



**City of Apopka
Planning Commission
Meeting Agenda
January 13, 2015
5:01 PM @ CITY COUNCIL CHAMBERS**

I. CALL TO ORDER

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

II. OPENING AND INVOCATION

III. APPROVAL OF MINUTES:

- 1 Approve minutes of the Planning Commission meeting held December 9, 2014, at 5:01 p.m.

IV. PUBLIC HEARING:

1. 2015 ADMINISTRATIVE REZONING – Various owners and properties within the City of Apopka from "County" A-1 (ZIP) & "County" A-2 (ZIP) to "City" AG (1 du/5 ac)
2. CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC, from "County" PD (ZIP) (Residential) to "City" R-1AAA (Residential) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, 03-21-28-0000-00-119)

V. SITE PLANS:

1. MINOR FINAL DEVELOPMENT PLAN AMENDMENT – APOPKA WOODS SUBDIVISION – Owned by Apopka Woods LLC, property located north of West McCormick Road and east of Irmalee Lane, for construction of a pre-cast decorative wall in lieu of the previously approved brick wall.

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

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

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

Backup material for agenda item:

- 1 Approve minutes of the Planning Commission meeting held December 9, 2014, at 5:01 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON DECEMBER 10, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: David Moon, AICP - Planning Manager, Rogers Beckett – Special Projects Coordinator, Kyle Wilkes, AICP – Planner II, Bob Holston, Amy Ron, Sally Wallace, Gary Daniel, Debbie Williams, Don Williams, David Hepburn, Patricia Hepburn, Mike Cooper, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

OPENING AND INVOCATION: Chairperson Hooks called the meeting to order. He stated this was the first Planning Commission meeting following the death of Mayor John Land. He asked those present to reflect on Mayor Land’s dedication and contributions to the City of Apopka and to remember the Land family during a moment of silent prayer. The Pledge of Allegiance followed.

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the November 10, 2014, at 5:01 p.m. minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on October 21, 2014 at 5:01 p.m.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the November 10, 2014 meeting at 5:01, and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

CHANGE IN ZONING/PUD MASTER PLAN – APPY LANE HOLDINGS, LLC – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change in Zoning from R-1AAA (0-2 du/ac) to Planned Unit Development (PUD/R-1A) (0-2 du/ac) for the property located west of Jason Dwelley Parkway and north of Appy Lane. The owner/applicant is Appy Lane Holdings, LLC. The existing use is vacant land and the proposed use is a single family residential subdivision. The future land use is Residential Very Low Suburban (0-2 du/ac). The tract size is 13.04 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcels were annexed into the City of Apopka on April 7, 2004, through the adoption of Ordinance No. 1635. A master site plan for the PUD zoning application proposes 26 residential lots with a minimum of 11,400 sq. ft. Residential density and maximum lot yield remains the same as the current zoning of R-1AAA assigned to the Property. Regardless of the zoning category assigned to the Property, development of the Property is restricted to no more than 26 residential units. By clustering the lots and allowing a minimum lot size of 11,400 sq. ft., a natural landscaped open space buffer can be created along Jason Dwelley Parkway and Apply Lane. Required PUD development standards, the landscape buffer the Landscaped open space buffers along these roads will create a more aesthetic corridor leading to Northwest Regional Park.

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

The proposed PUD rezoning is consistent with the Future Land Use Designation of Residential Very Low Suburban (0-2 dwelling unit per acre) that is assigned to the property. Minimum lot size for property

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assigned the R-1A zoning category is 11,400 sq. ft. The PUD development standards restricts the minimum lot size to 11,400 sq. ft.

The proposed rezoning will result in the same number of residential units which could be developed at the subject property currently. Zoning currently assigned to the property, R-1AAA, allows a minimum lot size of 16,000 sq. ft. and the Future Land Use Designation and Comprehensive Plan policy restrict residential density to no more than two units per acre. The proposed change of zoning to PUD/R-1A limits lot size to a minimum of 11,400 sq. ft. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be neutral. School concurrency must be met at the final development plan application.

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 September 24, 2014.

The Development Review Committee recommends approval of the change in Zoning from “City” R-1AAA and “City” PUD\R-1A and the Master Plan\Preliminary Development Plan for the parcel owned by Appy Lane Holdings, LLC.

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

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a two-lane local roadway (Apply Lane) and a two-lane divided collector roadway (Jason Dwelley Parkway). Lot sizes proposed within the Apply Lane Master Plan/PDP range from a minimum size of 11,433 to 31,380 sq. ft. Among the 26 proposed lots average lot size is 12,974 sq. ft.

Northwest of the Property is Orchid Estates, an undeveloped PUD residential community comprising 112 single family lots with a minimum lot size of 8,050 sq. ft. and a minimum lot width of 70 feet. The Orchid Estates PUD is limited to two units per acre, but clustered the density into create additional open space area. City Council approved the final development plan for Orchid Estates in February 2011 with a unanimous recommendation from the Planning Commission (March, 2011).

North of the Property is vacant land assigned a Future Land Use Designation of Residential Very Low Suburban and a zoning category of R-1AAA. However, the property owner has conceptually proposed a mixed use development with lot sizes more consistent with that proposed in the Orchid Estates PUD.

South of the property is a vacant residential parcel (7 acres) situated at the corner of Apply Lane and Jason Dwelley Parkway. It has one residential home and is assigned Residential Very Low Suburban future land use designation but has not been assigned a City zoning category. Also, Northwest Recreation Complex is located on the south side of Apply Lane across from a southwest portion of the Property.

East of the Property and across from the 100-foot right-of-way for Jason Dwelley Parkway, is the Rock Springs Ridge residential community. Residential lots with Rock Springs Ridge that abut Jason Dwelley Parkway are typically 85 in width and approximately 13,100 sq. ft.

Comprehensive Plan Compliance: The proposed PUD/R-1A zoning is consistent with the City’s Residential Very Low Suburban Future Land Use category and with the character of the surrounding area

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and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, PUD zoning is one of the acceptable zoning districts allowed within the Residential Very Low Suburban Future Land Use category. Future Land Use Element Policy 3.5. restricts residential density north of Ponkan Road and west of Rock Springs Road to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. The subject site is not located within the Wekiva Parkway Interchange Plan area.

Recommended PUD Standards:

Minimum Living Area:	1,800 sq. ft.
Minimum Lot Area:	11,400 sq. ft.
Minimum Lot Width	85 ft.
Setbacks:	Front: 30 ft.
	Rear: 20 ft.
	Side: 10 ft.
	Corner 25 ft.
Road Buffer	Min. 30-foot wide near-opaque natural landscape buffer along existing public streets (Apply Lane and Jason Dwelley Pkwy.)

Where development standards are not addressed within the PUD master site plan, the R-1A development standards apply. Setbacks for the R-1A district are the same as the R-1AAA district.

Allowable Uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of the Land Development Code and as established within the PUD ordinance. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.

Proposed PUD Recommendations: The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance.
- B. If a final development plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Master Plan\ Preliminary Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.

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C. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:

1. Master Plan\ Preliminary Development Plan provided in Exhibit "A".
2. Minimum lot area for a single family home shall be 11,400 sq. ft.; excepting any lots within 250 feet of the eastern property line shall have a minimum area of 13,175 sq. ft.
3. A minimum 30-foot wide, natural buffer tract shall be located within the PUD along Jason Dwelley Pkwy and along Appy Lane. Landscape plants and shrubs shall create a near-opaque screen to a height not less than six feet. At the final development plan, additional plantings may be required by the City if determined necessary to create this near-opaque screen. Shrubs planted within the 30-foot wide buffer shall reach a height of six feet within two years of planting. Final landscape plan and materials will be determined at the Final Development Plan. At the final development plan, additional plantings may be required by the City if determined necessary to create a near-opaque screen.
4. Minimum livable area for a single family dwelling unit is 2,000 sq. ft.
5. Utility connects at the east end of the project shall be re-engineered at the final development plan application consistent with City codes.
6. At the time of the final development plan, the City may require an easement up to 11 feet wide, dedicated to the City, to be placed with the 30 foot wide buffer tract along Jason Dwelley Parkway and Apply Lane to accommodate bicycle trails. If the bicycle trail easement is required, it will replace the sidewalk required along these roads.
7. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the PUD Property.

In response to a question by Chairperson Hooks, Mr. Moon stated there would be a 250 foot separation between the subject property on the east side and the houses in the Rock Springs Ridge community.

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

Motion: Mallory Walters made a motion to recommend approval of the: (1.) Change in Zoning from R-1AAA (0-2 du/ac) to Planned Unit Development (PUD/R-1A) (0-2 du/ac), for the parcel owned by Apply Lane Holdings, LLC subject to the PUD Development Standards and Conditions as well as the findings described within the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

Motion: Mallory Walters made a motion to recommend approval of the PUD Master Plan for the parcel owned by Appy Lane Holdings, LLC subject to the PUD Development Standards and Conditions as well as the findings described within the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

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COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE AMENDMENT – J. WILLIAM ARROWSMITH – Mr. Moon stated this is a request to recommend approval of the Small Scale Future Land Use amendment from Parks & Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith. The property is located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. The existing use is vacant land and the proposed use is a residential development. The existing maximum allowable development is 0 Units and the proposed maximum allowable development is 6 Units. The tract size is 1.29 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use (FLU) Designation of Low Density Residential is compatible with the designations assigned to abutting properties. The FLU application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development on abutting parcels, the property is likely limited to one unit per parcel. The subject property is too narrow to accommodate a road that can meet city standards while allowing a suitable lot depth.

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

The existing and proposed use of the property is consistent with the Residential Low Future Land Use designation and the City's proposed R-1AA Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to Residential Low Density represents a higher impact on public school capacity than that created by the County Future Land Use assigned to the property. However, the potential net increase in residential units – six – qualifies as a de minimus impact as the next increase is less than nine units. Thus, school capacity enhancement review does not apply. School concurrency will apply at the time of a development plan or building permit application, whichever occurs first.

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

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from Parks & Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith.

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.

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In response to a question by Chairperson Hooks, Mr. Moon apologized and stated that he did not have information on the typical lot width of the lots located on the east side of the subject property and along Errol Parkway. He said the lots sizes range from 16,500 sq. ft. to 21,416 sq. ft. The largest lot, the 21,416 sq. ft. is at the corner southwest corner of Lake Alden Drive and Errol Parkway.

Chairperson Hooks opened the meeting for public hearing.

In response to a question by Gary Daniel, 1918 Lake Alden Drive, Apopka, Chairperson Hooks stated that if the Future Land Use and Zoning are approved the property could only be development with one house on each parcel.

Mr. Daniel stated that he is the president of the Errol Village Condominium Association and they were opposed to the property being developed. They had been under the impression that the property was greenway and was not to be developed.

In response to a question by Chairperson Hooks, Mr. Moon stated that the overall Errol Estate subdivision will still meet the green space requirements regardless of whether the future land use and zoning are changed on this parcels.

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

Motion: James Greene made a motion to recommend approval of the Small Scale Future Land Use Amendment from Parks and Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith and located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Dove, and subject to the information and findings in the staff report. Motion seconded by Mallory Birdsong. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

CHANGE IN ZONING – J. WILLIAM ARROWSMITH – Mr. Moon stated this is a request to recommend approval of the Change of Zoning from PR to R-1AA (0-5 du/ac) for the property owned by J. William Arrowsmith. The property is located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. The existing use is vacant land and the proposed use is a residential development. The existing maximum allowable development is 0 Units and the proposed maximum allowable development is 6 Units. The tract size is 1.29 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject property was annexed into the City of Apopka on May 17, 1995, through the adoption of Ordinance No. 882. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the R-1AA zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development already exists on abutting parcels, the property is likely limited to one unit per parcel. Along Lake Alden Drive the width of the subject property is too narrow to accommodate a road meeting the City's design standards together with suitable lot depth. Both parcels currently have access to Lake Alden Drive.

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

The proposed R-1AA rezoning is consistent with the Future Land Use Designation of Residential Low Density (up to five units per acre) that is assigned to the property. Minimum lot size for property assigned the R-1AA zoning category is 12,500 sq. ft.

The proposed rezoning will result in an increase in the number of residential units which could be developed at the subject property. Zoning currently assigned to the property, PR, does not allow residential structures with the zoning district while the proposed change of zoning to R-1AA limits lot size to a minimum of 12,500 sq. ft. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

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 September 25, 2014.

The Development Review Committee recommends approval of the change in Zoning from PR to R-1AA for the parcel owned by J. William Arrowsmith.

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

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (Lake Alden Road).

The zoning application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development already exists on abutting parcels, the property is likely limited to one unit per parcel. Along Lake Alden Drive the width of the subject property is too narrow to accommodate a road meeting the City's design standards together with suitable lot depth. Along Lake Aden Drive, the subject property has a width of 100 feet. Considering a street must have a minimum width of 50 feet, only 50 feet would be available to accommodate lot depth, which is not sufficient to meet front and rear yard setbacks. Therefore, the subject parcel will remain as two parcels. Both parcels currently have access to Lake Alden Drive.

Townhomes are located on the property abutting the subject property's western boundary. Existing single family homes to the east are assigned a zoning category of R-1AA, minimum lot size of 12,500 sq. ft., and have lot size ranging from 16,500 to 21,416 sq. ft. with the largest lot representing a corner lot. Each of the two parcels comprising the subject property contains 34,787 and 21,253 sq. ft., respectively.

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

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R-1AA District Requirements:

Minimum Living Area:	1,700 sq. ft.
Minimum Site Area:	12,500 sq. ft.
Minimum Lot Width	Ninety Five feet, measured at the front the building line.
Setbacks:	Front: 25 ft.
	Rear: 20 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 1.24 acre parcel complies with code requirements for the R-1AA 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 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. [This requirement is not applicable if the front of the home faces an existing street.]

Allowable Uses: Single-family dwellings and their customary accessory structures provided they are consistent with the stated purpose of this zoning district.

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

Motion: **Mallory Walters made a motion to recommend approval of the Change of Zoning from PR to R-1AA (0-5 du/ac) for the property owned by J. William Arrowsmith and located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Dove, and subject to the information and findings in the staff report. Motion seconded by James Greene. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).**

COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE AMENDMENT – PROPERTY INDUSTRIAL ENTERPRISES, LLC – Mr. Moon stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Restricted) (0.6 FAR) for the property located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line. Owner/Applicant is Property Industrial Enterprises, LLC. The existing uses are two single family residences and proposed use is industrial, commercial or office development consistent with I-1 zoning. The existing maximum allowable development is 2 residential units and the proposed future land use would allow a maximum allowable development of 21,954 sq. ft. The tract size is 0.84 +/- acre. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcel was annexed into the City of Apopka on October 1, 2014, through the adoption of Ordinance No. 2381. The proposed Small-Scale Future Land Use Amendment is being requested by the

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owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign an I-1 (Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 0.84 acre and represents two platted lots within the Bradshaw and Thompsons Addition to Apopka City, Plat Book B, Page 25, Lot 26, Block A. Each lot is over 18,000 sq. ft., exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant and assigned an Industrial FLUM designation. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with Industrial FLUM designation and I-1 zoning category.

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

The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City's proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on November 12, 2014.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from "County" Low-Medium Density Residential (0-10 du/ac) to "City" Industrial (0.6 FAR) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

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.

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

Motion: **Mallory Walters made a motion to recommend approval of the Small Scale Future Land Use Amendment from "County" Low-Medium Density Residential (0-10 du/ac) to "City" Industrial (Restricted)(0.6 FAR) for the property owned by the Property Industrial Enterprises, LLC and located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line, and subject to the information and findings in the staff report. Motion seconded by Melvin Birdsong. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).**

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CHANGE IN ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC - Mr. Moon stated this is a request to recommend approval of the Change of Zoning from “County” R-2 (0-10 du/ac) to “City” I-1 (Restricted) (0.6 FAR) for the property located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line. Owner/Applicant is Property Industrial Enterprises, LLC. The existing uses are two single family residences and proposed use is industrial, commercial or office development consistent with I-1 zoning. The existing maximum allowable development is 2 residential units and the proposed future land use would allow a maximum allowable development of 21,954 sq. ft. The tract size is 0.84 +/- acre. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcel was annexed into the City of Apopka on October 1, 2014, through the adoption of Ordinance No. 2381. The proposed Change of Zoning is being requested by the owner/applicant.

A request to assign a zoning category of I-1 Industrial (Restricted) to the Property. The zoning application covers approximately 0.84 acre and represents two lots within the Bradshaw and Thompsons Addition to Apopka City B/25 Lot 26 Block A plat. Each lot is over 18,000 sq. ft., exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with I-1 zoning.

The general area surrounding the subject property is transitioning to industrial, commercial and warehouse uses.

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

The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City’s proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on November 12, 2014.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the Change in Zoning from “County” R-2 (0-10 du/ac) to “City” I-1 (Restricted) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

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

Land Use & Traffic Compatibility: The property has access to a Cooper Palms Parkway. Access will occur from Cooper Palms Parkway and not from Second Street. Properties to the north, south, and west are assigned Industrial Future Land Use Designation and an I-1 zoning category. Lands to the east side of Hawthorne Avenue are assigned a zoning category of C-2 and C-3 commercial. Minimum lot size for I-1

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON DECEMBER 9, 2014 AT 5:01 P.M.

is 15,000 sq. ft. The subject property comprises two lots, each exceeding 18,000 sq. ft. Although the subject property comprises two lots, development must occur on both lots to meet the minimum lot size requirement under the I-1 zoning district.

I-1 DISTRICT REQUIREMENTS:

Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Front Setback:	25 ft.
Side Setback:	10 ft.
Rear Setback:	10 ft. (30 ft. abutting residential)
Corner Setback:	25 ft.
FAR:	0.60

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum twenty-five (25) foot landscaped bufferyard. Areas adjacent to residential uses or residentially zoned lands shall provide a minimum six foot-high masonry wall within a fifty foot landscaped bufferyard.

Allowable Uses: Any non-residential use permitted in the PO/I Professional Office, CN Commercial Neighborhood, C-1 Retail Commercial, C-2 General Commercial, or C-3 Wholesale Commercial zoning districts are allowed within the I-1 Industrial category. Land uses allowed in the I-1 Industrial district also include manufacturing, bus and truck repair, machinery sales, machinery shops, meat storage, warehouses, frozen food lockers, book binding, guard or custodian living quarters, adult entertainment or similar types of uses consistent with the standards of the Apopka Municipal Code.

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

Motion: **Mallory Walters made a motion to recommend approval of the Change in Zoning from “County” R-2 to “City” I-1 (Restricted)(0.6 FAR) for the property owned by the Property Industrial Enterprises, LLC and located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line, and the information and findings in the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).**

VARIANCE – DONALD E. WILLIAMS, JR. – 145 W. MAGNOLIA STREET – David Moon, Planning Manager, stated this is a request for approval of a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E.3 to allow a reduction in the lot width from 95 feet to 75 feet to accommodate a lot split; and Section 2.02.05.B.1 to allow a single family residence to be constructed on the non-conforming lot. The owner is Donald E. Williams, Jr. The property is located at 145 W. Magnolia Street. The future land use is Residential Low (0-5 du/ac) and the zoning is R-1AA. The existing and proposed uses are single family homes. The combined tract size is 0.24 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The applicant is requesting a variance to allow a 20 foot reduction in the R-1AA minimum lot width standard of ninety-five (95) feet, resulting in a minimum lot width of 75 feet. The intent of the applicant is to split an existing residential parcel with a width of 150 feet into two parcels, each with a width of seventy-five (75) feet. Each of the two resulting parcels will have a dimension of 75 feet by 180.5 feet and a parcel area of 13,537 sq. ft. The resulting parcel area will exceed the minimum lot area standard of

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12,500 sq. ft. for the R-1AA zoning district. While the western parcel will contain an existing house, the proposed eastern parcel will accommodate a second new house. Both the existing house and the proposed new house will meet the minimum setback and lot area standards for the R-1AA district. A variance approval is necessary for the property owner to split the parent parcel (150 ft. wide) into two new parcels each having a width of 75 feet.

Zoning District	Min. Site Area Sq. Ft.	Min. Lot Width	Min. Living Area Sq. Ft.	Setbacks
R-1AA (Overlay District: Community Business District)	12,500	95'	1,700	Front: 25' Side: 10' Rear: 20' Corner: 25'
(Current) Home Site	13,537.5	75'	1,712	Front: 25' Side: 10' Rear: 20' Corner: N/A
(Vacant) Home Site	13,537.5	75'	1,700	Front: 25' Side: 10' Rear: 20' Corner: N/A

APPLICABLE CITY CODES:

1. City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.05.E.3. - 95 feet, measured at the front property line and the building line. Lots located on cul-de-sacs and curves shall be permitted up to a 40 percent reduction of the minimum width at the property line, but shall be required to maintain 95 feet at the building line.
2. City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, 2.02.05.B.1.B. - Permitted uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code.

Applicant’s Response to the Seven Variance Criteria: When evaluating a variance application, the Planning Commission shall not vary from the requirements of the code unless it makes a positive finding, based on substantial competent evidence on each of the following:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

Applicant Response: Unable to increase the lot width to accommodate 95ft lot width requirements. Lot square footage exceeds requirements.

Staff Response: The current parcel meets the R-1AA zoning requirements, including the minimum setbacks, minimum lot area, and minimum lot width. Splitting the parcel into two development sites will create two non-conforming parcels. The intent of the lot split is to meet the needs of the owner. No wetland or water bodies occur on the subject property; unsuitable soils do not occur on any portion of the parcel, nor does any other environmental circumstance causes a hardship. Staff does not identify a hardship related to the characteristics of the site. Section 3.02.02, Central Business District Development Standards, requires that the lot size “shall be in

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON DECEMBER 9, 2014 AT 5:01 P.M.

conformance with surrounding existing site areas, however, all other requirements except those exceptions . . . shall remain intact.” While site area does not have to follow the strict requirements of Section 2.02.02 (min. lot size) of the Land Development code, Section 3.02.02 does not exempt the minimum lot width requirement.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant’s Response: Variance will have no effect on site development, there will be no site development necessary to build a single family residence.

Staff Response: To comply with the R-1AA lot width standard, the adjacent non-conforming eastern lot (50 foot wide) would have to be acquired or combined with the subject parcel. Such acquisition would allow for the creation of two parcels each having a width of at least 95 feet. The variance request, if granted, reduces the land cost necessary to create a conforming lot or parcel.

The current parcel and house were purchased on June 12, 2014 by the applicant from the Federal Home Loan Mortgage Corporation. Applicant had opportunity prior to purchase to research the ability to split the subject parcel without need of a variance.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant’s Response: One single family residence will not have a substantial effect on congestion.

Staff Response: The granting of this variance will have minimal effect on the amount of additional traffic generated on the surrounding public streets. One additional house will have a minimal impact on public streets.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant’s Response: The variance will allow the construction of a single family residence that will actually have a positive effect on the property values and fall in line with current character of neighborhood. See Attachment “C.”

Staff Response: The proposed variance will not interfere with the ability of abutting property owners to use their property. However, other parcels in the surrounding area have been assembled from two or three lots to meet the minimum lot width. Many of the parcels with the block have a width of 100 feet, 90 feet or 85 feet. Abutting occupied lots to the east and west and across the street to the south are non-conforming lots with a lot width of 50 feet. As a building permit or house plan has not been submitted to the City, it is difficult to determine whether the future home, its size or design, will influence property values. Abutting homes range from 792 sq. ft. to 3,384 sq. ft. The minimum livable area for a house in the R-1AA district is 1,700 sq. ft. A new home could be larger or smaller than those in the surrounding area. Insufficient information is available to determine if the variance will positively or negatively affect property values in the surrounding area. Granting the variance without identifying a clear hardship will set a precedent that may allow other property owners to pursue a similar variance request, allowing the character of the area to change to smaller lots over time.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

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Applicant's Response: Many homes in the surrounding area don't meet the lot width requirements. An additional lot will not have an effect on surrounding homes. See Attachment "D."

Staff Response: The intent of the code is to have lot or parcels with a minimum width of 95 feet and a lot or parcel area of at least 12,500 sq. ft. There are a number of R-1AA zoned properties surrounding the applicant's site with lot widths ranging from 50 to 150 feet; with lot sizes ranging from 8,975 to 26,925 square feet. All homes abutting the rear of the subject property have a lot width of 100 feet or 150 feet. Along Magnolia Street within the street block, two homes have a lot or parcel with a width of 100 feet; four homes are on a 50 foot wide lot; three homes are on a 65 to 75 wide parcel; and one home is on a 90 foot wide parcel. The intent of the code is to have a minimum lot width of 95 feet. Each of the parcels created by the lot split will not meet the minimum lot width standard but will exceed the minimum lot size requirement by over 1,000 sq. ft.

Allowing a lot width reduction of by 20 feet (95 to 75) is a 21% change from the lot width standard for the R-1AA district. Creation of two new 75 foot wide lots may allow other property owners with current conforming lots to seek the same.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: Lot was already platted previous to ownership of property. Lots were actually separate with individual tax i.d.'s. Lots were combined in 2006 by previous owner. See Attachment "B."

Staff Response: The current property owner acquired the parcel on June 12, 2014 from the Federal Mortgage Association. Prior to acquisition the property owner had opportunity to research whether the parcel could be split to comply with the City codes. The need for the variance only arises from the applicant's interest to obtain a lot split, allowing the creation of an additional lot.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: The variance will allow the lot to be buildable, thus increasing to the local tax base, improving value to surrounding homes. No safety hazards or other detriments will occur due to variance.

Staff Response: The variance request only grants a reduction in the lot width standard for the site. Each of the resulting two lots will exceed the minimum lot area requirement for the zoning district. The applicant will be required to comply with all other development standards within the R-1AA zoning district. The variance will be the minimum necessary to minimize the extent of the non-conforming. If approved, the variance converts an existing conforming parcel into two non-conforming parcels. The variance will not create a safety hazard or other detriments to the public related to public health or safety. The variance may create a precedent that will allow other parcels of similar size to split into two parcels.

The Development Review Committee finds that a valid hardship does not exist based on the established criteria and information submitted by the applicant. While the neighborhood was constructed according to an antiquated plan, other parcels have been assembled by combining lots or portions of lots or both to obtain a larger lot area more consistent with the minimum lot width requirement.

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As per the Land Development Code, Article XI - 11.05.00.A. - The Planning Commission has been established as a citizen board to review and approve variances. Conditions may be established by the Planning Commission to reduce the impacts of the effects of the variance. The Planning Commission can approve the variance if it finds that a hardship exists. It can authorize the approval of a variance to City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Sections 2.02.05.E.3; 2.02.05.B.1.B; 2.02.01.A; and 2.02.15.F to allow a decrease to the lot width from ninety-five (95) feet to seventy-five (75) feet; or may deny the variance based on inconsistency with the minimum lot width for the R-1AA district and that a hardship has not been demonstrated.

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

In response to a question by Chairperson Hooks, Mr. Moon stated that there should be a positive finding for all seven of the criteria to grant a variance.

Ms. Walters commented on the number of existing non-conforming lots within the downtown area. She cited an example of a lot split that was approved by the City at 102 S. Central Avenue. The property owner split the lot, built a home on the conforming lot and the other lot is now a non-conforming lot.

In response to questions by Ms. Walters, Mr. Moon stated that he would need to seek the advice from the City Attorney regarding rebuilding a home that is currently located on a non-conforming lot after a fire destroyed the home. He said that typically, in that situation, the property owner would have 180 days from the date of the fire to apply for a variance to rebuild the home.

In response to a question by Ms. Toler, Mr. Moon stated that he was not aware of any variances being applied for or approved in the area of the subject property.

Ms. Walters stated that originally, the subject property was bought as three lots. At that time, many people bought multiple lots to build on. The house that was built on the subject property has been there for a very long time.

In response to a question by Chairperson Hooks, Mr. Moon stated that the Community Redevelopment Area was established in 1992.

Chairperson Hooks opened the meeting for public hearing.

Donald Williams, Jr., 221 N. Central Avenue, Apopka, presented a packet of information to the Commission. The information included a list of recently built on non-conforming lots in the area; surrounding properties lot width comparisons; rebuilding or remodeling projects recently completed in the area; a copy of the boundary survey, and a copy of the warranty deed (incorporated into the record). Mr. Williams reviewed that information and requested the Planning Commission approve his request.

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

Based on the testimony and evidence produced the Planning Commission (PC) findings are:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

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PC FINDING: The Planning Commission found a Negative Finding for this criteria because there are no practical difficulties in carrying out the strict letter of the regulation that the requested variance relates to a hardship due to the characteristics of the land and is solely on the needs of the owner.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

PC FINDING: The Planning Commission found that this criteria related to a desire to reduce the cost of developing the site is not applicable in this particular case.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because the proposed variance will not substantially increase congestion on surrounding public streets.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because the proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

PC FINDING: The Planning Commission found a Negative Finding for this criteria because the effect of the proposed variance is not in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

6. Special conditions and circumstances do not result from the actions of the applicant.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because there are no special conditions or circumstances that resulted from the actions of the applicant.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

PC FINDING: The Planning Commission found a Positive Finding for this criteria because the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

CONCLUSION: Per the Code requirements, due to there not being a positive finding for all seven criteria, the Planning Commission must deny the variance request of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E.3 to allow a reduction in the lot width from 95 feet to 75 feet to accommodate a lot split; and Section 2.02.05.B.1 to allow a single family residence to be constructed on the non-conforming lot for the owner, Donald E. Williams, Jr., for the property is located at 145 W. Magnolia Street.

In response to comments by Ms. Walters, Mr. Moon stated that staff would need to go back and review lot split requests in the north area of the City.

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In response to questions by Chairperson Hooks, Mr. Moon stated that should the applicant appeal the Planning Commission's decision, City Council would be bound by the same seven criteria. He stated that assigned a zoning category to a single parcel that is not consistent with surrounding zoning and uses, is called "spot zoning." Spot zoning is considered arbitrary and is not allowed.

Mr. Williams stated that he was not made aware that he would have to meet all seven of the criteria otherwise is he had been told he may have chosen not to seek a variance.

Motion: Based on the testimony and evidence presented, James Greene made a motion to deny the request for variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Sections 2.02.05.E.3; 2.02.05.B.1.B; 2.02.01.A; and 2.02.15.F due to there not being a Positive Finding for all seven (7) criteria that must be met per the Code for property owned by Donald E. Williams, Jr. located at 145 West Magnolia Street; and Robert Ryan seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

OLD BUSINESS:

Planning Commission - None.

Public - None.

NEW BUSINESS:

Planning Commission:

In response to a question by Mr. Ryan, Chairperson Hooks stated that he had a meeting with Mayor Kilsheimer and the City is looking into having an attorney attend the Planning Commission meetings as well as providing training for the Commission members on their duties and responsibilities.

Chairperson Hooks said the Code states that Commission members are to be appointed by the City Council to a three year term. He stated that was not done in the past; however he has requested that City Council take that up in the new year.

Public - None.

ADJOURNMENT: The meeting was adjourned at 6:29 p.m.

