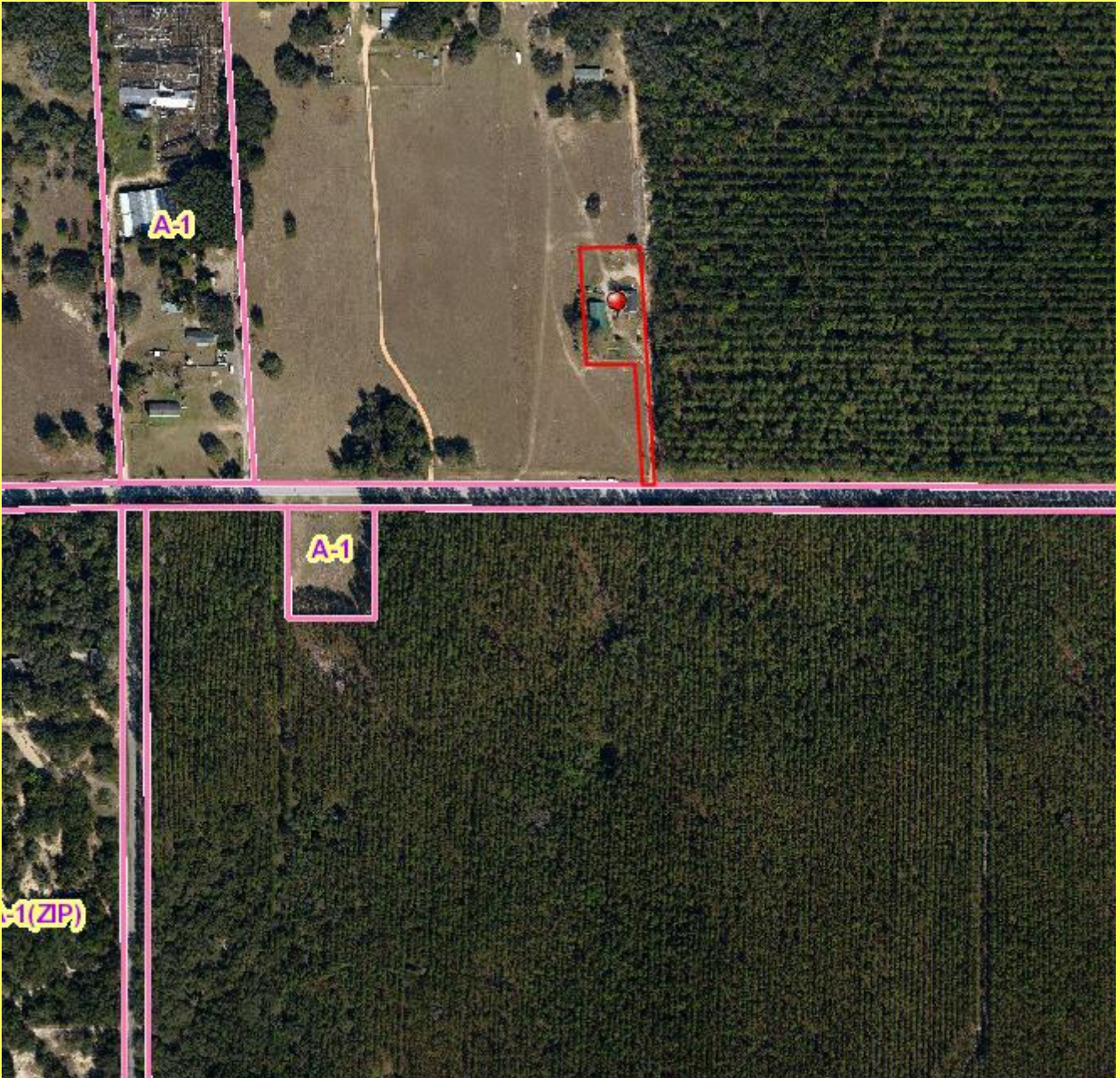
### ADJACENT ZONING





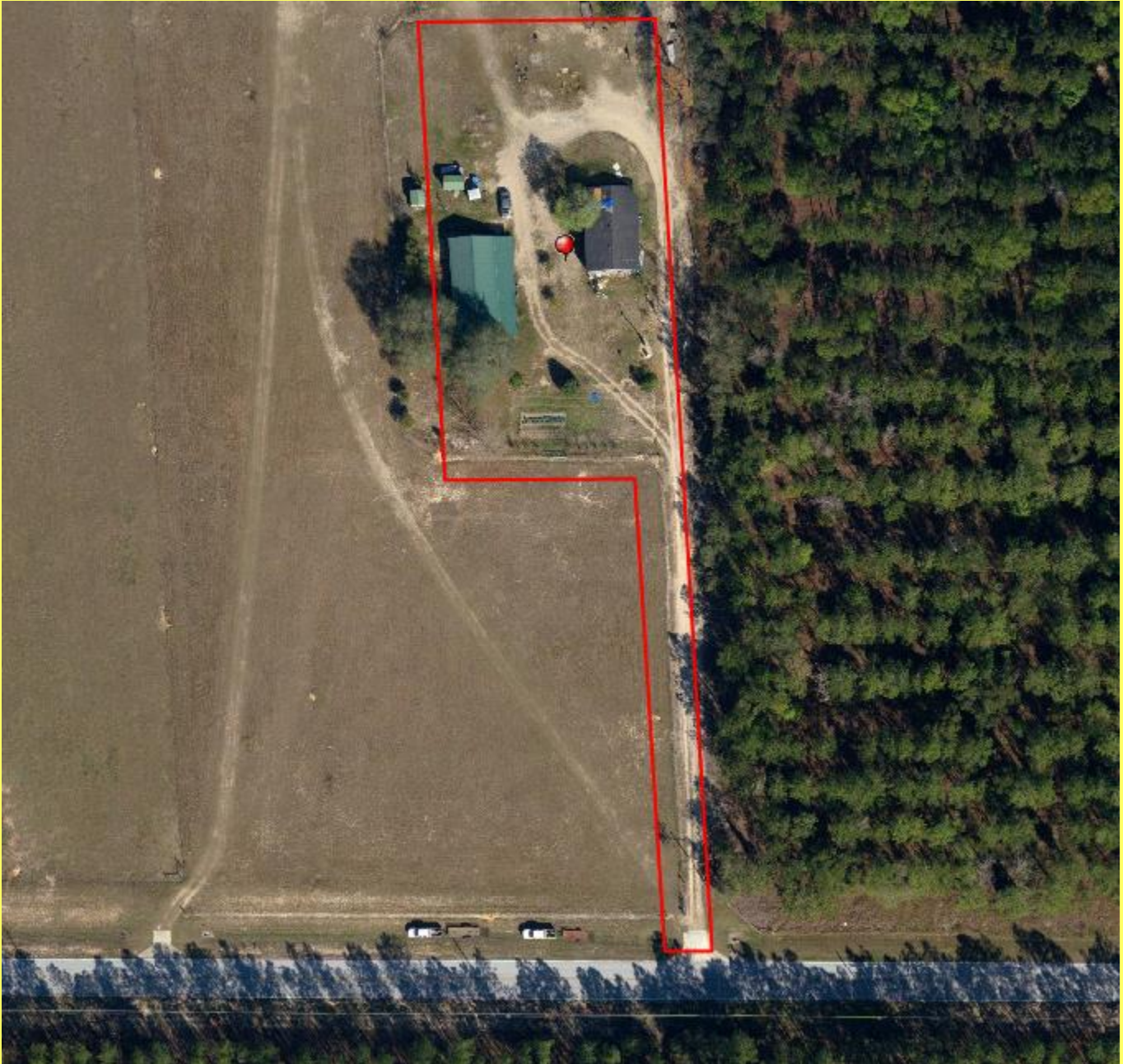


### ADJACENT USES





**EXISTING  
USES**



**Backup material for agenda item:**

4. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" A-1 and C-1 (ZIP) zoning designations to "City" PO/I (Professional Office/Institutional) zoning designations. (Ord. No. 2478)



**CITY OF APOPKA  
PLANNING COMMISSION**

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE: March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM: Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS: "A" A-1 Spreadsheet
<input type="checkbox"/> OTHER:	"B" A-2 Spreadsheet
	"C" Zoning Reports

**SUBJECT: 2016-1 ADMINISTRATIVE REZONING**

**Request: CHANGE OF ZONING**  
**FROM: "COUNTY" A-1 (ZIP) & C-1 (ZIP)**  
**TO: "CITY" PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL)**

**SUMMARY**

The 2 parcels, comprising a total of 19.35 +/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed PO/I zoning designation. The subject properties currently have a City Future Land Use Designation of Institutional/Public Use (INST/PU) and a county zoning category of A-1 or C-1 assigned to it. A summary of the zoning case is provided in Exhibits "A" and "B".

A brief summary of the administrative rezoning case:

C-1 Properties

# of C-1 Parcels:	1
# of C-1 Property Owners:	1
C-1 Acreage:	11.33 +/- acres

A-1 Properties

# of A-1 Parcels:	1
# of A-1 Property Owners:	1
A-1 Acreage:	8.02 +/- acres

The attached exhibits provide a summary of the proposed zoning amendments. The property owners have been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. Individual zoning reports have been prepared for the zoning cases. The 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 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.

**DISTRIBUTION**

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

**SCHOOL CAPACITY REPORT:** The proposed zoning district is non-residential and, therefore, a school capacity enhancement agreement is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 – City Council (1:30 pm) – 1st Reading  
April 20, 2016 – City Council (8:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 and “County” C-1 to “City” PO/I as set forth in Exhibits “A” and “B” for the property described therein.

**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.**

**EXHIBIT "A"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" C-1 to "CITY" PO/I**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-6	14-21-28-0000-00-076	Trinity Baptist Church of Apopka, Inc.	11.33	INST/PU	C-1 (ZIP)	PO/I

**EXHIBIT "B"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" A-1 TO "CITY" PO/I**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-7	29-20-28-0000-00-015	City of Apopka	8.02	INST/PU	A-1 (ZIP)	PO/I



# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** TRINITY BAPTIST CHURCH (CASE # 2016-1-6)

**PARCEL ID NUMBER:** 14-21-28-0000-00-076

**Request:** ADMINISTRATIVE REZONING  
**FROM:** "COUNTY" C-1 (ZIP) (COMMERCIAL)  
**TO:** "CITY" PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL)

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**SUMMARY**

**OWNER:** Trinity Baptist Church

**APPLICANT:** City of Apopka

**LOCATION:** South of S Orange Blossom Trail, west of Roger Williams

**EXISTING USE:** Church and School

**FUTURE LAND USE:** Institutional/Public Use

**ZONING:** C-1 (ZIP)

**PROPOSED DEVELOPMENT:** Church and School (existing)

**PROPOSED ZONING:** PO/I

**TRACT SIZE:** 11.32 +/- Acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 147,929 sq. ft.

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**DISTRIBUTION**

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



**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on April 2, 2003, through the adoption of Ordinance No. 1588. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject site is surrounded by vacant PO/I-zoned property to the east, commercial development and zoning to the north and adjacent to a mobile home park to the south. The proposed PO/I zoning district would provide a transitional zoning between the commercial zoning districts and the mobile home residential development. The existing and proposed use for the subject site is for a church and school, which is permitted within the PO/I zoning district and compatible with surrounding uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Core Area” of the Joint Planning Area with Orange County. The subject property is not located within any other city overall or protection area.

**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 8, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 7, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-1 (ZIP) to “City” PO/I.

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into 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)	Commercial	C-1	Retail and vacant commercial
East (County) East (City)	“County” Commercial “City” Institutional/Public Use	C-2 PO/I	Retail & Vacant office
South (City)	Residential Low (0-5 du/ac)	MHP	Mobile home park
West (City)	Residential Low (0-5 du/ac)	R-1	Single-family home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a major collector (S Orange Blossom Trail).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed PO/I zoning is consistent with the City’s Institutional/Public Use Future Land Use designation and with the character of the surrounding area and future proposed development. The PO/I zoning classification is one of the acceptable zoning categories allowed within the Institutional/Public Use Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**PO/I DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width: 85 ft.
- Setbacks: Front: 25 ft.
- Rear: 10 ft. (25 ft. from Residential)
- Side: 10 ft.
- Corner: 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the PO/I district.

**BUFFERYARD  
REQUIREMENTS:**

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

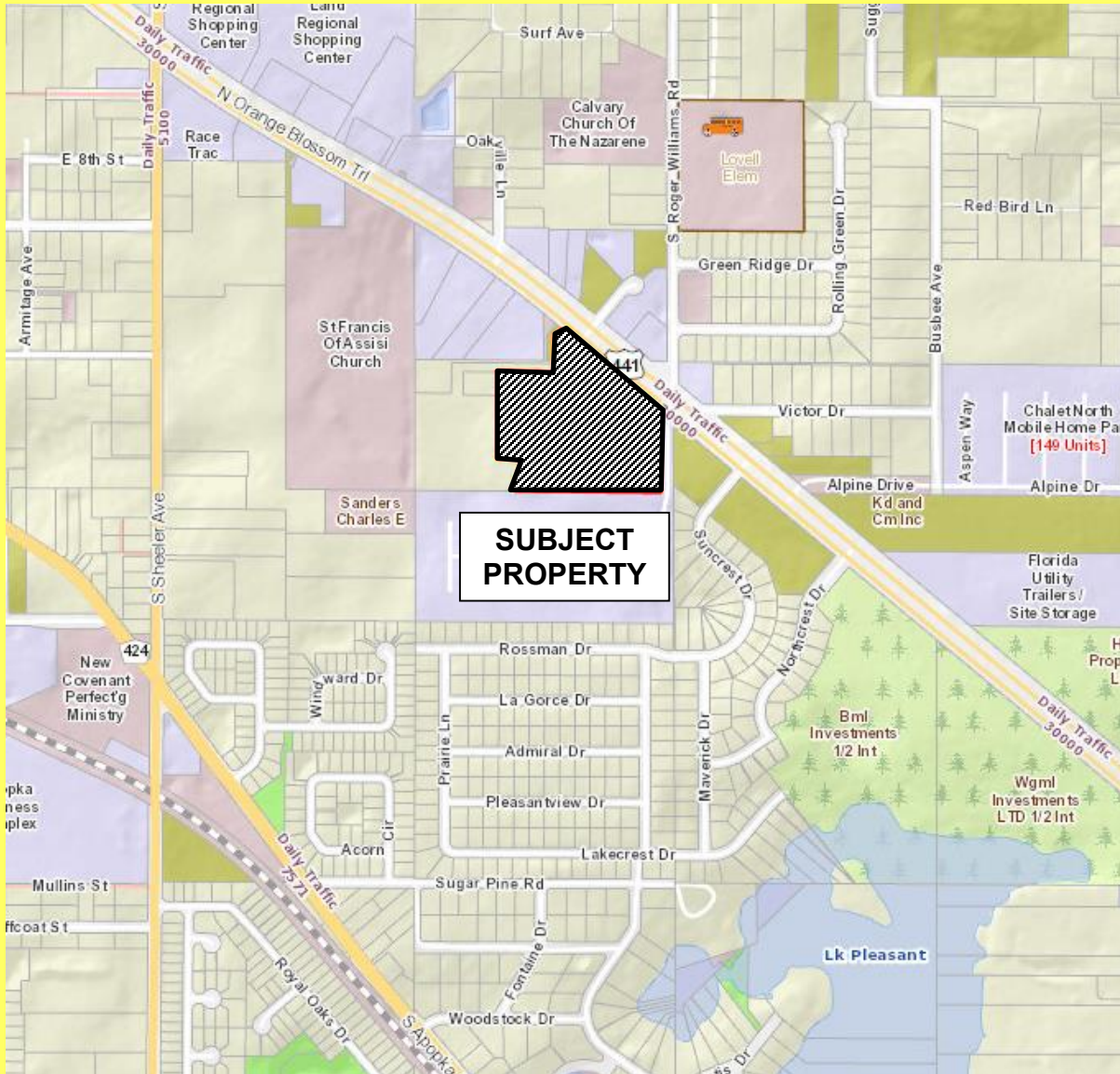
**ALLOWABLE USES:**

Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc. Medical or dental clinics and offices. Churches and attendant educational facilities, educational facilities and day nurseries, public and private utilities, supporting infrastructure and public facilities. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.



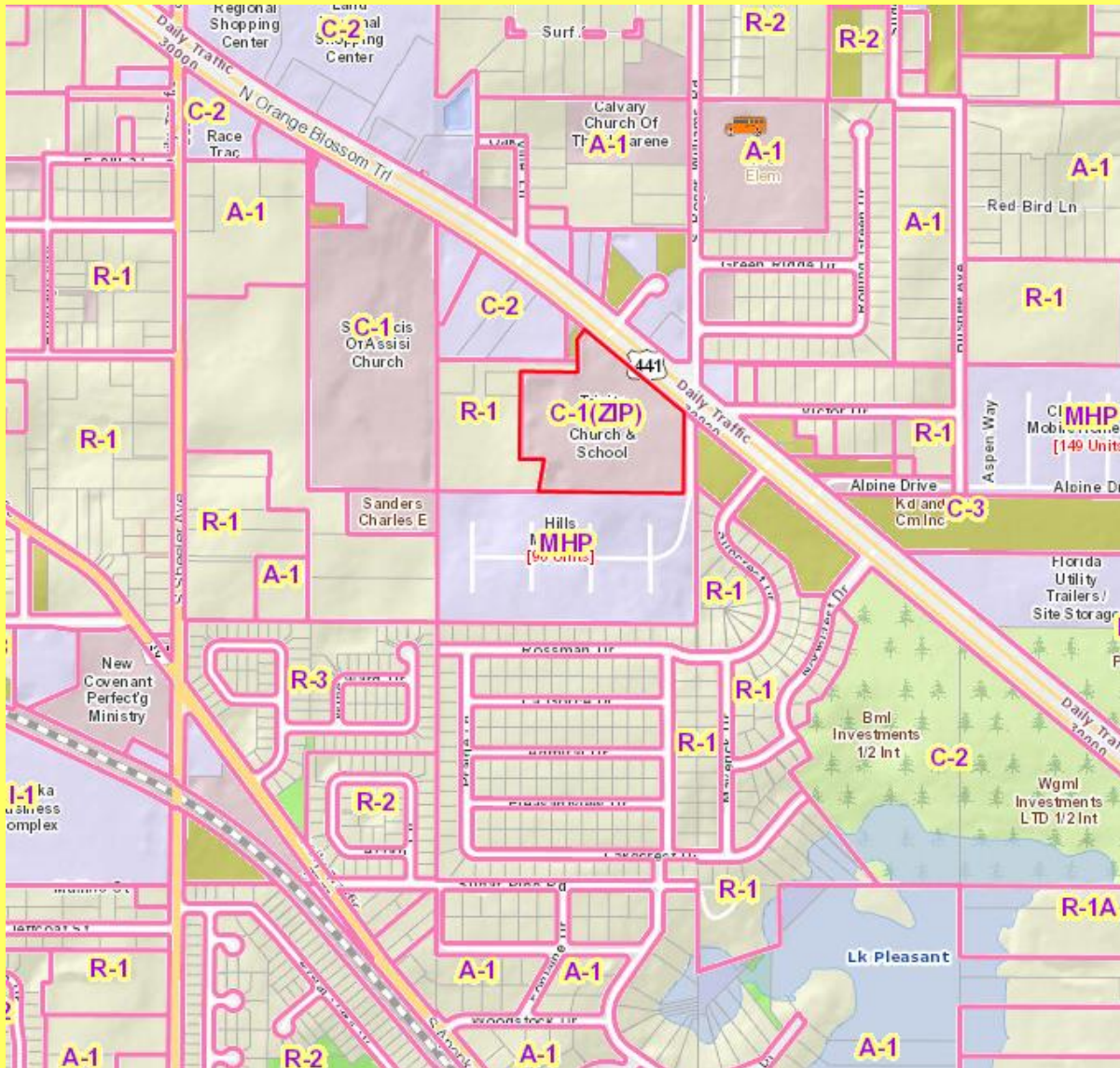
**Trinity Baptist Church**  
**11.32 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" C-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" PO/I (Professional Office/Institutional) (10,000 sq. ft. min. lot)**  
**Parcel ID #: 14-21-28-0000-00-076**

**VICINITY MAP**



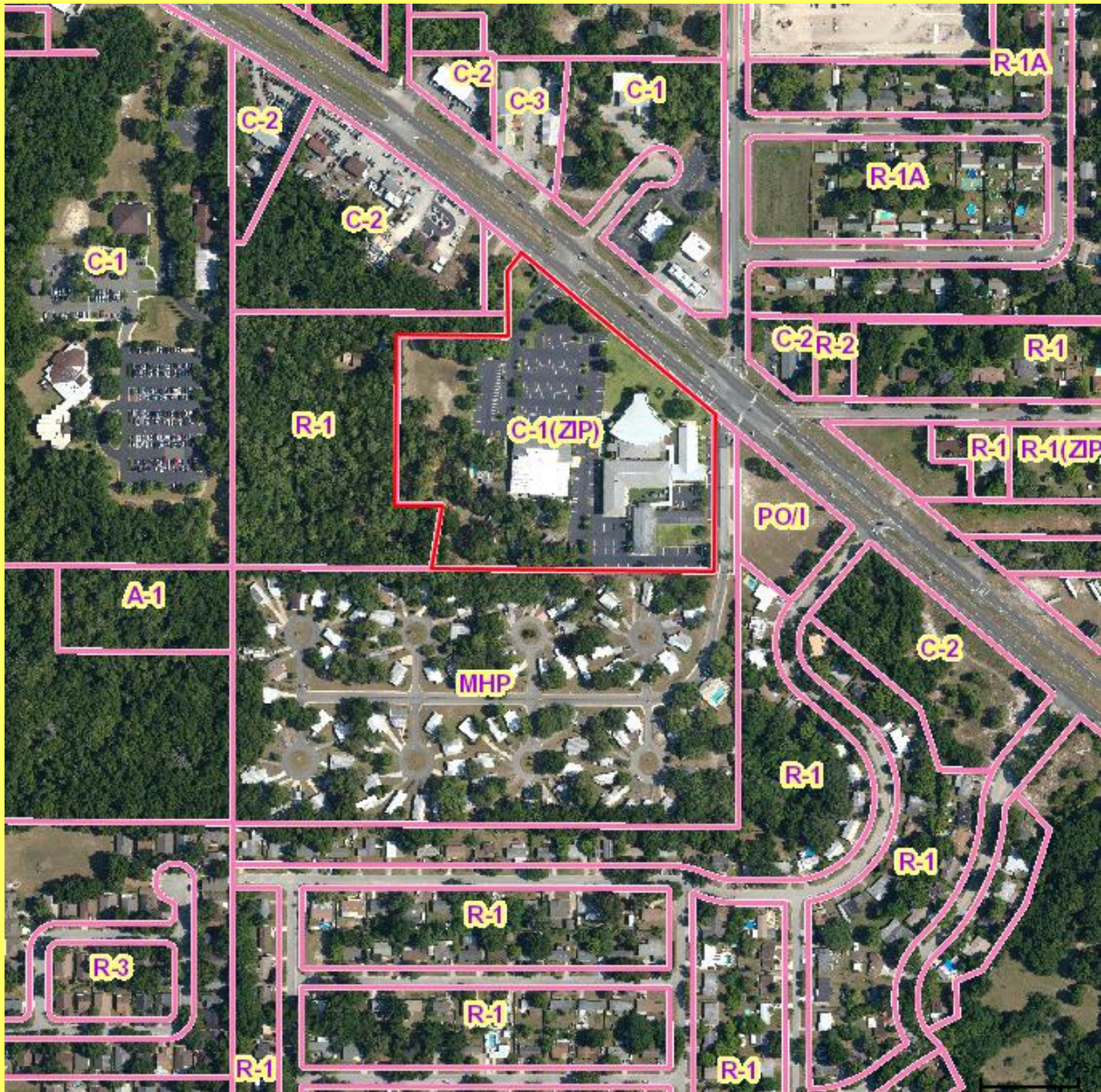


### ADJACENT ZONING





ADJACENT USES





**EXISTING  
USES**





# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** CITY OF APOPKA (Case # 2016-1-7)

**PARCEL ID NUMBER:** 29-20-28-0000-00-015

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (AGRICULTURE)  
TO: "CITY" PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL)

**SUMMARY**

OWNER/APPLICANT: City of Apopka

LOCATION: West of Vick Road, north of W Lester Road

EXISTING USE: Vacant

FUTURE LAND USE: Institutional/Public Use

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Vacant (existing)

PROPOSED ZONING: PO/I

TRACT SIZE: 8.02 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 104,805 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1701. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The existing and proposed used for the site is that of a city-owned lift station and utilities, which is permitted within the PO/I zoning district, and is consistent with the surrounding use of single-family residential which abuts the property to the north and west, as well as the “County” A-1 zoning and vacant land to the east of the subject site.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Core Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” PO/I.