Steve Hooks, Chairperson

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

Backup material for agenda item:

1. 2015 ADMINISTRATIVE REZONING – Various owners and properties within the City of Apopka from “County” A-1 (ZIP) & “County” A-2 (ZIP) to “City” AG (1 du/5 ac)



**CITY OF APOPKA
PLANNING COMMISSION**

X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: "A" A-1 Cases Spreadsheet
"B" A-2 Cases Spreadsheet
"C" Zoning Reports

SUBJECT: 2015 ADMINISTRATIVE REZONING

Request: CHANGE OF ZONING
FROM: "COUNTY" A-1 (ZIP) & "COUNTY" A-2 (ZIP)
TO: "CITY" AG (1 DU/5 AC)

SUMMARY

The 40 parcels, comprising a total of 462.12+/- 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 either A-1 or A-2 assigned to them. A summary of each zoning case is provided in Exhibits "A" and "B". Exhibit "A" describes parcels currently assigned a "County" A-1 zoning category while Exhibit "B" addresses those assigned a "County" A-2 category. A brief summary of the administrative rezoning cases:

All Cases

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

A-1 Properties

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

A-2 Properties

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

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

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
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 December 16, 2014.

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 – City Council (1:30 pm) – 1st Reading
February 18, 2015 – City Council (8:00 pm) – 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Notice and Notification
January 23, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 or 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"
2015 ADMINISTRATIVE REZONING
FROM "COUNTY" A-1 (ZIP) TO CITY "AG"

Case #	Parcel	First Name	Acreage	County Zoning	Future Land Use	Proposed Zoning	Annexation Ord. No.	Annexation Date	Existing Use
2015-1-01	24-20-27-0000-00-100	Cantero Holdings LLC	10.006	A-1(ZIP)	RS	AG	1692	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-105	Cantero Holdings LLC	10.627	A-1(ZIP)	RS	AG	1694	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-103	Cantero Holdings LLC	10.027	A-1(ZIP)	RS	AG	1695	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-102	Cantero Holdings LLC	10.027	A-1(ZIP)	RS	AG	1693	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-101	Cantero Holdings LLC	10.006	A-1(ZIP)	RS	AG	1694	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-098	Cantero Holdings LLC	10.001	A-1(ZIP)	RS	Ag	1695	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-104	Cantero Holdings LLC	10.624	A-1(ZIP)	RS	Ag	1692	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-097	Cantero Holdings LLC	10.001	A-1(ZIP)	RS	AG	1693	12/1/2004	Timberland
2015-1-02	11-20-27-0000-00-050	Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching	4.983	A-1(ZIP)	RS	AG	2002	12/19/2007	Single family home and container nursery
2015-1-02	11-20-27-6135-00-012	Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching	10.023	A-1(ZIP)	RS	AG	2002	12/19/2007	Ornamental nursery
2015-1-03	11-20-27-0000-00-008	Cristan Properties Inc	40.741	A-1(ZIP)	RS	AG	1980	9/5/2007	Timberland
2015-1-04	11-20-27-0000-00-011	Cayetano R & Cristeta M Cruzada	19.926	A-1(ZIP)	RS	AG	1980	9/5/2007	Timberland, utilities and vacant acreage
2015-1-05	24-20-27-0000-00-108	Terry Lyn Dale	10.001	A-1(ZIP)	RS	AG	1931	5/16/2007	Timberland
2015-1-06	14-20-27-0000-00-021	Kent A & Anne M Greer	19.553	A-1(ZIP)	RS	AG	2027	6/4/2008	Grazing
2015-1-06	14-20-27-0000-00-084	Kent A & Anne M Greer	17.408	A-1(ZIP)	RS	AG	2027	6/4/2008	Grazing
2015-1-06	14-20-27-0000-00-005	Kent A & Anne M Greer	2.184	A-1(ZIP)	RS	AG	2027	6/4/2008	Single family home
2015-1-07	09-20-28-0000-00-011	J and L Gardenias Inc	9.653	A-1(ZIP)	RS	AG	1687	12/1/2004	Manufactured home and container nursery
2015-1-07	09-20-28-0000-00-004	J and L Gardenias Inc	3.558	A-1(ZIP)	RS	AG	1687	12/1/2004	Container nursery
2015-1-08	08-20-28-0000-00-037	Lee Kyun & Myung Lee	6.055	A-1(ZIP)	RS	AG	1585	5/21/2003	Container nursery
2015-1-09	02-20-27-0000-00-041	John & Joseph A Moore	16.3	A-1(ZIP)	RS	AG			Grazing
2015-1-09	02-20-27-0000-00-006	John & Joseph A Moore	2.32	A-1(ZIP)	RS	AG	1982	9/5/2007	Single family home

EXHIBIT "A"
2015 ADMINISTRATIVE REZONING
FROM "COUNTY" A-1 (ZIP) TO CITY "AG"

Case #	Parcel	First Name	Acreage	County Zoning	Future Land Use	Proposed Zoning	Annexation Ord. No.	Annexation Date	Existing Use
2015-1-10	11-20-27-6135-00-013	Ronald & Lisa Raboud	19.887	A-1(ZIP)	RS	AG	2001	12/19/2005	Grazing
2015-1-10	11-20-27-6135-00-010	Ronald & Lisa Raboud	6.044	A-1(ZIP)	RS	AG	2001	12/19/2005	Single family home
2015-1-11	14-20-27-0000-00-024	SKH Group Inc	16.794	A-1(ZIP)	RS	AG	2028	6/4/2008	Grazing
2015-1-12	11-20-27-0000-00-012	Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching	14.982	A-1(ZIP)	RS	AG	2161	5/19/2010	Ornamental nursery
2015-1-13	09-20-28-7608-00-121	Romeo & Herminia Flaquer	13.038	A-1(ZIP)	RS	AG	1688	12/1/2004	Single family home
2015-1-14	07-20-28-0000-00-026	Nancy B Foster	11.445	A-1(ZIP)	RS	AG	1998	12/19/2007	Manufactured home
2015-1-14	07-20-28-0000-00-027	RA & Nancy B Foster	0.994	A-1(ZIP)	RS	AG	1996	12/19/2007	Vacant non-ag acreage
2015-1-15	09-20-28-7608-00-131	Elvia & Herminia Flaquer	4.394	A-1(ZIP)	RS	AG	1922	5/16/2007	Manufactured home
2015-1-15	09-20-28-7608-00-132	Elvia & Herminia Flaquer	2.368	A-1(ZIP)	RS	AG	1922	5/16/2007	Vacant non-ag acreage
2015-1-16	12-20-27-0000-00-014	Barry Grimm	17.021	A-1(ZIP)	RS	AG	1834	7/5/2006	Pet cemetery
2015-1-17	07-20-28-0000-00-056	Scott & Nancy Hines	3.726	A-1(ZIP)	RS	AG	1997	12/19/2007	Vacant non-ag acreage
2015-1-17	07-20-28-0000-00-028	Scott & Nancy Hines	5.42	A-1(ZIP)	RS	AG	1997	12/19/2007	Single family home
2015-1-18	07-20-28-0000-00-053	John lafrate	19.975	A-1(ZIP)	RS	AG	1686	12/1/2004	Single family home
2015-1-19	05-20-28-0476-00-180	JJL Properties Inc	7.141	A-1(ZIP)	RS	AG	1796	12/7/2005	Manufactured home, field nursery and container nursery
2015-1-20	09-20-28-7608-00-040	Ricky Tilman & Karen Lynn Nelson	7.277	A-1(ZIP)	RS	AG	1778	11/16/2005	Single family and manufactured home
2015-1-21	07-20-28-0000-00-041	R M & Monica M Poorbaugh	2.525	A-1(ZIP)	RS	AG	1586	5/21/2003	Single family home
2015-1-21	07-20-28-0000-00-008	Richard & Monica M Poorbaugh TR	12.099	A-1(ZIP)	RS	AG	1586	5/21/2003	Container nursery
2015-1-22	28-20-05-0000-00-022	Mary Emily Shannon	14.487	A-1(ZIP)	RS	AG			Vacant non-ag acreage
2015-1-22	05-20-28-0476-00-041	Mary Emily Shannon	0.791	A-1(ZIP)	RS	AG			Easement/Access

EXHIBIT "B"
2015 ADMINISTRATIVE REZONING
FROM "COUNTY" A-2 (ZIP) TO CITY "AG"

Case #	Parcel	First Name	Acreage	County Zoning	Future Land Use	Proposed Zoning	Annexation Ord. No.	Annexation Date	Existing Use
2015-1-23	13-20-27-0000-00-063	Alfred & Rose Marie Kager Life Estate	8.53	A-2(ZIP)	RS	AG			Grazing
2015-1-24	22-20-28-0000-00-025	Virginia H Mapel Life Estate	1.49	A-2(ZIP)	RS	AG	1587	3/7/2003	Single-family home
2015-1-24	22-20-28-0000-00-045	Virginia H Mapel Life Estate	8.38	A-2(ZIP)	RS	AG	1587	3/7/2003	Container nursery & communications tower
2015-1-24	22-20-28-0000-00-019	Virginia H Mapel & Donna M McCree	9.88	A-2(ZIP)	RS	AG	1587	3/7/2003	Vacant acreage
2015-1-25	13-20-27-0000-00-035	Roy & Patricia A Valdez	9.406	A-2(ZIP)	RS	AG	1891	2/7/2007	Single-family home

EXHIBIT "C"
ZONING REPORTS

2015-1-1 THROUGH 2015-1-22

From "County" A-1 (ZIP) to "City" AG

AND

2015-1-23 THROUGH 2015-1-25

From "County" A-2 (ZIP) to "City" AG



**CITY OF APOPKA
PLANNING COMMISSION**

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	January 13, 2015
<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

SUBJECT: CANTERO HOLDINGS LLC (Case # 2015-1-1)

PARCEL ID NUMBERS: 24-20-27-0000-00-097; 24-20-27-0000-00-098; 24-20-27-0000-00-100;
24-20-27-0000-00-101; 24-20-27-0000-00-102; 24-20-27-0000-00-103
24-20-27-0000-00-104; 24-20-27-0000-00-105

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

SUMMARY

OWNER: Cantero Holdings, LLC

APPLICANT: City of Apopka

LOCATION: East of Golden Gem Rd, north of Ponkan Rd

EXISTING USE: Timberland

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

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Timberland (existing)

PROPOSED ZONING: AG

TRACT SIZE: 81.39 acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 16 Residential Units
PROPOSED ZONING: 16 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on the following dates:

Parcel ID	Annexation Date	Ordinance Number
24-20-27-0000-00-097	12/1/2004	1693
24-20-27-0000-00-098	12/1/2004	1692
24-20-27-0000-00-100	12/1/2004	1692
24-20-27-0000-00-101	12/1/2004	1694
24-20-27-0000-00-102	12/1/2004	1693
24-20-27-0000-00-103	12/1/2004	1695
24-20-27-0000-00-104	12/1/2004	1695
24-20-27-0000-00-105	12/1/2004	1695

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 15, 2015.

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:

- January 13, 2015 – Planning Commission (5:01 pm)
- February 4, 2015 - City Council (1:30 pm) - 1st Reading
- February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

- December 26, 2014 – Public Hearing Notice Ad
- February 6, 2015 – Ordinance Heading Ad

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 (County)	Rural	A-1	Ornamental nursery & manuf. home
East (County)	Rural	A-2	Grazing & manufactured home
South (City)	Rural Settlement & Conservation	A-1 (ZIP)	Manufactured home & municipal conservation
West (County)	Rural	A-1	Vacant (Non-Ag Acreage)

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE

USES:

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



Cantero Holdings LLC
81.39 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (10,000 sq. ft. min. lot)
To: "County" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 24-20-27-0000-00-097, 24-20-27-0000-00-098,
24-20-27-0000-00-100, 24-20-27-0000-00-101,
24-20-27-0000-00-102, 24-20-27-0000-00-103,
24-20-27-0000-00-104, 24-20-27-0000-00-105

VICINITY MAP



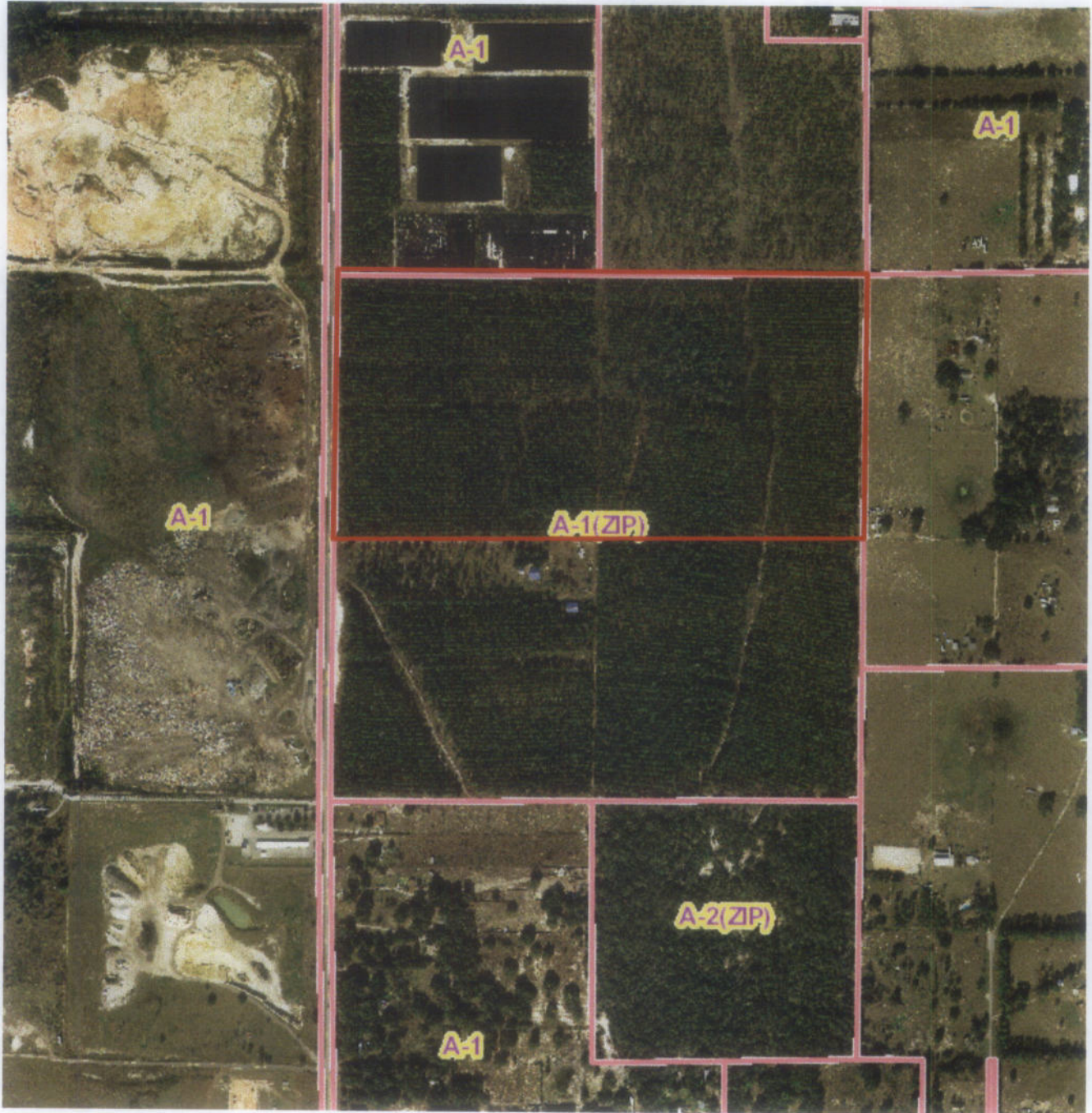


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: HAL D. CORNELL, JEROME L. HUTCHING & THOMAS P. SWARTZ
(Case # 2015-1-2)

PARCEL ID NUMBERS: 11-20-27-0000-00-050 & 11-20-27-6135-00-012

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

SUMMARY

OWNER: Hal D. Cornell, Jerome L. Hutching & Thomas P. Schwartz
APPLICANT: City of Apopka
LOCATION: East of Round Lake Road, north of W Kelly Park Road
EXISTING USE: Container/ornamental nurseries; single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container/ornamental nurseries; single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 15 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (8:00 pm) - 1st Reading
February 18, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 – Ordinance Heading Ad

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	A-1 (ZIP)	Ornamental nursery & grazing
East (County)	Rural	A-1	Grazing
South (City/County)	Rural Settlement & Rural	A-1 (ZIP)	Grazing
West (County)	Rural	A-1	Ornamental nursery

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner 100 ft. (Non-Residential)

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 line.

ALLOWABLE

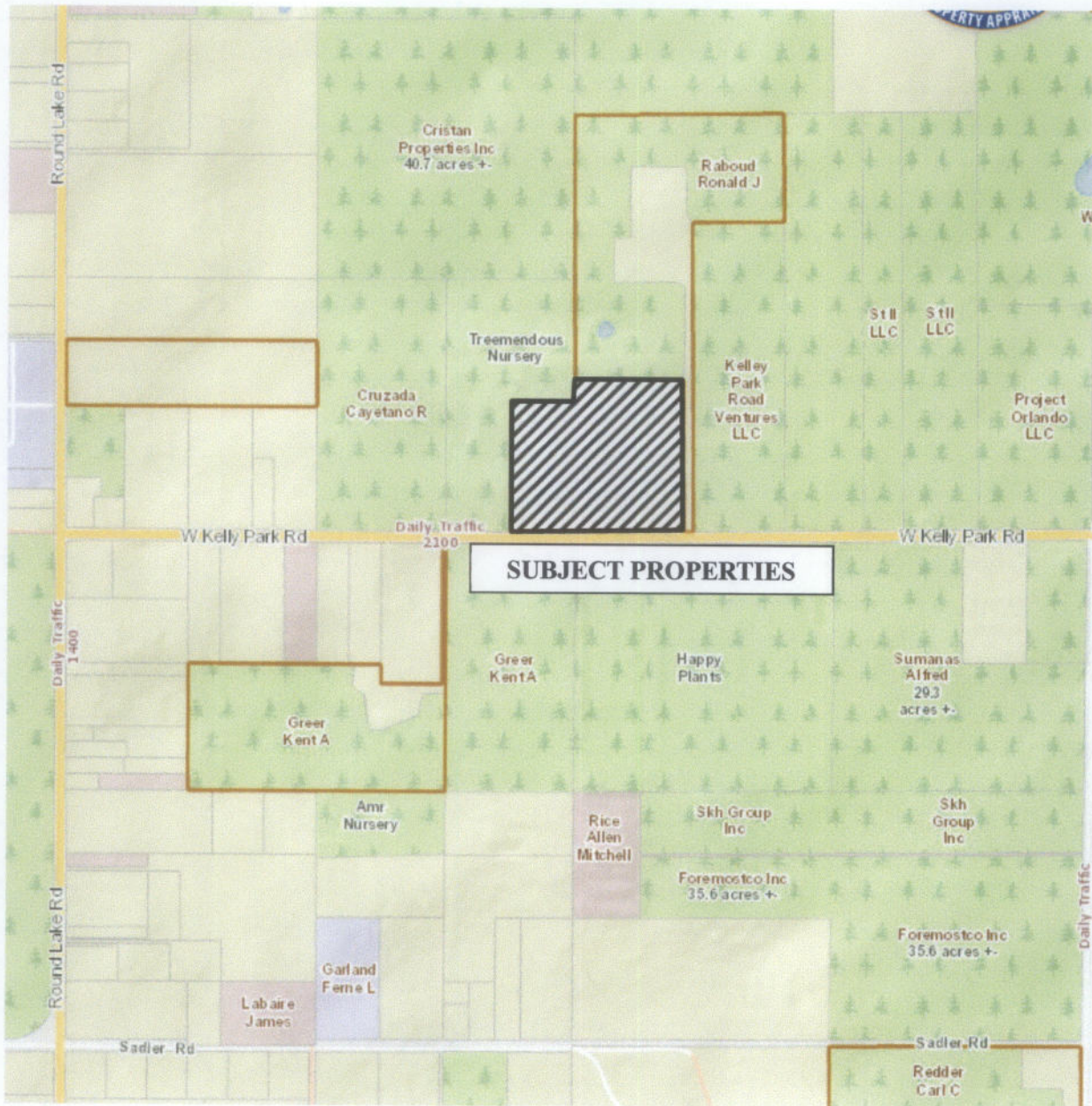
USES:

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



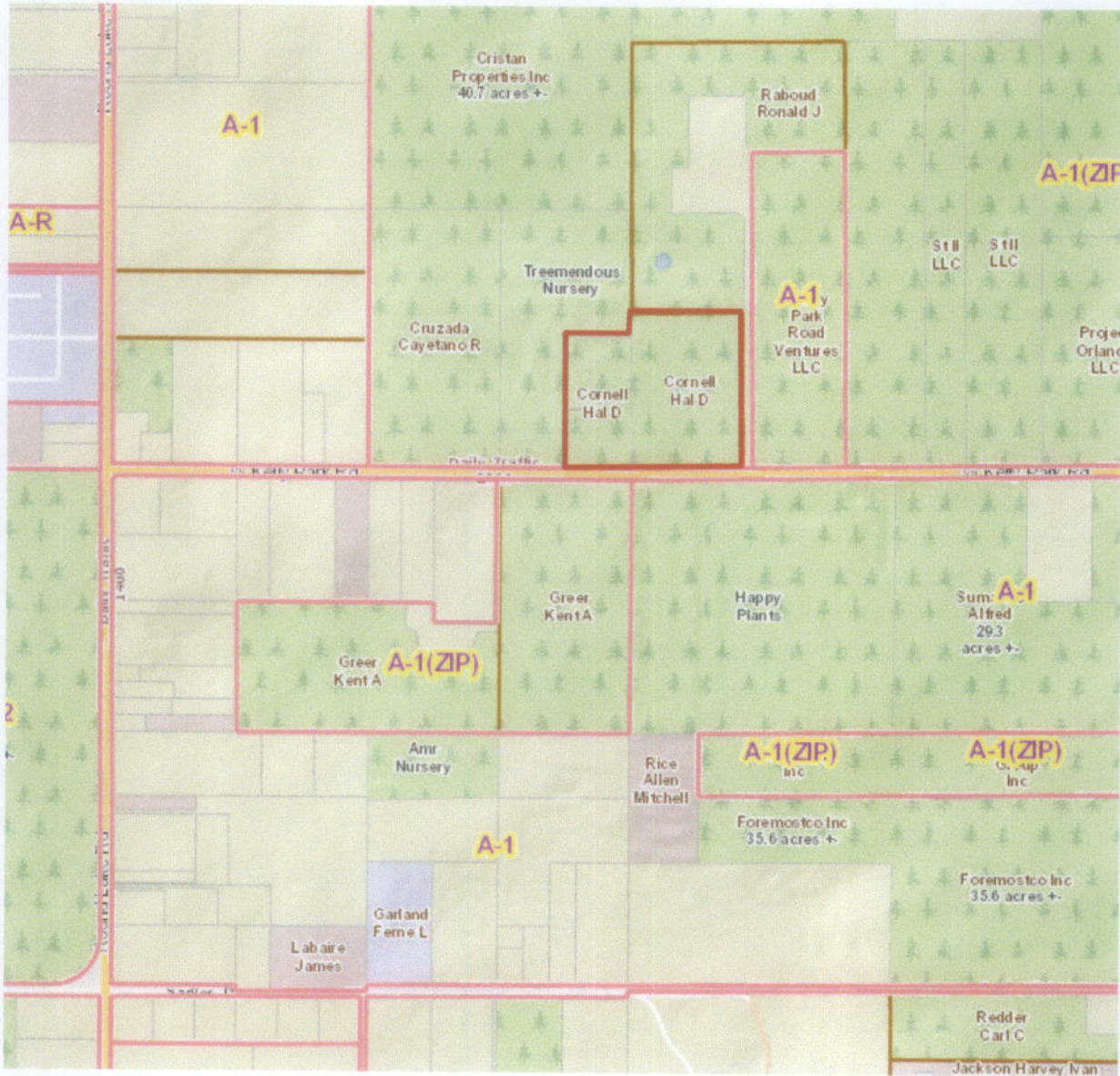
Hal D. Cornell, Jerome L. Hutching & Thomas P. Swartz
15 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "County" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-050 & 11-20-27-6135-00-012

VICINITY MAP



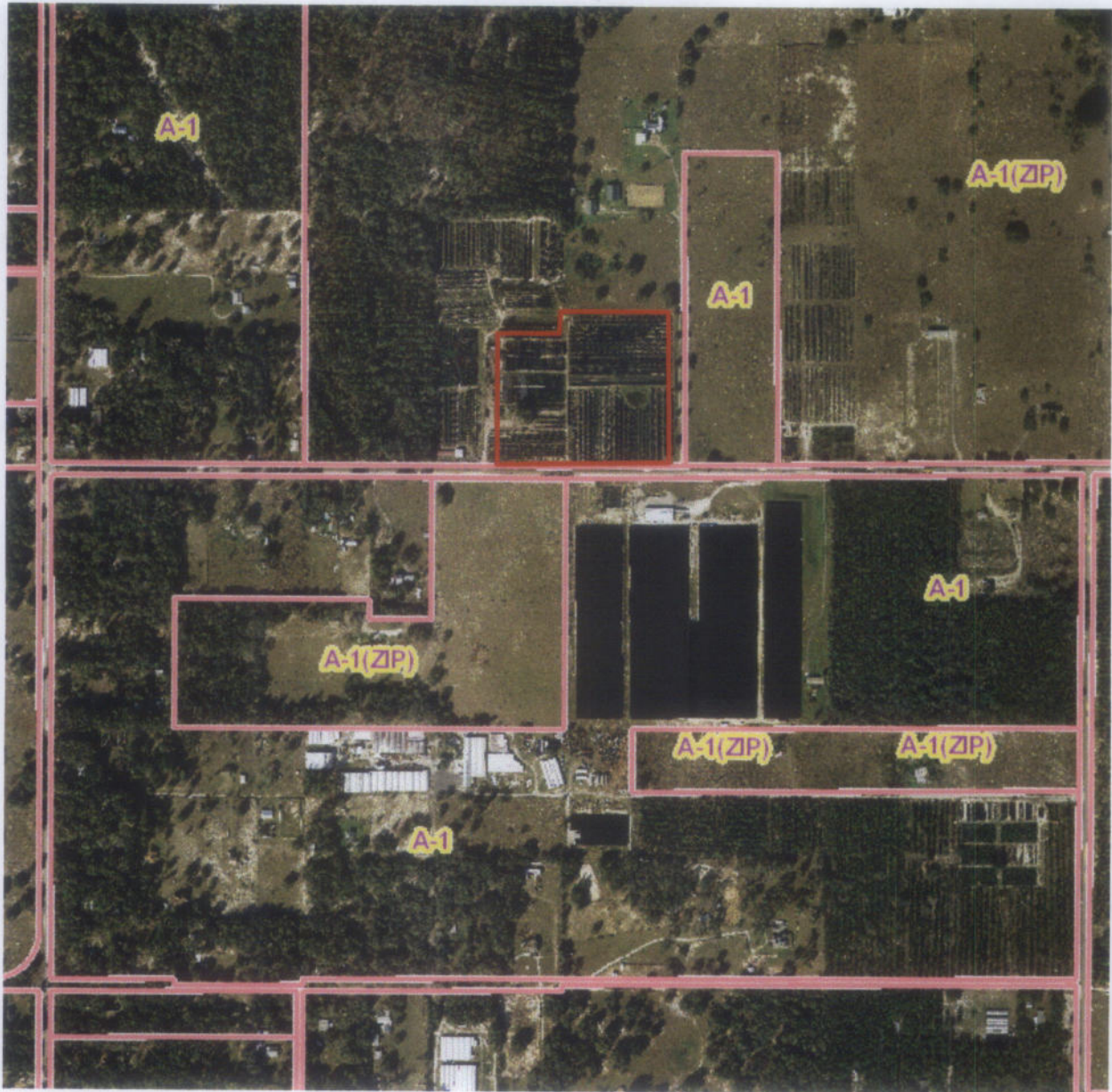


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: CRISTAN PROPERTIES (Case # 2015-1-3)

PARCEL ID NUMBER: 11-20-27-0000-00-008

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

SUMMARY

OWNER: Cristan Properties, Inc.
APPLICANT: City of Apopka
LOCATION: East of Round Lake Road, north of W Kelly Park Rd.
EXISTING USE: Timberland
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Timberland (existing)
PROPOSED ZONING: AG
TRACT SIZE: 40.74 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 8 Residential Units
PROPOSED ZONING: 8 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on September 5, 2007, by Ordinance 1980.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice
February 6, 2016 - Ordinance Heading Ad

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)	Mixed-Use	A-1 (ZIP)	Grazing
East (City)	Rural Settlement	A-1 (ZIP)	Grazing & manufactured home
South (City)	Rural Settlement	A-1 (ZIP)	Timberland
West (County)	Rural	A-1	Single-family homes

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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 line.