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



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0 – 3.5 du/ac)	R-1AA	Single-family residential (Spring Ridge subdivision)
East (County)	Rural (0 – 1 du/10 acres)	A-1	Grazing
South (City)	Residential Low (0-5 du/ac)	PUD	Single-family residential (Spring Ridge subdivision)
South (City)	Residential Low (0-5 du/ac)	PUD	Single-family residential (Spring Ridge subdivision)

**LAND USE &**

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

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed PO/I zoning is consistent with the City’s Institutional/Public Use Future Land Use designation and with the character of the surrounding area and future proposed development. The PO/I zoning classification is one of the acceptable zoning categories allowed within the Institutional/Public Use Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**PO/I DISTRICT  
 REQUIREMENTS:**

Minimum Living Area: NA  
 Minimum Site Area: 10,000 sq. ft.  
 Minimum Lot Width: 85 ft.  
 Setbacks: Front: 25 ft.  
                     Rear: 10 ft. (25 ft. from Residential)  
                     Side: 10 ft.  
                     Corner: 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the PO/I district.

**BUFFERYARD  
 REQUIREMENTS:**

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

**ALLOWABLE USES:**

Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc. Medical or dental clinics and offices. Churches and attendant educational facilities, educational facilities and day nurseries, public and private utilities, supporting infrastructure and public facilities. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.



City of Apopka  
8.02 +/- Acres

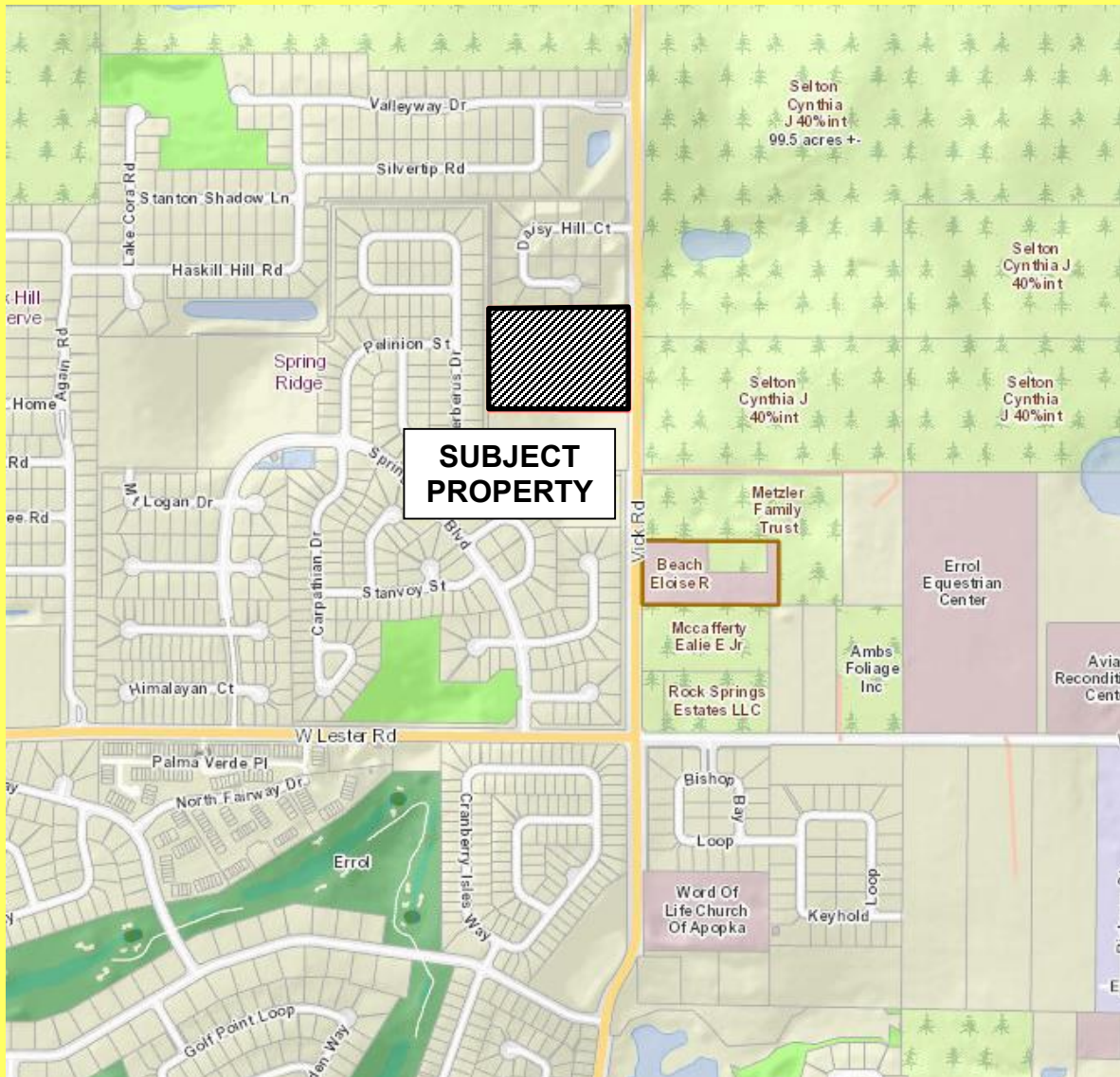
Proposed Zoning Change:

From: “County” A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

To: “County” PO/I (Professional Office/Institutional) (10,000 sq. ft. min. lot)

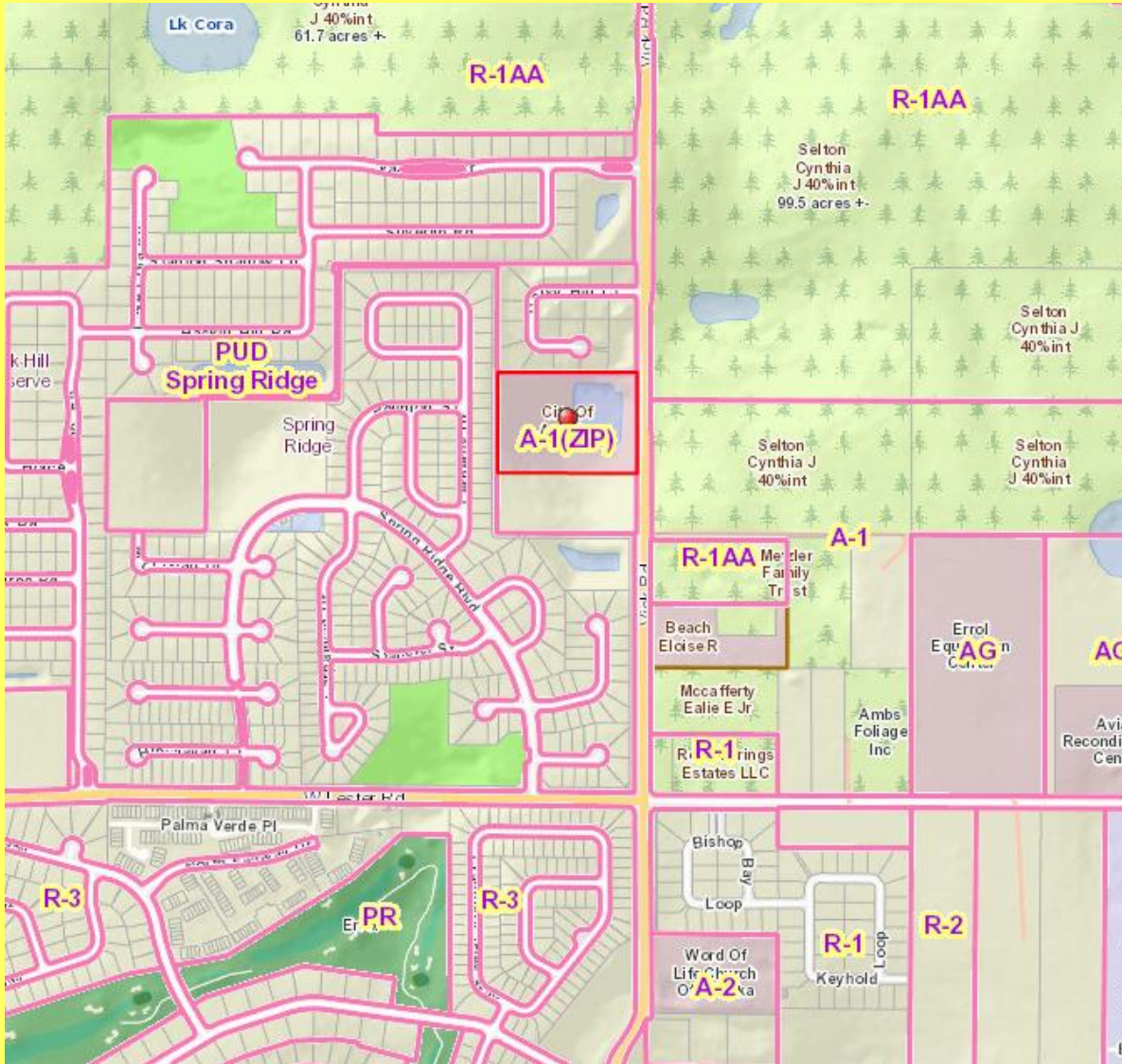
Parcel ID #: 29-20-28-0000-00-015

### VICINITY MAP



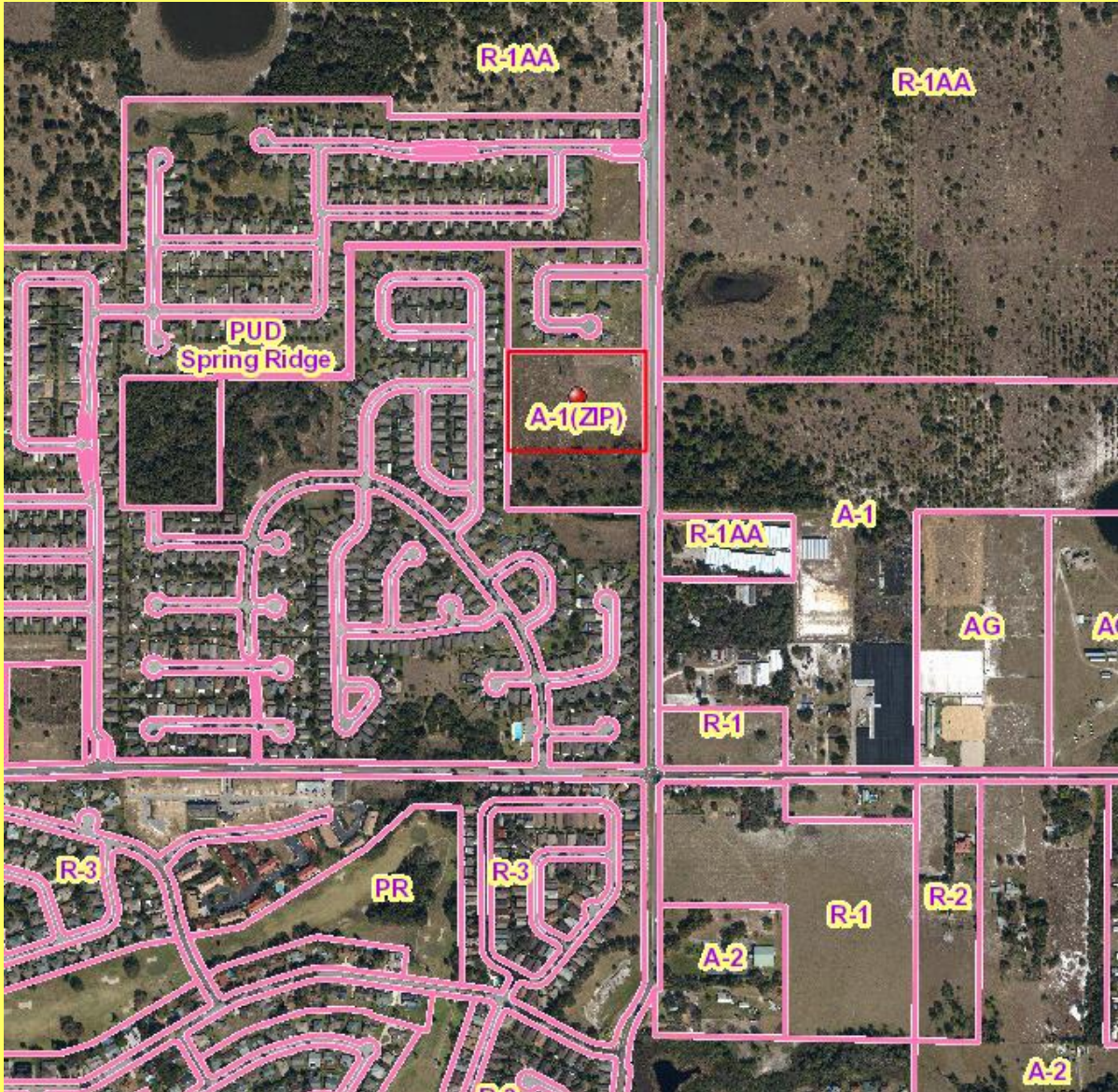


ADJACENT ZONING



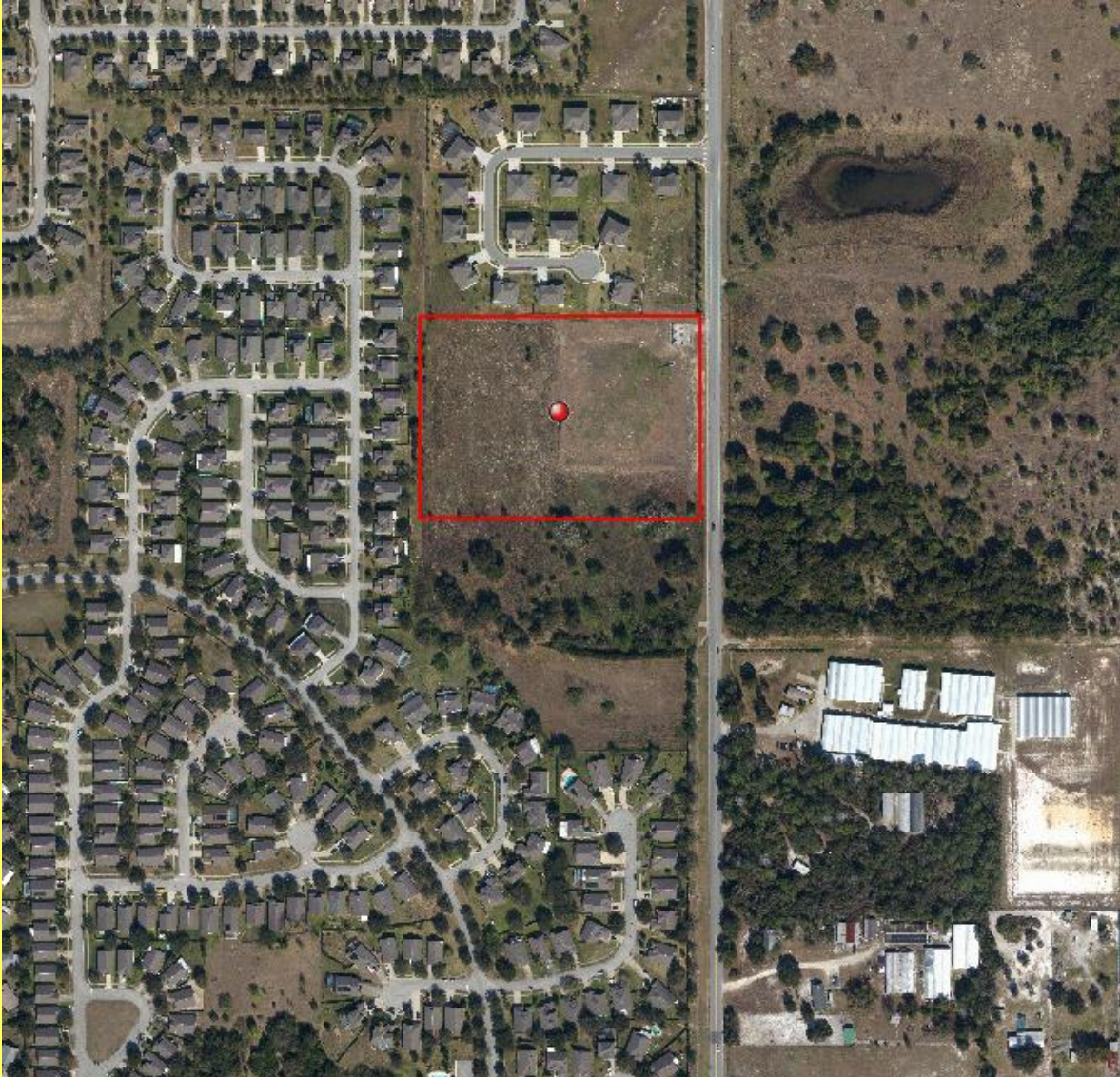


### ADJACENT USES





**EXISTING  
USES**



**Backup material for agenda item:**

5. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" C-3 (ZIP) zoning designations to "City" C-1 (Commercial) zoning designations. (Ord. No. 2479)



**CITY OF APOPKA  
PLANNING COMMISSION**

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE: March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM: Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS: "A" C-3 Spreadsheet
<input type="checkbox"/> OTHER:	"B" Zoning Reports

**SUBJECT: 2016-1 ADMINISTRATIVE REZONING**

**Request: CHANGE OF ZONING**  
**FROM: "COUNTY" C-3 (ZIP)**  
**TO: "CITY" C-1 (RETAIL COMMERCIAL)**

**SUMMARY**

The 3 parcels, comprising a total of 3.32 +/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed C-1 zoning designation. The subject properties currently have a City Future Land Use Designation of Commercial (COMM) and a County zoning category of C-3 assigned to it. A summary of the zoning cases are provided in Exhibit "A".

A brief summary of the administrative rezoning cases:

C-3 Properties

# of A-1 Parcels:	3
# of A-1 Property Owners:	2
A-1 Acreage:	3.32 +/- acres

The attached exhibits provide a summary of the proposed zoning amendments. The property owners have been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. Individual zoning reports have been prepared for the zoning cases. The zoning reports are provided in Exhibit "B".

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 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.

**DISTRIBUTION**

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

G:\CommDev\PLANNING ZONING\REZONING\2016\2016-1 Administrative Rezoning Cycle\Planning Commission

**SCHOOL CAPACITY REPORT:** The proposed zoning district is non-residential and, therefore, a school capacity enhancement agreement is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 – City Council (1:30 pm) – 1st Reading  
April 20, 2016 – City Council (8:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-3 to “City” C-1 as set forth in Exhibit “A” for the property described therein.

**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.**



**EXHIBIT "A"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" C-3 TO "CITY" C-1**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-9	33-20-28-0000-00-078	Norman E Sawyer	0.46	COMM	C-3 (ZIP)	C-1
2016-1-10	06-21-28-7172-02-013	Inglesia El Getsemani Inc	1.45	COMM	C-3 (ZIP)	C-1
2016-1-10	06-21-28-7172-02-014	Inglesia El Getsemani Inc	1.41	COMM	C-3 (ZIP)	C-1



# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** NORMAN E SAWYER (CASE # 2016-1-9)

**PARCEL ID NUMBERS:** 33-20-28-0000-00-078

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" C-3 (ZIP) (COMMERCIAL)  
TO: "CITY" C-1 (RETAIL COMMERCIAL)

**SUMMARY**

OWNER: Norman E Sawyer

APPLICANT: City of Apopka

LOCATION: West of N Rock Springs Road, north of E Nancy Lee Lane

EXISTING USE: Warehousing

FUTURE LAND USE: Commercial

ZONING: C-3 (ZIP)

PROPOSED DEVELOPMENT: Warehousing (existing)

PROPOSED ZONING: C-1

TRACT SIZE: 0.46 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 6,011 sq. ft.  
PROPOSED ZONING: 5,009 sq. ft.

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1702. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located adjacent to “City” C-1 zoning and existing retail commercial uses to the east and the west, and adjacent to single-family residential to the north and south. The existing and proposed use of the site for warehousing is considered a legal, non-conforming use within the proposed C-1 zoning district and is subject to the conditions set forth in Sec. 10.01 of the Apopka Land Development Code.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Core Area” of the Joint Planning Area with Orange County. The subject property is not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-3 (ZIP) to “City” C-1.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0 – 5 du/ac)	PUD	Single-family residential (Spring Harbor subdivision)
East (City)	Commercial (max FAR 0.25)	C-1	Warehousing & retail commercial/office
South (City)	Commercial (max FAR 0.25)	A-1 (ZIP)	Warehousing
West (County)	Low Density Residential (0 – 4 du/ac)	A-1	Single-family residential

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a minor arterial (N Rock Springs Road).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed C-1 zoning is consistent with the City’s Commercial Future Land Use designation and with the character of the surrounding area and future proposed development. The C-1 zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**C-1 DISTRICT  
 REQUIREMENTS:**

Minimum Living Area:	NA
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 10 ft.
	Rear: 10 ft. (30 ft. from Residential)
	Side: 10 ft. (15ft. corner lots)
	Corner 15 ft.

Based on the above zoning standards, the subject site complies with code requirements for the C-1 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five-foot landscaped bufferyard.

**ALLOWABLE USES:**

Retail establishments, banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building. Churches and schools and any non-residential permitted use in the PO/I or CN districts.