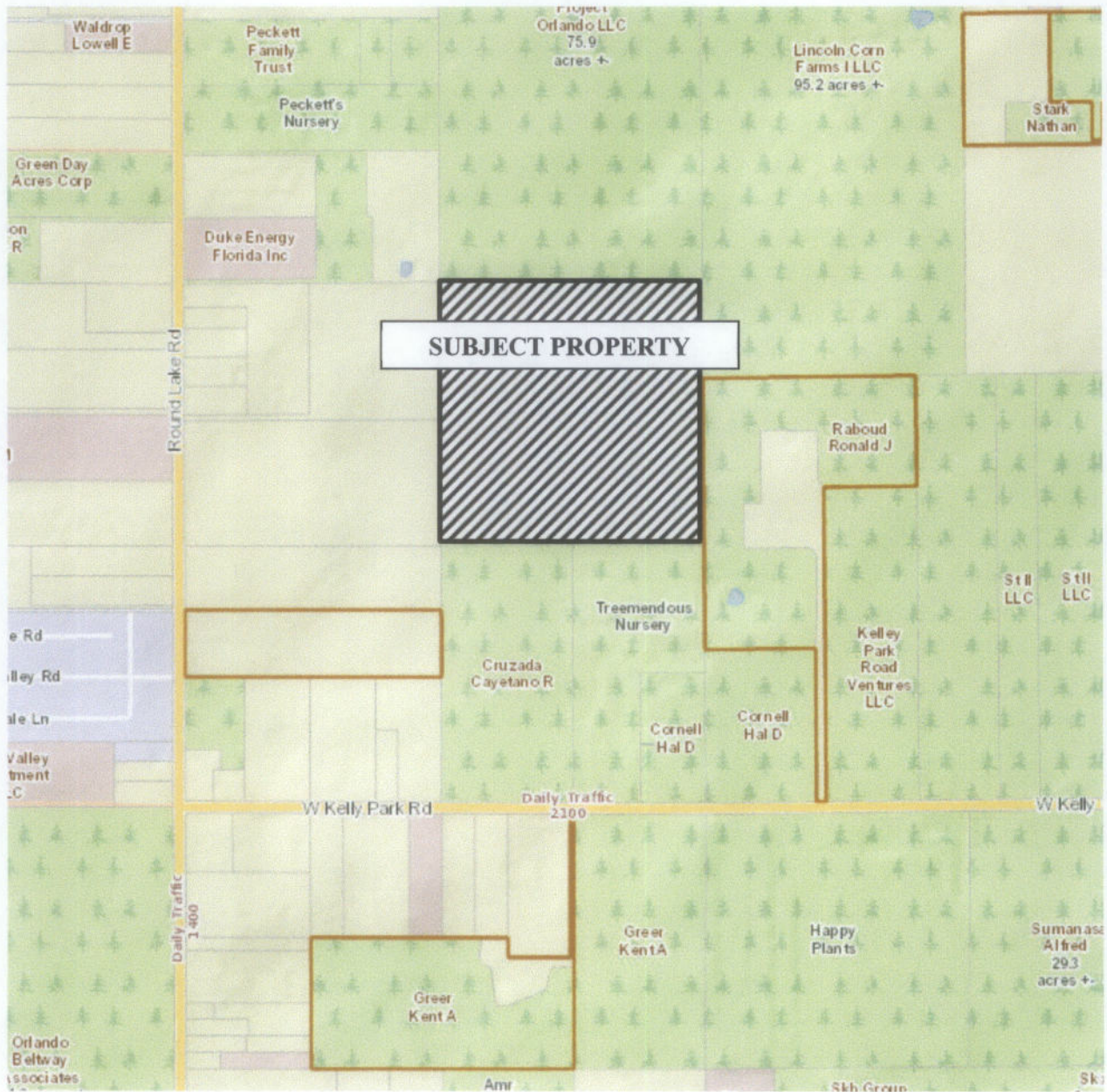
**ALLOWABLE
USES:**

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



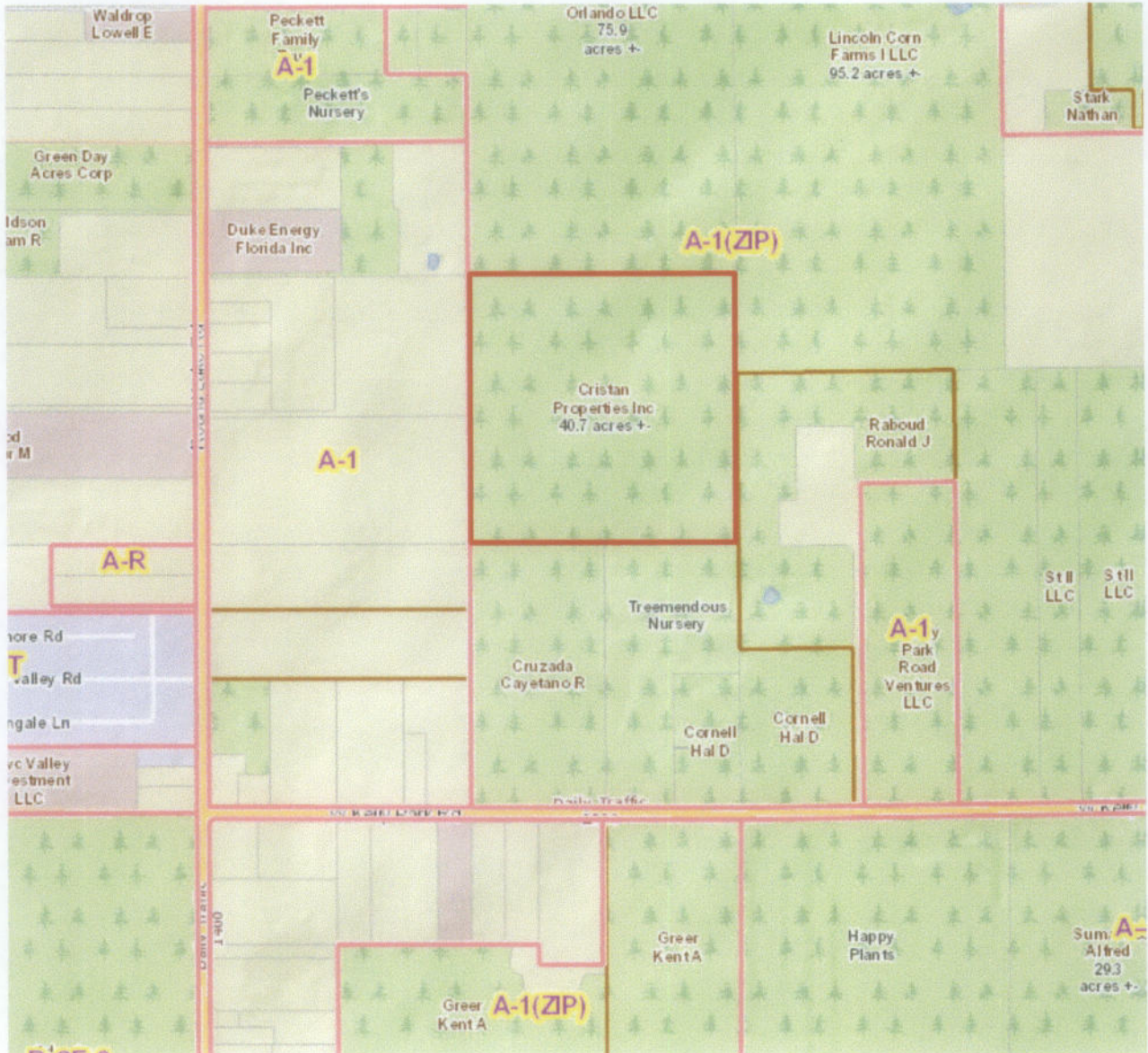
Cristan Properties, Inc.
40.74 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "County" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-008

VICINITY MAP



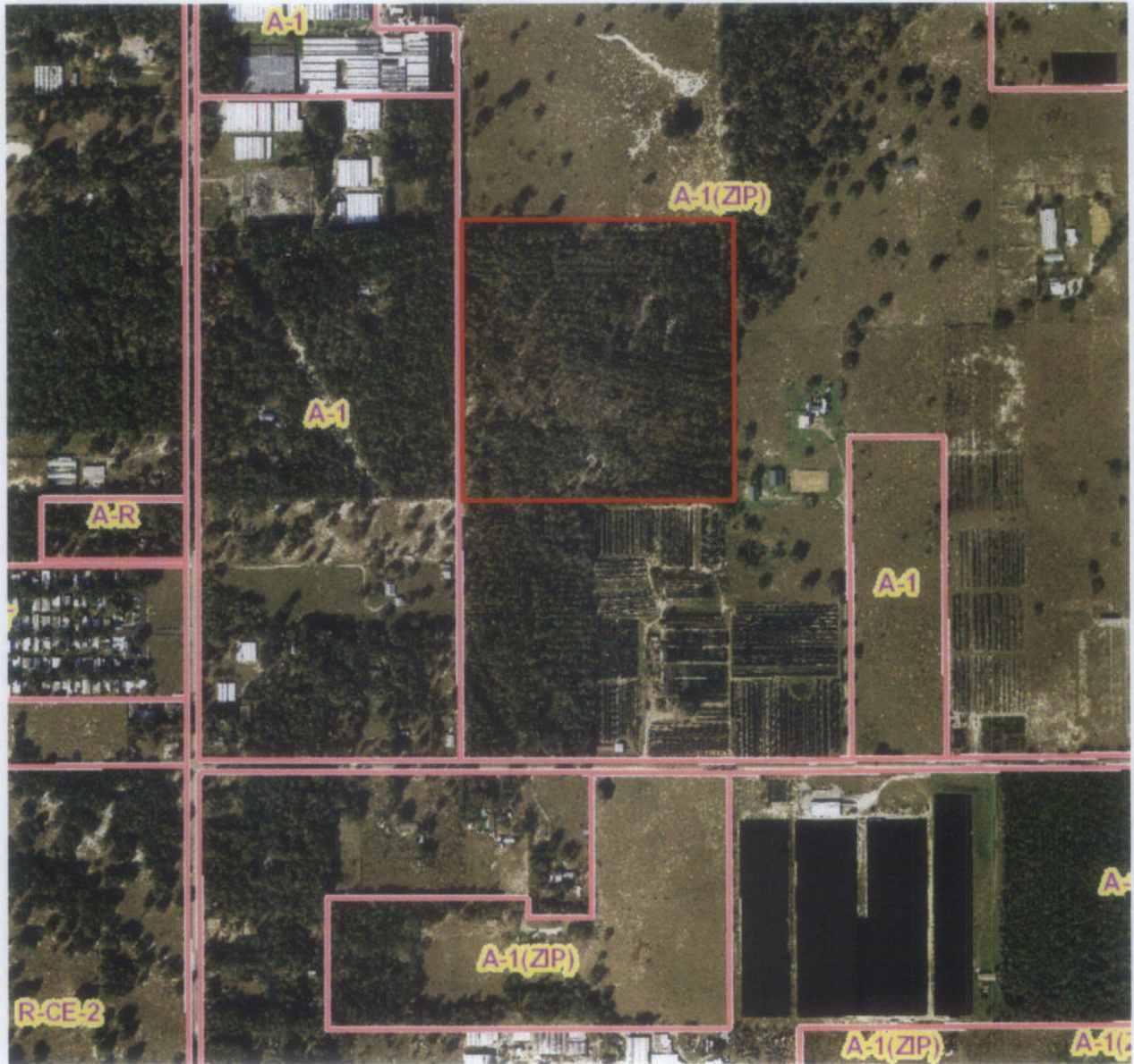


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: CAYETANO & CRISTETA CRUZADA (Case # 2015-1-4)

PARCEL ID NUMBER: 11-20-27-0000-00-011

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

SUMMARY

OWNER: Cayetano & Cristeta Cruzada
APPLICANT: City of Apopka
LOCATION: East of Round Lake Road, north of W Kelly Park Rd.
EXISTING USE: Timberland
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Timberland (existing)
PROPOSED ZONING: AG
TRACT SIZE: 19.93 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on September 5, 2007, by Ordinance 1980.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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	A-1 (ZIP)	Timberland
East (City)	Rural Settlement	A-1 (ZIP)	Ornamental nursery
South (County)	Rural	A-1	Single-family homes
West (County)	Rural	A-1	Single-family homes

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

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 line.

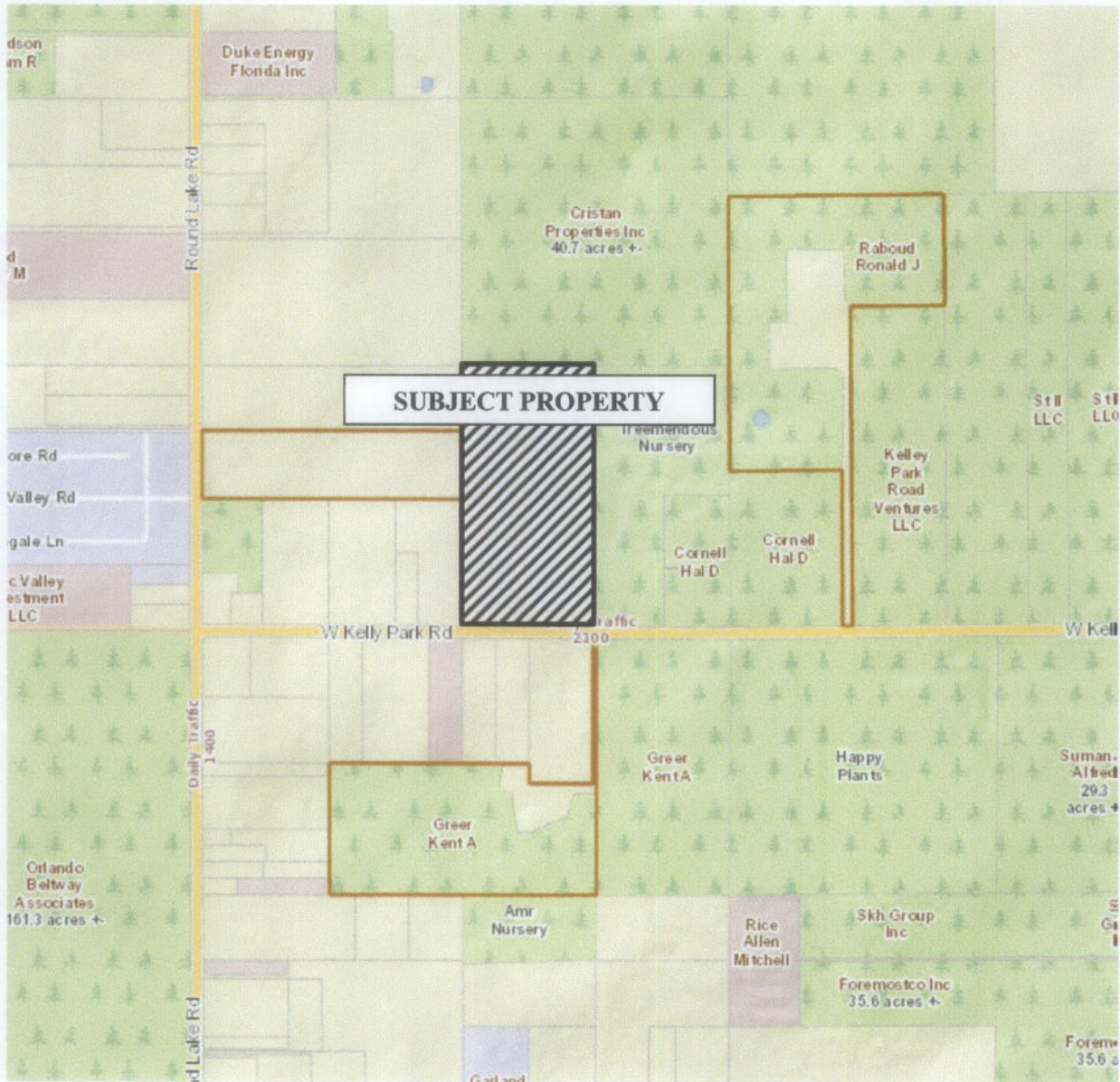
**ALLOWABLE
USES:**

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



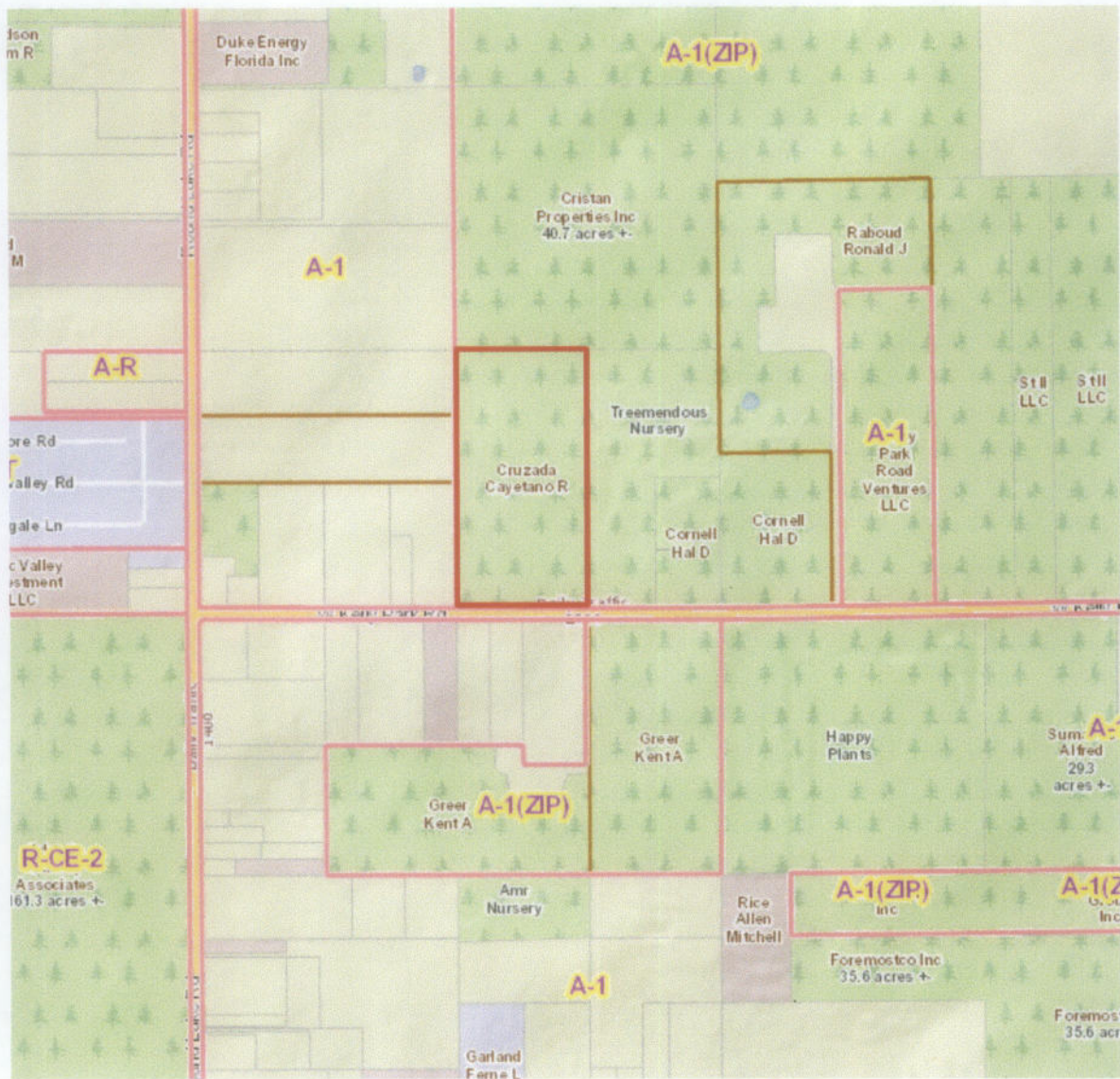
Cayetano & Cristeta Cruzada
19.93 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "County" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-011

VICINITY MAP



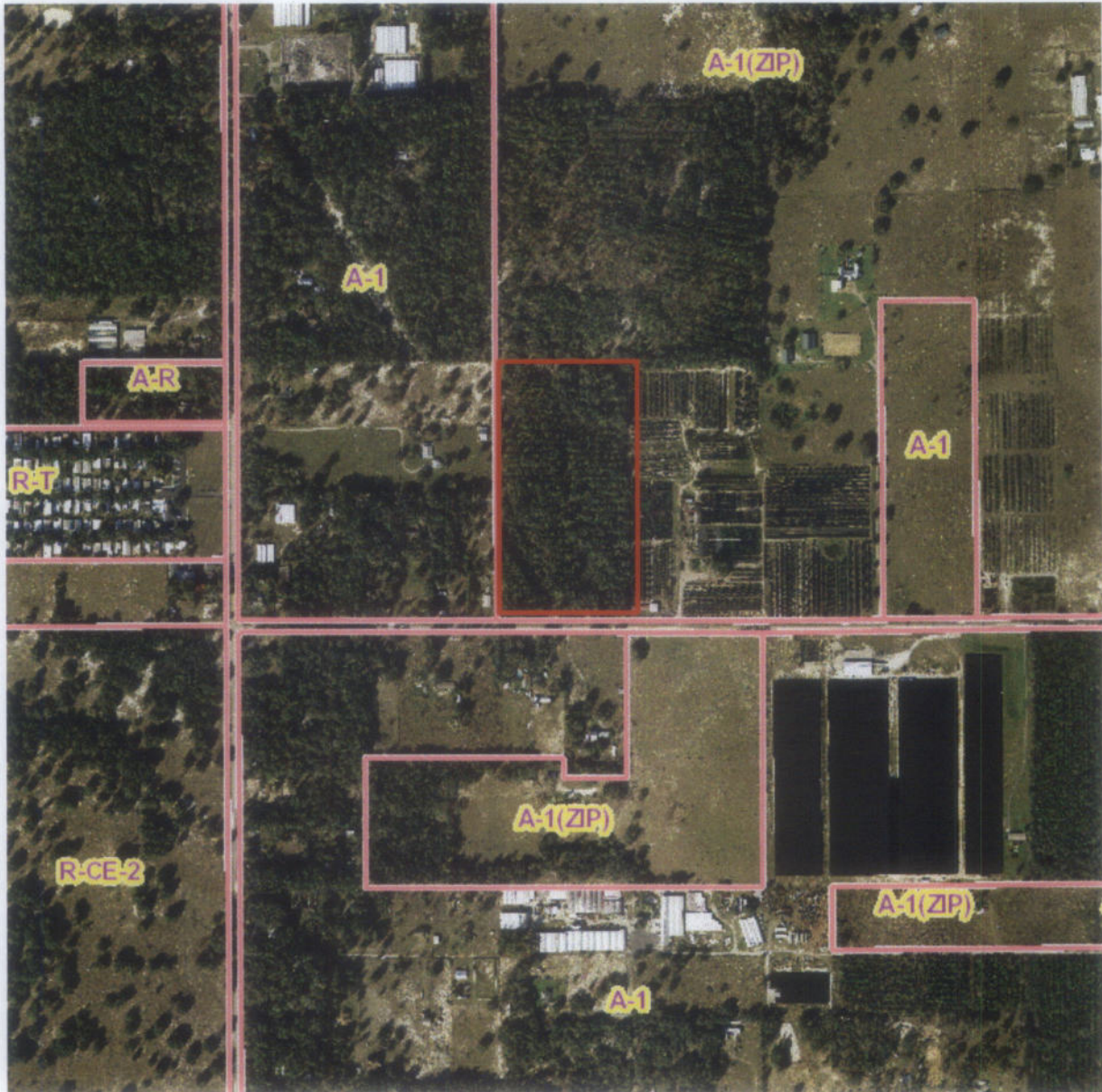


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: TERRY LYN DALE (Case # 2015-1-5)

PARCEL ID NUMBER: 24-20-27-0000-00-108

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

SUMMARY

OWNER: Terry Lyn Dale
APPLICANT: City of Apopka
LOCATION: East of Golden Gem Road, north of West Ponkan Road
EXISTING USE: Timberland
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Timberland (existing)
PROPOSED ZONING: AG
TRACT SIZE: 10.0 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on May 16, 2007, by Ordinance 1931.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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	A-1 (ZIP)	Manufactured home
East (City)	Conservation	A-1 (ZIP)	Municipal conservation
South (City)	Conservation	A-1 (ZIP)	Municipal conservation
West (County)	Rural	A-1	Vacant (non-agricultural acreage)

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. AG is one of the acceptable zoning classifications allowed within the Rural Settlement Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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 line.

**ALLOWABLE
USES:**

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



Terry Lyn Dale
10 +/- 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 #: 24-20-27-0000-00-108

VICINITY MAP



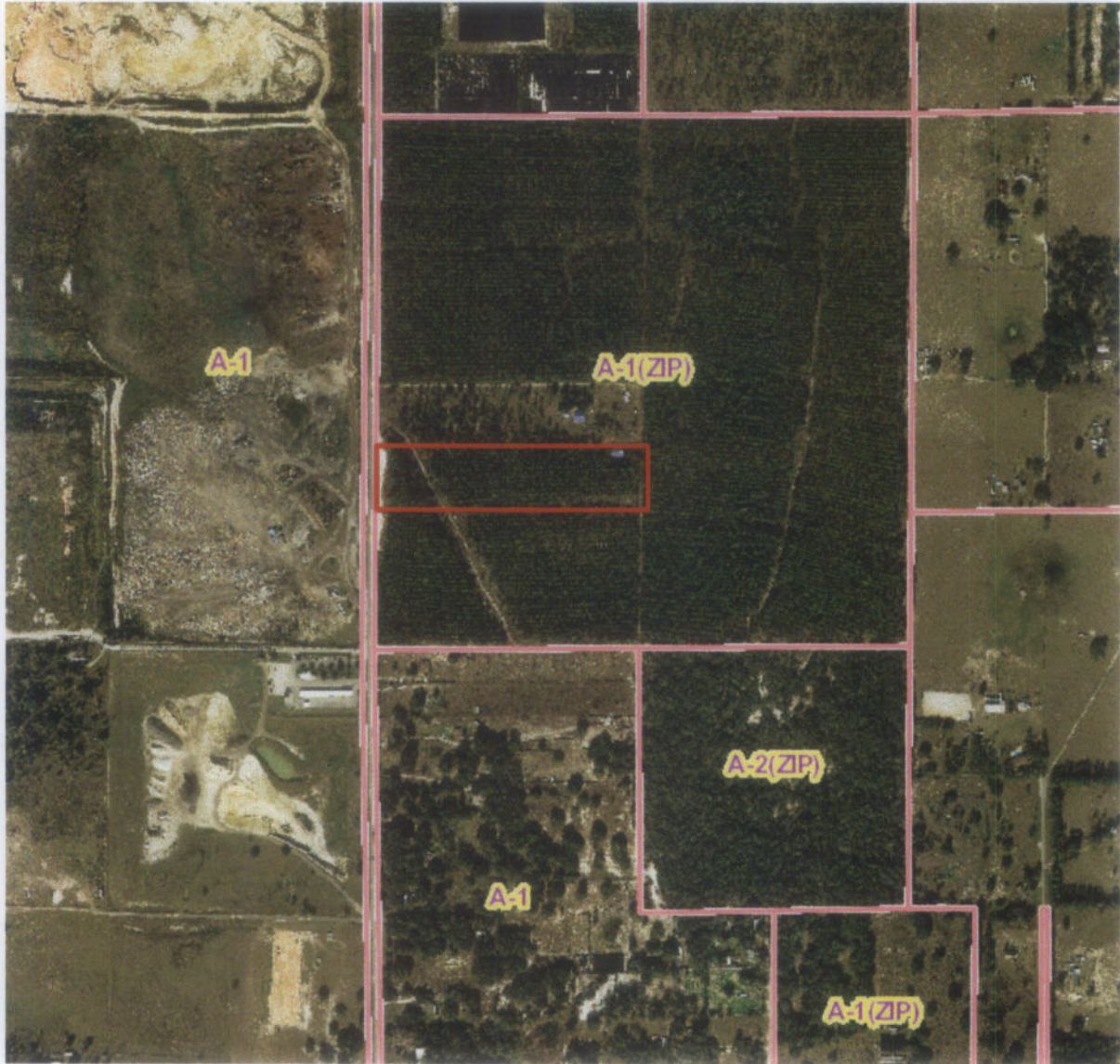


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: KENT & ANNE GREER (Case # 2015-1-6)

PARCEL ID NUMBERS: 14-20-27-0000-00-021; 14-20-27-0000-00-084 & 14-20-27-0000-00-005

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

SUMMARY

OWNER: Kent & Anne Greer
APPLICANT: City of Apopka
LOCATION: South of W Kelly Park Road, east of Round Lake Road
EXISTING USE: Grazing & single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing & single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 39.5 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 7 Residential Units
PROPOSED ZONING: 7 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on June 4, 2008 by Ordinance 2027.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are 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 December 16, 2014.