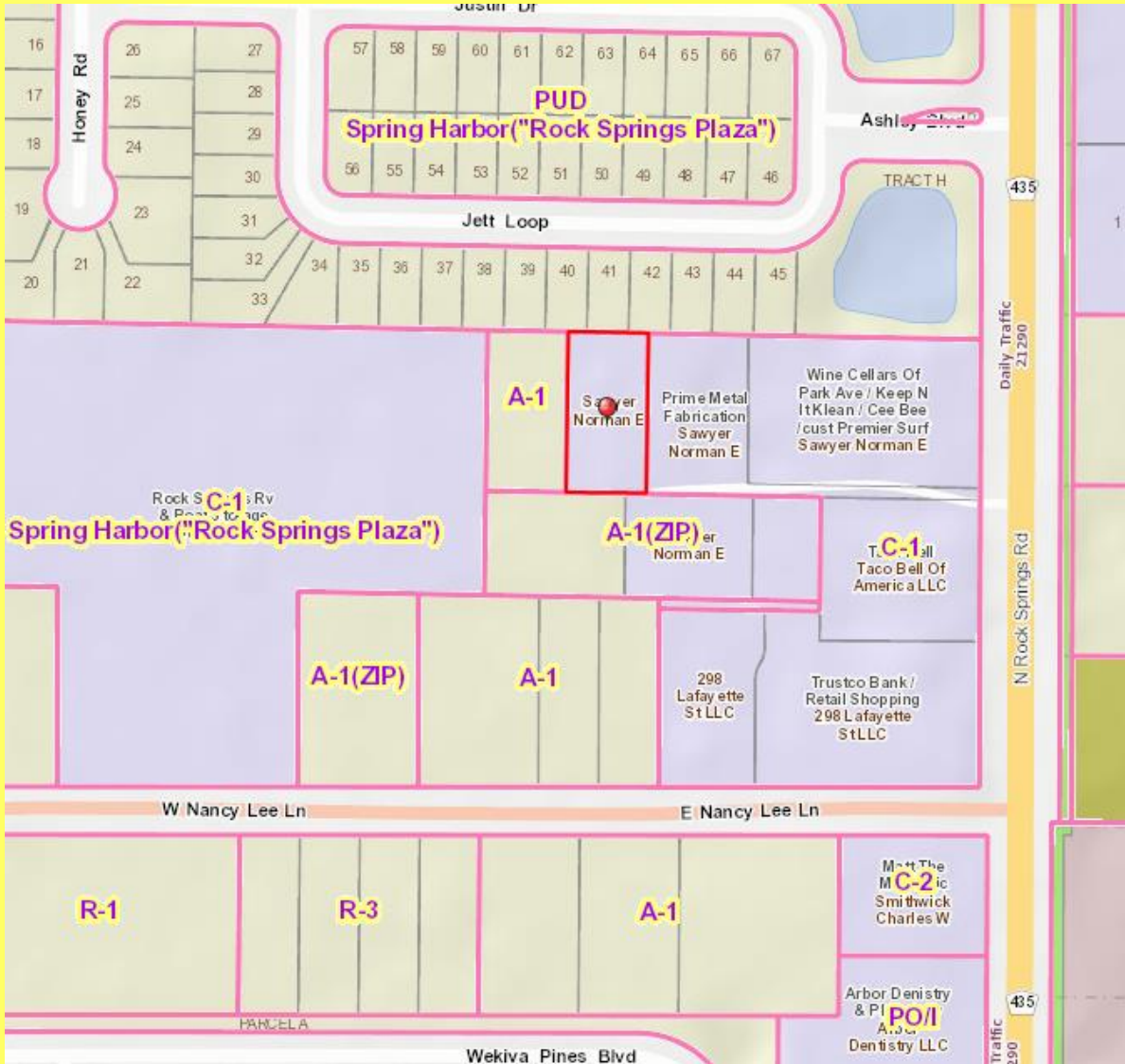
**Norman E. Sawyer**  
**0.46 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" C-3 (ZIP) (Commercial) (12,000 sq. ft. min. lot)**  
**To: "City" C-1 (Retail Commercial) (10,000 sq. ft. min. lot)**  
**Parcel ID #: 33-20-28-0000-00-078**

**VICINITY MAP**



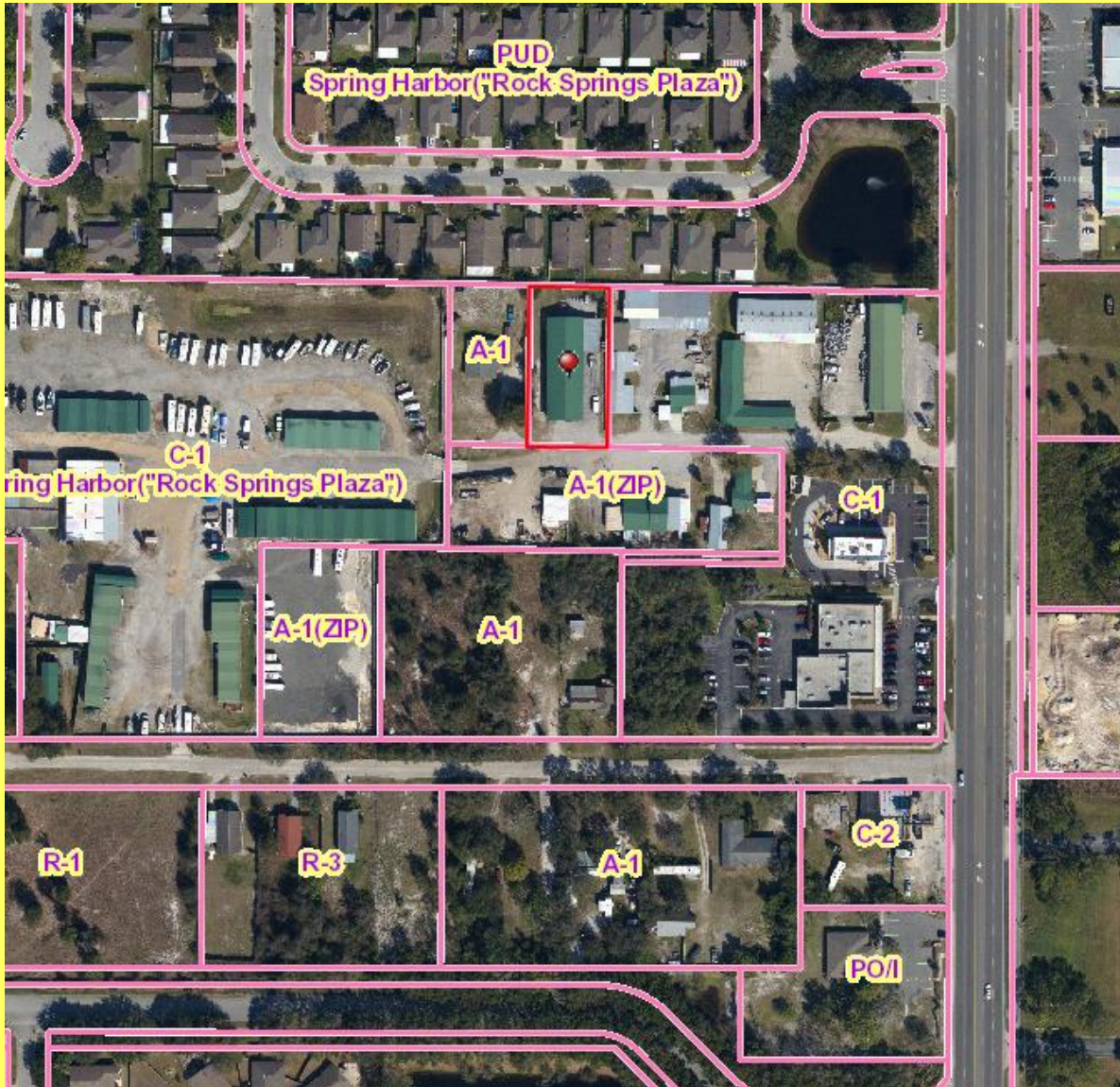


ADJACENT ZONING





### ADJACENT USES





**EXISTING  
USES**







# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** INGLESIA EL GETSEMANI, INC (CASE # 2016-1-10)

**PARCEL ID NUMBERS:** 06-21-28-7172-02-013 & 06-21-28-7172-02-014

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" C-3 (ZIP) (COMMERCIAL)  
TO: "CITY" C-1 (RETAIL COMMERCIAL)

**SUMMARY**

OWNER: Inglesia El Getsemani

APPLICANT: City of Apopka

LOCATION: North of N Orange Blossom Trail, east of Stewart Avenue

EXISTING USE: Office

FUTURE LAND USE: Commercial

ZONING: C-3 (ZIP)

PROPOSED DEVELOPMENT: Office (existing)

PROPOSED ZONING: C-1

TRACT SIZE: 2.86 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	37,374 sq. ft.
PROPOSED ZONING:	31,145 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject properties were annexed into the City of Apopka on June 4, 2008, through the adoption of Ordinance No. 2031. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject properties abut “County” C-1 commercial zoning to the west, which is used for a church, as well as “City” C-3 zoning to the east and “City” I-1 zoning and uses to the south. The existing and proposed uses of the site for office is permitted within the proposed C-1 zoning district and compatible with the surrounding uses and zoning.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Core Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-3 (ZIP) to “City” C-1.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0 – 5 du/ac)	R-2	Single-family residential (Plymouth Landing Phase 2)
East (City)	Commercial	C-3	Office and wholesale commercial
South (City)	Industrial	I-1	ROW & Light industrial
West (County)	Commercial	C-1	Church

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a major collector (S Orange Blossom Trail).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed C-1 zoning is consistent with the City’s Commercial Future Land Use designation and with the character of the surrounding area and future proposed development. The C-1 zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**C-1 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks:
  - Front: 10 ft.
  - Rear: 10 ft. (30 ft. from Residential)
  - Side: 10 ft. (15ft. corner lots)
  - Corner: 15 ft.

Based on the above zoning standards, the subject site complies with code requirements for the C-1 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five-foot landscaped bufferyard.

**ALLOWABLE USES:**

Retail establishments, banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building. Churches and schools and any non-residential permitted use in the PO/I or CN districts.



**Inglesia El Getsemani, Inc.**  
**2.86 +/- Acres**

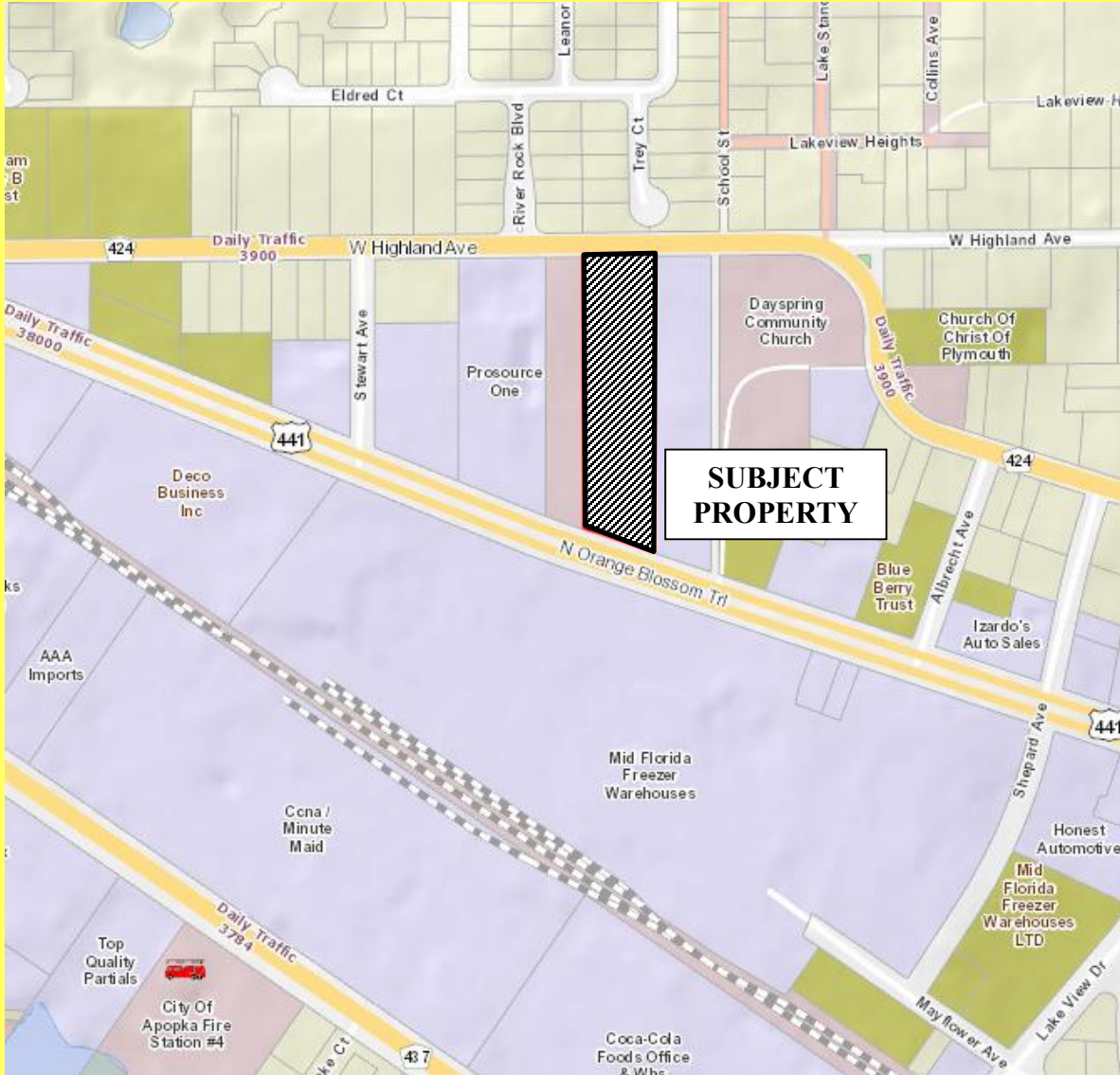
**Proposed Zoning Change:**

**From: "County" C-3 (ZIP) (Commercial) (21,780 sq. ft. min. lot)**

**To: "City" C-1 (Retail Commercial) (10,000 sq. ft. min. lot)**

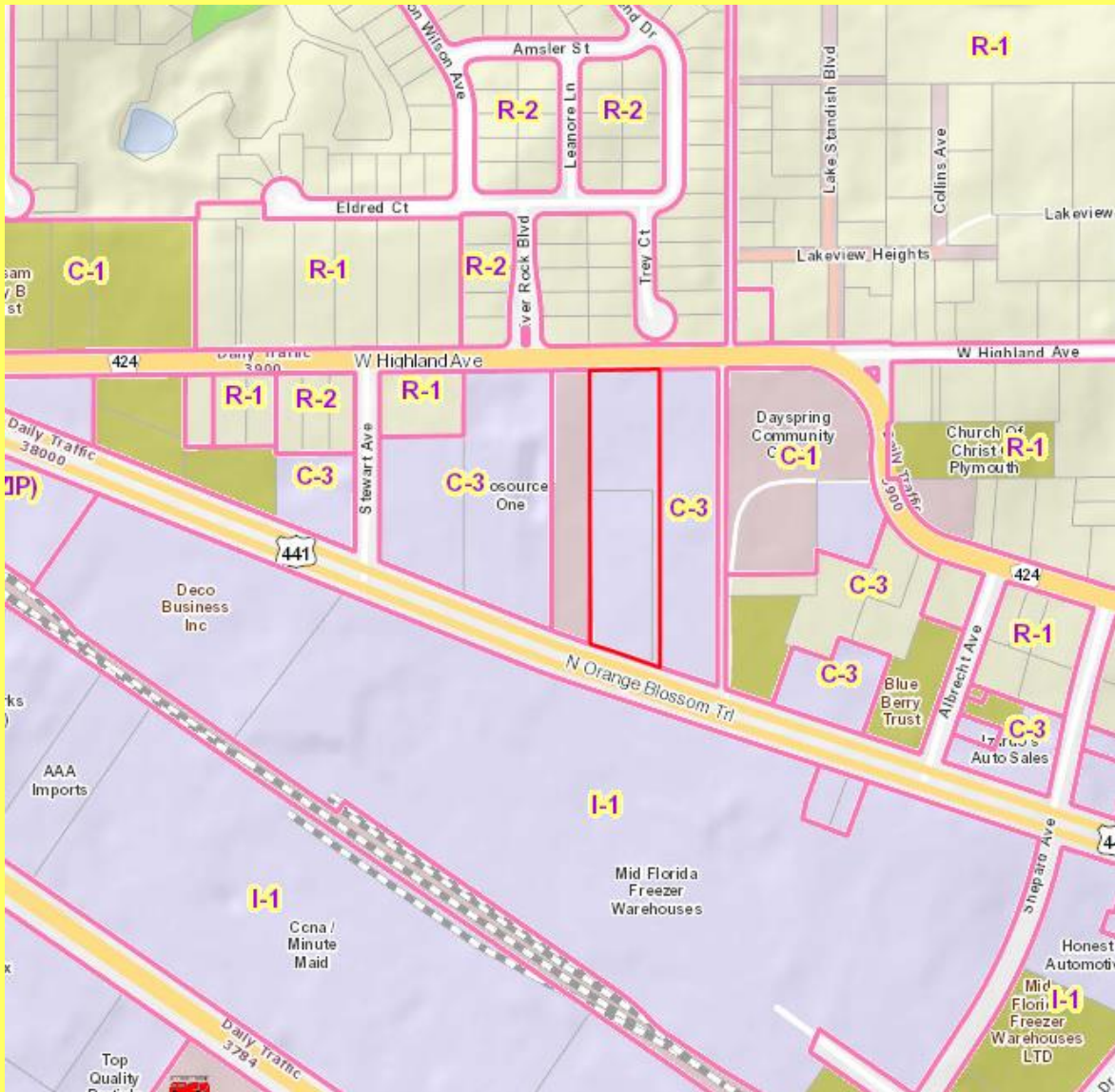
**Parcel ID #: 06-21-28-7172-02-013 & 06-21-28-7172-02-014**

**VICINITY MAP**



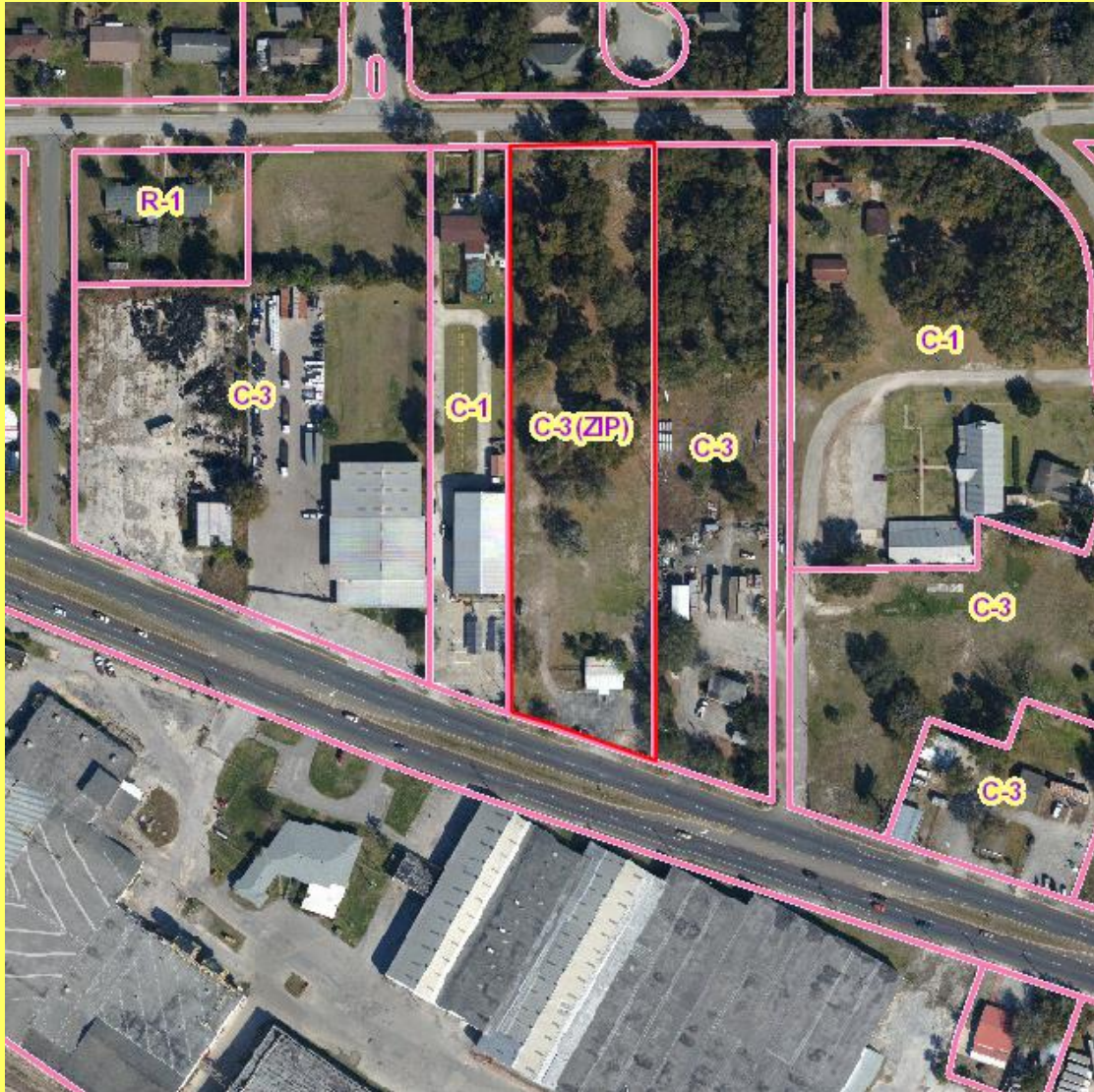


### ADJACENT ZONING



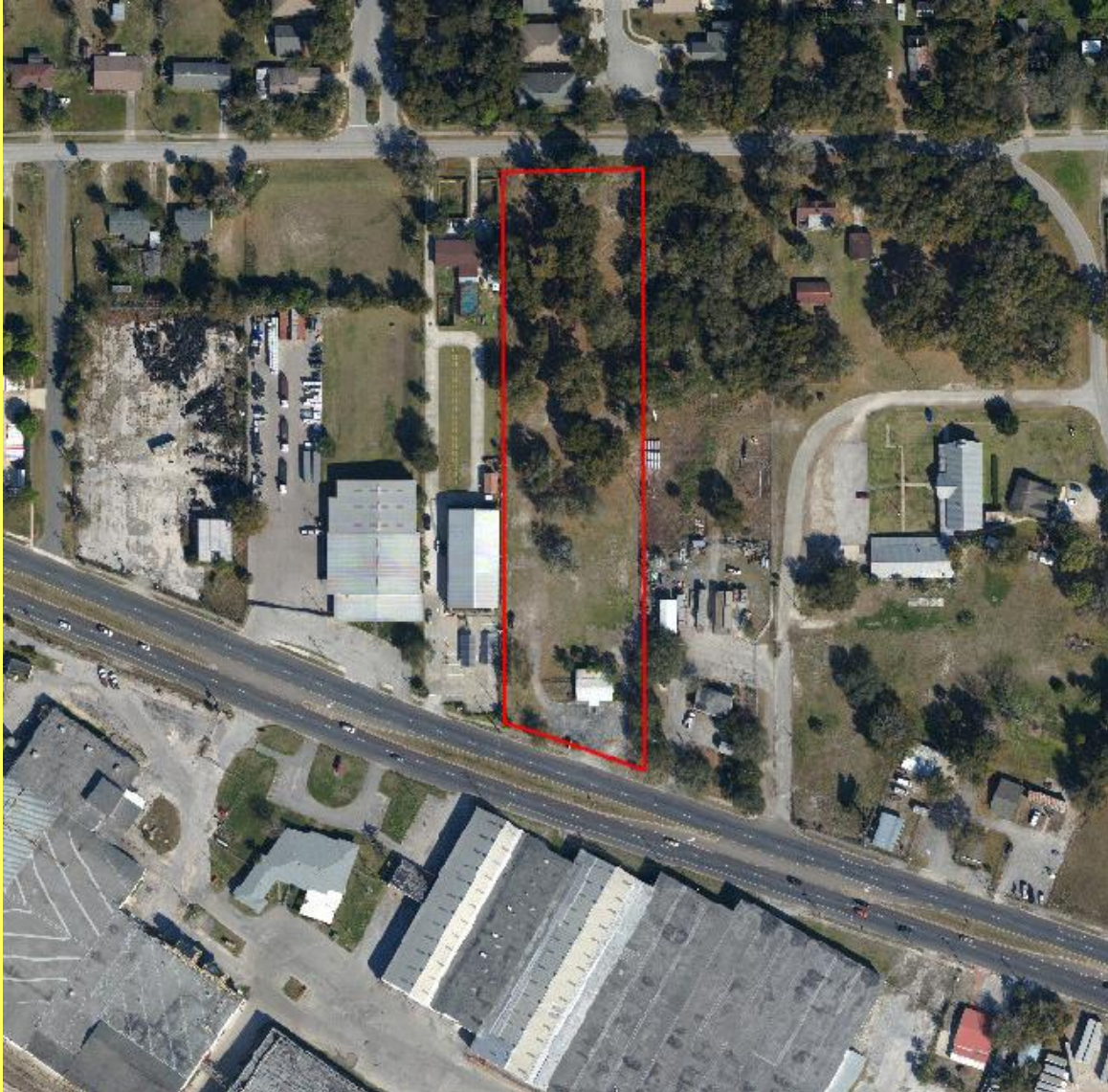


ADJACENT USES





**EXISTING  
USES**



**Backup material for agenda item:**

6. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" C-1 (ZIP) zoning designations to "City" C-2 (Commercial) zoning designations. (Ord. No. 2480)





CITY OF APOPKA
PLANNING COMMISSION

X PUBLIC HEARING DATE: March 8, 2016
ANNEXATION FROM: Community Development
PLAT APPROVAL EXHIBITS: 'A' C-1 Spreadsheet
OTHER: 'B' Zoning Reports

SUBJECT: 2016-1 ADMINISTRATIVE REZONING

Request: CHANGE OF ZONING
FROM: 'COUNTY' C-1 (ZIP)
TO: 'CITY' C-2 (GENERAL COMMERCIAL)

SUMMARY

The 3 parcels, comprising a total of 3.2 +/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed C-2 zoning designation.