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:

December 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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(County & City)	Rural & Rural Settlement	A-1/A-1(ZIP)	Single-family homes & nursery
East (County)	Rural	A-1 (ZIP)	Container nursery & manufactured home
South (County)	Rural	A-1	Single-family homes & nursery
West (County)	Rural	A-1	Single-family homes

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. AG is one of the acceptable zoning classifications allowed within the Rural Settlement Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE

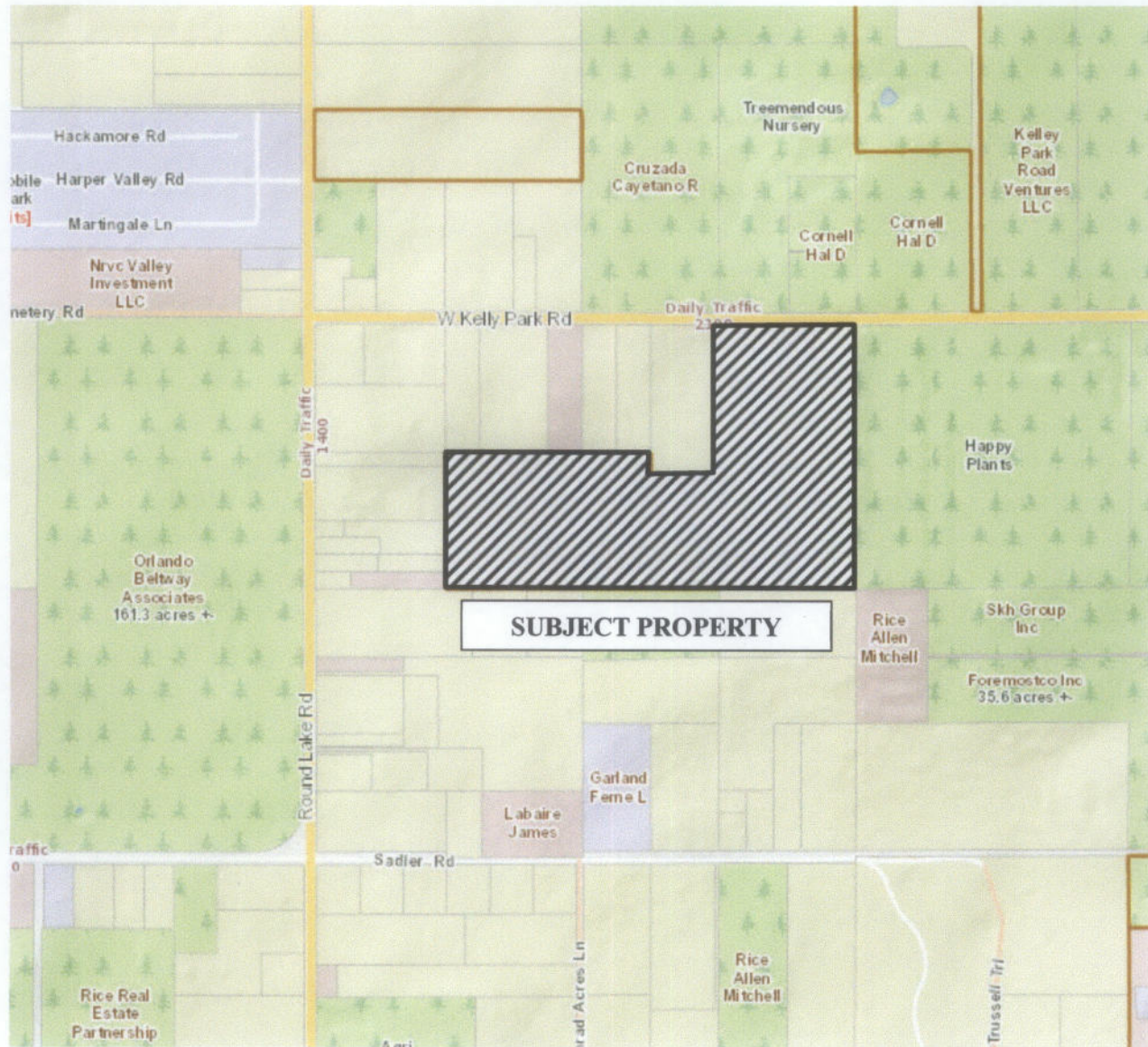
USES:

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



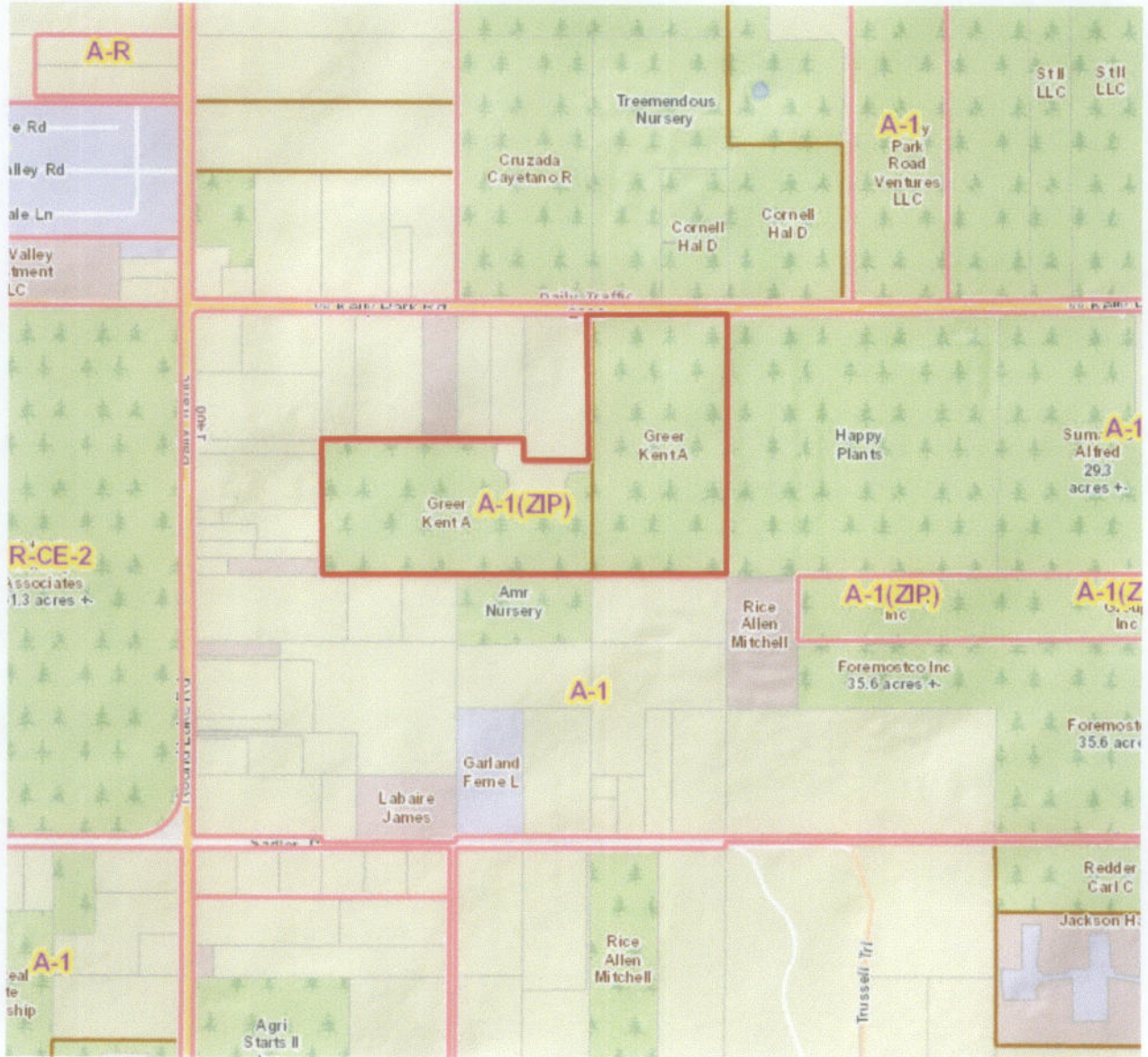
Kent & Anne Greer
39.5 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "County" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 14-20-27-0000-00-021, 14-20-27-0000-00-084
14-20-27-0000-00-005

VICINITY MAP



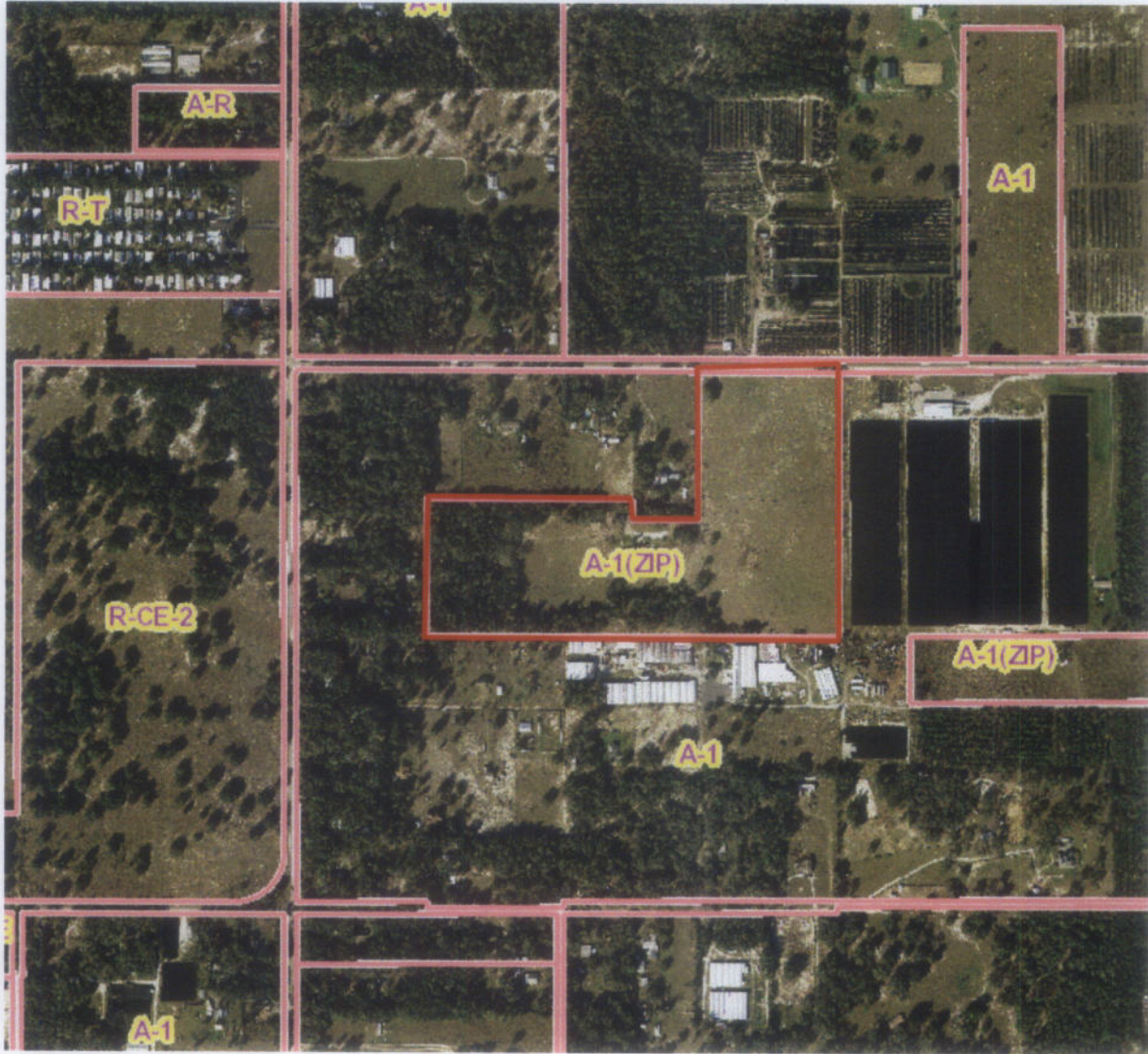


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: J&L GARDENIAS (Case # 2015-1-7)

PARCEL ID NUMBERS: 09-20-28-0000-00-011 & 09-20-28-0000-00-004

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

SUMMARY

OWNER: J&L Gardenias
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, west of Mt. Plymouth Road
EXISTING USE: Container nursery & manufactured home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container nursery & manufactured home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 13.3 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 1, 2004 by Ordinance 1687.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning 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 properly notified Orange County on December 16, 2014.

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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	A-1(ZIP)	Vacant
East (City)	Low Density Residential	R-1	Single-family homes
South (City & County)	Rural Settlement & Rural	A-1(ZIP)	Single-family residential and vacant non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway Mt. Plymouth Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

**ALLOWABLE
USES:**

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



J&L Gardenias
13.3 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 09-20-28-0000-00-004 & 09-20-28-0000-00-011

VICINITY MAP



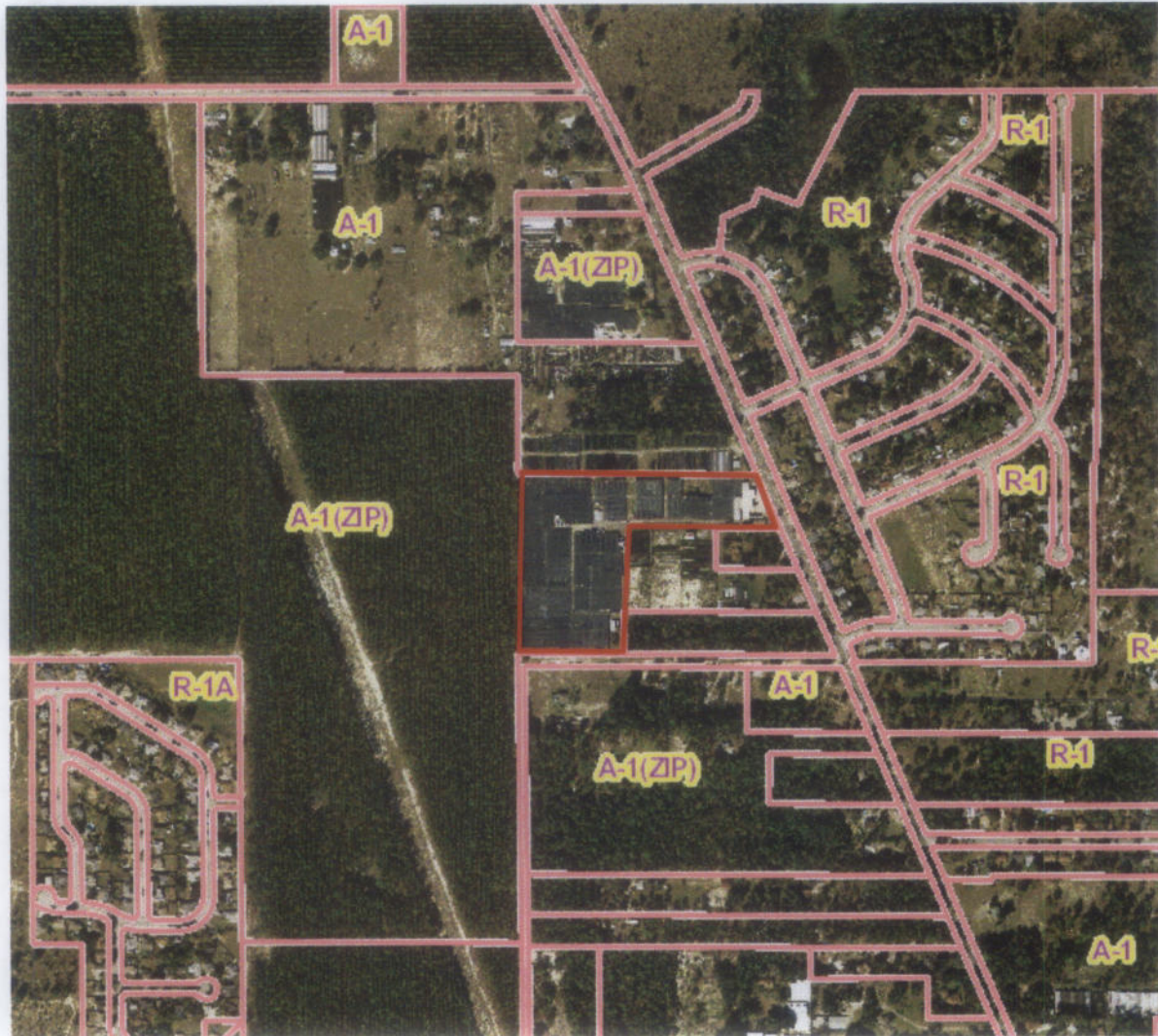


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: KYUN & MYUNG LEE (Case # 2015-1-8)

PARCEL ID NUMBER: 08-20-28-0000-00-037

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

SUMMARY

OWNER: Kyun & Myung Lee
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Foliage Way
EXISTING USE: Container nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 6.05 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on May 21, 2003 by Ordinance 1585.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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	A-1(ZIP)	Vacant
East (County)	Rural	A-1	Vacant residential
South (City)	Agriculture	AG	Single-family residential and vacant non-agricultural acreage
West (City)	Rural	A-1	Manufactured home

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG classification.

**BUFFERYARD
 REQUIREMENTS:**

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

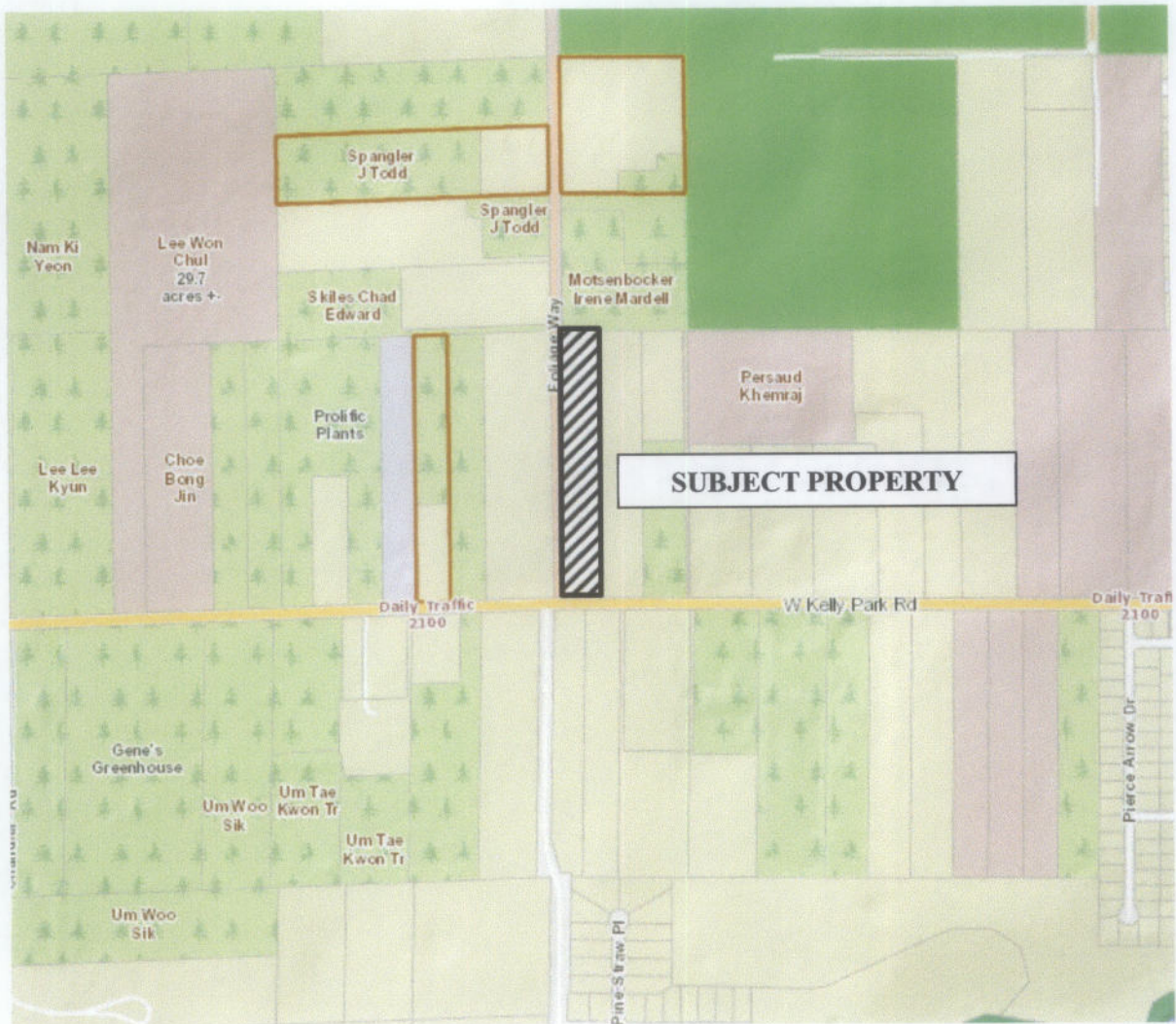
**ALLOWABLE
USES:**

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



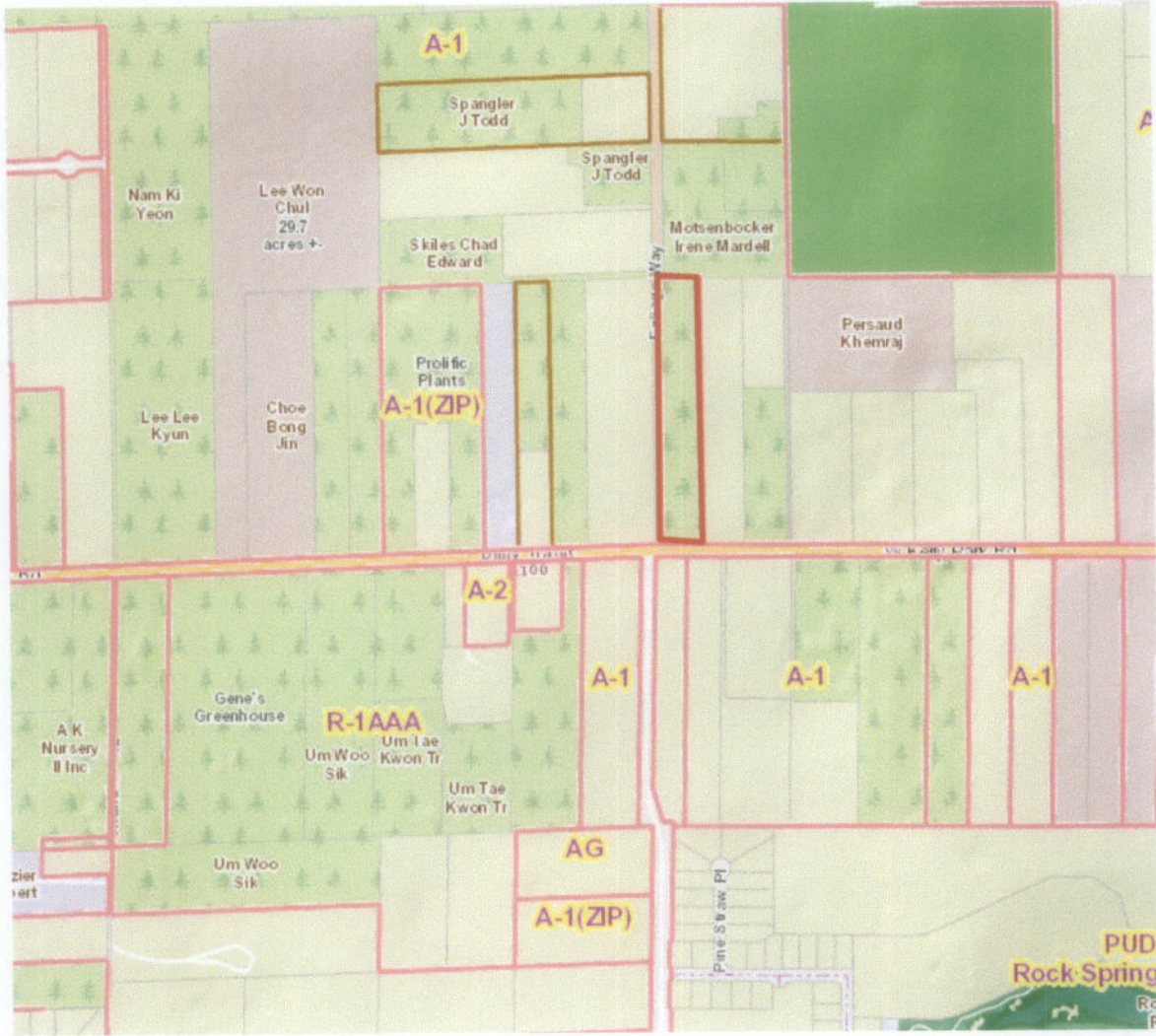
Kyan & Myung Lee
6.05 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 08-20-28-0000-00-037

VICINITY MAP



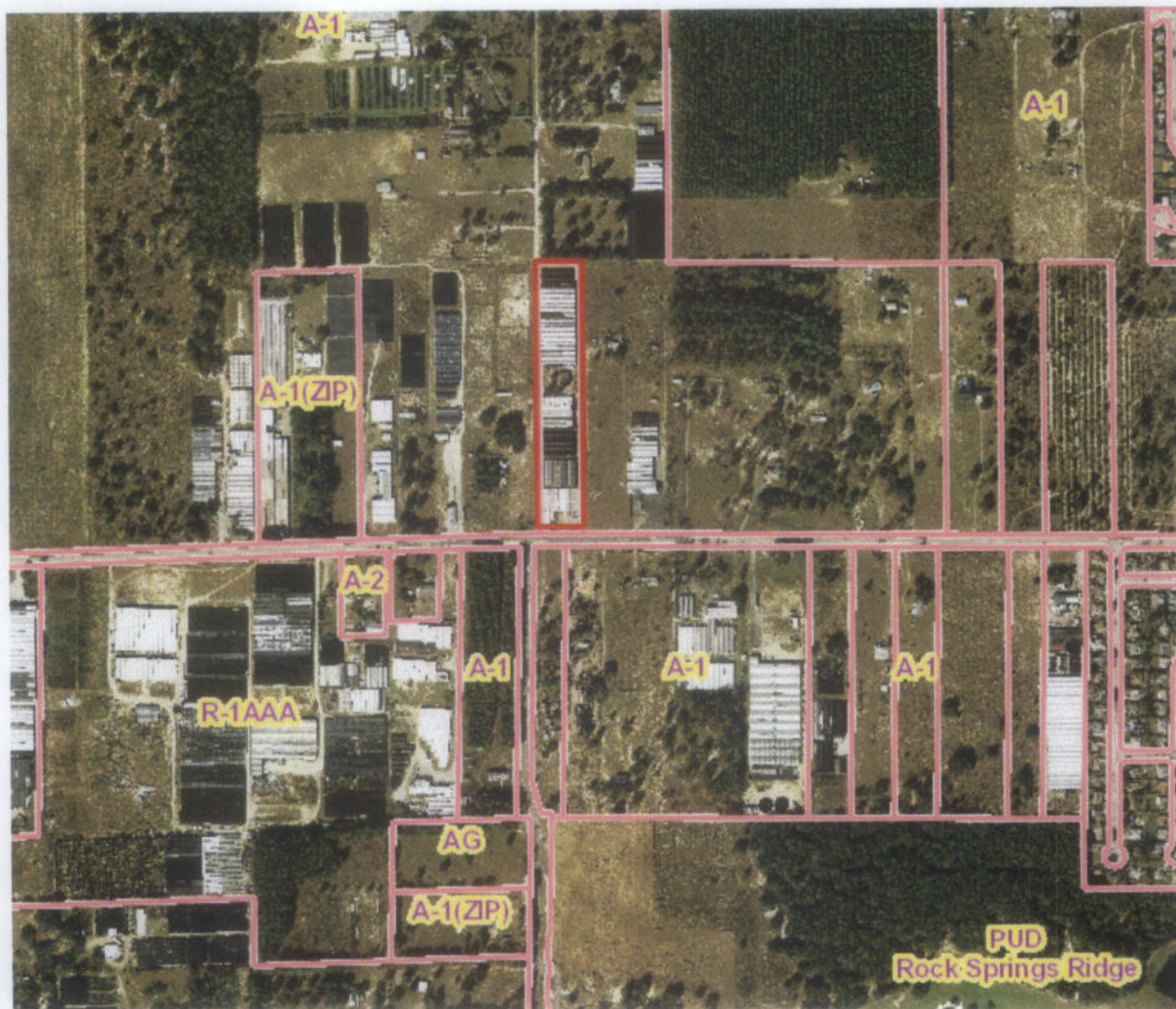


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: JOHN & JOSEPH MOORE (Case # 2015-1-9)

PARCEL ID NUMBERS: 02-20-27-0000-00-006 & 02-20-27-0000-00-041

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: John & Joseph Moore
APPLICANT: City of Apopka
LOCATION: North of Ondich Road, east of Road Lake Road
EXISTING USE: Grazing and single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing & single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 18.6 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on September 5, 2007 by Ordinance No. 1982.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

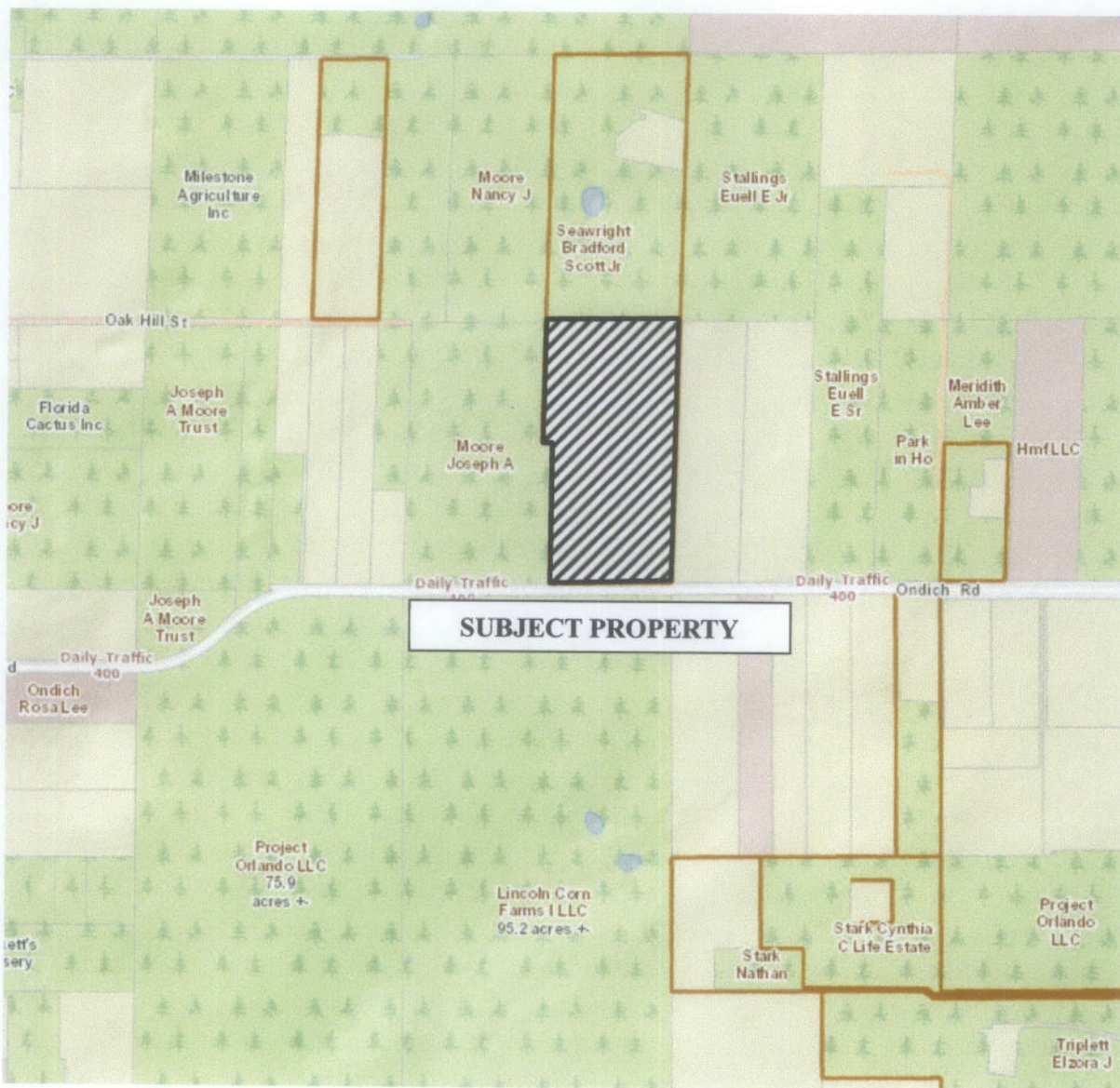
The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

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.