A brief summary of the administrative rezoning cases:

A-1 Properties
# of A-1 Parcels: 3
# of A-1 Property Owners: 3
A-1 Acreage: 3.2 +/- acres

The attached exhibits provide a summary of the proposed zoning amendments. The property owners have been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property.

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.

DISTRIBUTION

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

**SCHOOL CAPACITY REPORT:** The proposed zoning district is non-residential and, therefore, a school capacity enhancement agreement is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 – City Council (1:30 pm) – 1st Reading  
April 20, 2016 – City Council (8:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-1 to “City” C-2 as set forth in Exhibit “A” for the property described therein.

**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.**

**EXHIBIT "A"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" C-1 TO "CITY" C-2**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-8	12-21-28-6896-00-710	7-ELEVEN Inc.	1.28	COMM	C-1(ZIP)	C-2
2016-1-11	12-21-28-6896-00-730	Action Gator Tire	0.61	COMM	C-1(ZIP)	C-2
2016-1-12	12-21-28-0000-00-018	RaceTrac Petroleum Inc.	1.31	COMM	C-1(ZIP)	C-2



**CITY OF APOPKA  
PLANNING COMMISSION**

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT: 7 ELEVEN, INC. (CASE # 2016-1-8)**

**PARCEL ID NUMBER: 12-21-28-6896-00-710**

**Request: ADMINISTRATIVE REZONING  
FROM: "COUNTY" C-1 (ZIP) (COMMERCIAL)  
TO: "CITY" C-2 (GENERAL COMMERCIAL)**

**SUMMARY**

OWNER: 7 Eleven, Inc.

APPLICANT: City of Apopka

LOCATION: North of E Semoran Boulevard, west of S Wekiwa Springs Road

EXISTING USE: Gas station and convenience store

FUTURE LAND USE: Commercial

ZONING: C-1 (ZIP)

PROPOSED DEVELOPMENT: Gas station and convenience store (existing)

PROPOSED ZONING: C-2

TRACT SIZE: 1.28 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 16,727 sq. ft.  
PROPOSED ZONING: 13,939 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was were annexed into the City of Apopka on December 5, 2001, through the adoption of Ordinance No. 1417. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is adjacent to C-1 zoning districts to the north, east and south, as well as abutting a proposed administrative rezoning to “City” C-2 for an existing tire and auto repair shop. The existing and proposed use for a gas station is permitted the proposed C-2 zoning district and compatible with surrounding uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Core Area” of the Joint Planning Area with Orange County. The subject property is not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-1 (ZIP) to “City” C-2.

**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)	Commercial	C-1	Retail shopping center
East (City)	Commercial	C-1	R-O-W & Retail pharmacy
South (City)	Commercial	C-1	R-O-W & Bank and retail commercial
West (City)	Commercial	C-1 (ZIP)	Tire and auto repair

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a major collector (E Semoran Boulevard).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed C-2 zoning is consistent with the City’s Commercial Future Land Use designation and with the character of the surrounding area and future proposed development. The C-2 zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**C-2 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks: Front: 10 ft.
- Rear: 10 ft. (30 ft. from Residential)
- Side: 10 ft.
- Corner: 15 ft.

Based on the above zoning standards, the subject site complies with code requirements for the C-2 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five-foot landscaped bufferyard.

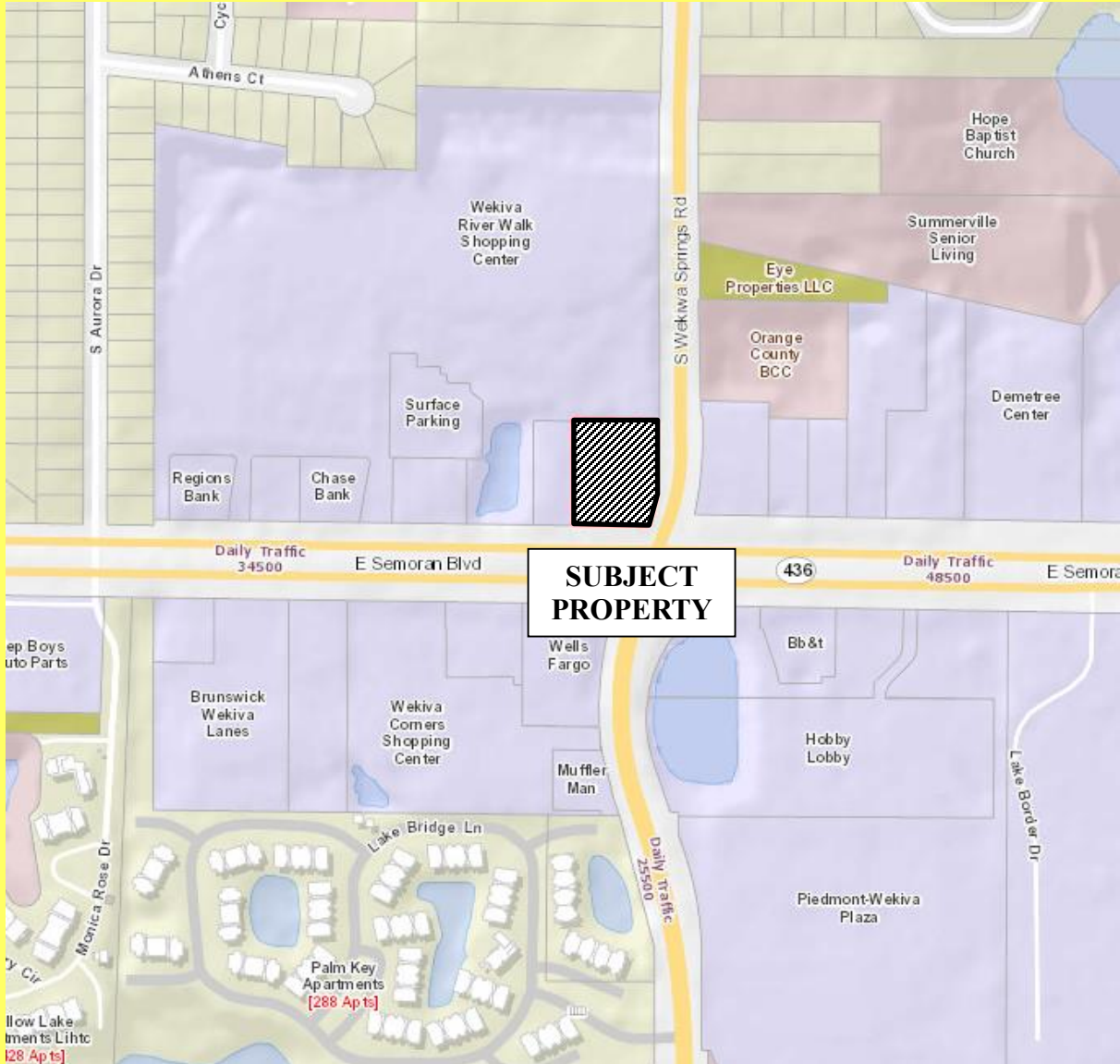
**ALLOWABLE USES:**

Automobile service stations, not including truck stops, mechanical garages provided no body work or painting services are provided on-site. New and used cars, modular and pre-fab home displays, and boat sales and mechanical services. Nurseries and greenhouses which sell and/or distribute products wholesale. Radio broadcasting and telecasting stations, studios and offices. Motorcycle sales and services. Any permitted use in the PO/I, CN, and C-1 districts. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code.



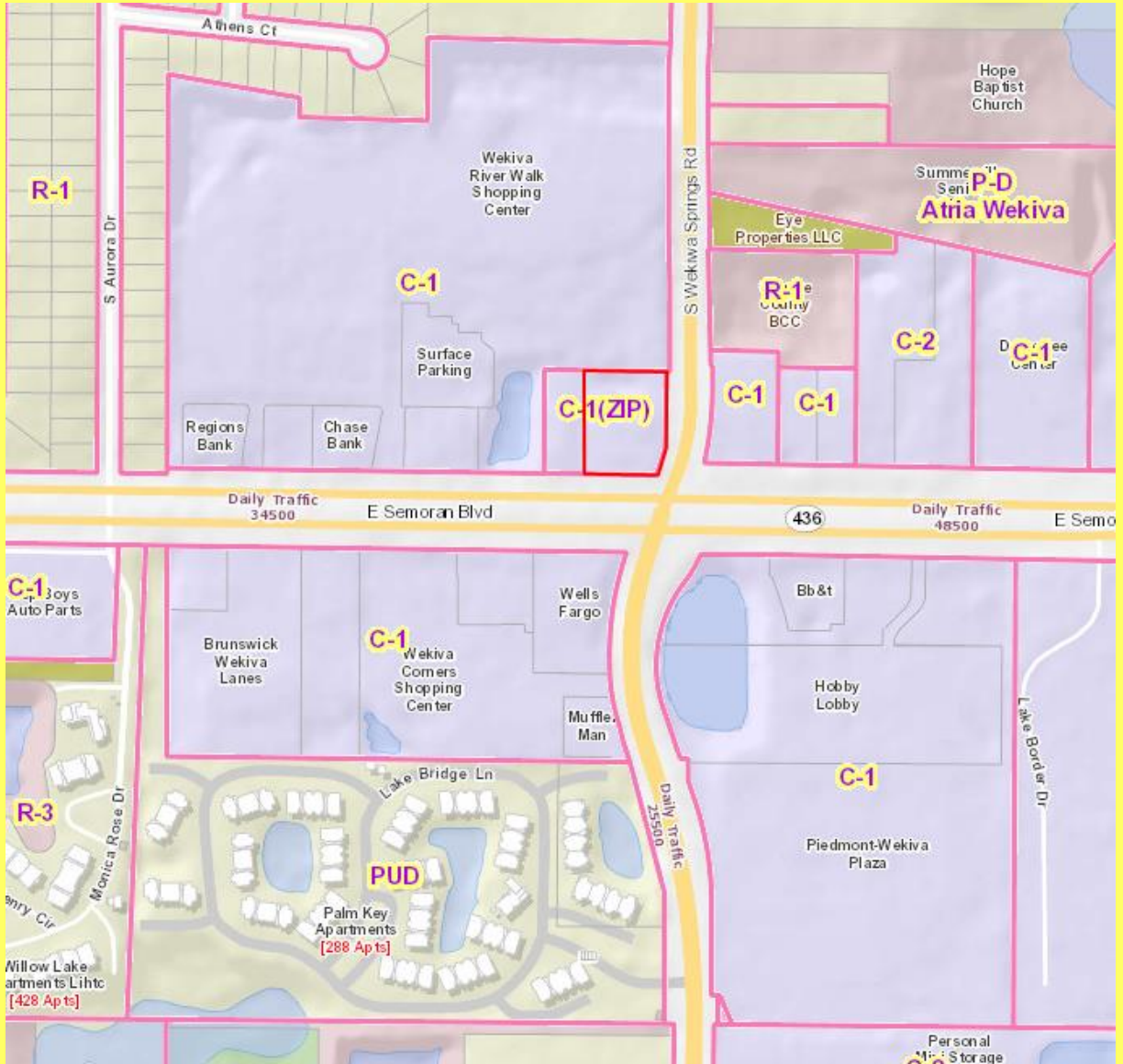
**7 Eleven, Inc.**  
**1.28 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" C-1 (ZIP) (Commercial) (12,000 sq. ft. min. lot)**  
**To: "City" C-2 (General Commercial) (10,000 sq. ft. min. lot)**  
**Parcel ID #: 12-21-28-6896-00-710**

**VICINITY MAP**





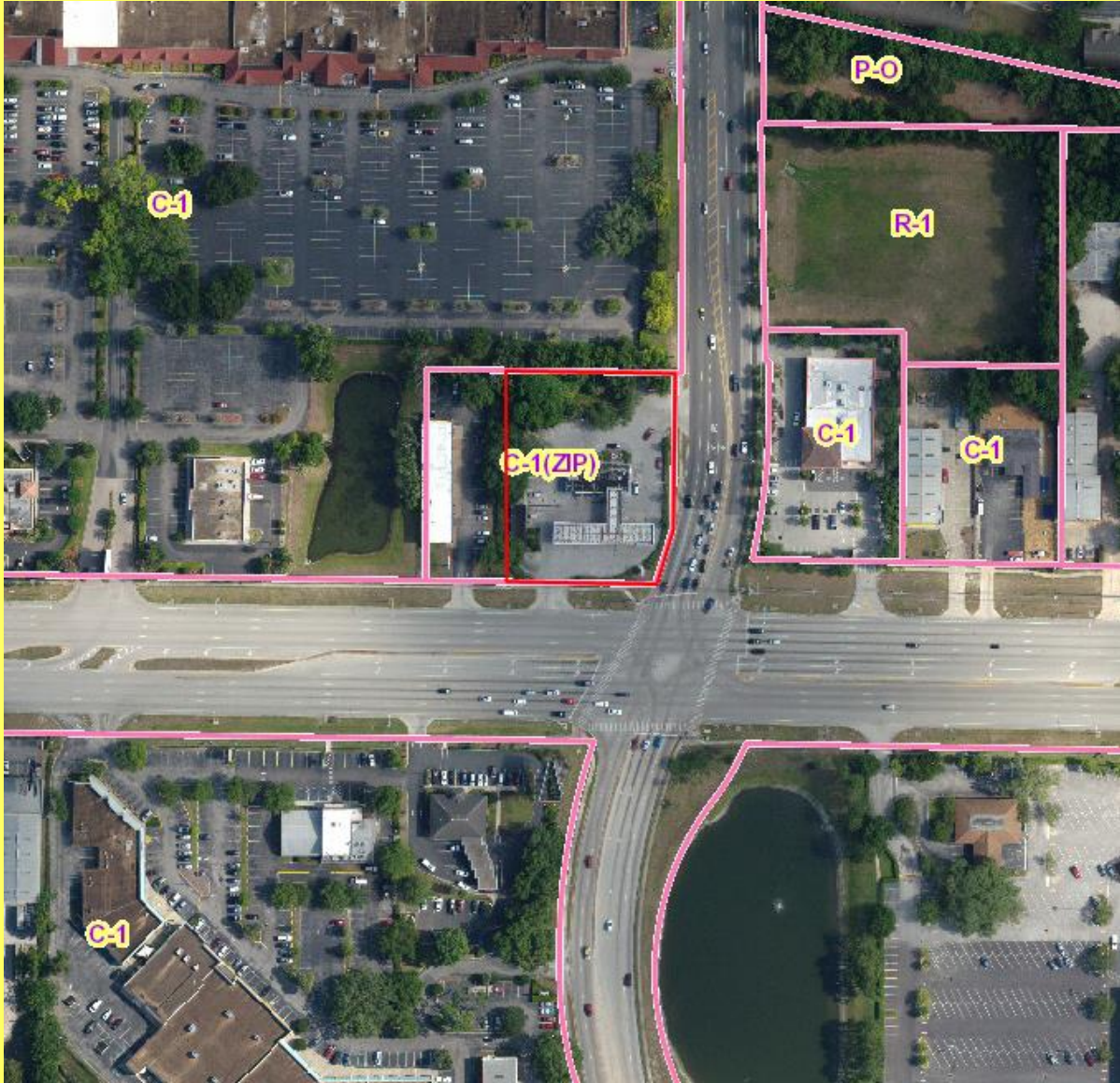
ADJACENT ZONING







ADJACENT USES





**EXISTING  
USES**





# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** ACTION GATOR TIRE (CASE # 2016-1-11)

**PARCEL ID NUMBER:** 12-21-28-6896-00-730

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" C-1 (ZIP) (COMMERCIAL)  
TO: "CITY" C-2 (GENERAL COMMERCIAL)

**SUMMARY**

OWNER: Action Gator Tire

APPLICANT: City of Apopka

LOCATION: North of E Semoran Boulevard, west of S Wekiwa Springs Road

EXISTING USE: Tire and auto repair

FUTURE LAND USE: Commercial

ZONING: C-1 (ZIP)

PROPOSED DEVELOPMENT: Tire and auto repair (existing)

PROPOSED ZONING: C-2

TRACT SIZE: 0.61 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 7,971 sq. ft.  
PROPOSED ZONING: 6,642 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 5, 2001, through the adoption of Ordinance No. 1416. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area generally characterized by commercial development. The subject property is adjacent to retail commercial on all sides, as well as a gas station to the east. The existing and proposed use as a tire and auto repair shop is permitted within the proposed C-2 zoning district, and compatible with the surrounding uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Core Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-1 (ZIP) to “City” C-2.

**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)	Commercial	C-1	Retail Shopping Center
East (City)	Commercial	C-1 (ZIP)	Gas station
South (City)	Commercial	C-1	R-O-W & Bank and retail shopping center
West (City)	Commercial	C-1	Retention & retail commercial

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a major collector (E Semoran Boulevard).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed C-2 zoning is consistent with the City’s Commercial Future Land Use designation and with the character of the surrounding area and future proposed development. The C-2 zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**C-2 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks:
  - Front: 10 ft.
  - Rear: 10 ft. (30 ft. from Residential)
  - Side: 10 ft.
  - Corner: 15 ft.

Based on the above zoning standards, the subject site does not comply with the C-2 side setback requirements, but is considered a legal, non-conforming use.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five-foot landscaped bufferyard.

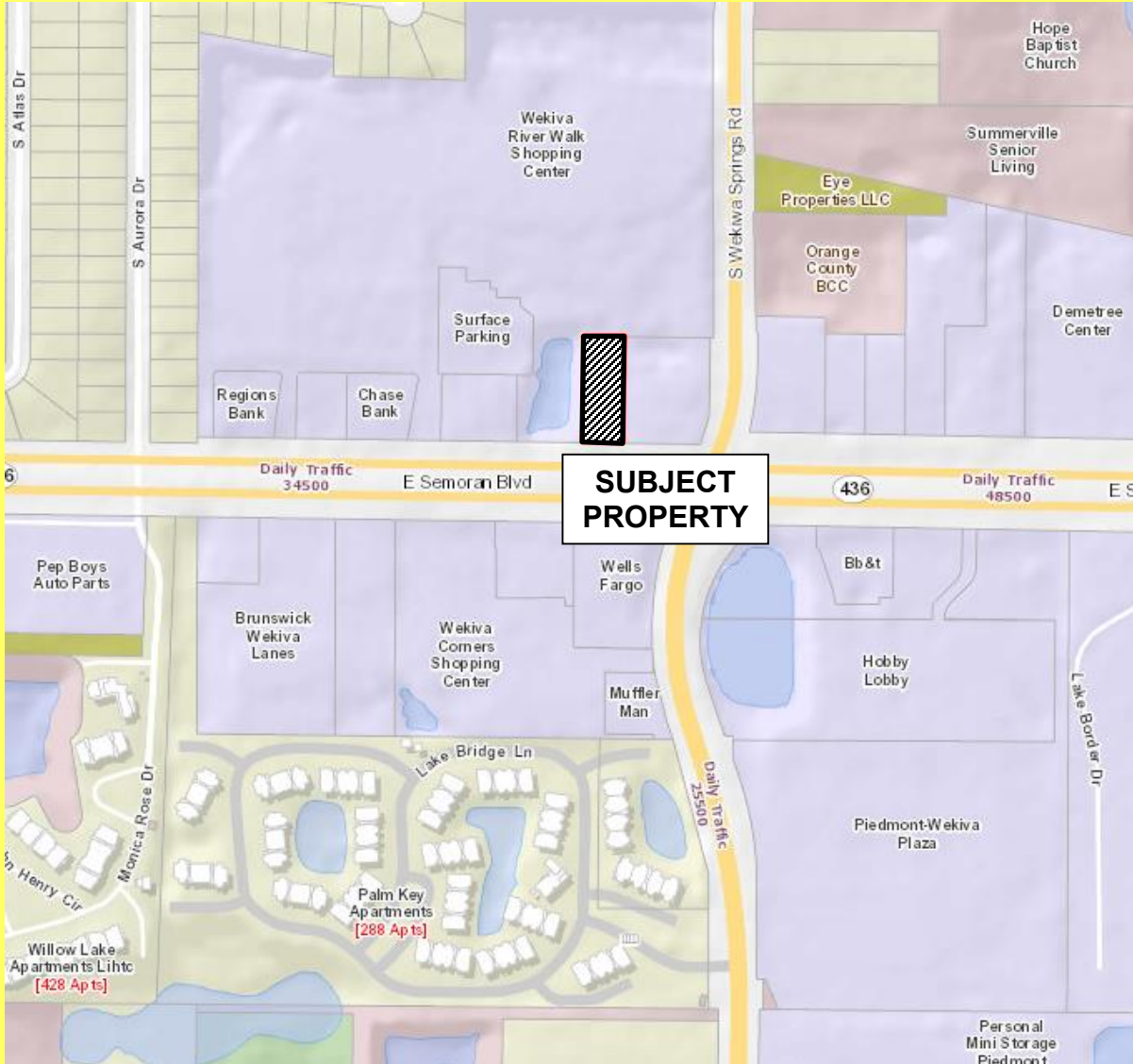
**ALLOWABLE USES:**

Automobile service stations, not including truck stops, mechanical garages provided no body work or painting services are provided on-site. New and used cars, modular and pre-fab home displays, and boat sales and mechanical services. Nurseries and greenhouses which sell and/or distribute products wholesale. Radio broadcasting and telecasting stations, studios and offices. Motorcycle sales and services. Any permitted use in the PO/I, CN, and C-1 districts. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code.



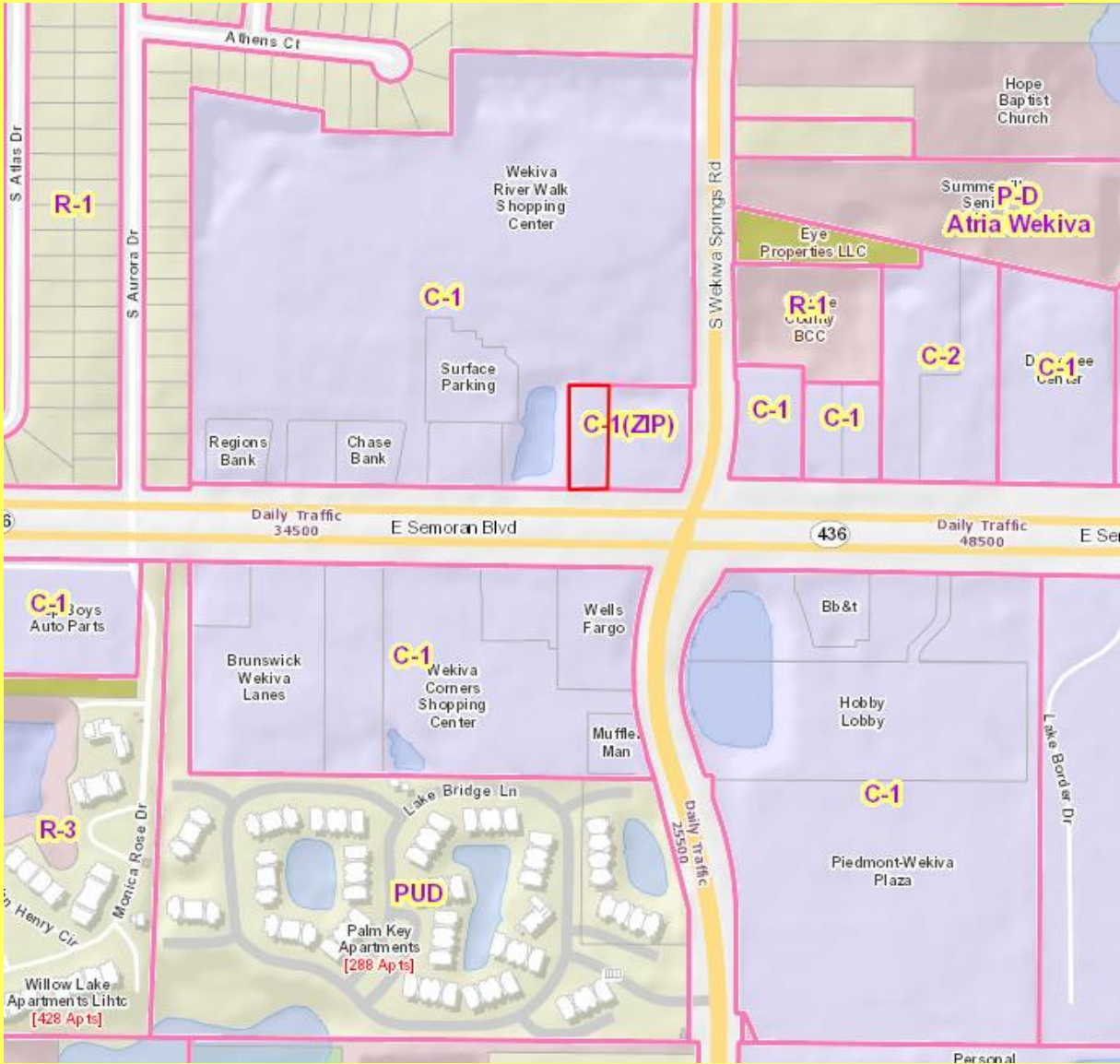
**Action Gator Tire**  
**0.61 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" C-1 (ZIP) (Commercial) (12,000 sq. ft. min. lot)**  
**To: "City" C-2 (General Commercial) (10,000 sq. ft. min. lot)**  
**Parcel ID #: 12-21-28-6896-00-730**

**VICINITY MAP**



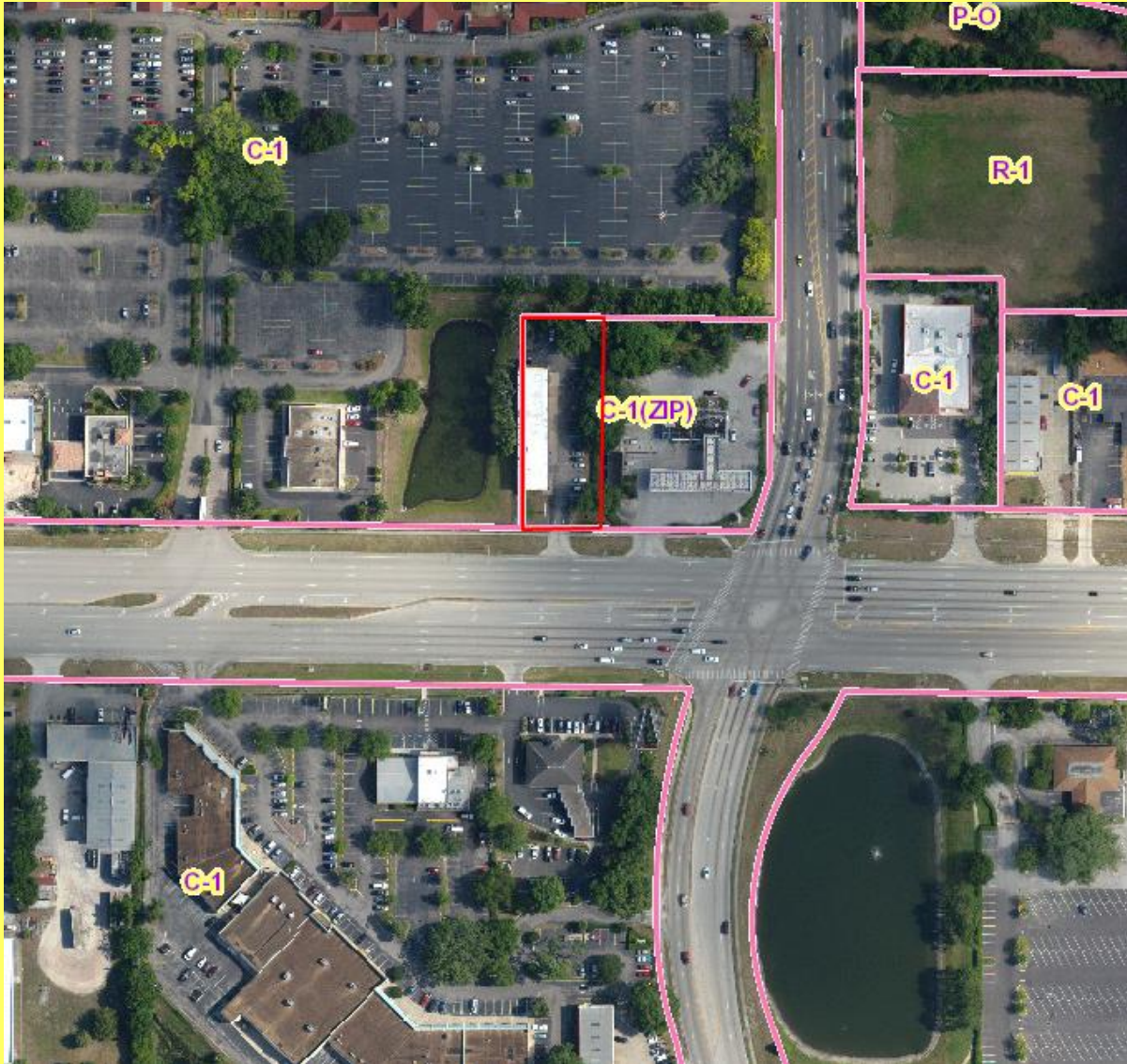


ADJACENT ZONING





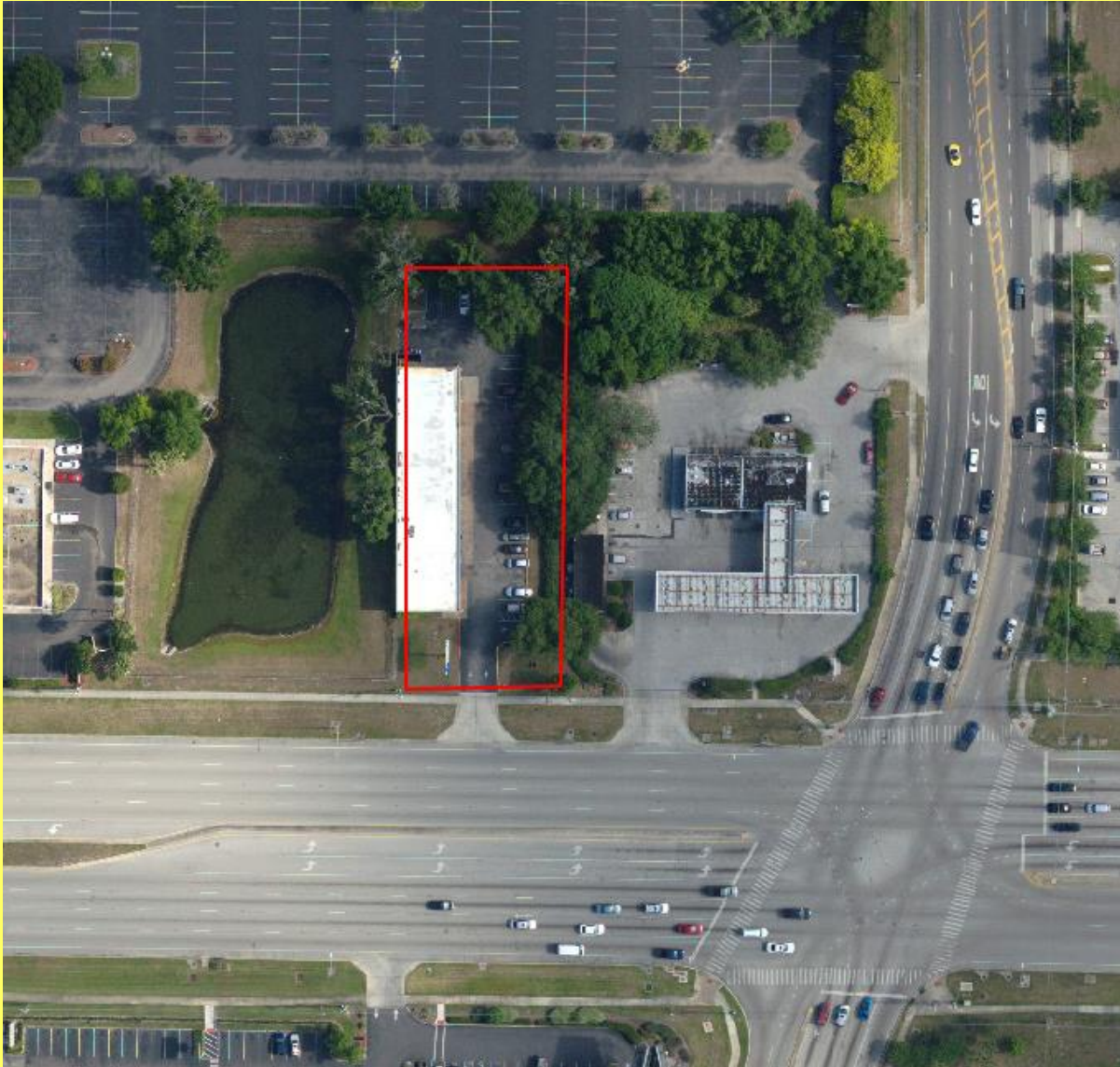
### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ANNEXATION <input type="checkbox"/> PLAT APPROVAL <input type="checkbox"/> OTHER:	DATE: March 8, 2016 FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map Existing Uses
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**SUBJECT:** RACETRAC PETROLEUM, INC. (CASE # 2016-1-12)

**PARCEL ID NUMBER:** 12-21-28-0000-00-018

**Request:** ADMINISTRATIVE REZONING  
**FROM:** "COUNTY" C-1 (ZIP) (COMMERCIAL)  
**TO:** "CITY" C-2 (GENERAL COMMERCIAL)

**SUMMARY**

**OWNER:** RaceTrac Petroleum, Inc.

**APPLICANT:** City of Apopka

**LOCATION:** North of E Semoran Boulevard, west of S Lake Cortez Drive

**EXISTING USE:** Gas station and convenience store

**FUTURE LAND USE:** Commercial

**ZONING:** C-1 (ZIP)

**PROPOSED DEVELOPMENT:** Gas station and convenience store (existing)

**PROPOSED ZONING:** C-2

**TRACT SIZE:** 1.31 +/- Acres

**MAXIMUM ALLOWABLE DEVELOPMENT:**

	<b>EXISTING ZONING:</b>	17,119 sq. ft.
	<b>PROPOSED ZONING:</b>	14,265 sq. ft.

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject properties were annexed into the City of Apopka on July 3, 1996, through the adoption of Ordinance No. 943. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is adjacent to “County” C-1 property to the west, which contains a mini-storage development, as well as “City” PO/I professional office development to the south and a “City” PUD zoning district to the east, which contains hotel development. The existing and proposed use of the subject site for a gas station is permitted within the proposed C-2 zoning district and compatible with surrounding zoning and uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Core Area” of the Joint Planning Area with Orange County. The subject property is not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” C-1 (ZIP) to “City” C-2.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Commercial	C-1	Self-storage
East (City)	Mixed Use	PUD	Hotel and vacant
South (City)	Office	PO/I	R-O-W & Professional office
West (County)	Commercial	C-1	Self-storage

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a major collector (E Semoran Boulevard).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed C-2 zoning is consistent with the City’s Commercial Future Land Use designation and with the character of the surrounding area and future proposed development. The C-2 zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**C-2 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks:
  - Front: 10 ft.
  - Rear: 10 ft. (30 ft. from Residential)
  - Side: 10 ft.
  - Corner: 15 ft.

Based on the above zoning standards, the subject site complies with code requirements for the C-2 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five-foot landscaped bufferyard.

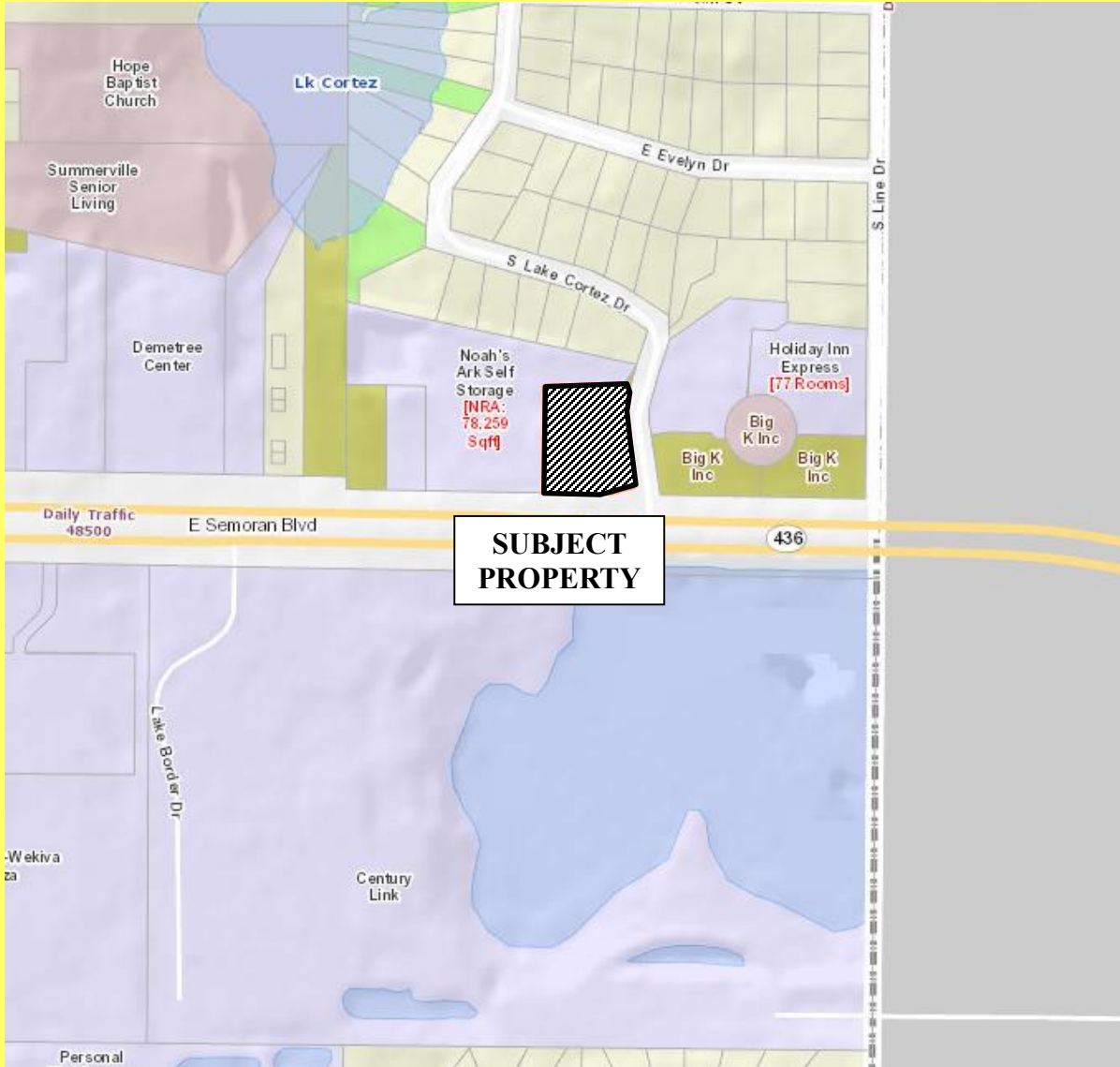
**ALLOWABLE USES:**

Automobile service stations, not including truck stops, mechanical garages provided no body work or painting services are provided on-site. New and used cars, modular and pre-fab home displays, and boat sales and mechanical services. Nurseries and greenhouses which sell and/or distribute products wholesale. Radio broadcasting and telecasting stations, studios and offices. Motorcycle sales and services. Any permitted use in the PO/I, CN, and C-1 districts. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code.



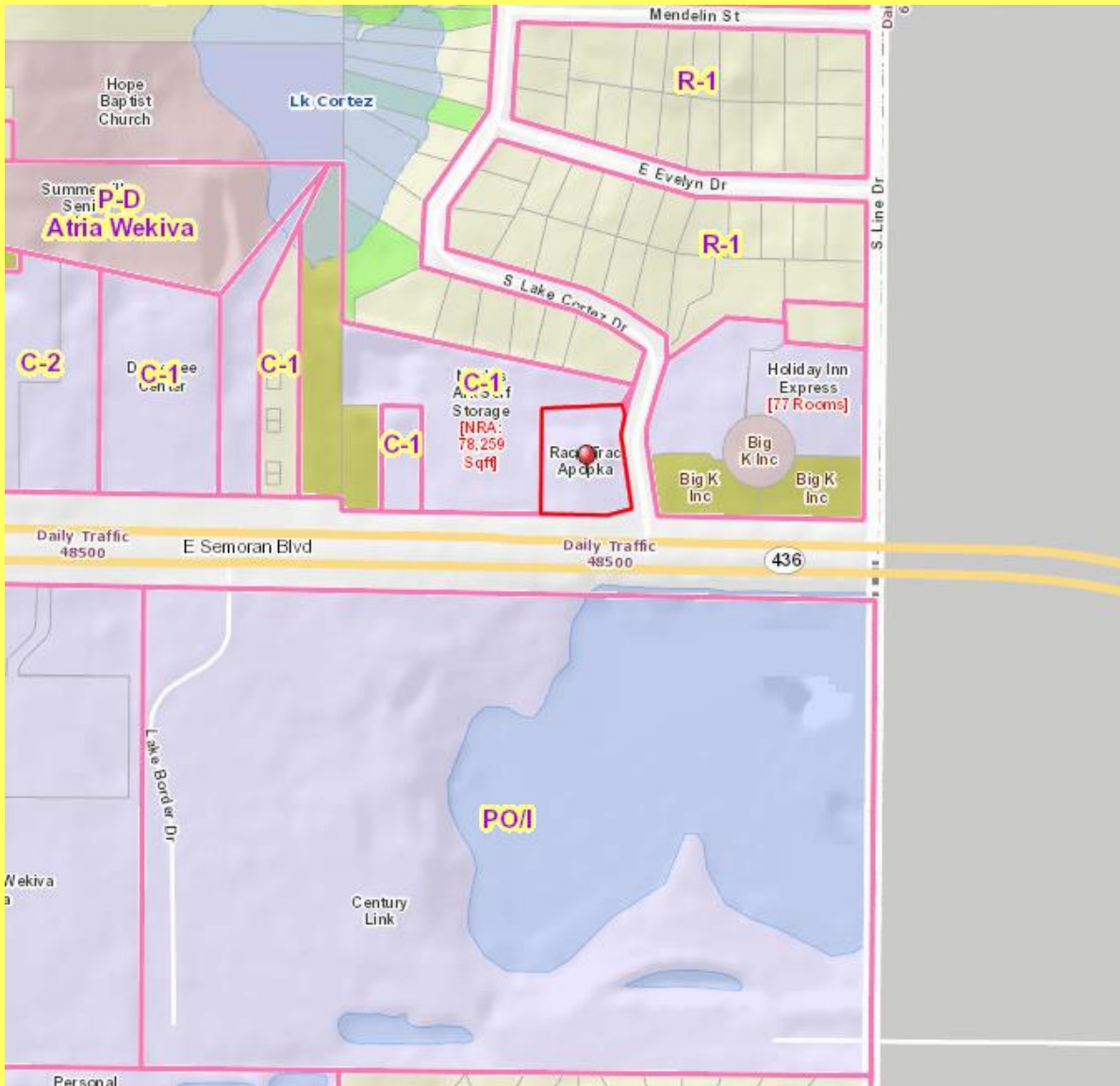
**RaceTrac Petroleum**  
**1.31 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" C-1 (ZIP) (Commercial) (12,000 sq. ft. min. lot)**  
**To: "City" C-2 (General Commercial) (10,000 sq. ft. min. lot)**  
**Parcel ID #: 12-21-28-0000-00-018**