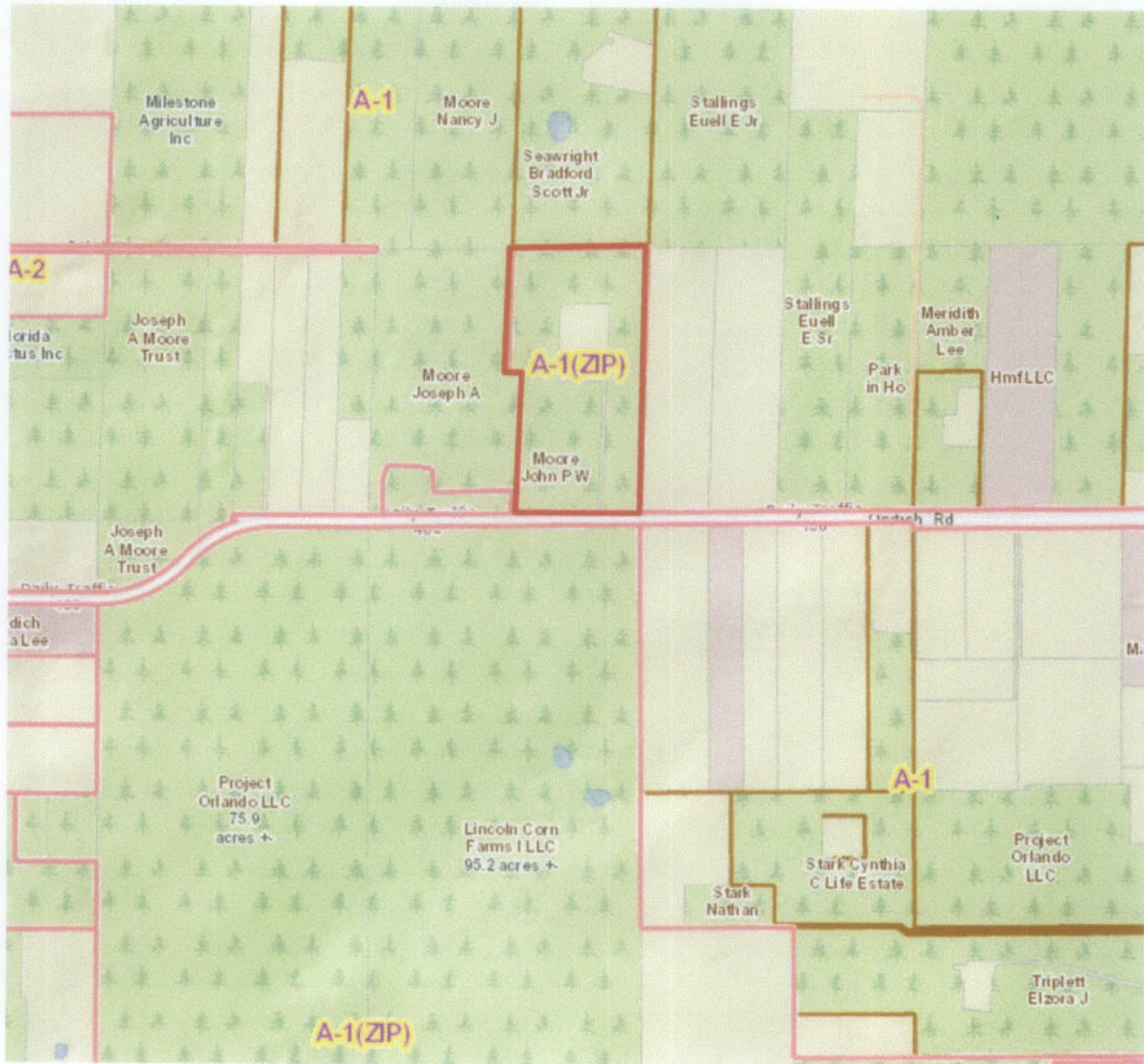
John & Joseph Moore
18.6 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 02-20-27-0000-00-006, 02-20-27-0000-00-041

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: RONALD & LISA RABOUD (Case # 2015-1-10)

PARCEL ID NUMBERS: 11-20-27-6135-00-010 & 11-20-27-6135-00-013

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

SUMMARY

OWNER: Ronald & Lisa Raboud
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Round Lake Road.
EXISTING USE: Grazing & single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing & single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 25.9 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 5 Residential Units
PROPOSED ZONING: 5 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance No. 2001.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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)	Mixed Use	A-1 (ZIP)	Grazing and manufactured home
East (County)	Rural	A-1	Grazing
South (County)	Rural	A-1	Container nursery and manufactured home
West (City)	Rural Settlement	A-1 (ZIP)	Container nurseries

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

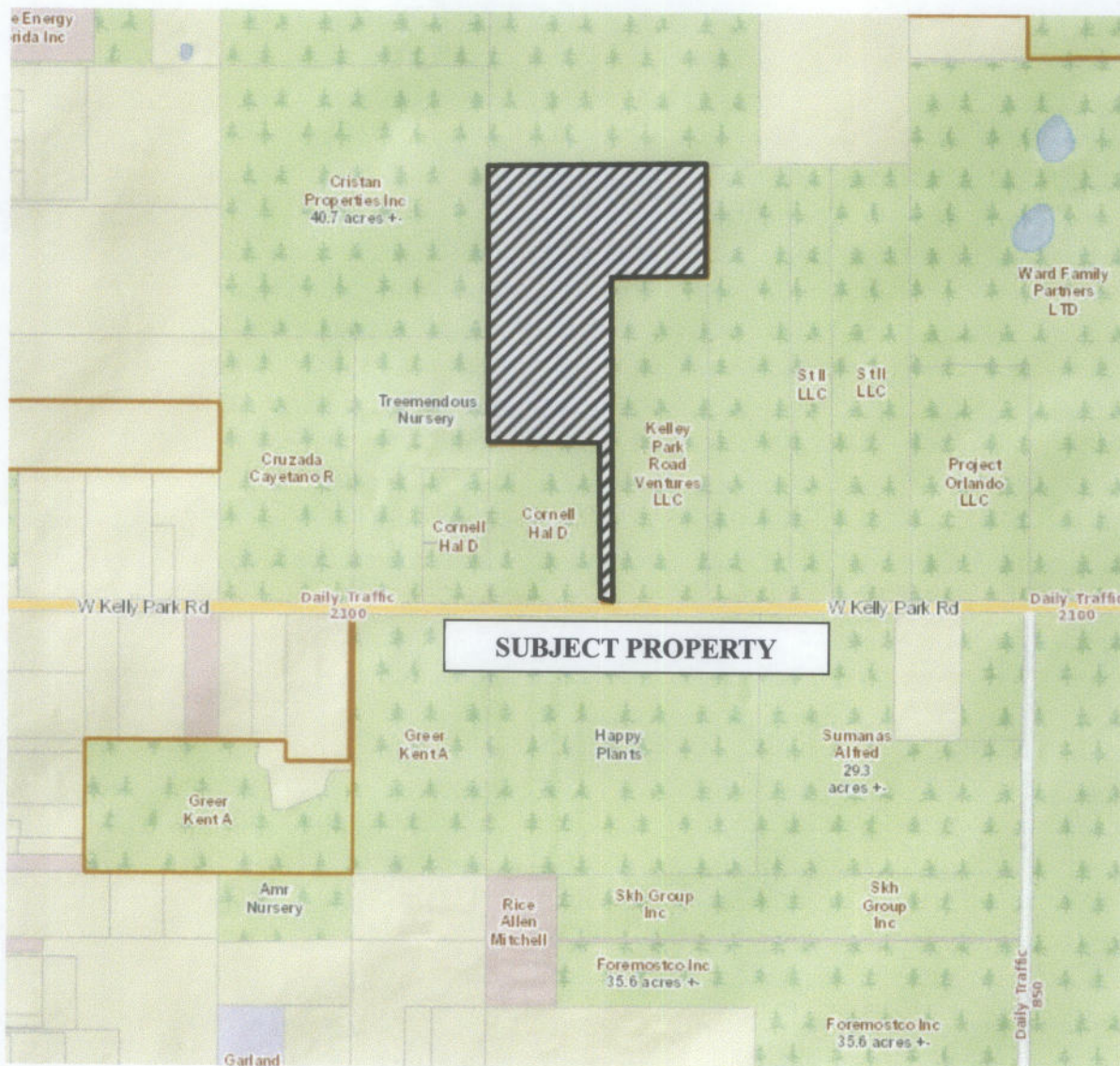
**ALLOWABLE
USES:**

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



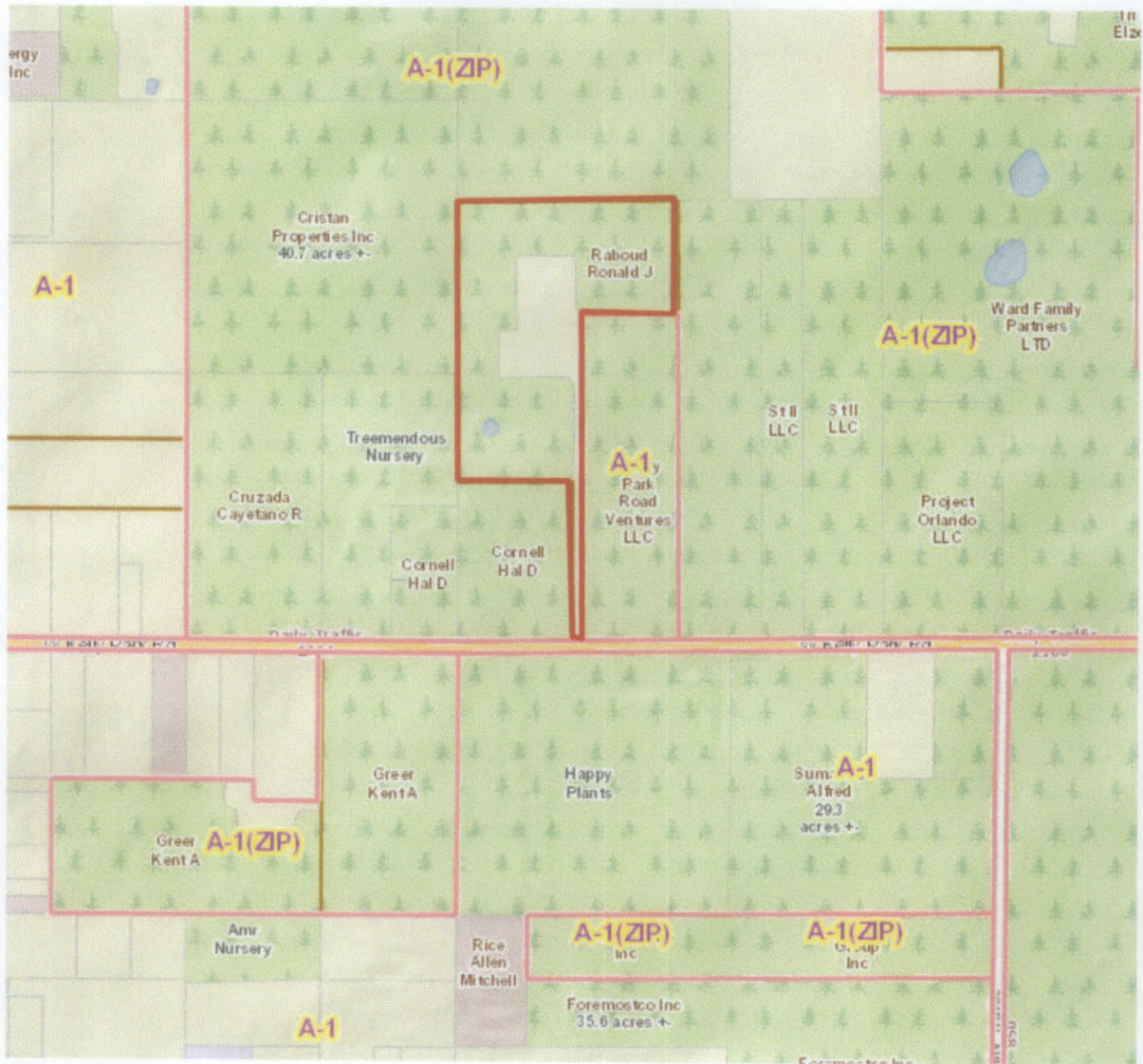
Ronald & Lisa Raboud
25.9 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 11-20-27-6135-00-01 & 11-20-27-6135-00-013

VICINITY MAP



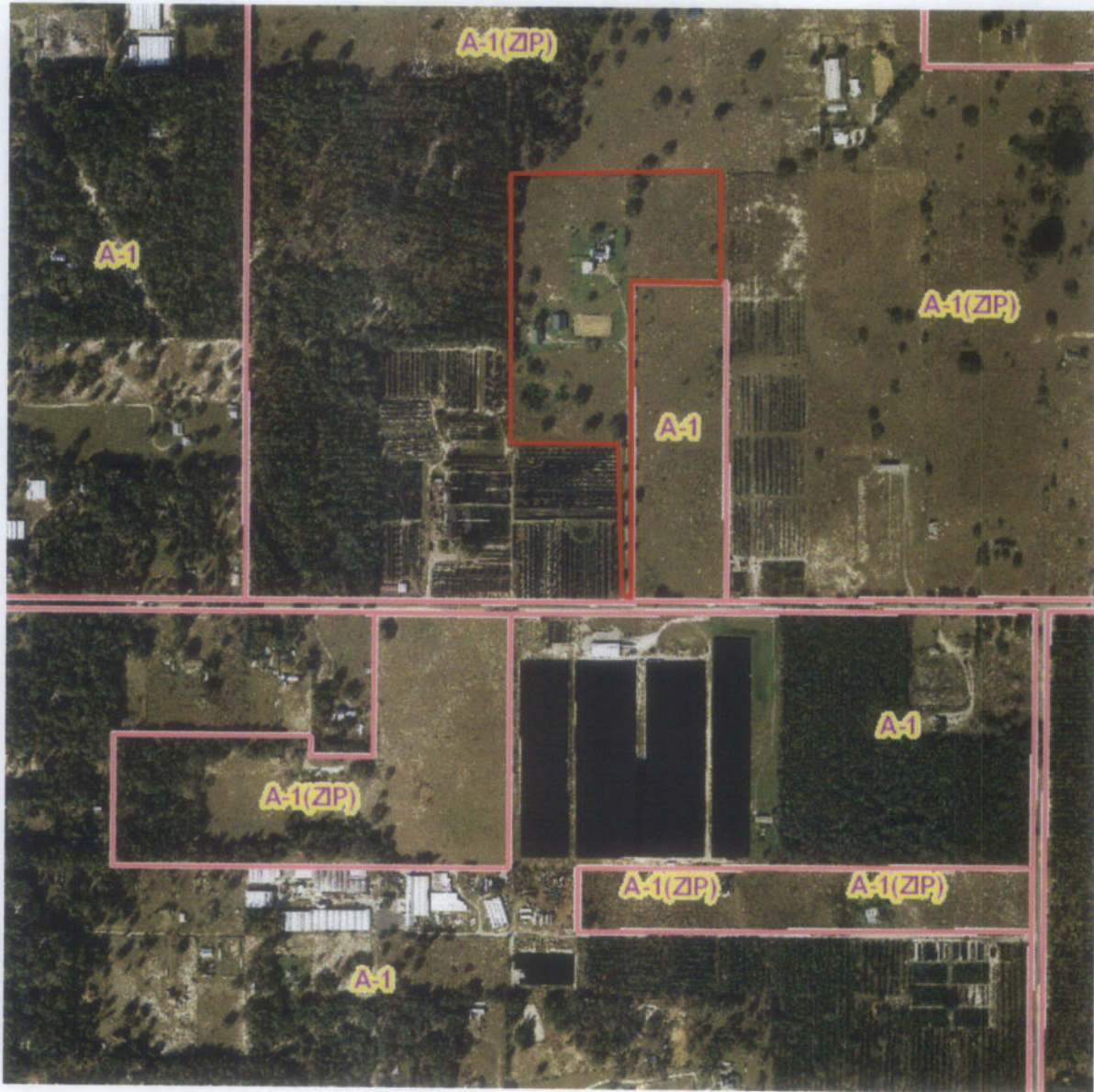


ADJACENT ZONING



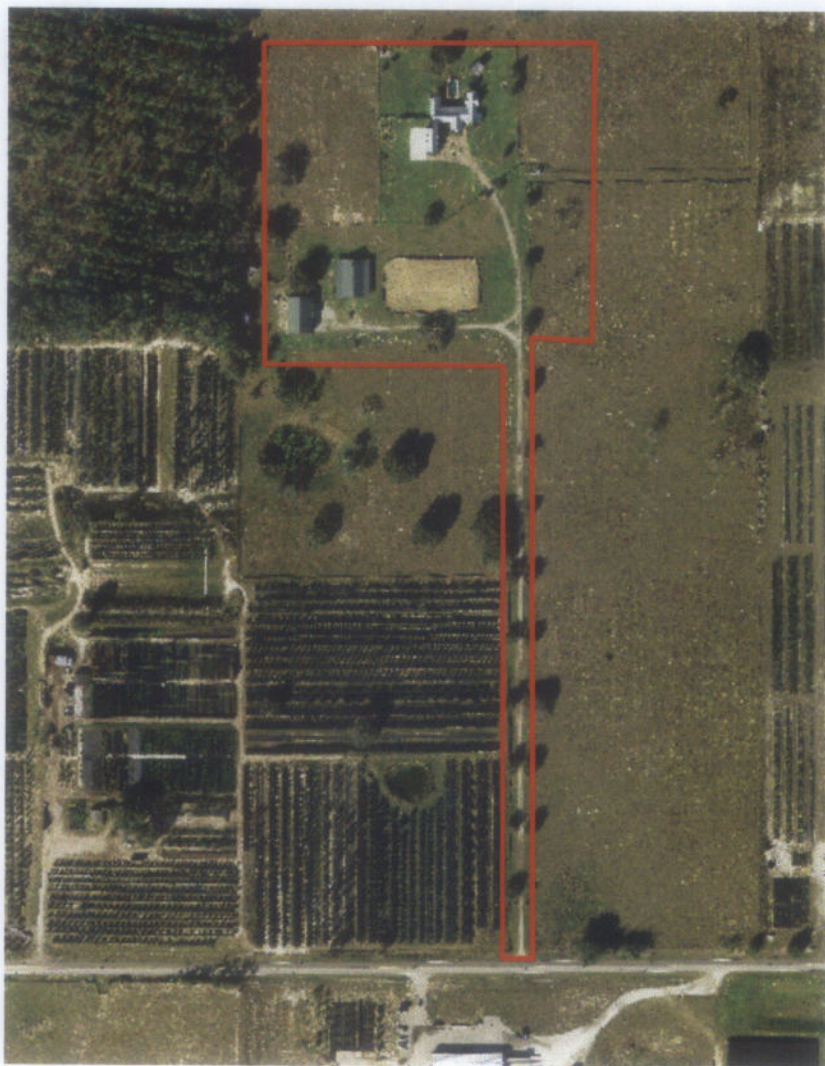


ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: SKH GROUP, INC. (Case # 2015-1-11)

PARCEL ID NUMBER: 14-20-27-0000-00-024

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

SUMMARY

OWNER: SKH Group, Inc.
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Round Lake Road.
EXISTING USE: Grazing
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing (existing)
PROPOSED ZONING: AG
TRACT SIZE: 16.8 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 4, 2008, by Ordinance 2028.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning 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 properly notified Orange County on December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 (County)	Rural	A-1	Grazing
East (City)	Mixed Use	A-1 (ZIP)	Horse farm and grazing
South (County)	Rural	A-1	Container nursery and grazing
West (County)	Rural	A-1	Non-agricultural acreage

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

ALLOWABLE

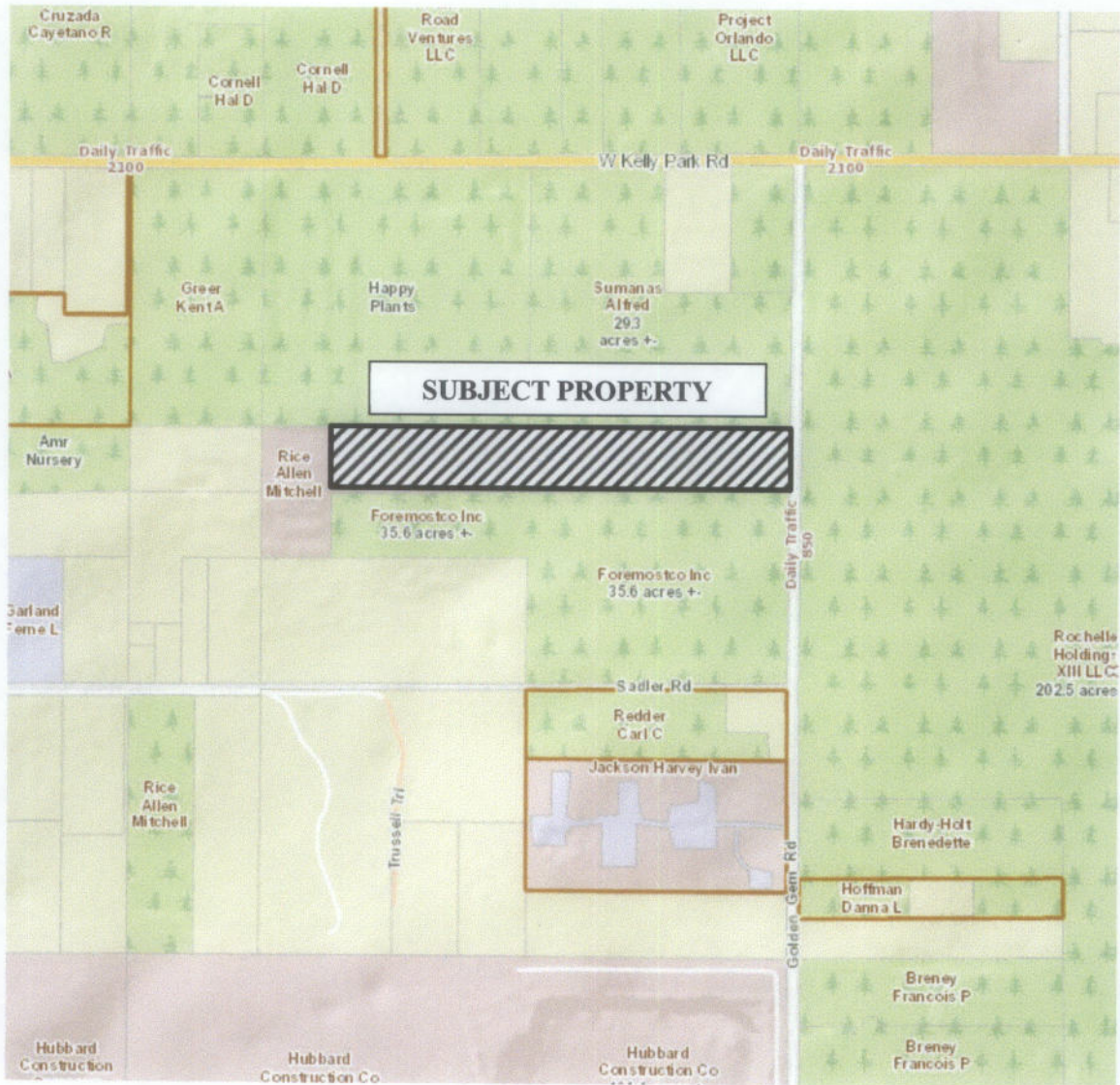
USES:

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



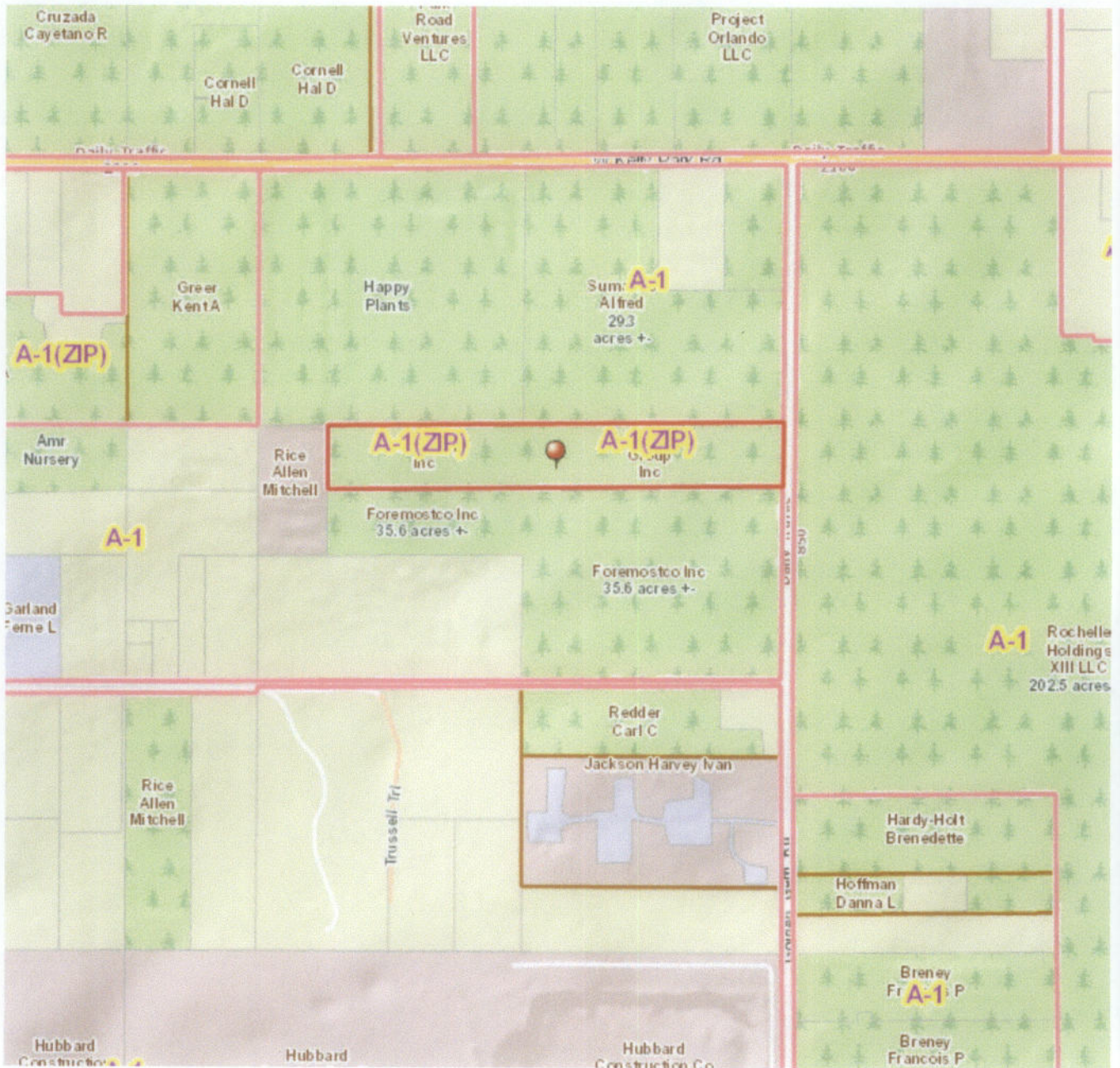
SKH Group, Inc.
16.8 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 14-20-27-0000-00-024

VICINITY MAP



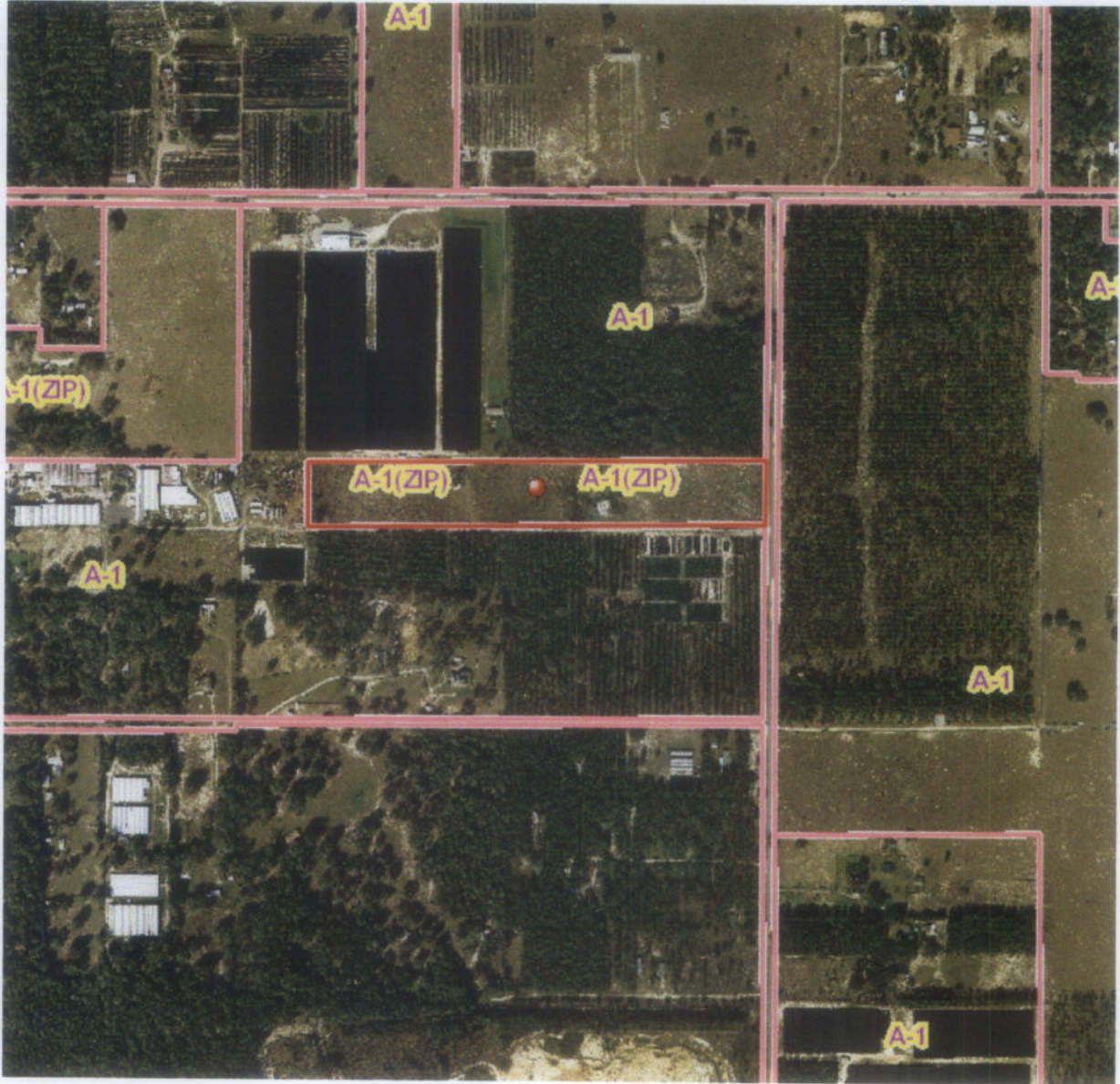


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: THOMPSON SWARTZ & JEROME L. HUTCHING (Case # 2015-1-12)

PARCEL ID NUMBER: 11-20-27-0000-00-012

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

SUMMARY

OWNER: Thompson Swartz & Jerome L. Hutching
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Round Lake Road.
EXISTING USE: Ornamental Nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Ornamental Nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 14.98 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on May 19, 2010, by Ordinance 2161.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning 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 properly notified Orange County on December 16, 2015.