**VICINITY MAP**



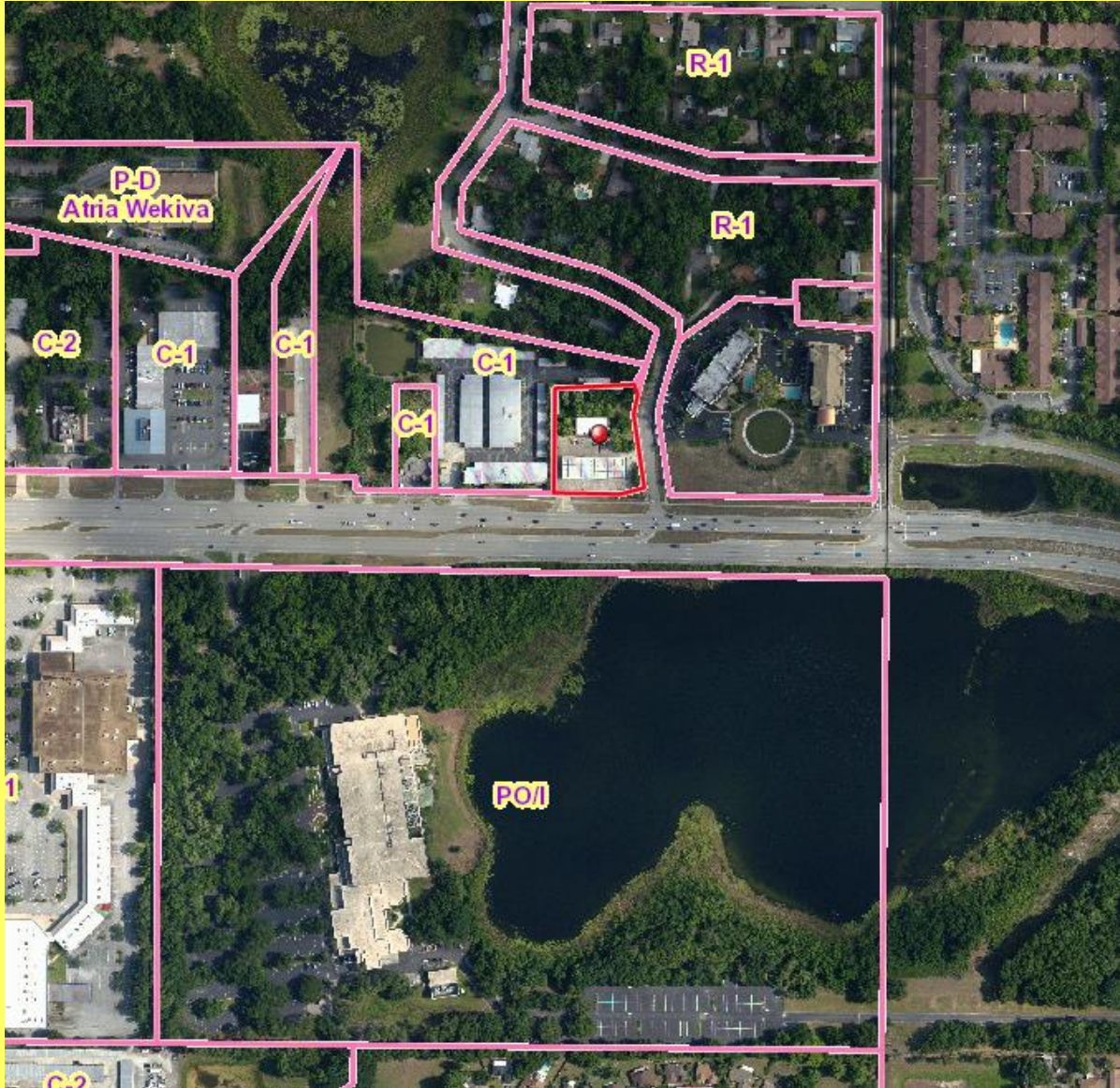


### ADJACENT ZONING



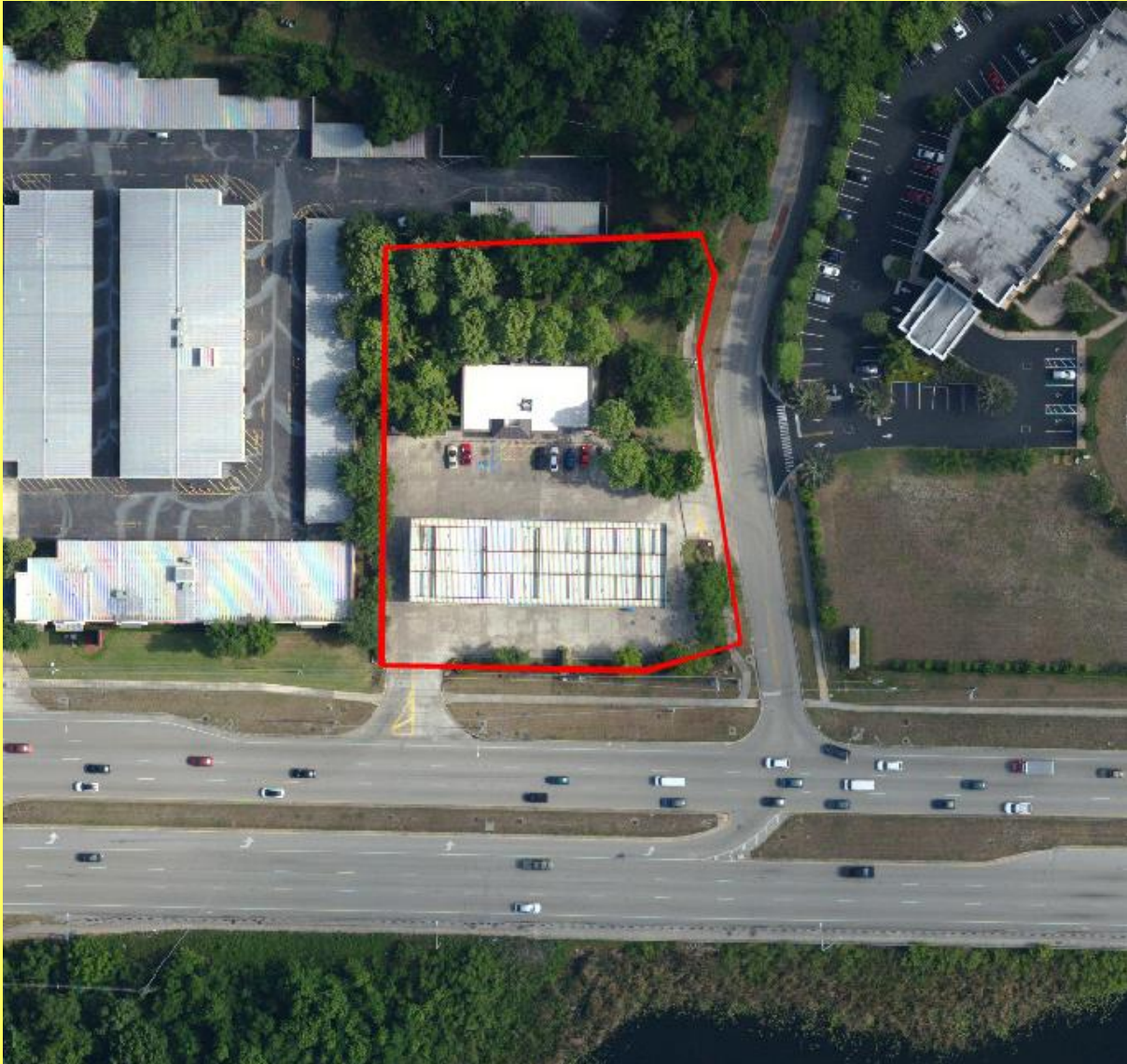


### ADJACENT USES





**EXISTING  
USES**





**Backup material for agenda item:**

7. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" I-2 & I-4 (ZIP) zoning designations to "City" I-1 (Restricted Industrial) zoning designations. (Ord. No. 2481)



**CITY OF APOPKA  
PLANNING COMMISSION**

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	“A” I-2 Spreadsheet
<input type="checkbox"/> OTHER:		“B” I-4 Spreadsheet
		“C” Zoning Reports

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**SUBJECT: 2016-1 ADMINISTRATIVE REZONING**

**Request: CHANGE OF ZONING**  
**FROM: “COUNTY” I-2 (ZIP) & I-4 (ZIP)**  
**TO: “CITY” I-1 (RESTRICTED INDUSTRIAL)**

**SUMMARY**

The 5 parcels, comprising a total of 10.54 +/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed I-1 zoning designation. The subject properties currently have a City Future Land Use Designation of Industrial (IND) and a County zoning category of I-2 and I-4 assigned to them. A summary of the zoning cases are provided in Exhibits “A” and “B”.

A brief summary of the administrative rezoning cases:

I-2 Properties

# of I-2 Parcels:	4
# of I-2 Property Owners:	3
I-2 Acreage:	8.82 +/- acres

I-4 Properties

# of I-4 Parcels:	1
# of I-4 Property Owners:	1
I-4 Acreage:	1.72 +/- acres

The attached exhibits provide a summary of the proposed zoning amendments. The property owners have been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. Individual zoning reports have been prepared for the zoning cases. The 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 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.

**DISTRIBUTION**

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

G:\CommDev\PLANNING ZONING\REZONING\2016\2016-1 Administrative Rezoning Cycle\Planning Commission

**SCHOOL CAPACITY REPORT:** The proposed zoning district is non-residential and, therefore, a school capacity enhancement agreement is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 – City Council (1:30 pm) – 1st Reading  
April 20, 2016 – City Council (8:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” I-2 & “County” I-4 to “City” I-1 as set forth in Exhibits “A” and “B” for the properties described therein.

**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.**

**EXHIBIT "A"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" I-2 TO "CITY" I-1**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-16	24-21-28-0000-00-033	David L Potopas	1.72	IND	I-2(ZIP)	I-1

**EXHIBIT "B"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" I-4 TO "CITY" I-1**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-13	01-21-27-0000-00-081	Marilyn Boughan Trust	5.04	IND*	I-4(ZIP)	I-1
2016-1-14	06-21-28-7172-03-310	Patricia & Irvin Leaders Trust	1.26	IND*	I-4(ZIP)	I-1
2016-1-14	06-21-28-7172-03-320	Patricia & Irvin Leaders Trust	1.26	IND*	I-4(ZIP)	I-1
2016-1-15	06-21-28-7172-03-330	LTR Properties	1.26	IND*	I-4(ZIP)	I-1

\* Future Land Use Element Policy 3.15 applies (Maximum FAR 0.50)



# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** DAVID L. POTOPAS (CASE # 2016-1-16)

**PARCEL ID NUMBER:** 24-21-28-0000-00-033

**Request:** ADMINISTRATIVE REZONING  
**FROM:** "COUNTY" I-4 (ZIP) (INDUSTRIAL)  
**TO:** "CITY" I-1 (RESTRICTED INDUSTRIAL)

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**SUMMARY**

**OWNER:** David L. Potopas

**APPLICANT:** City of Apopka

**LOCATION:** South of Apopka Boulevard, east of N Hiawassee Road

**EXISTING USE:** Outdoor storage of amusement rides and trailers

**FUTURE LAND USE:** Industrial (max FAR 0.60)

**ZONING:** I-2 (ZIP)

**PROPOSED DEVELOPMENT:** Outdoor storage of amusement rides and trailers (existing)

**PROPOSED ZONING:** I-1

**TRACT SIZE:** 1.72 +/- Acres

**MAXIMUM ALLOWABLE DEVELOPMENT:**

EXISTING ZONING:	22,476 sq. ft.
PROPOSED ZONING:	44,953 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2012. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized by varied uses and zoning classifications. The property is adjacent to “City” I-1 zoning to the south, as well as “county” industrial zoning districts to the west which contain light industrial uses. Vacant I-2 and C-1 zoning is present to the north, with single-family “City” R-2 zoning to northwest across N Hiawassee Road, making the proposed “City” I-1 zoning classification compatible with the general character of the surrounding neighborhood. The current use of the subject property is the outdoor storage of amusement rides and trailers, which is considered a legal, non-conforming use subject to Sec. 10.01 of the Apopka Land Development Code.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Core Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” I-2 (ZIP) to “City” I-1.

**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)	Industrial (max FAR 0.60) & Commercial (max FAR 0.25)	I-2 & C-1	Vacant industrial & Vacant commercial
East (City)	Industrial (max FAR 0.60)	I-1	Vacant industrial
East (City)	Industrial (max FAR 0.60)	I-1	Vacant industrial
West (County)	Industrial (max FAR 0.60)	IND-2/IND-3	Light industrial

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a local roadway (S Apopka Boulevard).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 15,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks: Front: 25 ft.
- Rear: 10 ft. (30 ft. from Residential)
- Side: 10 ft.
- Corner: 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the I-1 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard. Industrial uses adjacent to nonresidential, non-industrial uses or districts shall provide one of the following:

- a. A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or
- b. A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

Industrial uses occurring adjacent to existing industrial districts or uses shall be required to provide a ten-foot landscaped bufferyard.



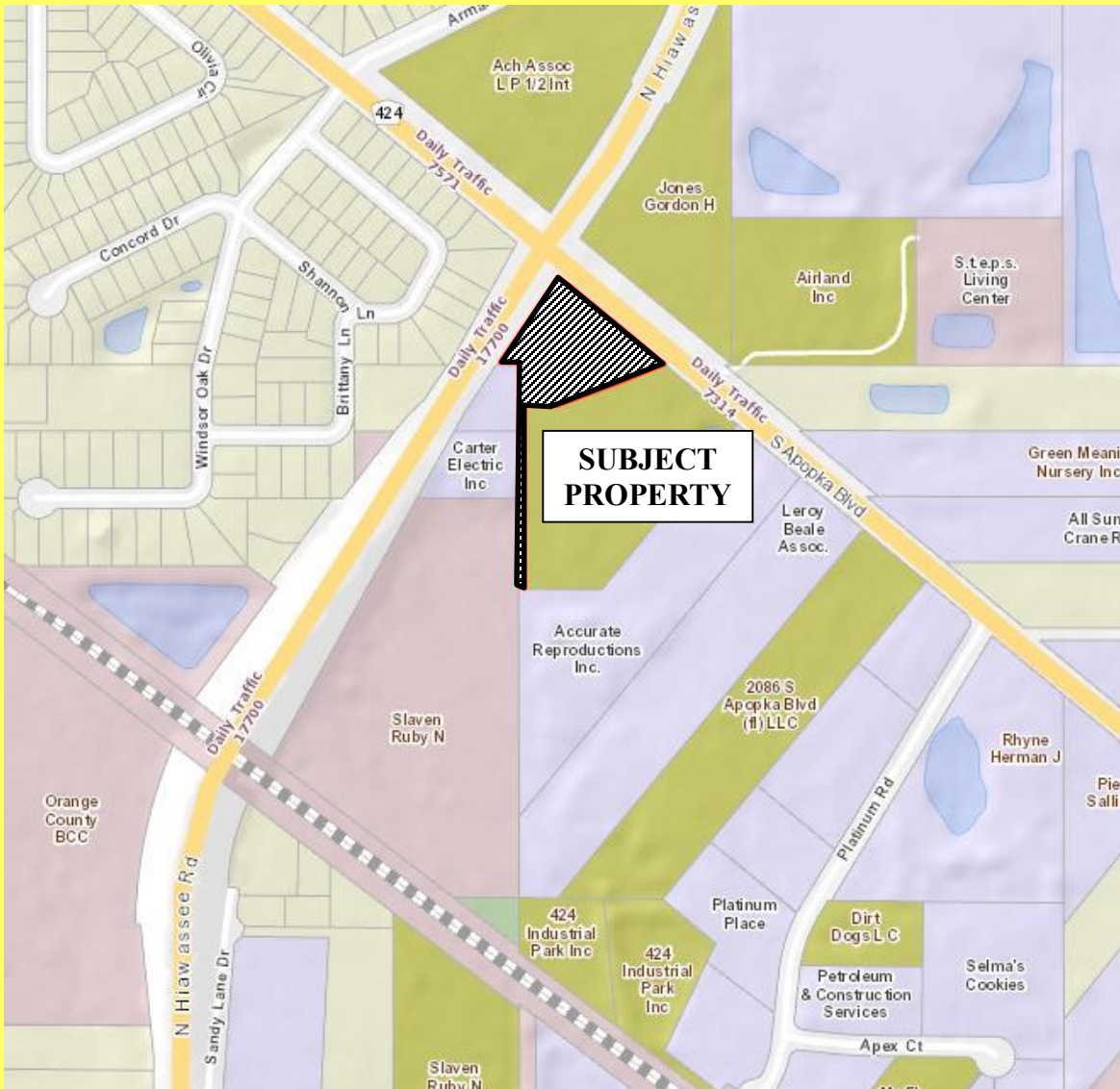
**ALLOWABLE USES:**

Manufacture and processing of novelties, souvenirs, bakery or confectionery products, garments, scientific, electrical, optical, furniture, ceramics, and other manufacturing. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Warehouses, bottling and distribution plants; ice cream manufacturers. Cold storage and frozen food lockers, and other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Any C-3 Commercial District permitted use.



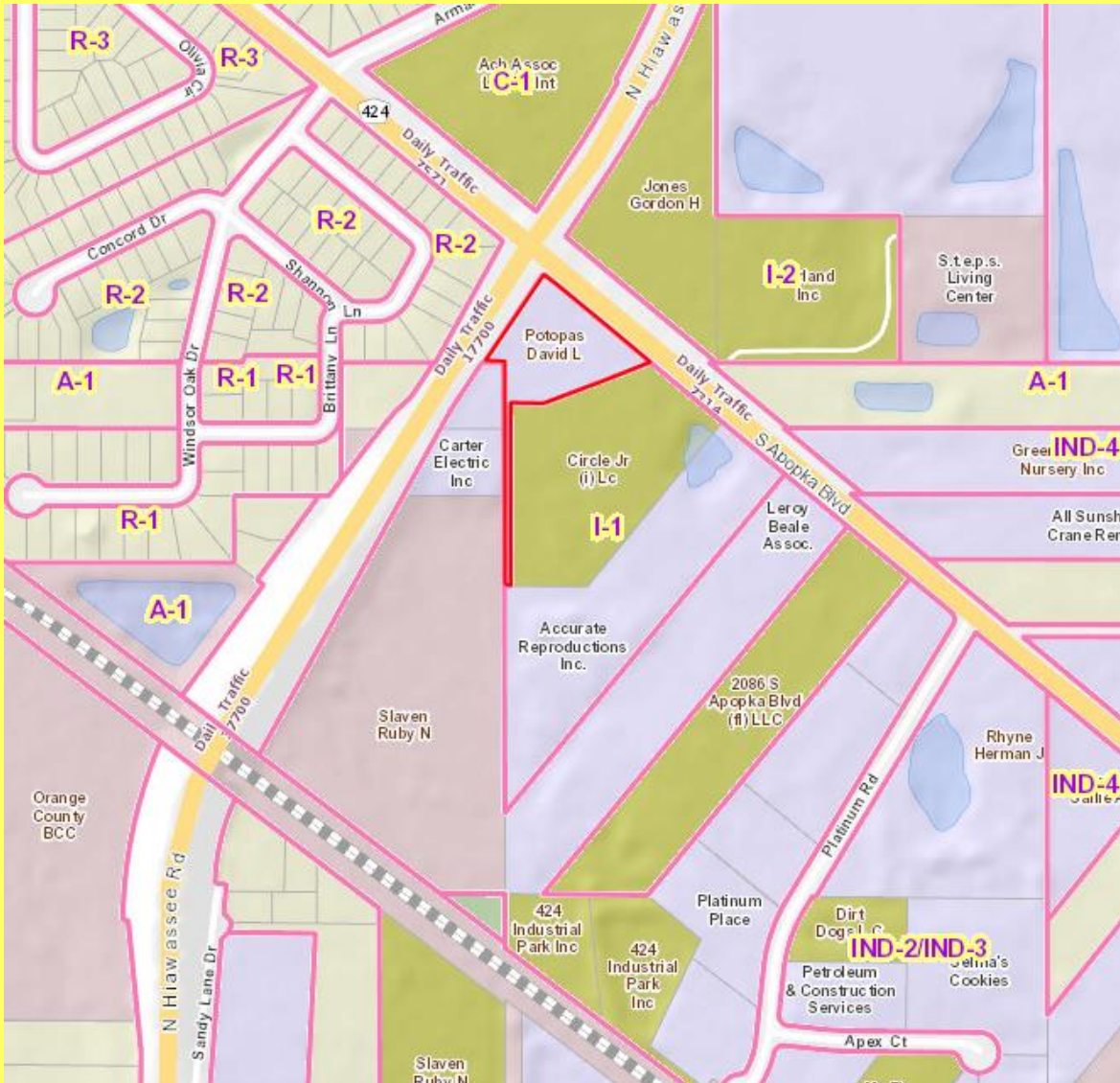
David L Potopas  
1.72 +/- Acres  
Proposed Zoning Change:  
From: "County" I-2 (ZIP) (Industrial) (No min. lot)  
To: "City" I-1 (Restricted Industrial) (15,000 sq. ft. min. lot)  
Parcel ID #: 24-21-28-0000-00-033

**VICINITY MAP**





### ADJACENT ZONING



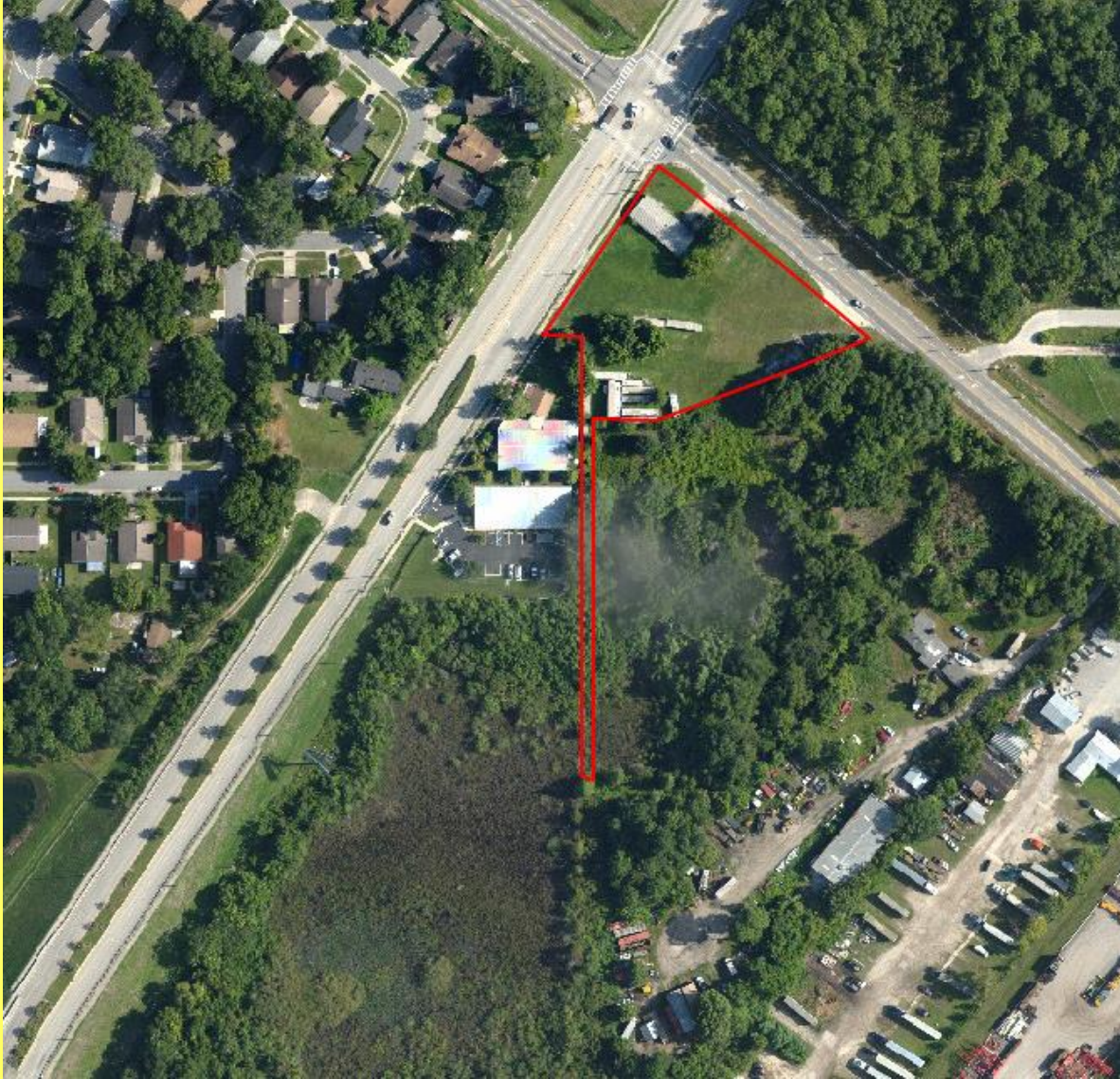


### ADJACENT USES





**EXISTING  
USES**





## CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ANNEXATION <input type="checkbox"/> PLAT APPROVAL <input type="checkbox"/> OTHER:	DATE: March 8, 2016 FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map Existing Uses
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**SUBJECT:**                    **MARILYN BOUGHAN TRUST (CASE # 2016-1-13)**

**PARCEL ID NUMBER:**    **01-21-27-0000-00-081**

**Request:**                    **ADMINISTRATIVE REZONING**  
**FROM: "COUNTY" I-4 (INDUSTRIAL)**  
**TO:        "CITY" I-1 (RESTRICTED INDUSTRIAL)**

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**SUMMARY**

OWNER:                        Marilyn Boughan Trust

APPLICANT:                 City of Apopka

LOCATION:                     East of Hermit Smith Road, south of Superior Commerce Boulevard

EXISTING USE:              Outdoor semi-trailer storage

FUTURE LAND USE:        Industrial\* (Future Land Use Policy 3.15 applies - 0.50 FAR)

ZONING:                      I-4 (ZIP)

PROPOSED DEVELOPMENT:    Outdoor semi-trailer storage (existing)

PROPOSED ZONING:        I-1

TRACT SIZE:                5.04 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	164,656 sq. ft.
PROPOSED ZONING:	109,771 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is surrounded by existing “City” I-1 zoning classifications and uses. The current use of the subject property is for semi-trailer storage, which is considered a legal, non-conforming use subject to Sec. 10.01 of the Apopka Land Development Code. In addition, any future development on the property will be subject to Policy 3.15 of the Apopka Comprehensive Plan, which limits the maximum floor area ratio (FAR) to 0.50.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Plymouth Area” of the Joint Planning Area with Orange County. The subject property is not located within any other city or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” I-4 (ZIP) to “City” I-1.

**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)	Industrial	I-4 (ZIP)	Warehousing
East (City)	Industrial	I-1	Vacant industrial
South (City)	Mixed Use	R-1AA & Mixed-EC	Vacant
West (City)	Industrial	I-1	Vacant industrial

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a local roadway (Hermit Smith Road).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 15,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks: Front: 25 ft.
- Rear: 10 ft. (30 ft. from Residential)
- Side: 10 ft.
- Corner: 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the I-1 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard. Industrial uses adjacent to nonresidential, non-industrial uses or districts shall provide one of the following:

- a. A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or
- b. A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

Industrial uses occurring adjacent to existing industrial districts or uses shall be required to provide a ten-foot landscaped bufferyard.



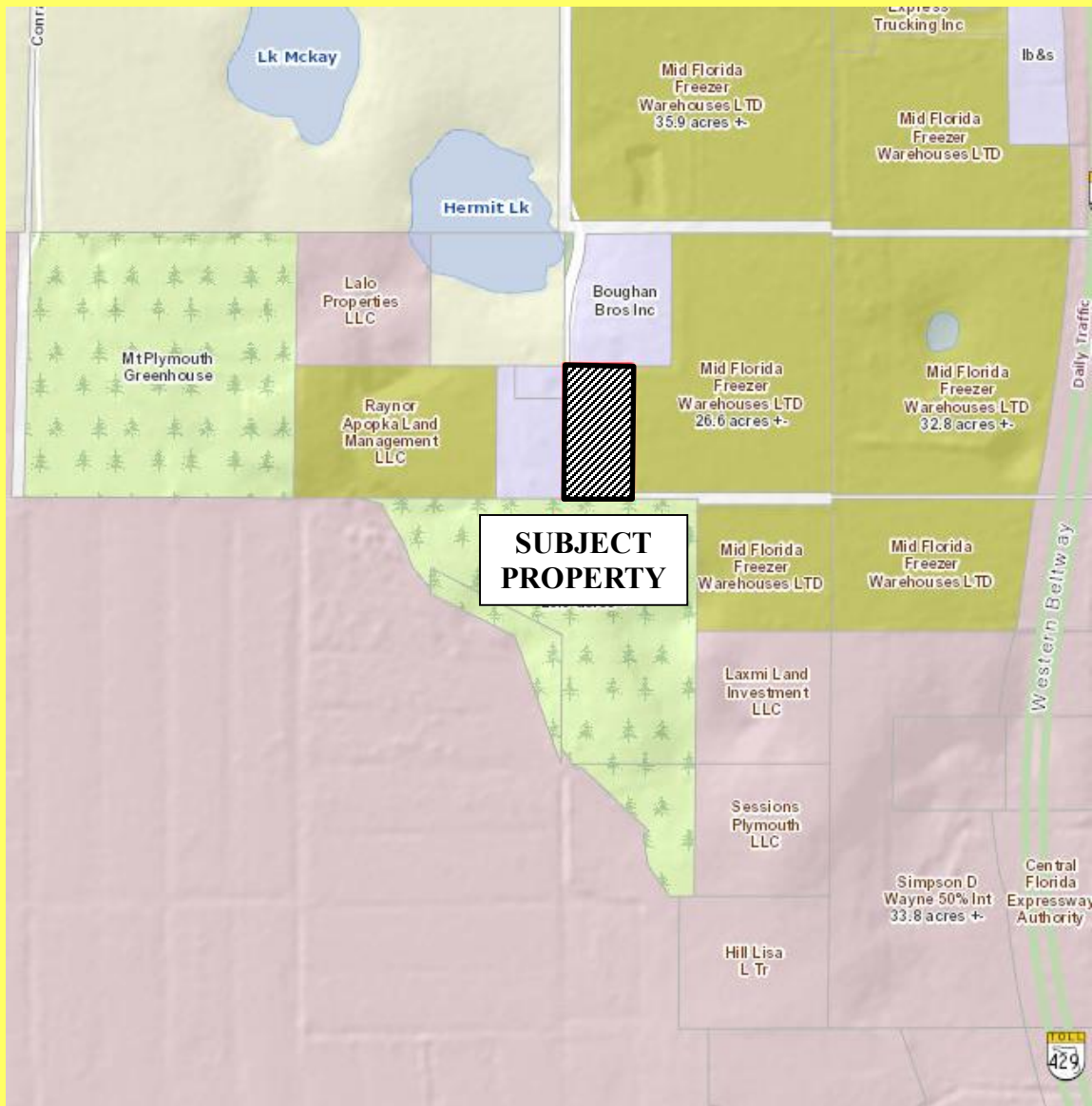
**ALLOWABLE USES:**

Manufacture and processing of novelties, souvenirs, bakery or confectionery products, garments, scientific, electrical, optical, furniture, ceramics, and other manufacturing. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Warehouses, bottling and distribution plants; ice cream manufacturers. Cold storage and frozen food lockers, and other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Any C-3 Commercial District permitted use.



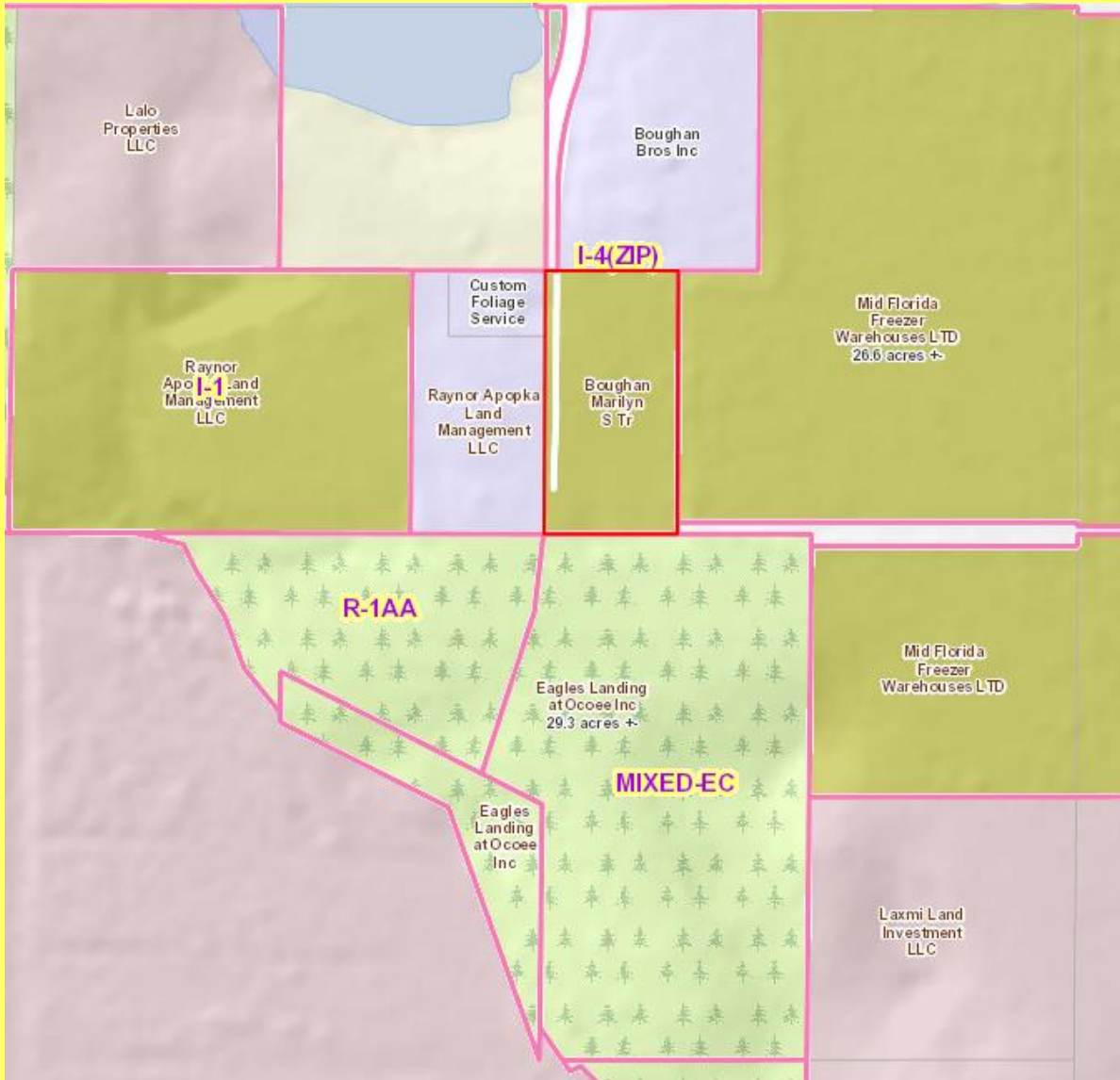
**Marilyn Boughan Trust**  
**5.04 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" I-4 (ZIP) (Commercial) (No min. lot)**  
**To: "City" I-1 (Restricted Industrial) (15,000 sq. ft. min. lot)**  
**Parcel ID #: 06-21-28-7172-03-310**

**VICINITY MAP**





### ADJACENT ZONING





### ADJACENT USES





**EXISTING  
USES**





# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ANNEXATION <input type="checkbox"/> PLAT APPROVAL <input type="checkbox"/> OTHER:	DATE: March 8, 2016 FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map Existing Uses
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**SUBJECT:**                  **PATRICIA & IRVIN LEADERS TRUST (CASE # 2016-1-14)**

**PARCEL ID NUMBERS:**  **06-21-28-7172-03-310 & 06-21-28-7172-03-320**

**Request:**                  **ADMINISTRATIVE REZONING**  
**FROM: “COUNTY” I-4 (INDUSTRIAL)**  
**TO:      “CITY” I-1 (RESTRICTED INDUSTRIAL)**

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**SUMMARY**

OWNER:                      Patricia & Irvin Leaders Trust

APPLICANT:               City of Apopka

LOCATION:                   North of General Electric Road, east of Hermit Smith Road

EXISTING USE:             Warehousing and wholesale/light industrial suppliers

FUTURE LAND USE:       Industrial\* (Future Land Use Policy 3.15 applies – 0.50 FAR)

ZONING:                    I-4 (ZIP)

PROPOSED  
DEVELOPMENT:             Warehousing and wholesale/light industrial suppliers (existing)

PROPOSED  
ZONING:                    I-1

TRACT SIZE:              2.52 +/- Acres

MAXIMUM ALLOWABLE  
DEVELOPMENT:            EXISTING ZONING:          32,931 sq. ft.  
                                   PROPOSED ZONING:       54,885 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is surrounded by existing “City” I-1 zoning classifications and uses to the north, east and west, as well as vacant “City” I-1 zoning to the south. The current use of the subject properties is for warehousing and various wholesale suppliers/light manufacturing, which is permitted within the I-1 zoning district. Development on these properties are subject to Policy 3.15 of the Apopka Comprehensive Plan, which limits the maximum floor area ratio (FAR) to 0.50.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Plymouth Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” I-4 (ZIP) to “City” I-1.

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into 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)	Industrial	I-1	Light manufacturing
East (City)	Industrial (max FAR 0.60)	I-1	Warehousing
South (City)	Industrial (max FAR 0.60)	I-1	Vacant industrial
West (City)	Industrial* (max FAR 0.50)	I-4 (ZIP)	Warehousing/light industrial/wholesale

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a local roadway (General Electric Road).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 15,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks:
  - Front: 25 ft.
  - Rear: 10 ft. (30 ft. from Residential)
  - Side: 10 ft.
  - Corner: 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the I-1 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard. Industrial uses adjacent to nonresidential, non-industrial uses or districts shall provide one of the following:

- a. A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or
- b. A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

Industrial uses occurring adjacent to existing industrial districts or uses shall be required to provide a ten-foot landscaped bufferyard.



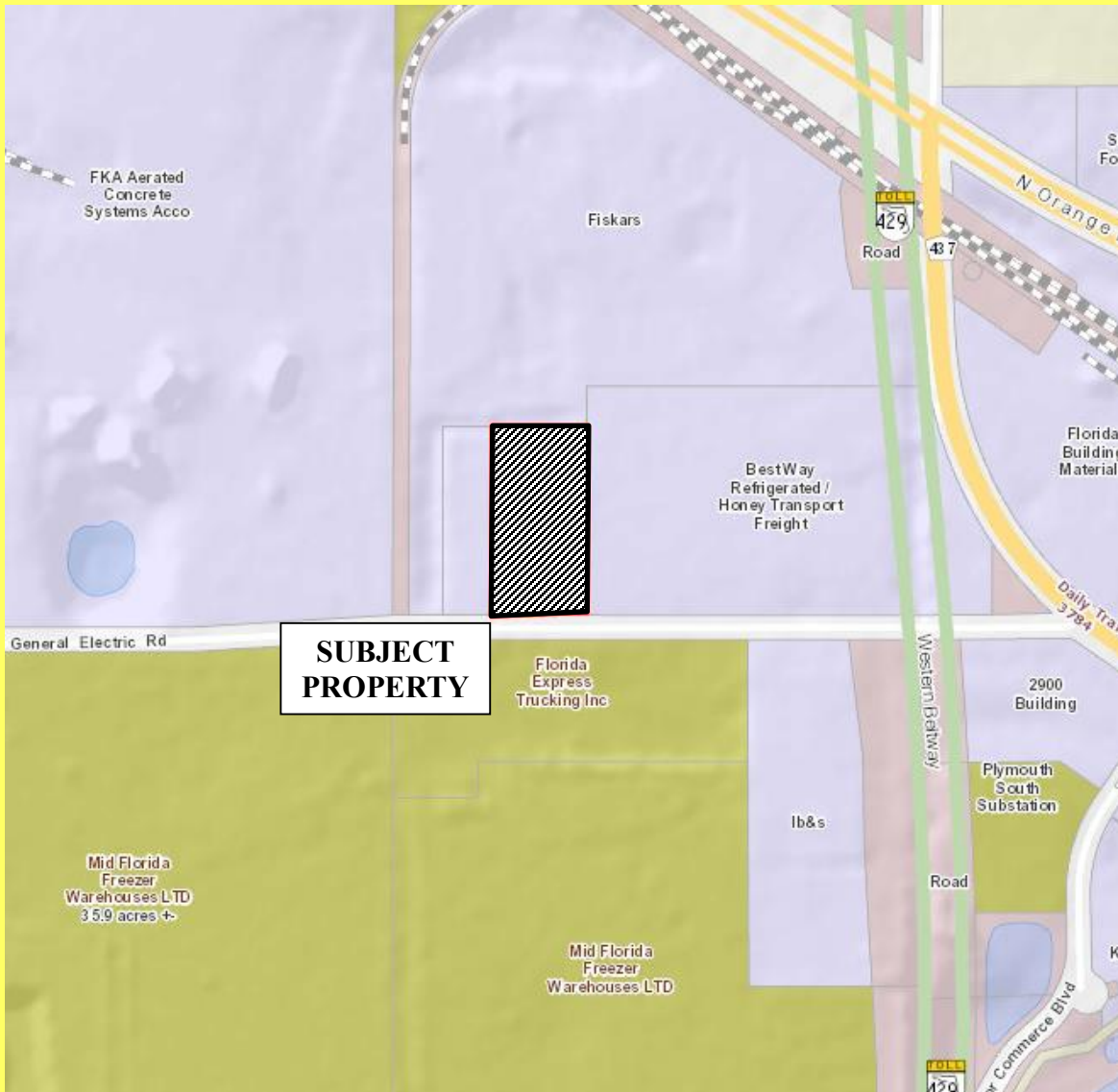
**ALLOWABLE USES:**

Manufacture and processing of novelties, souvenirs, bakery or confectionery products, garments, scientific, electrical, optical, furniture, ceramics, and other manufacturing. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Warehouses, bottling and distribution plants; ice cream manufacturers. Cold storage and frozen food lockers, and other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Any C-3 Commercial District permitted use.



**Patricia & Irvin Leaders Trust**  
**2.52 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" I-4 (ZIP) (Industrial) (No min. lot)**  
**To: "City" I-1 (Restricted Industrial) (15,000 sq. ft. min. lot)**  
**Parcel ID #: 06-21-28-7172-03-310 & 06-21-28-7172-03-320**

**VICINITY MAP**



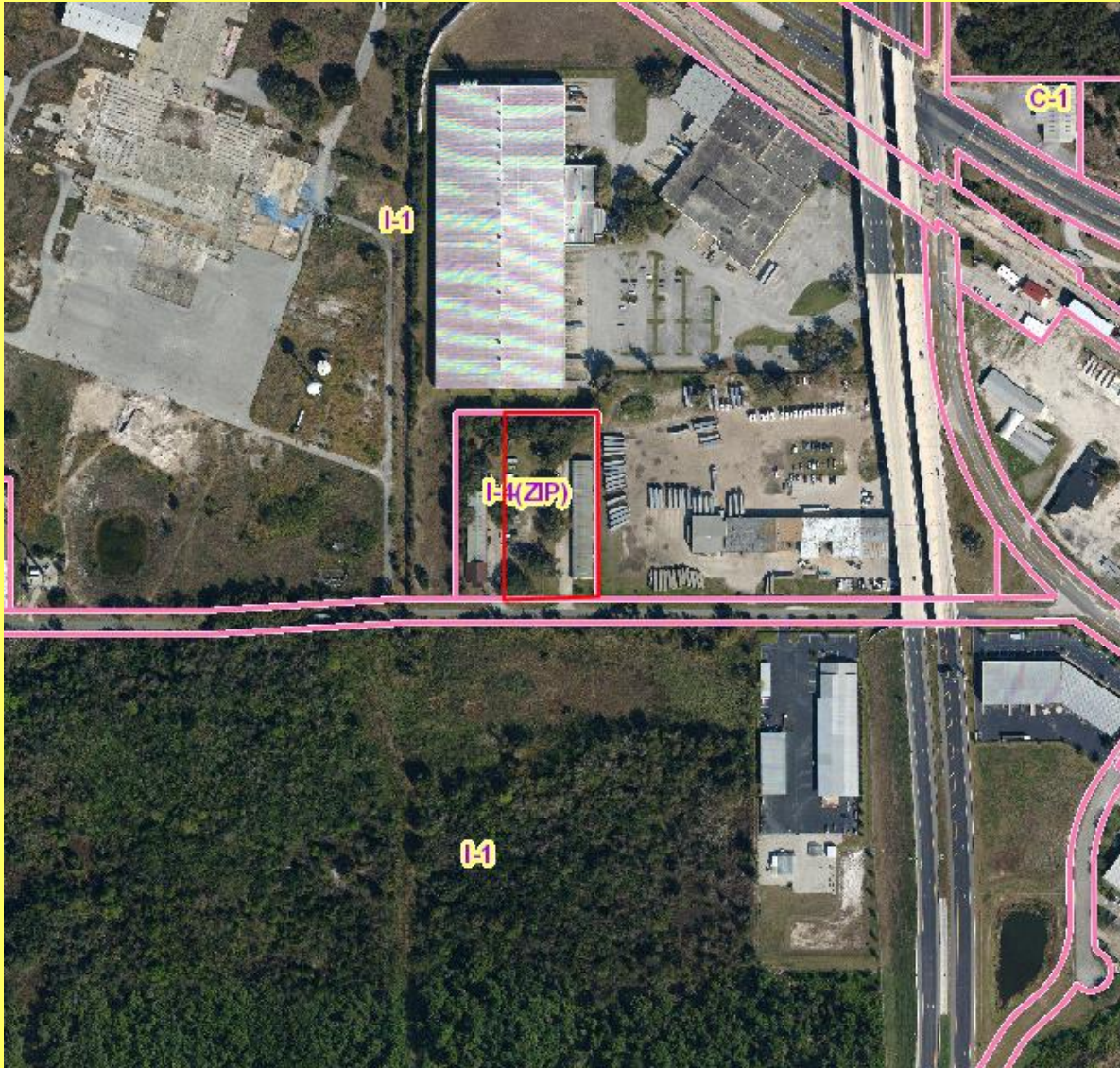


### ADJACENT ZONING





### ADJACENT USES





**EXISTING  
USES**





## CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ANNEXATION <input type="checkbox"/> PLAT APPROVAL <input type="checkbox"/> OTHER:	DATE: March 8, 2016 FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map Existing Uses
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**SUBJECT:** LTR PROPERTIES, INC. (CASE # 2016-1-15)

**PARCEL ID NUMBER:** 06-21-28-7172-03-330

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" I-4 (INDUSTRIAL)  
TO: "CITY" I-1 (RESTRICTED INDUSTRIAL)

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**SUMMARY**

OWNER: LTR Properties, Inc.

APPLICANT: City of Apopka

LOCATION: North of General Electric Road, east of Hermit Smith Road

EXISTING USE: Warehousing and wholesale/light industrial

FUTURE LAND USE: Industrial\* (Future Land Use Policy 3.15 applies – 0.50 FAR)

ZONING: I-4 (ZIP)

PROPOSED DEVELOPMENT: Warehousing and wholesale/light industrial (existing)

PROPOSED ZONING: I-1

TRACT SIZE: 1.26 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	16,465 sq. ft.
PROPOSED ZONING:	27,442 sq. ft.

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**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is surrounded by existing “City” I-1 zoning classifications and uses to the north and west, as well as vacant “City” I-1 zoning to the south. The current use of the subject properties is for warehousing and light industrial, which is permitted within the I-1 zoning district. Development on this property is subject to Policy 3.15 of the Apopka Comprehensive Plan, which limits the maximum floor area ratio (FAR) to 0.50.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning is for a non-residential zoning classification and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Plymouth Area” of the Joint Planning Area with Orange County. The subject property is not located within any other city or protection area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” I-4 (ZIP) to “City” I-1.

**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)	Industrial (max FAR 0.60)	I-1	Light manufacturing
East (City)	Industrial* (max FAR 0.50)	I-4 (ZIP)	Vacant industrial
South (City)	Industrial (max FAR 0.60)	I-1	Vacant industrial
West (City)	Industrial (max FAR 0.60)	I-1	Warehousing

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a local roadway (General Electric Road).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 15,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks:
  - Front: 25 ft.
  - Rear: 10 ft. (30 ft. from Residential)
  - Side: 10 ft.
  - Corner: 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the I-1 district.

**BUFFERYARD  
 REQUIREMENTS:**

Areas adjacent to all road right-of-ways shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard. Industrial uses adjacent to nonresidential, non-industrial uses or districts shall provide one of the following:

- a. A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or
- b. A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

Industrial uses occurring adjacent to existing industrial districts or uses shall be required to provide a ten-foot landscaped bufferyard.



**ALLOWABLE USES:**

Manufacture and processing of novelties, souvenirs, bakery or confectionery products, garments, scientific, electrical, optical, furniture, ceramics, and other manufacturing. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Warehouses, bottling and distribution plants; ice cream manufacturers. Cold storage and frozen food lockers, and other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Any C-3 Commercial District permitted use.