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:

January 13, 2015 – Planning Commission (5:01 pm)

February 4, 2015 - City Council (1:30 pm) - 1st Reading

February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad

February 6, 2015 - Ordinance Heading Ad

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	A-1 (ZIP)	Timberland
East (City)	Rural Settlement	A-1 (ZIP)	Grazing
South (City)	Rural Settlement	A-1 (ZIP)	Grazing
West (City)	Rural Settlement	A-1 (ZIP)	Timberland

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

ALLOWABLE

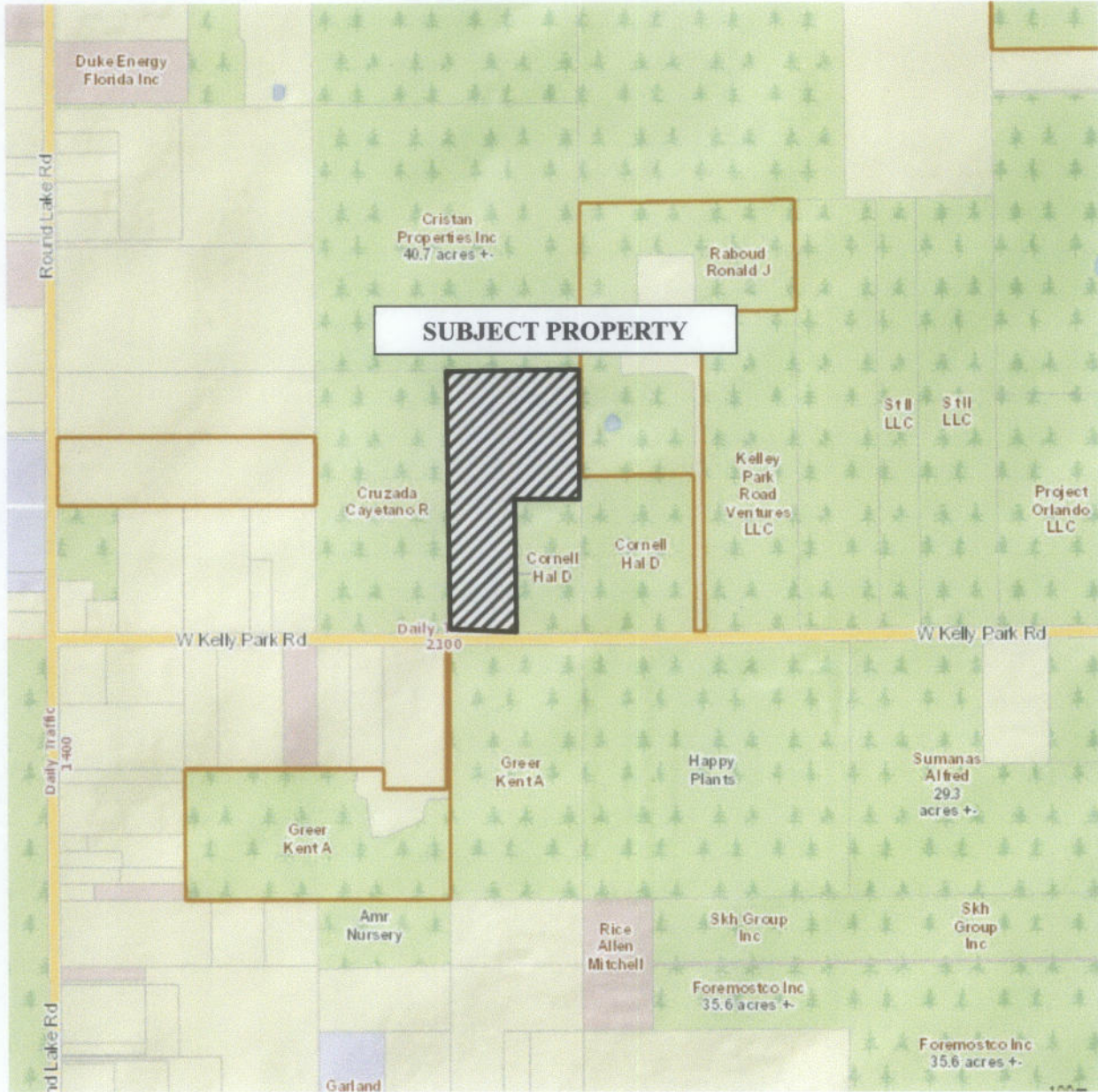
USES:

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



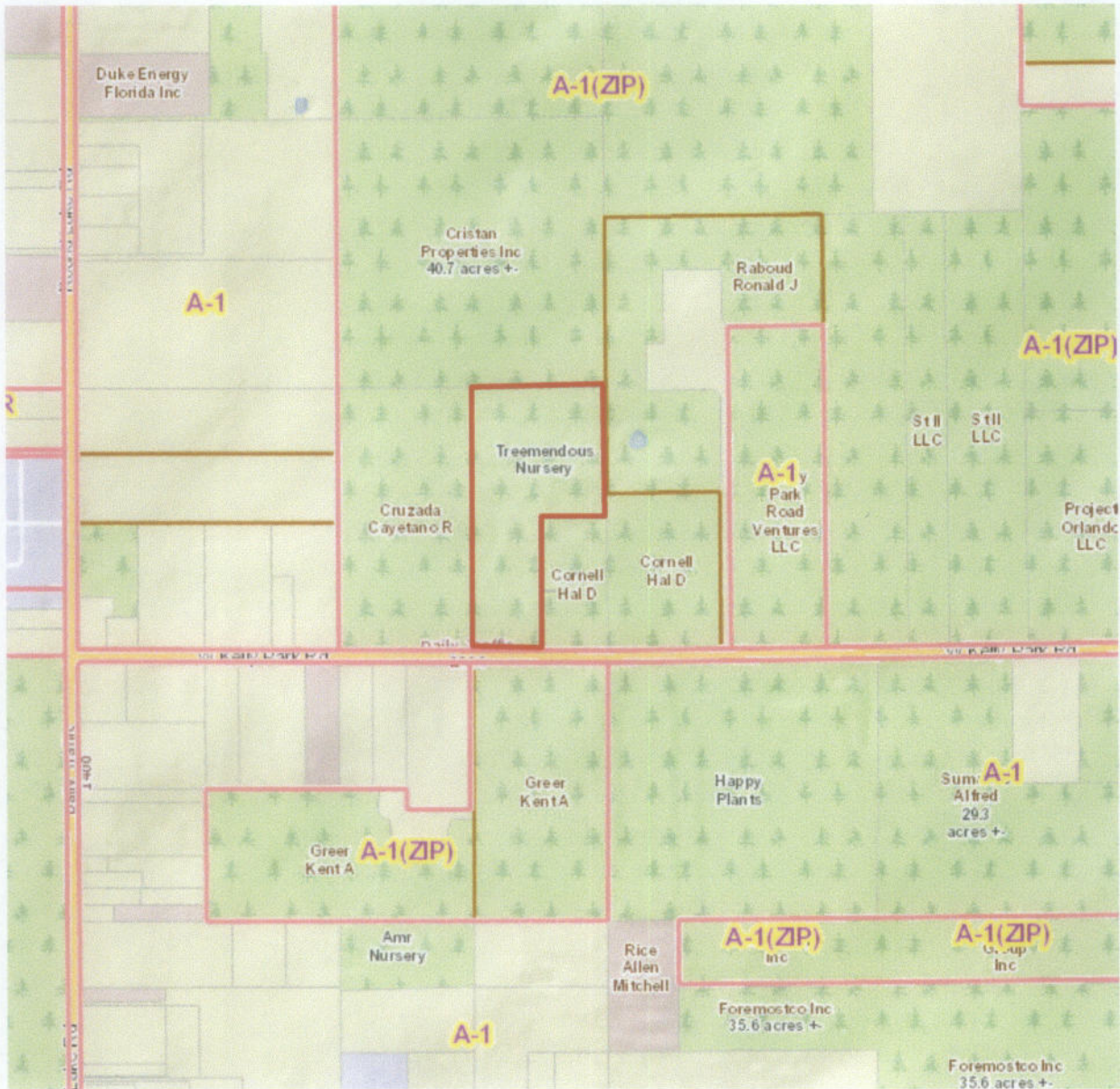
Thompson Swartz & Jerome L. Hutchings
14.98 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-012

VICINITY MAP



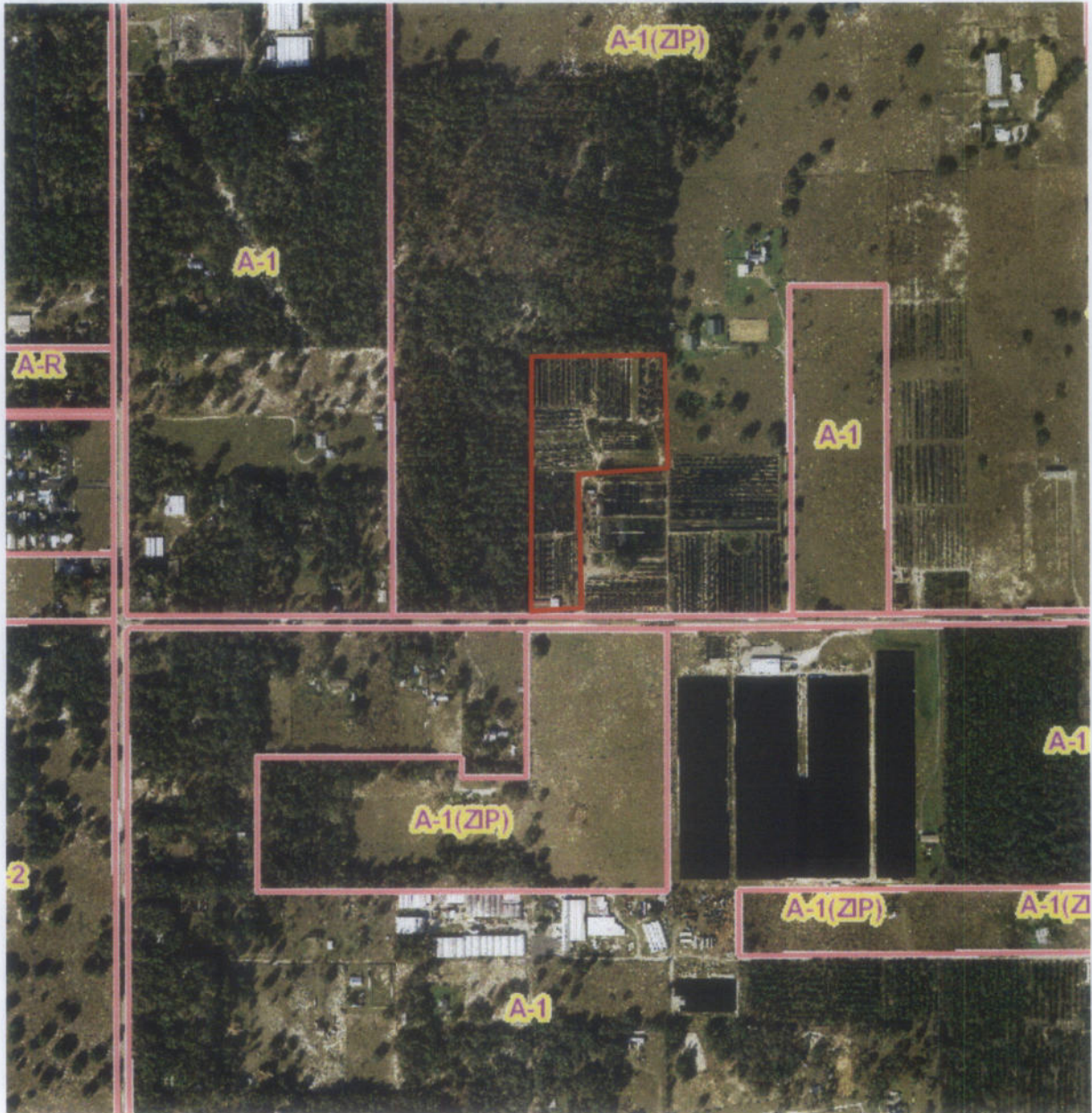


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: ROMEO & HERMINIA FLAQUER (Case # 2015-1-13)

PARCEL ID NUMBER: 09-20-28-7608-00-121

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

SUMMARY

OWNER: Romeo & Herminia Flaquer
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, north of Kelly Park Road.
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 13.04 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 1, 2004, by Ordinance 1688.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 (County & City)	Rural & Rural Settlement	A-1 & A-1 (ZIP)	Single-family & manufactured homes
East (County)	Low Density Residential	R-CE	Single-family homes
South (County)	Rural	A-1	Single-family homes
West (City)	Rural Settlement	A-1 (ZIP)	Timberland & state-owned lands

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Mt. Plymouth Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

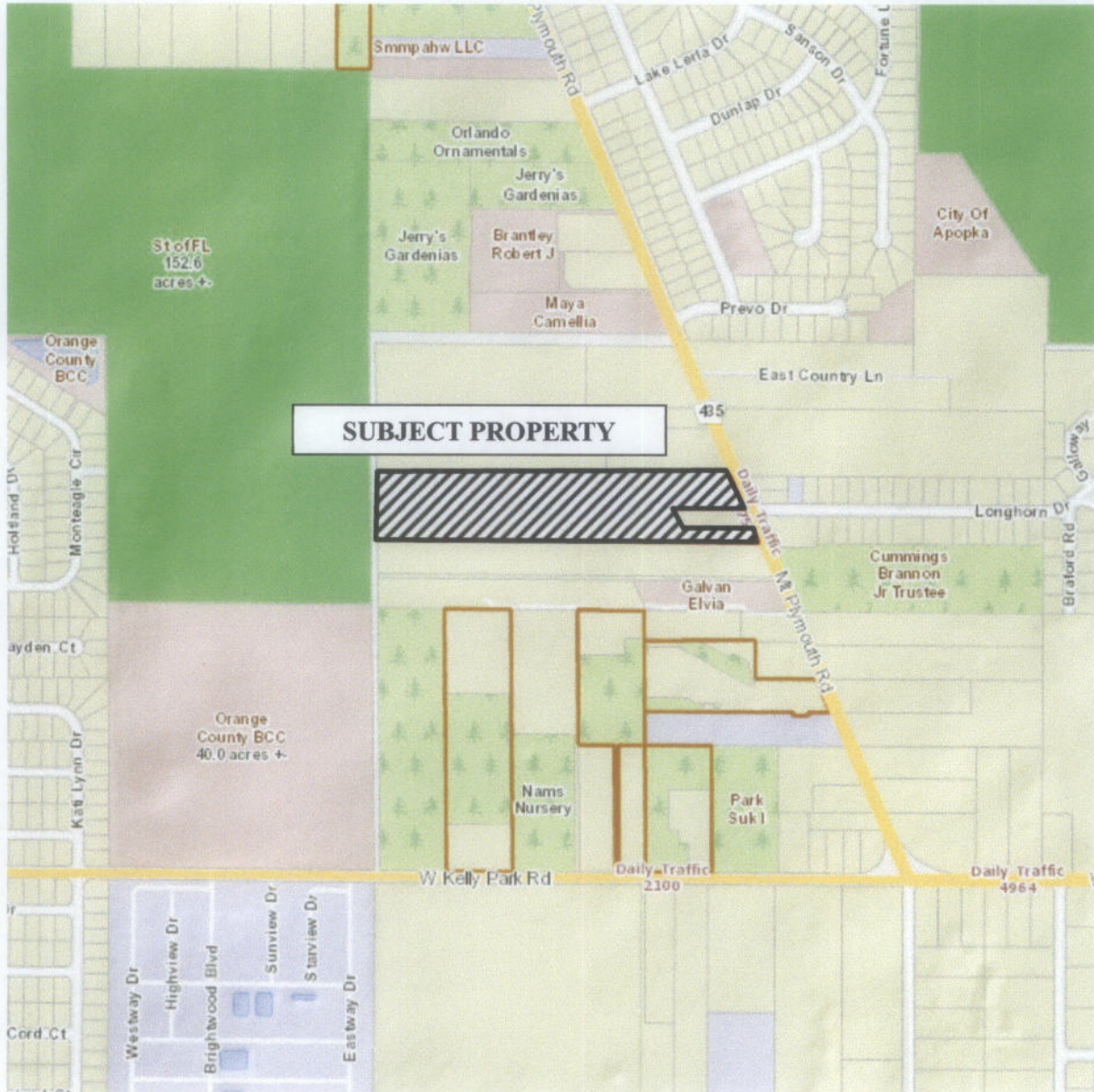
**ALLOWABLE
USES:**

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



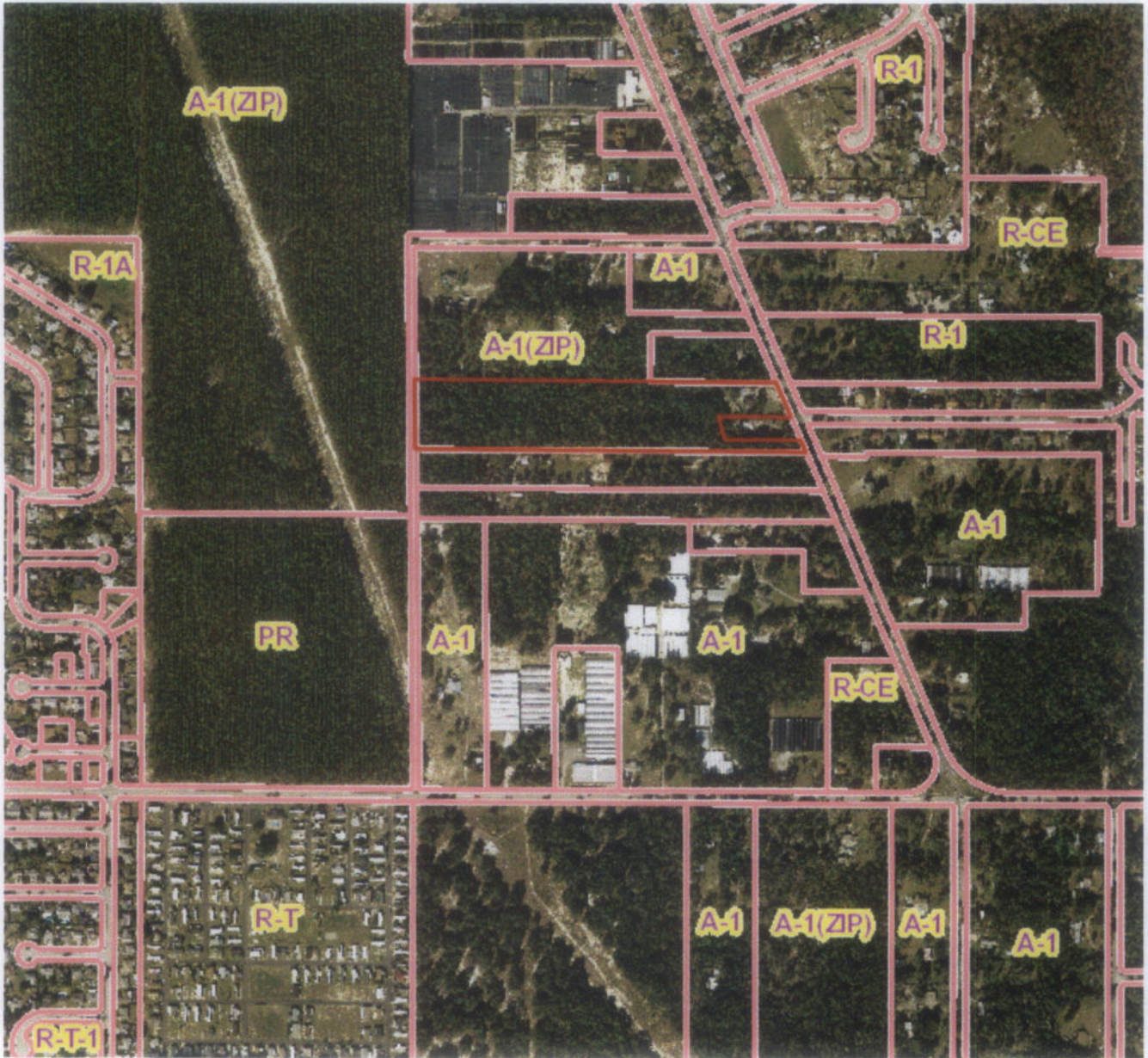
Romeo & Herminia Flaquer
4.04 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 09-20-28-7608-00-121

VICINITY MAP





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: R. A. & NANCY FOSTER (Case # 2015-1-14)

PARCEL ID NUMBERS: 07-20-28-0000-00-026 & 07-20-28-0000-00-027

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

SUMMARY

OWNER: RA & Nancy Foster
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of McGuire Road
EXISTING USE: Manufactured home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Manufactured home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 12.44 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance 1988.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 (County)	Rural	A-2	Horse farm
East (City)	Conservation	A-1 (ZIP)	Conservation (State of FL)
South (City)	Rural Settlement	A-1 (ZIP)	Single-family home
West (County)	Rural	A-1	Container nursery

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner 100 ft. (Non-Residential)

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 line.

ALLOWABLE

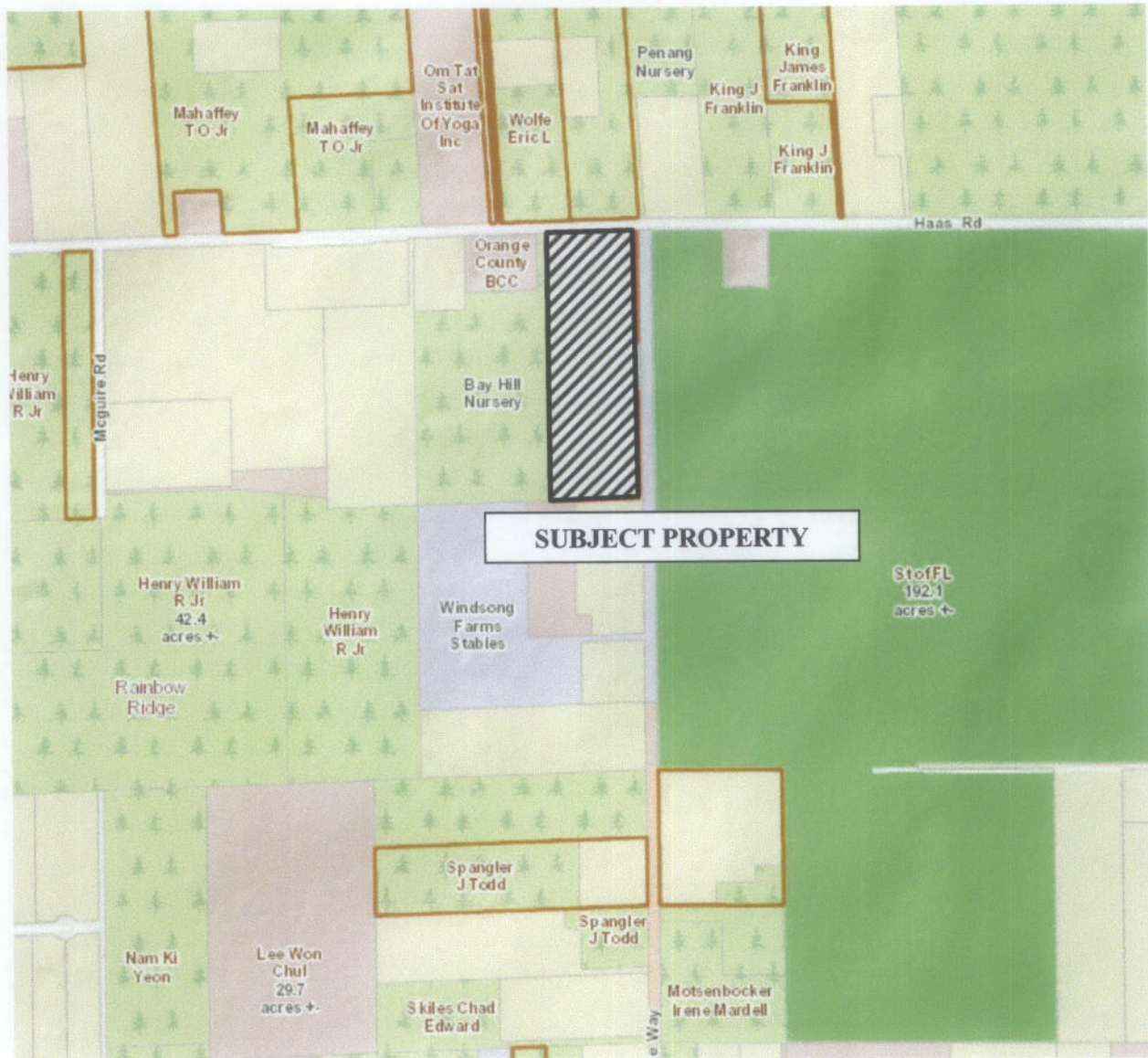
USES:

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



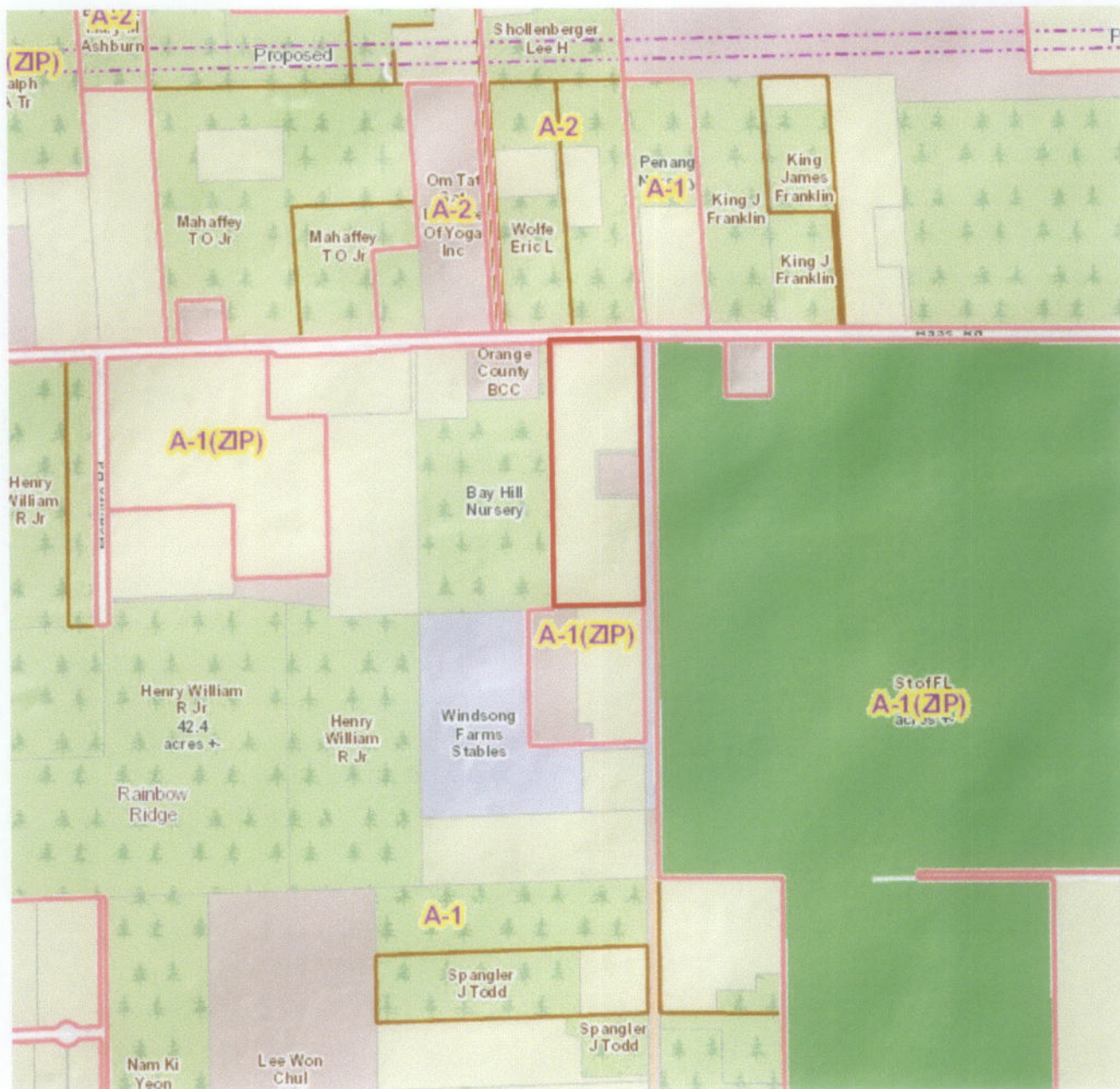
R. A. & Nancy Foster
12.44 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 07-20-28-0000-00-026 & 07-20-28-0000-00-027

VICINITY MAP



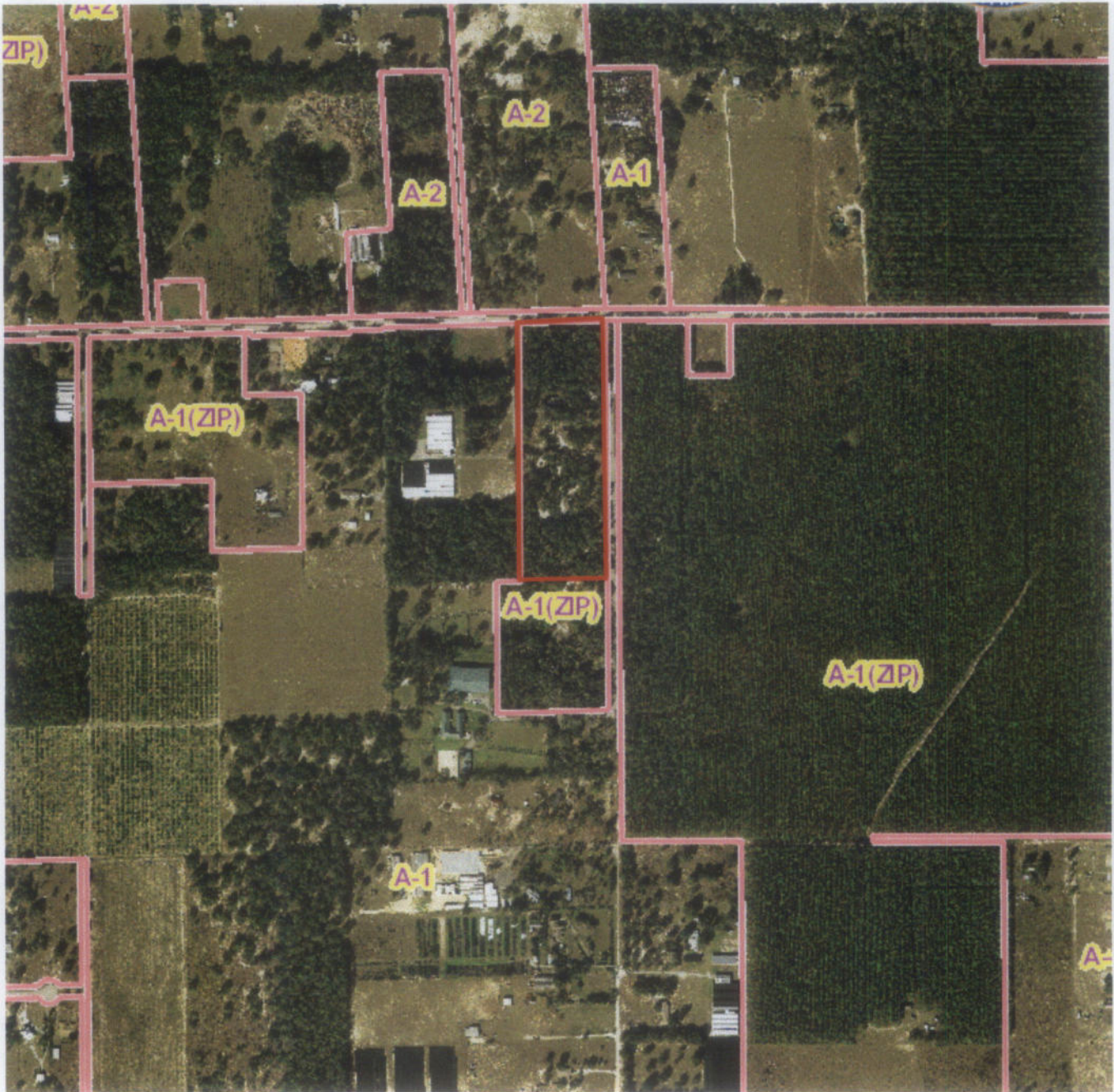


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: ELVIA GALVAN & ALVARO MAJARIEGOS (Case # 2015-1-15)

PARCEL ID NUMBERS: 09-20-28-7608-00-131& 09-20-28-7608-00-132

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Elvia Galvan & Alvaro Majariegos
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of McGuire Road
EXISTING USE: Manufactured home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Manufactured home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 6.76 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on May 16, 2007 by Ordinance 1922.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Single-family and grazing
South (County)	Rural Settlement	A-1	Single-family & manufactures homes
West (City)	Conservation	A-1 (ZIP)	Conservation

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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 line.

ALLOWABLE

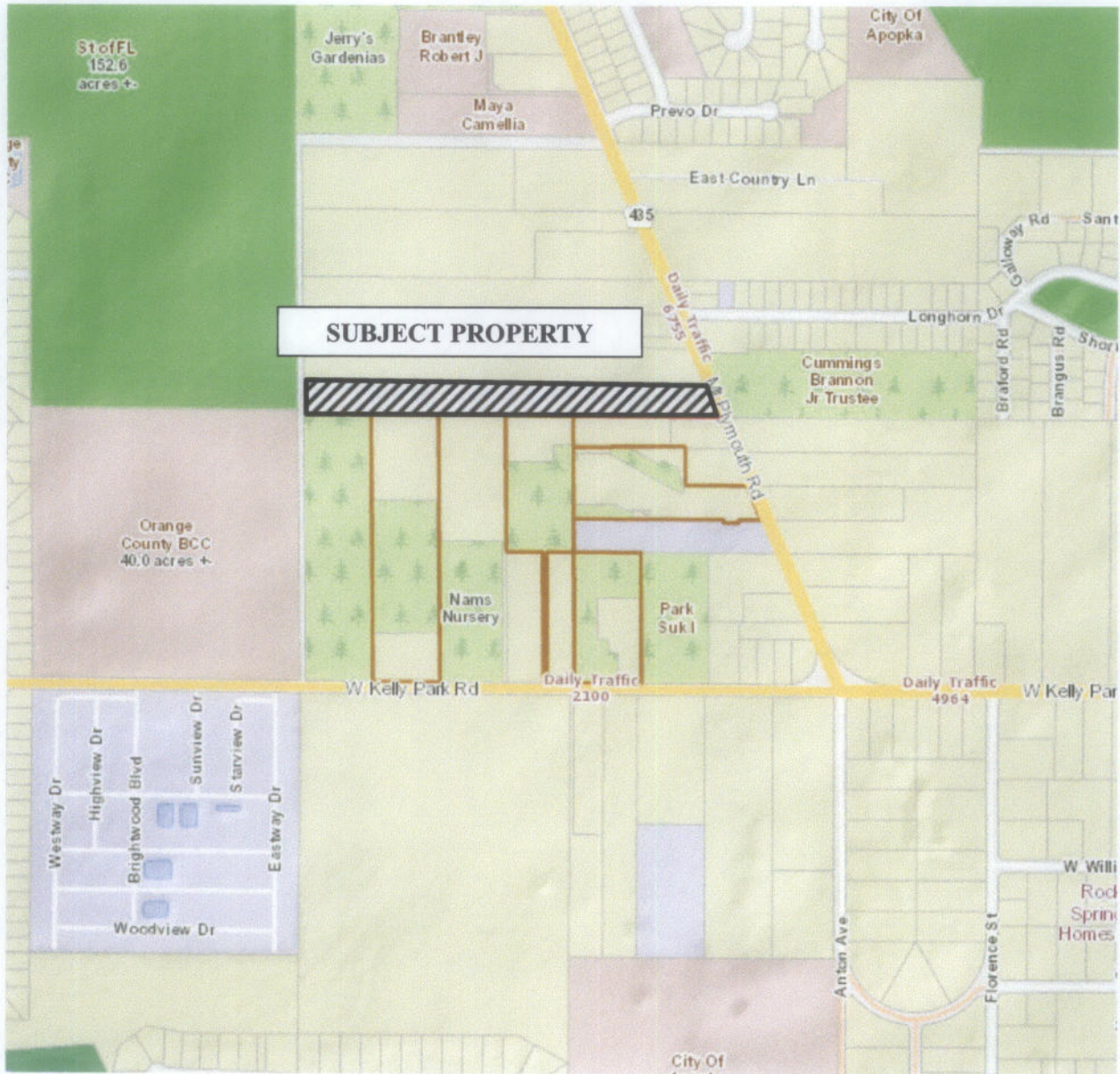
USES:

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



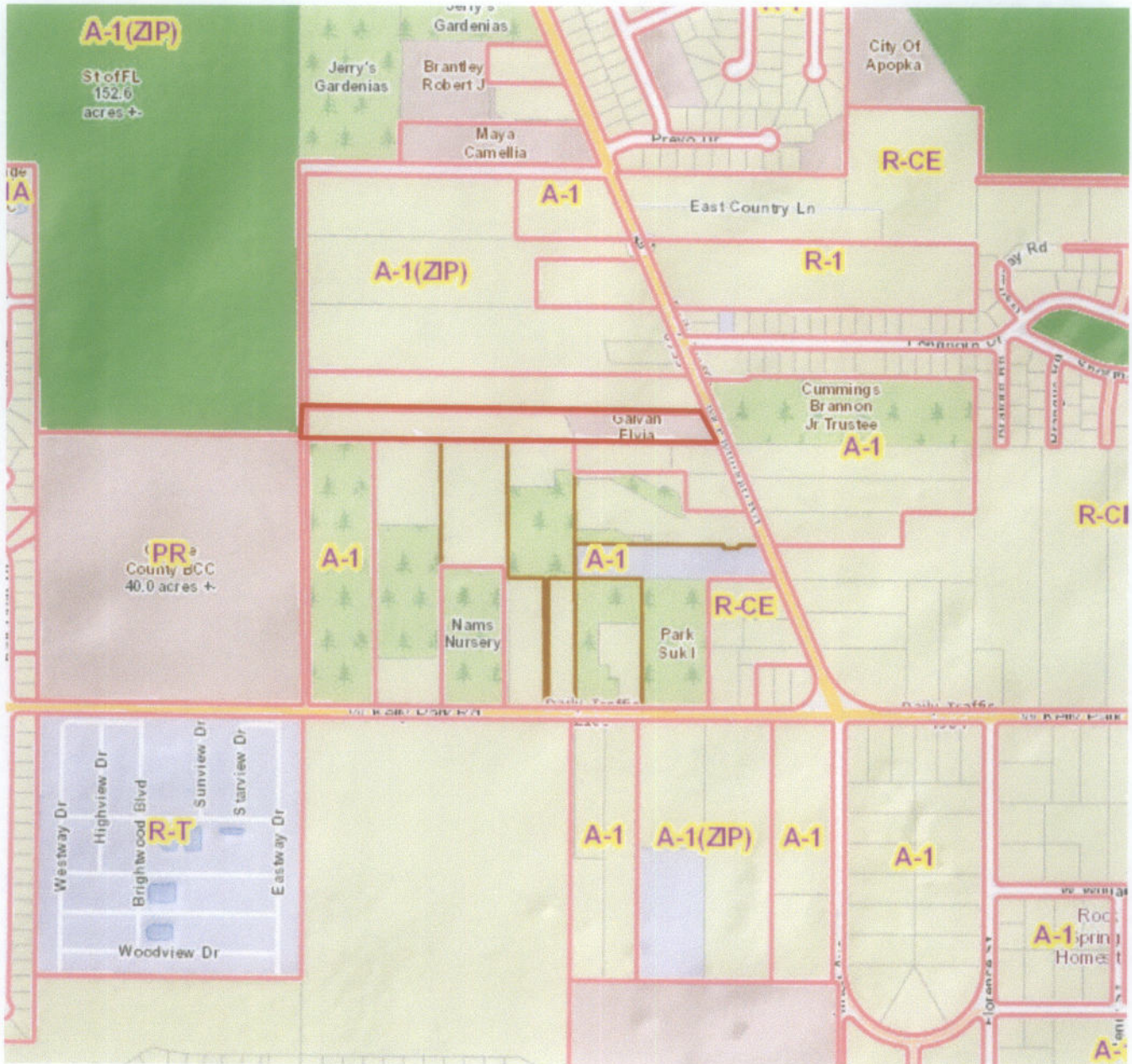
Elvia Galvan & Alvaro Majariegos
6.76 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 09-20-28-7608-00-131& 09-20-28-7608-00-132

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: BARRY GRIMM (Case # 2015-1-16)

PARCEL ID NUMBER: 12-20-27-0000-00-014

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

SUMMARY

OWNER: Barry Grimm
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, west of Effie Drive
EXISTING USE: Pet Cemetery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Pet Cemetery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 17.02 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on July 5, 2006, by Ordinance 1834.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)

February 4, 2015 - City Council (1:30 pm) - 1st Reading

February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad

February 6, 2015 - Ordinance Heading Ad

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 (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Single-family homes
South (City)	Mixed Use-EC	A-1 (ZIP)	Horse farm and grazing
West (City)	Mixed Use-EC	A-1 (ZIP)	Manufactured home and horse farm

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Haas Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home) 400 sq. ft. (mobile home)
Minimum Site Area:	At least 5 acres (or 217,800 sq. ft)
Minimum Lot Width	NA
Setbacks:	Front: 100 ft. (Non-Residential)
	Rear: 100 ft. (Non-Residential)
	Side: 100 ft. (Non-Residential)
	Corner 100 ft. (Non-Residential)

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 line.

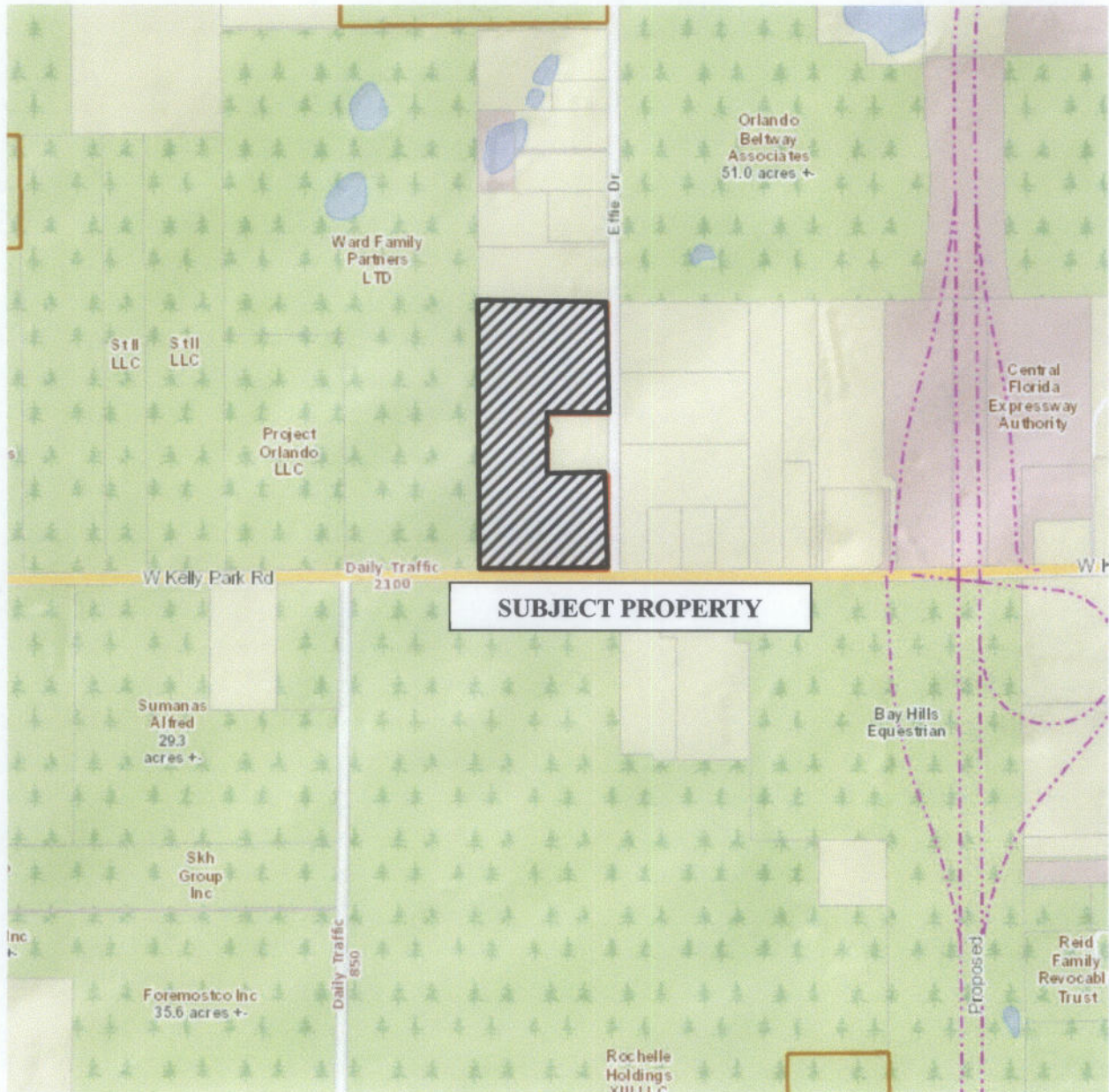
**ALLOWABLE
USES:**

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



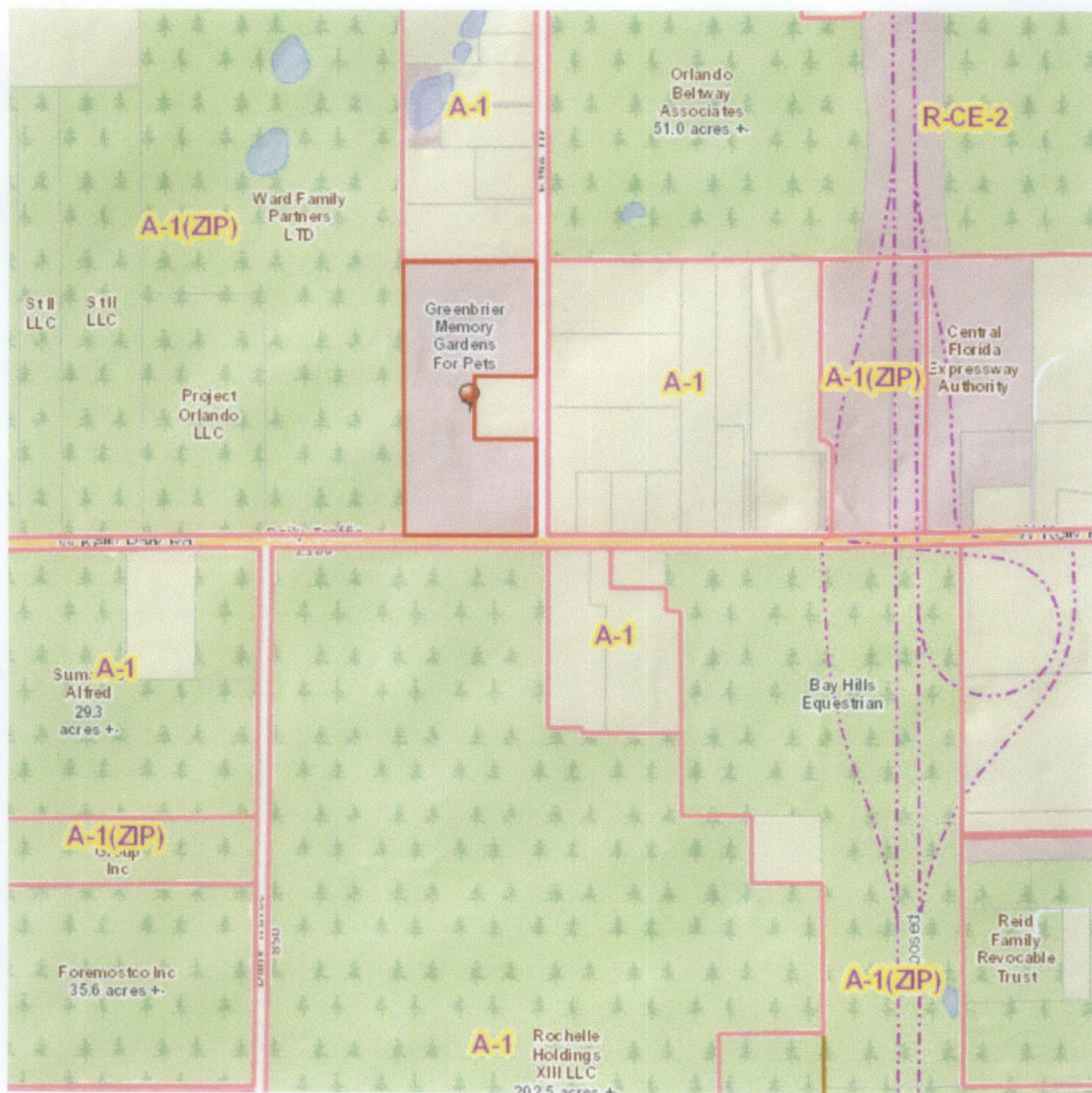
Barry Grimm
17.02 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 12-20-27-0000-00-014

VICINITY MAP



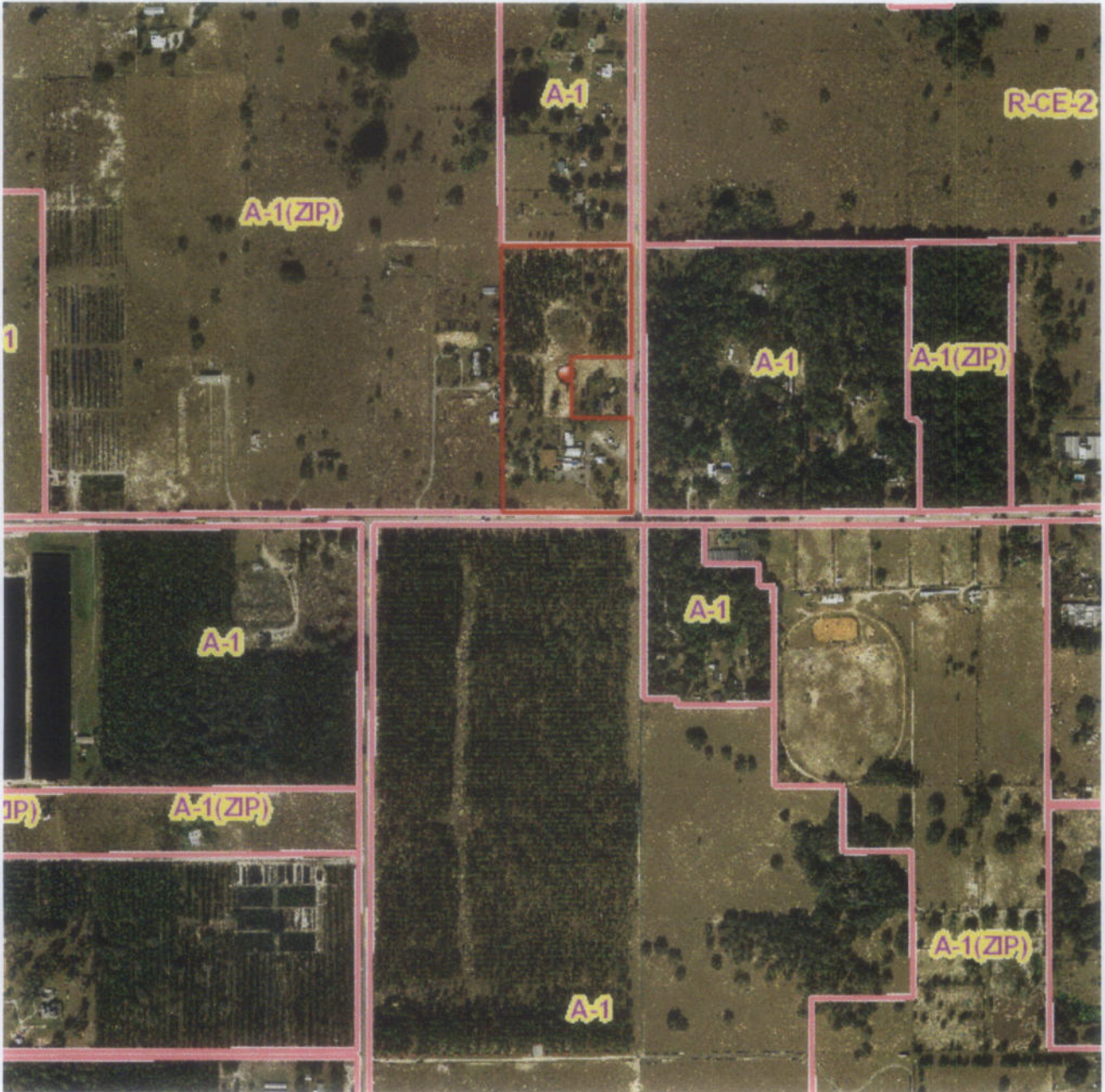


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: SCOTT & NANCY HINES (Case # 2015-1-17)

PARCEL ID NUMBERS: 07-20-28-0000-00-028 & 07-20-28-0000-00-056

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Scott & Nancy Hines
APPLICANT: City of Apopka
LOCATION: South of Haas Road, west of Foliage Way
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 9.16 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance 1997.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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	A-1 (ZIP)	Manufactured home
East (County)	Rural Settlement	A-1 (ZIP)	Manufactured home & state-owned land
South (County)	Rural	A-1	Single-family home
West (County)	Rural	A-1 & A-2	Container nursery and horse farm

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Haas Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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 line.

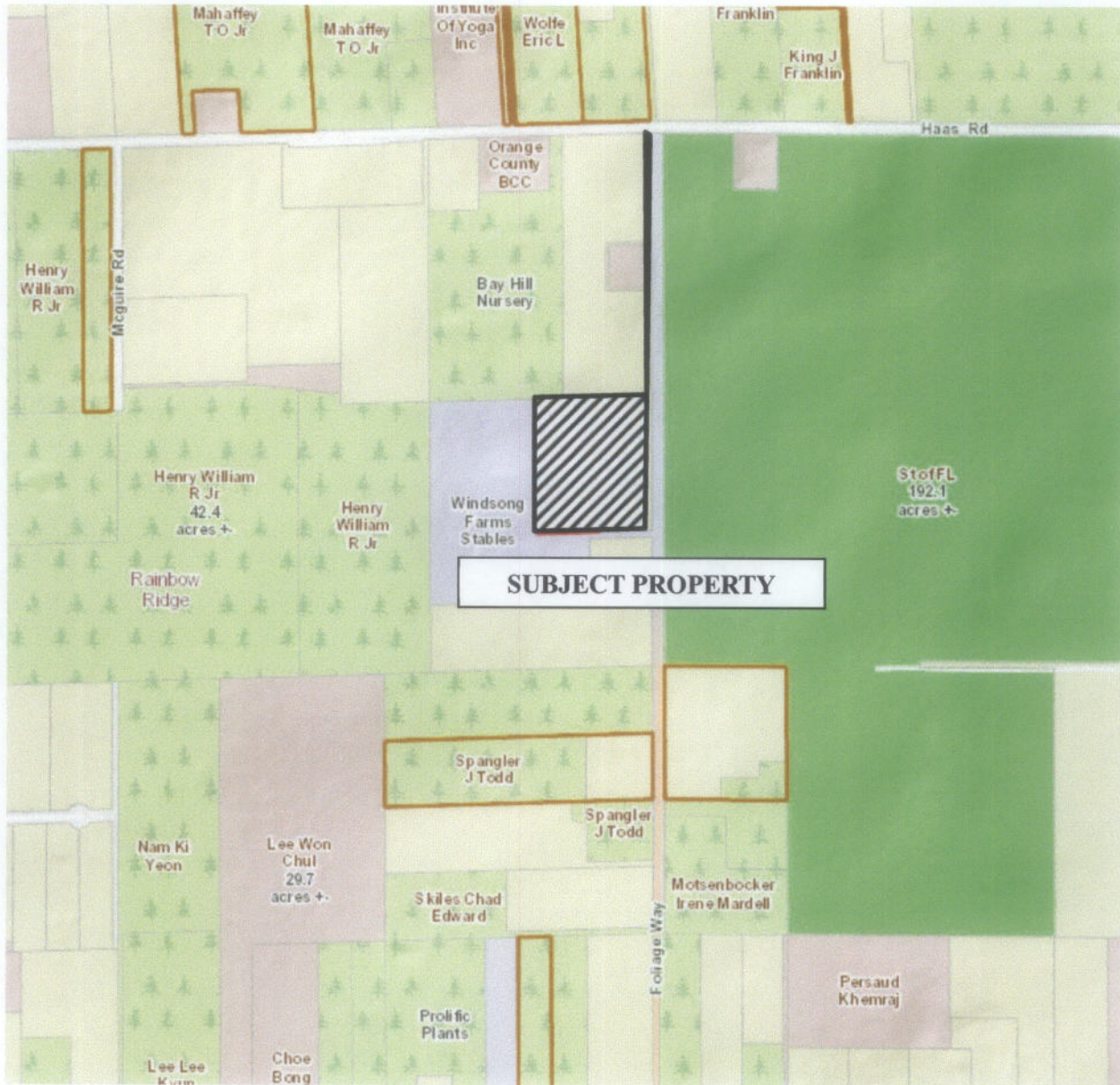
**ALLOWABLE
USES:**

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



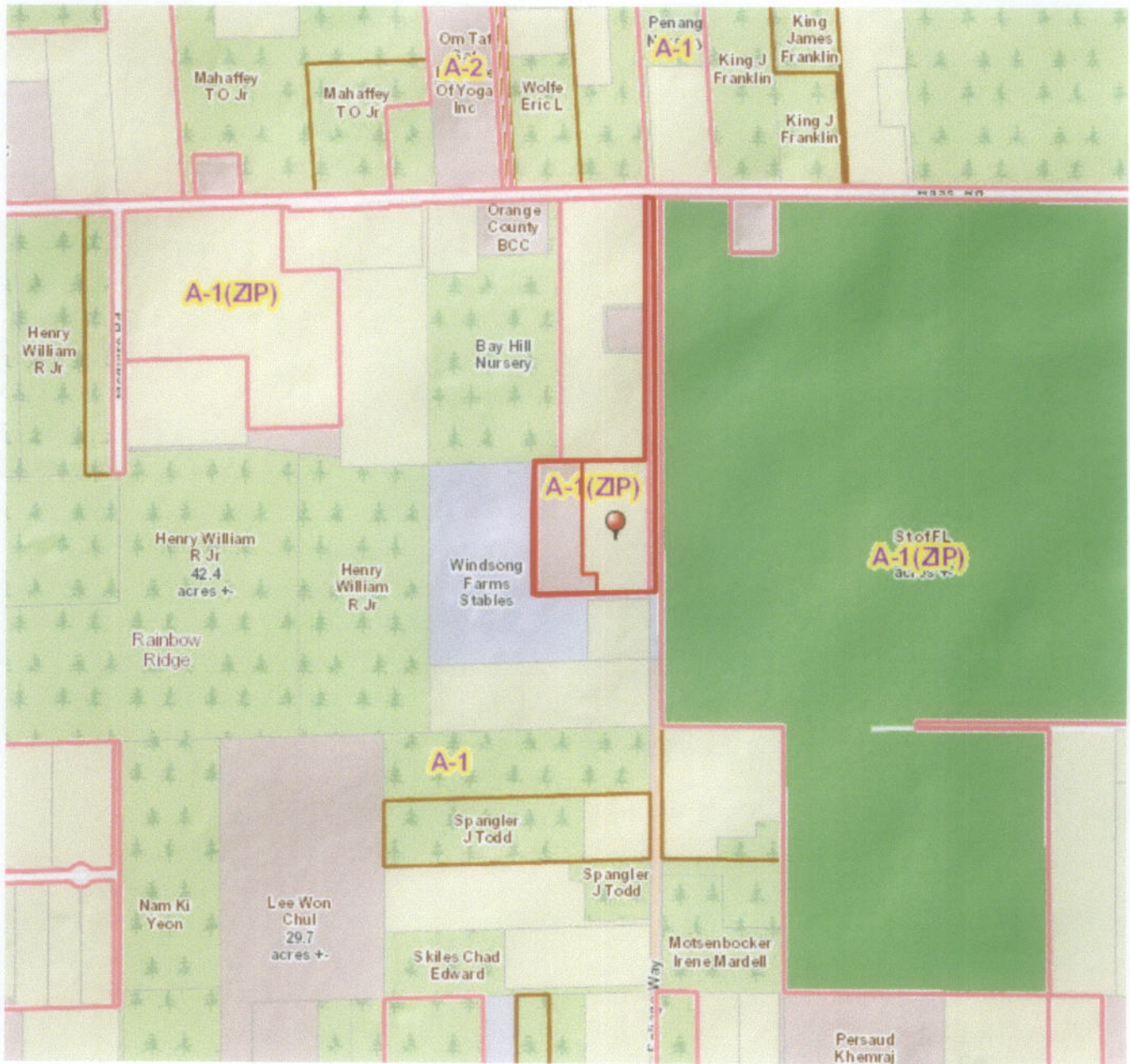
Scott & Nancy Hines
9.16 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 07-20-28-0000-00-028 & 07-20-28-0000-00-056

VICINITY MAP



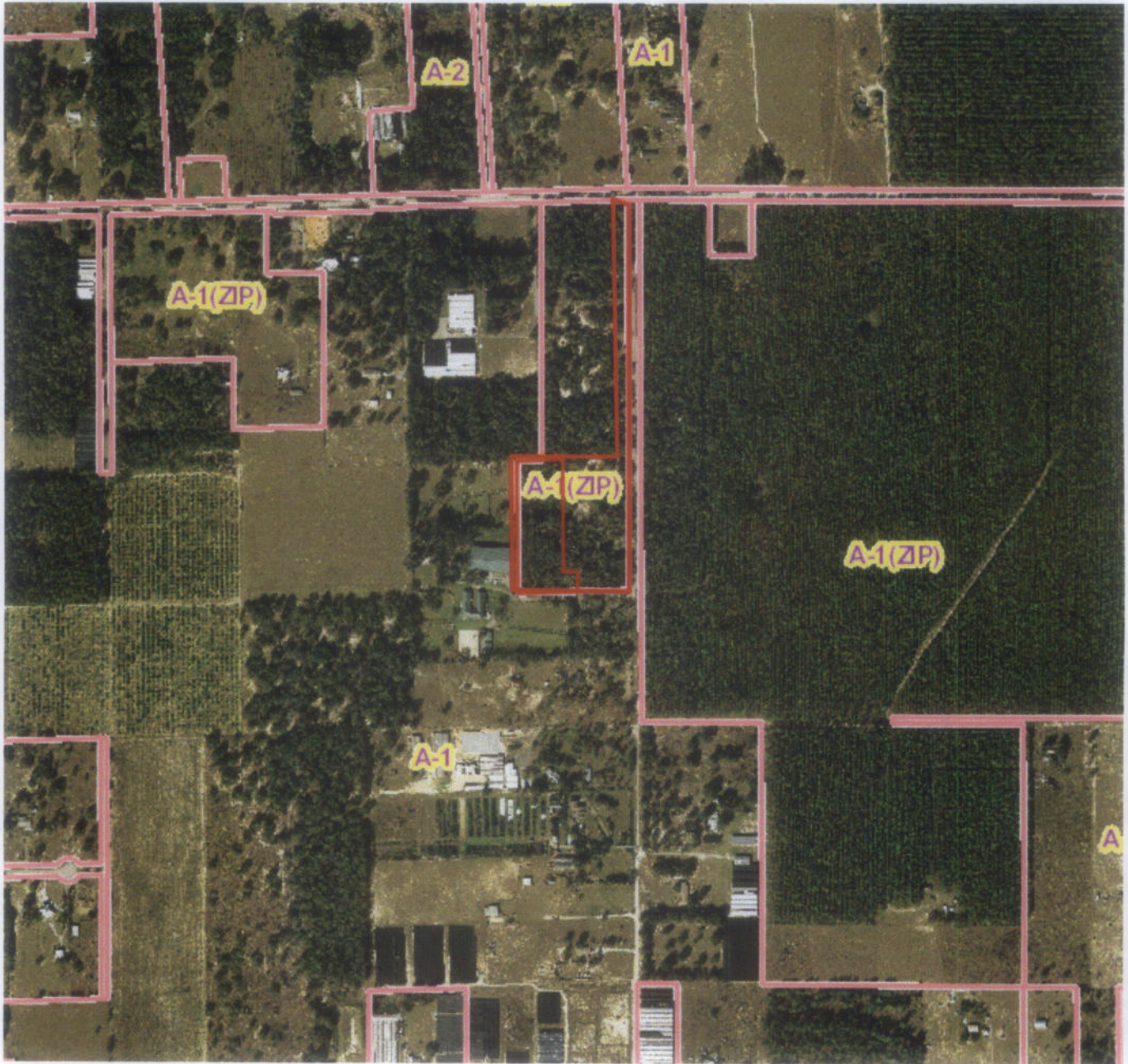


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: JOHN IAFRATE (Case # 2015-1-18)