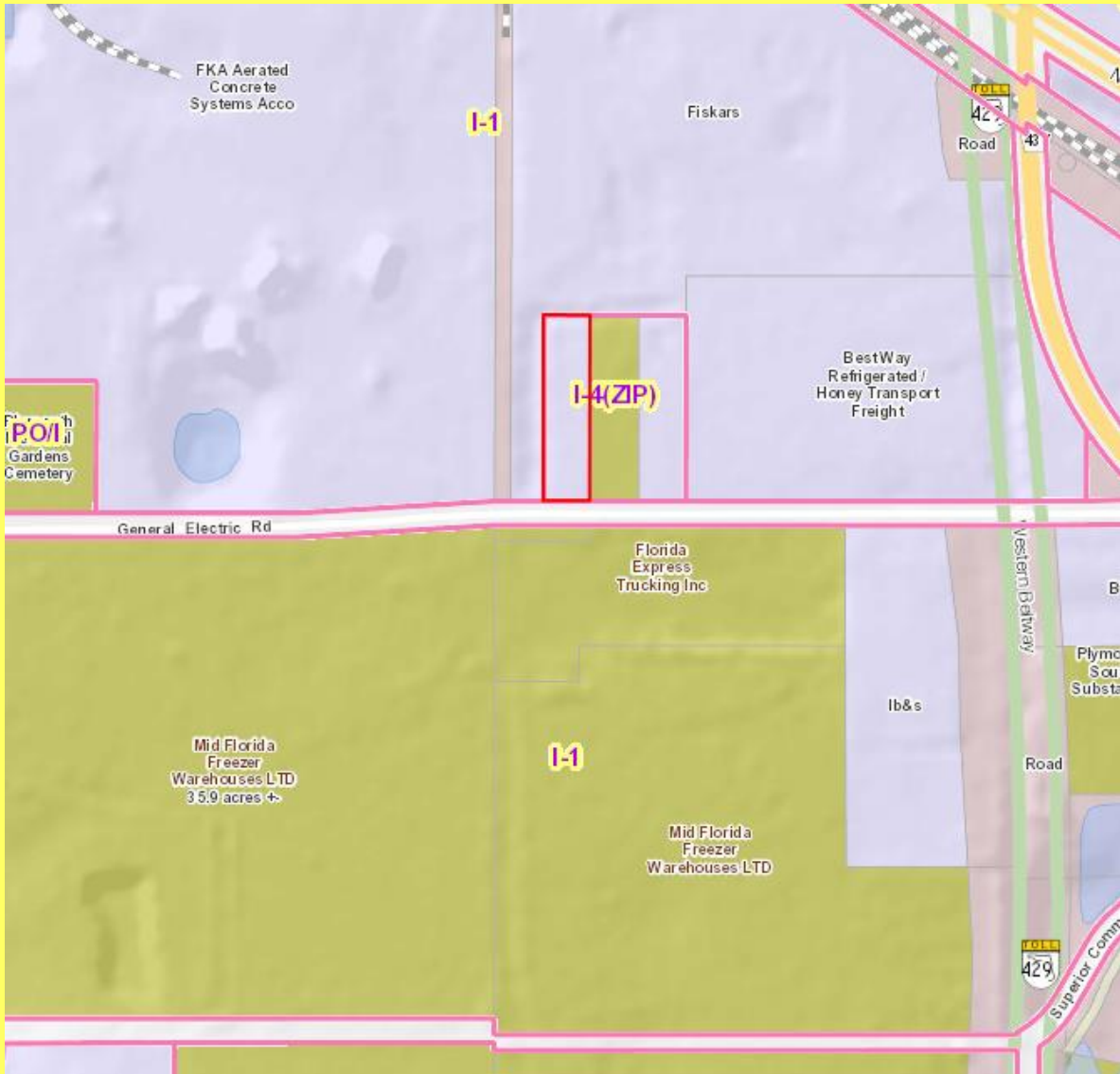
LTR Properties, Inc.  
1.26 +/- Acres  
Proposed Zoning Change:  
From: "County" I-4 (ZIP) (Industrial) (No min. lot)  
To: "City" I-1 (Restricted Industrial) (15,000 sq. ft. min. lot)  
Parcel ID #: 06-21-28-7172-03-330

**VICINITY MAP**



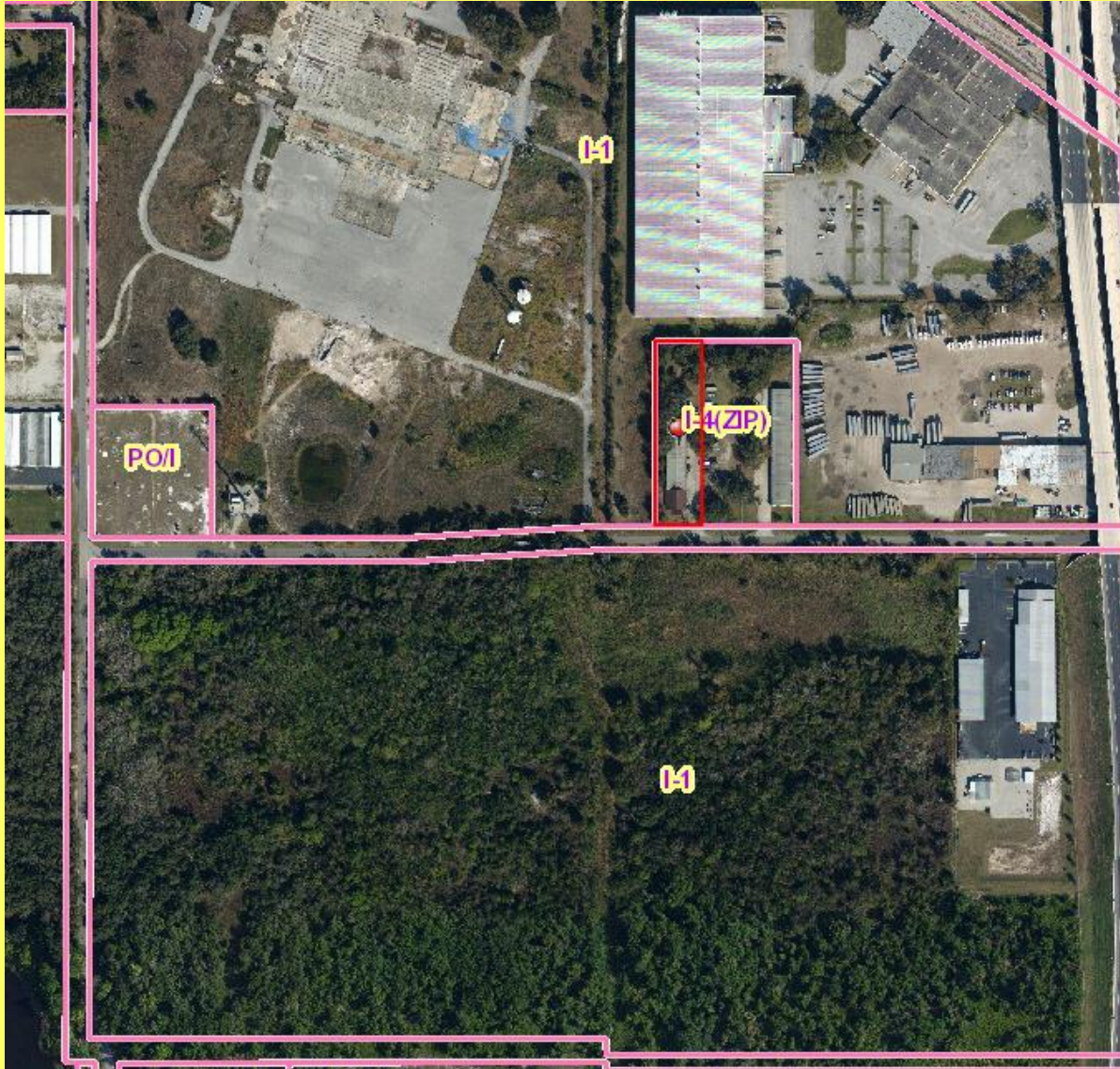


### ADJACENT ZONING





### ADJACENT USES





**EXISTING  
USES**



**Backup material for agenda item:**

8. 2016-1 ADMINISTRATIVE REZONING - Various owners of Parcels located within the City of Apopka from "County" R-1 (ZIP) zoning designations to "City" R-1 zoning designations. (Ord. No. 2482)



**CITY OF APOPKA  
PLANNING COMMISSION**

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE: March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM: Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS: "A" R-1 Spreadsheet
<input type="checkbox"/> OTHER:	"B" Zoning Report

**SUBJECT: 2016-1 ADMINISTRATIVE REZONING**

**Request: CHANGE OF ZONING**  
**FROM: "COUNTY" R-1 (ZIP)**  
**TO: "CITY" R-1 (RESIDENTIAL)**

**SUMMARY**

The one parcel, comprising a total of 3.16 +/- acres, has been annexed into the City of Apopka and assigned a Future Land Use designations compatible with the proposed R-1 zoning designation. The subject property currently has a City Future Land Use Designation of Residential Low (RL) and a County zoning category of R-1 assigned to it. A summary of the zoning case is provided in Exhibit "A".

A brief summary of the administrative rezoning case:

<u>R-1 Properties</u>	
# of A-1 Parcels:	1
# of A-1 Property Owners:	1
A-1 Acreage:	3.16 +/- acres

The attached exhibits provide a summary of the proposed zoning amendments. The property owner has been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to the property. A zoning report has been prepared for the zoning case. The zoning report is provided in Exhibit "B".

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 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.

**DISTRIBUTION**

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

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning for the case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 5, 2016.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)

April 6, 2016 – City Council (1:30 pm) – 1st Reading

April 20, 2016 – City Council (8:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Notice and Notification

April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” R-1 to “City” R-1 as set forth in Exhibit “A” for the property described therein.

**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.**



**EXHIBIT "A"**  
**2016-1 ADMINISTRATIVE REZONING**  
**FROM "COUNTY" R-1 TO "CITY" R-1**

<b>Case #</b>	<b>Parcel ID</b>	<b>Property Owner</b>	<b>Acreage +/-</b>	<b>Future Land Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
2016-1-17	10-21-28-8652-10-011	Brian & Christian Anderson	3.16	RL	R-1(ZIP)	R-1



# CITY OF APOPKA PLANNING COMMISSION

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<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	March 8, 2016
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

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**SUBJECT:** BRIAN & CHRISTIAN ANDERSON (CASE # 2016-1-17)

**PARCEL ID NUMBER:** 10-21-28-8652-10-011

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" R-1 (ZIP) (RESIDENTIAL)  
TO: "CITY" R-1 (RESIDENTIAL)

**SUMMARY**

OWNER: Brian & Christian Anderson

APPLICANT: City of Apopka

LOCATION: West of Armitage Drive, south of 7<sup>th</sup> Street

EXISTING USE: Single-family residential home

FUTURE LAND USE: Residential Low (0 – 5 du/acre)

ZONING: R-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family residential home (existing)

PROPOSED ZONING: R-1

TRACT SIZE: 3.16 Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 12 Residential Units  
PROPOSED ZONING: 15 Residential Units

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on November 19, 2008, through the adoption of Ordinance No. 2052. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area which has predominantly single-family uses and zoning. The property is adjacent to “City” R-1AA zoning to the west with single-family homes, vacant “City” PUD/R-2 zoned land to the north which permits single-family residential only, and “county” R-1 zoning to the east with single-family residential. The existing and proposed use is for a single-family residential home, which is a permitted use within the proposed “City” R-1 zoning, and compatible with surrounding uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would lead to an increase in residential units considered “de minimus” and, therefore, a school capacity agreement is not needed.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Core Area” of the Joint Planning Area with Orange County. The subject property is located within the City’s Downtown Development Overlay area.

**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 February 5, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 8, 2016 – Planning Commission (5:30 pm)  
April 6, 2016 - City Council (1:30 pm) - 1st Reading  
April 20, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 19, 2016 – Public Hearing Notice Ad  
April 8, 2016 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” R-1 (ZIP) to “City” R-1.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0 – 5 du/acre)	PUD/R-2	Vacant residential
East (County)	Low Density Residential (0 – 4 du/acre)	R-1	Single-family residential
South (County)	Low Density Residential (0 – 4 du/acre)	R-1	Retention
West (County)	Residential Low (0 – 5 du/acre)	R-1AA	Single-family residential

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property is accessed by a local roadway (Armitage Drive).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed R-1 zoning is consistent with the City’s Residential Low Future Land Use designation and with the character of the surrounding area and future proposed development. The R-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**R-1 DISTRICT  
 REQUIREMENTS:**

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

Based on the above zoning standards, the subject site complies with code requirements for the R-1 district.

**BUFFERYARD  
 REQUIREMENTS:**

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

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

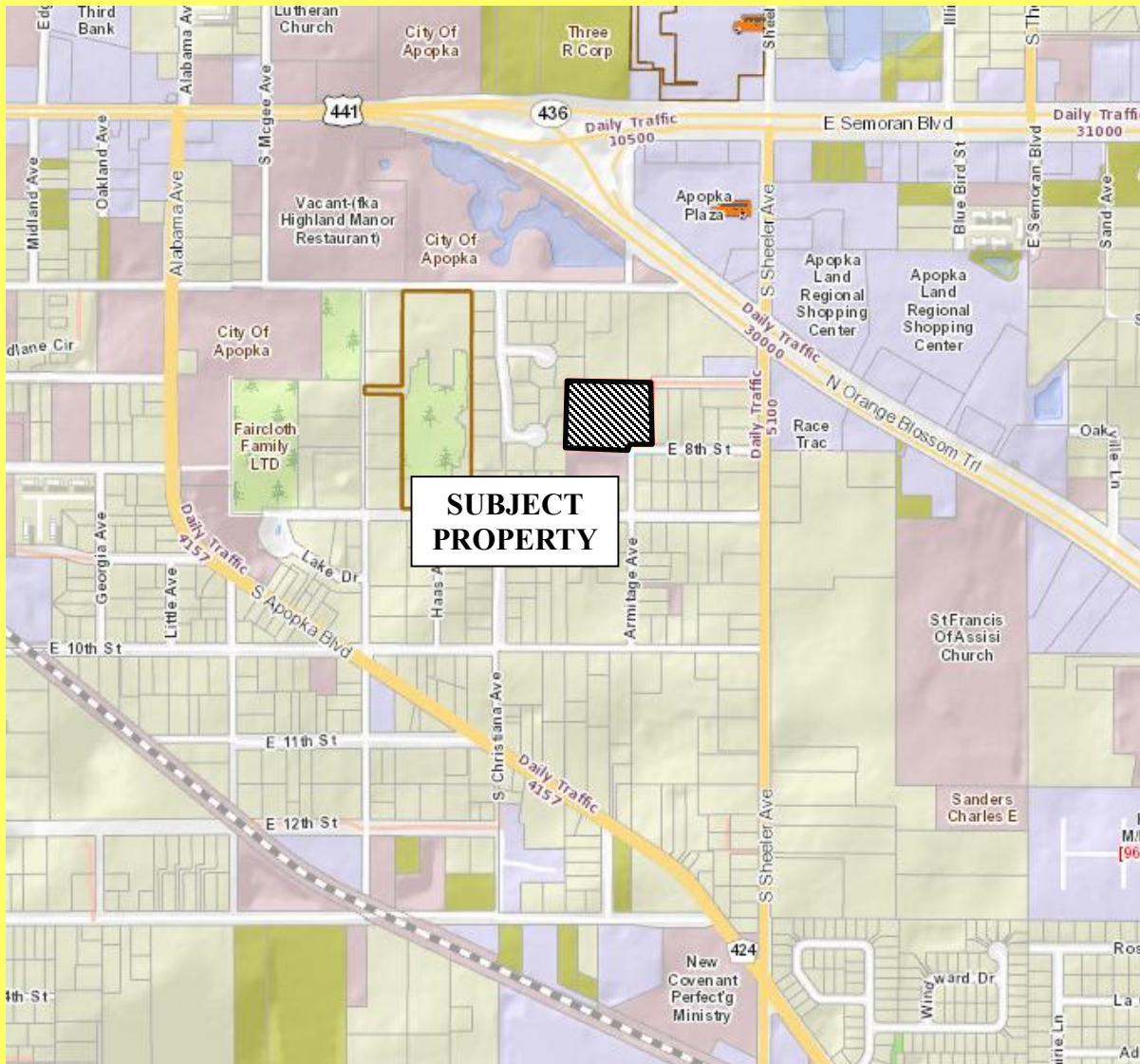
**ALLOWABLE USES:**

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



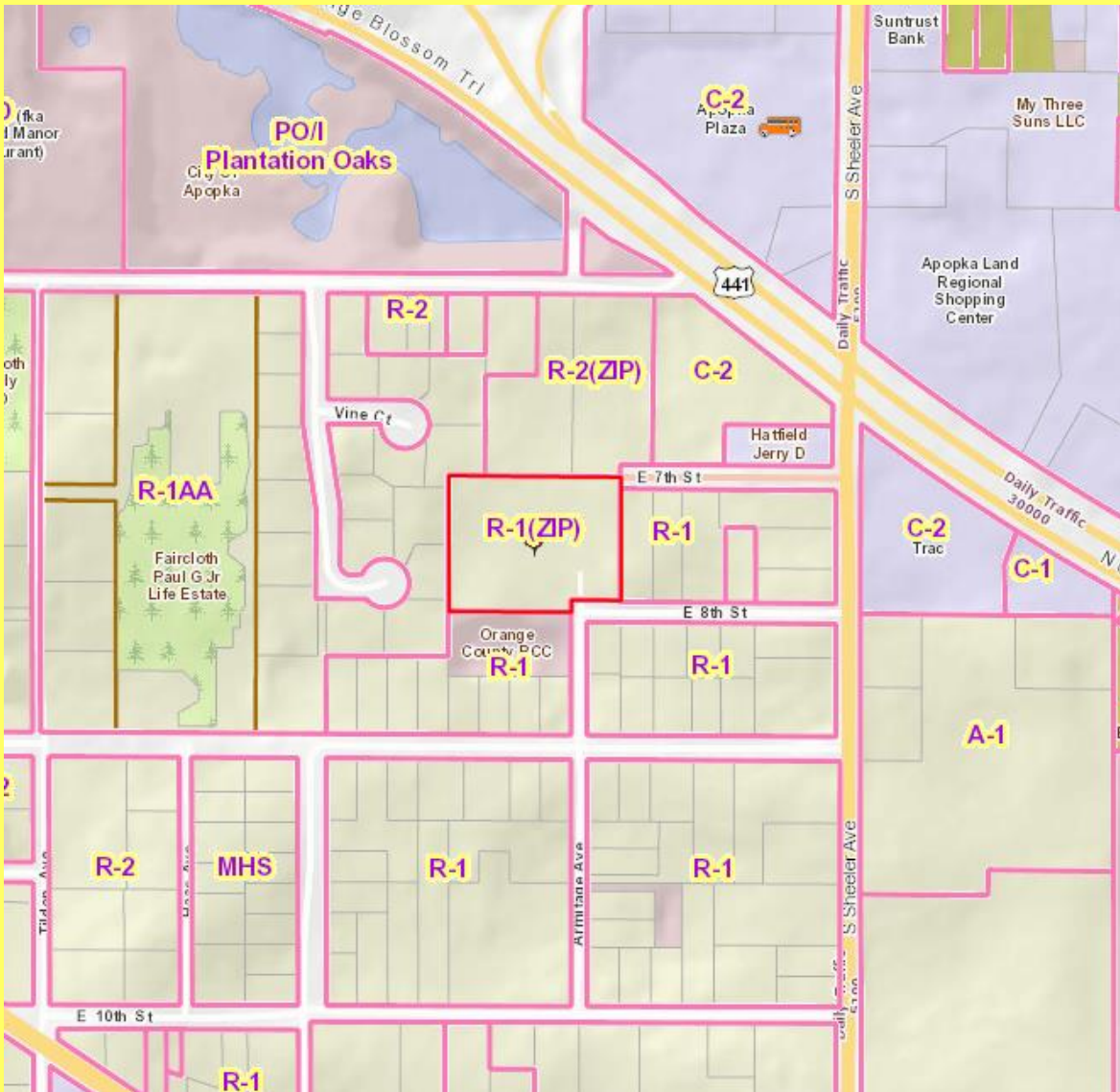
**Brian & Christian Anderson**  
**3.16 +/- Acres**  
**Proposed Zoning Change:**  
**From: “County” R-1 (ZIP) (Residential) (5,000 sq. ft. min. lot)**  
**To: “City” R-1 (Residential) (7,500 sq. ft. min. lot)**  
**Parcel ID #: 10-21-28-8652-10-011**

**VICINITY MAP**



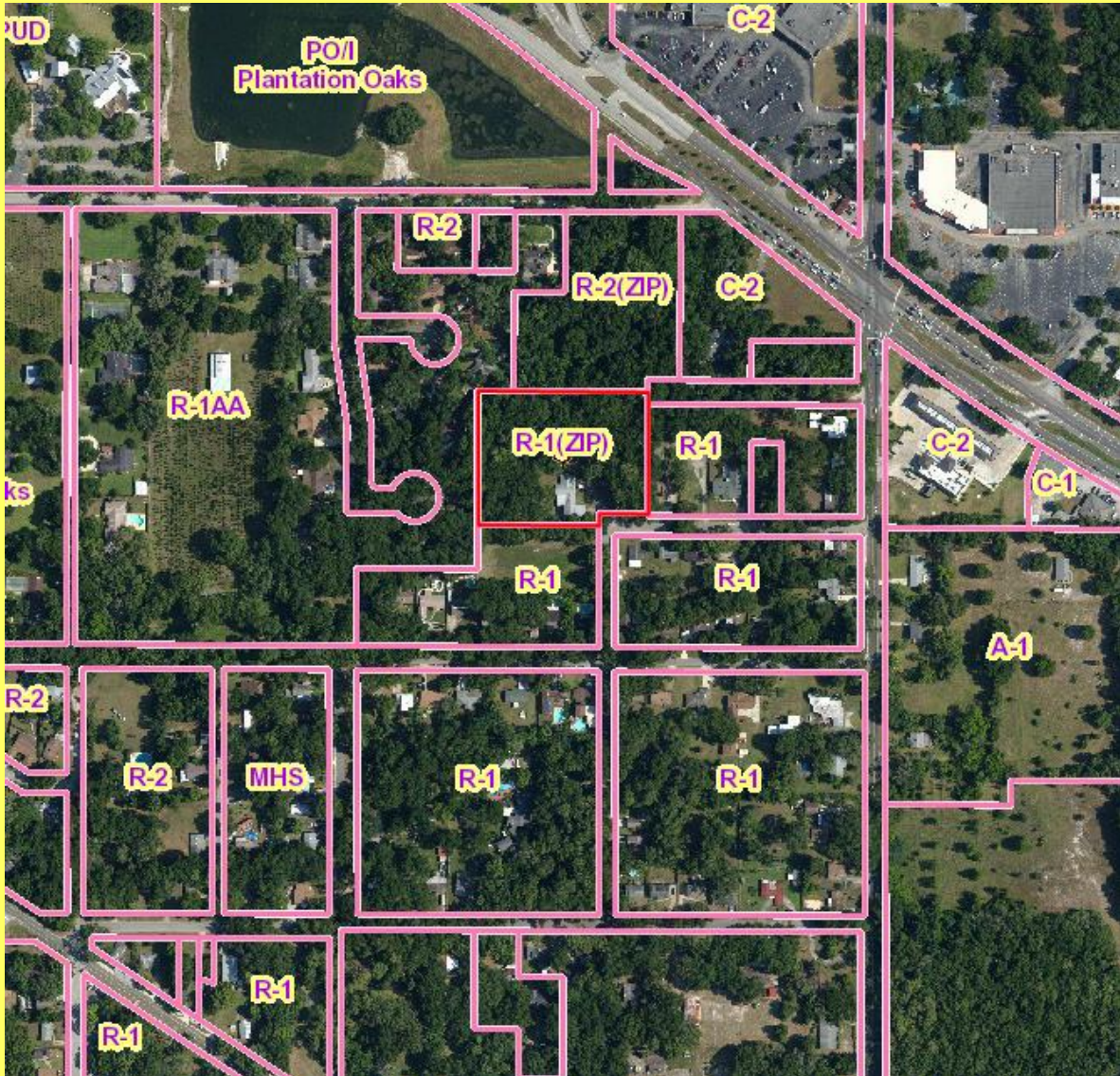


ADJACENT ZONING





### ADJACENT USES





**EXISTING  
USES**