PARCEL ID NUMBER: 07-20-28-0000-00-053

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: John Iafrate
APPLICANT: City of Apopka
LOCATION: South of Haas Road, west of Foliage Way
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 19.96 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 1, 2004 by Ordinance 1686.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 and County)	Rural Settlement & Rural	A-1 (ZIP) & A-2	Grazing & Retention
East (County)	Rural	A-1 (ZIP)	Manufactured & single-family home
South (County)	Rural	A-1	Grazing
West (County)	Rural	A-1	Single-family home

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

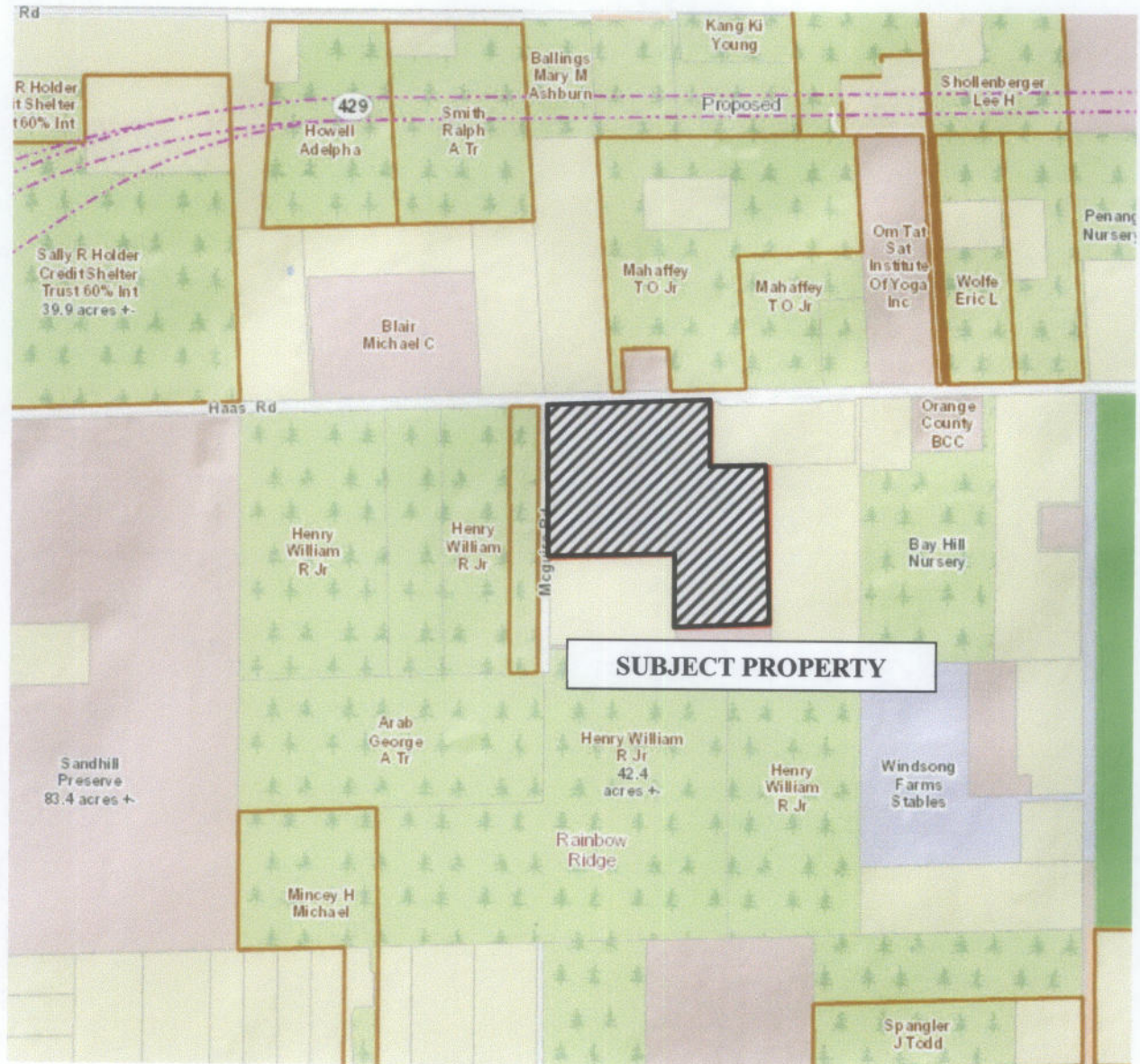
**ALLOWABLE
USES:**

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



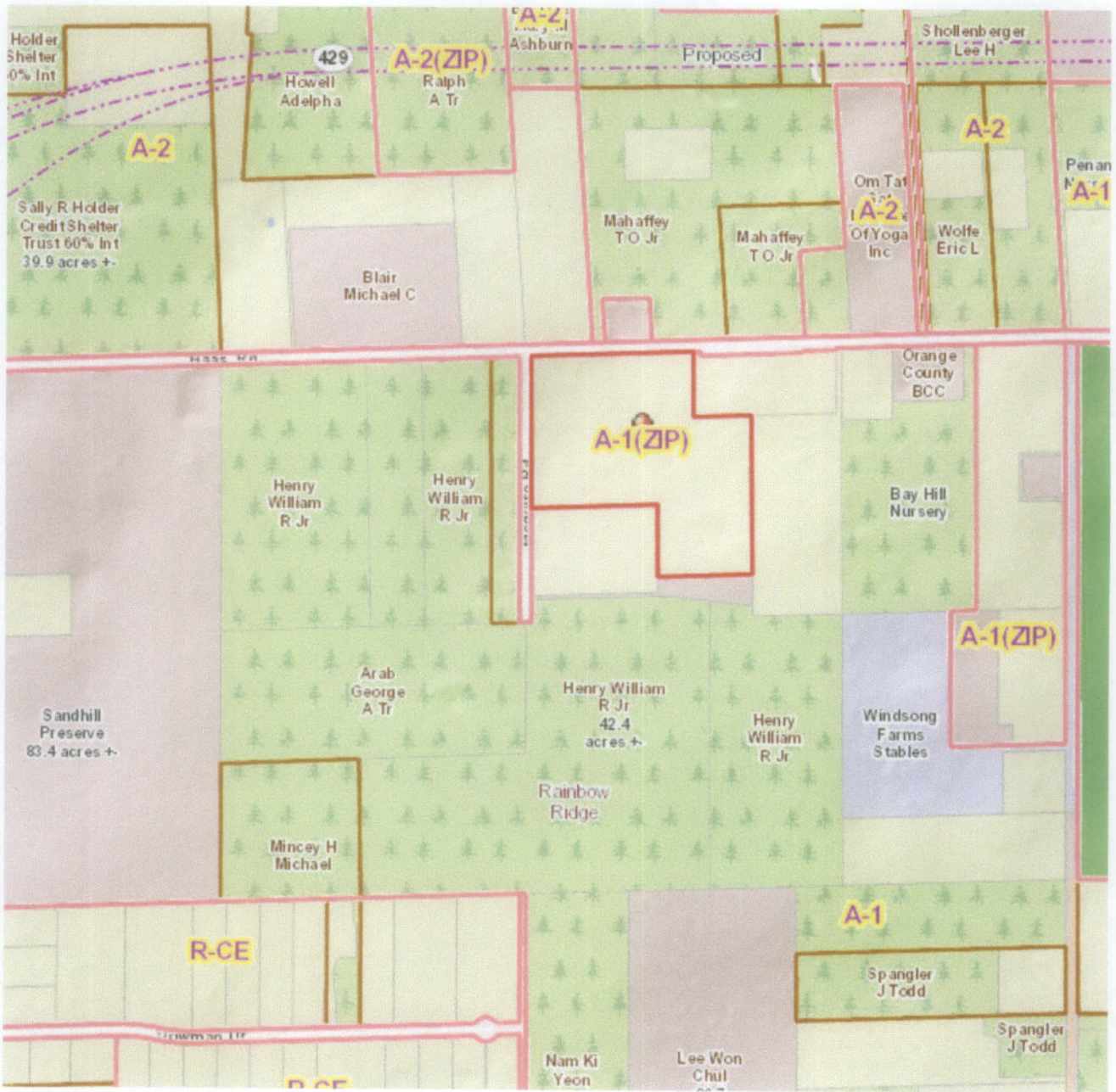
John Iafrate
19.96 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 07-20-28-0000-00-053

VICINITY MAP



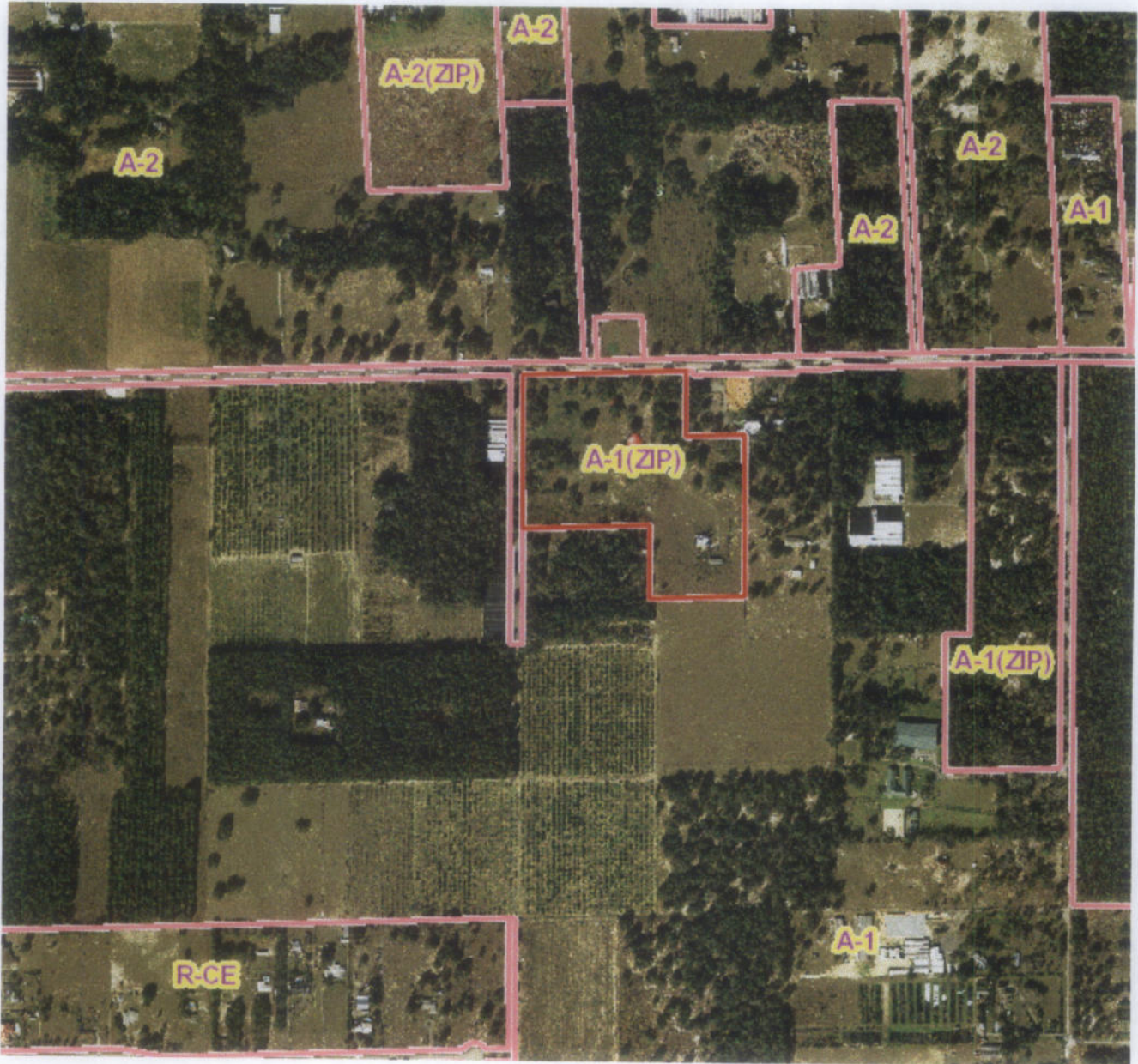


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: JJL PROPERTIES (Case # 2015-1-19)

PARCEL ID NUMBER: 05-20-28-0476-00-180

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

SUMMARY

OWNER: JJL Properties
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, east of Swain Road
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 7.14 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 1, 2004, by Ordinance 1686.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 and County)	Rural Settlement & Rural	A-1 (ZIP) & A-2	Grazing & Retention
East (City)	Agriculture	A-1 (ZIP)	St. Johns Water Management land
South (County)	Rural	A-1 (ZIP)	Retention and conservation
West (County)	Rural	A-1	Livestock & vacant

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

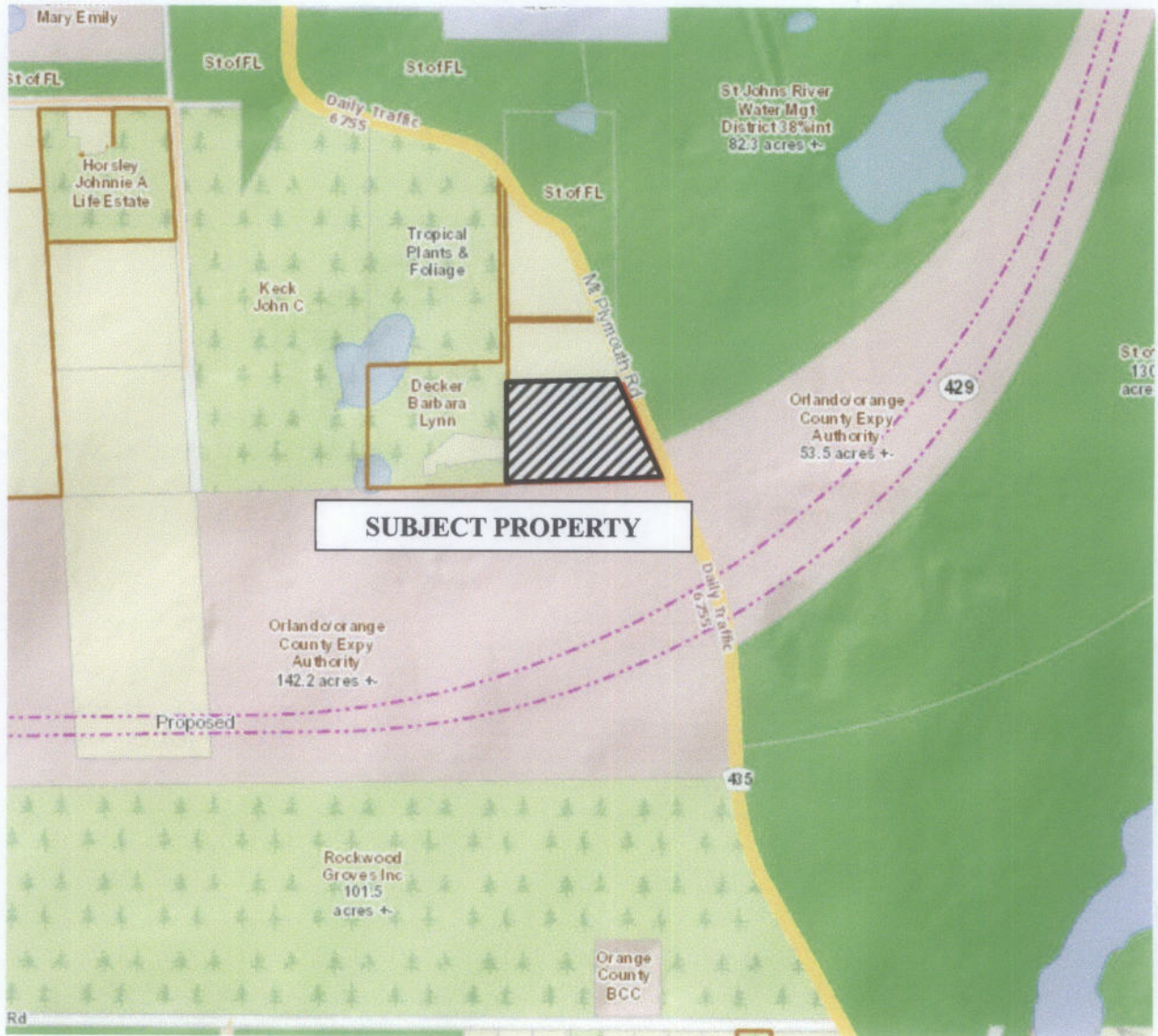
**ALLOWABLE
USES:**

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



JL Properties, Inc.
7.14 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 05-20-28-0476-00-180

VICINITY MAP



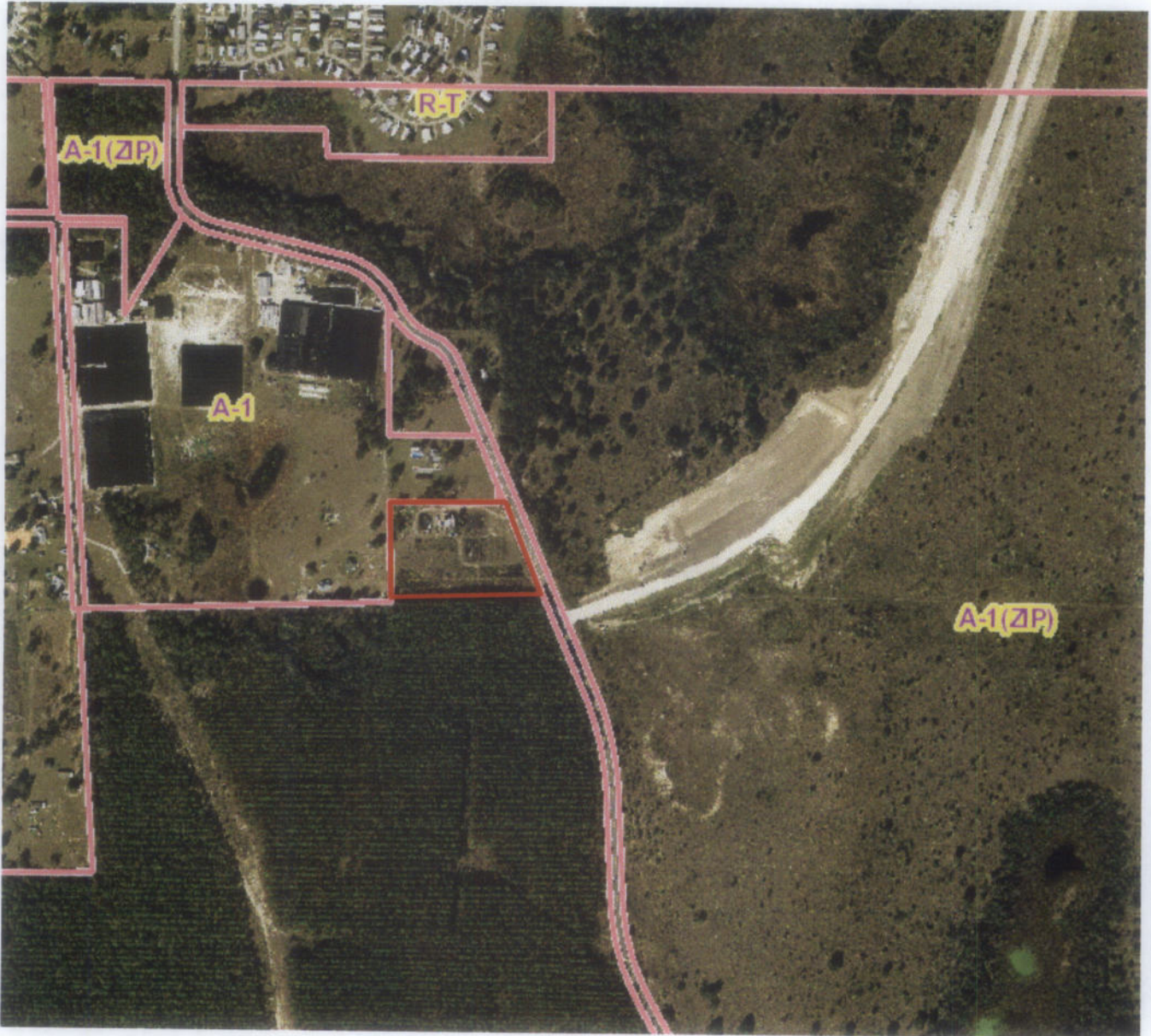


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: RICKY TILMAN & KAREN LYNN NELSON (Case # 2015-1-20)

PARCEL ID NUMBER: 09-20-28-7608-00-040

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

SUMMARY

OWNER: Ricky Tilman & Karen Lynn Nelson
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, south of Prevo Drive
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 7.28 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on November 16, 2005, by Ordinance 1778.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 and County)	Rural Settlement & Rural	A-1 (ZIP) & A-1	Manufactured home & container nursery
East (County)	Rural	A-1	Single-family home
South (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
West (County)	Rural Settlement	A-1 (ZIP)	State-owned land

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Mt. Plymouth Road.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner 100 ft. (Non-Residential)

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 line.

**ALLOWABLE
USES:**

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



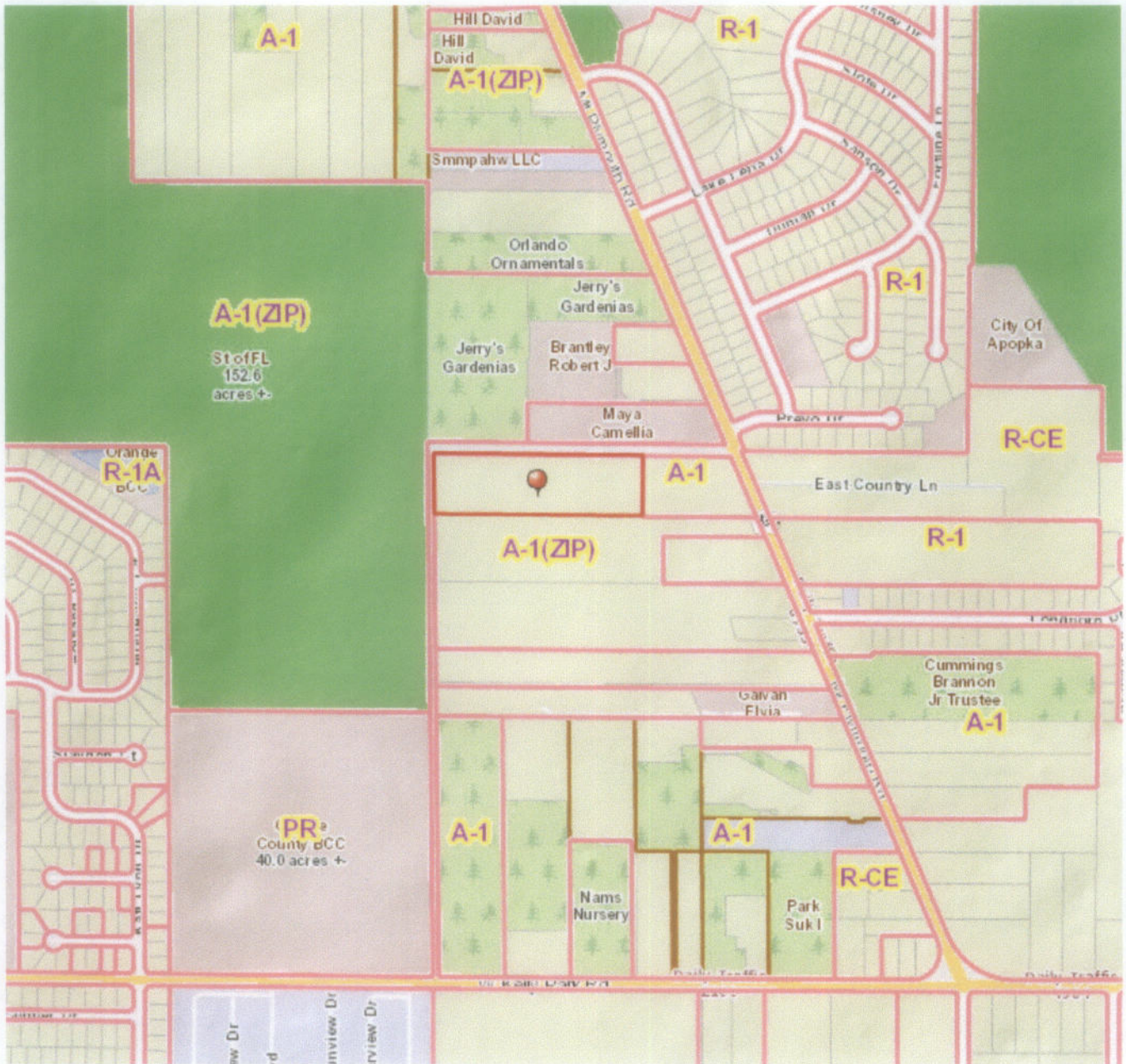
Ricky Tilman & Karen Lynn Nelson
7.28 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 09-20-28-7608-00-040

VICINITY MAP



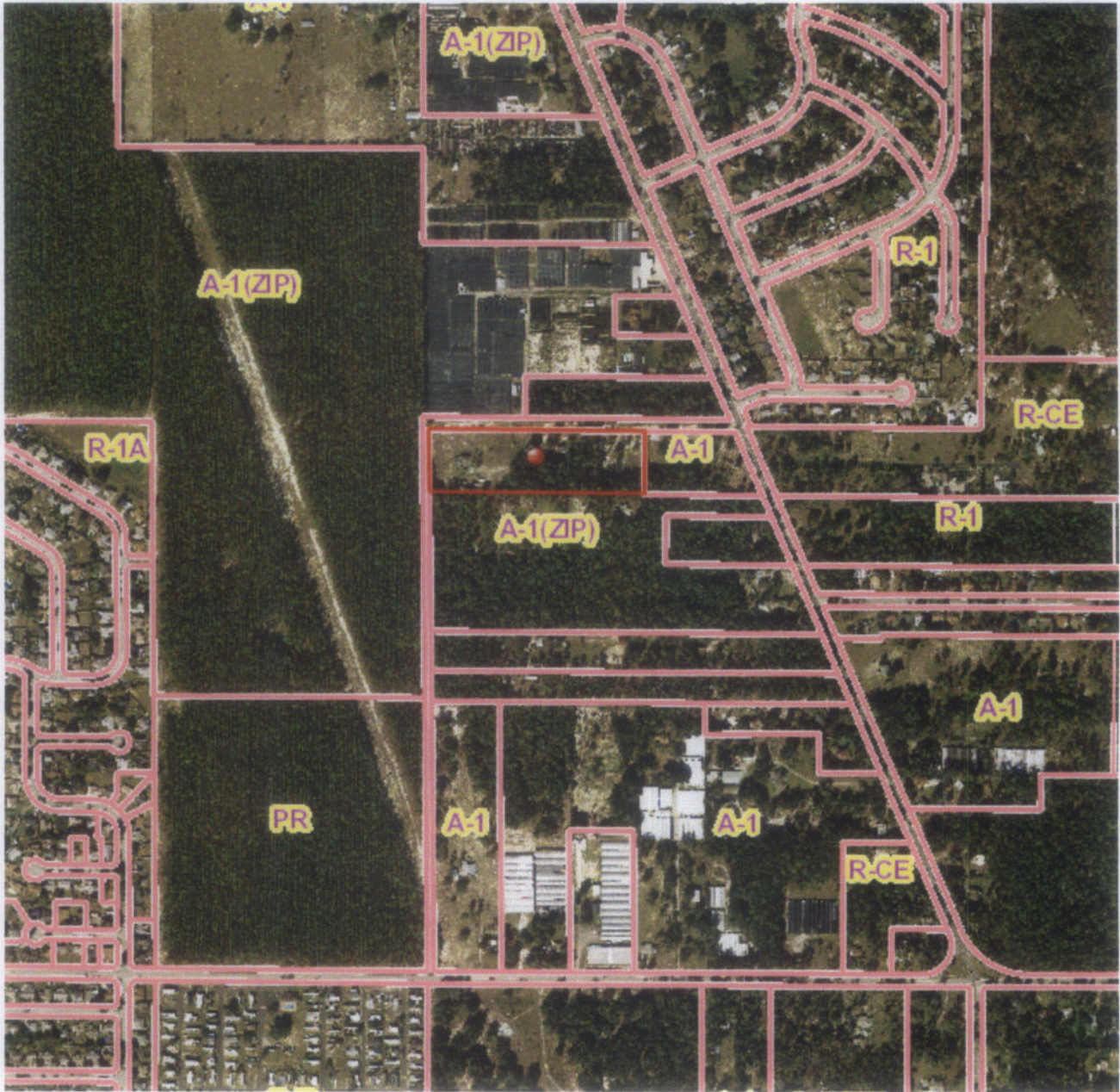


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	January 13, 2015
<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

SUBJECT: R. M. & MONICA M. POORBAUGH (Case # 2015-1-21)

PARCEL ID NUMBERS: 07-20-28-0000-00-008 & 07-20-28-0000-00-041

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

SUMMARY

OWNER: R. M. & Monica M. Poorbaugh

APPLICANT: City of Apopka

LOCATION: North of W Kelly Park Road, west of Jason Dwelley Parkway

EXISTING USE: Single-family home & container nursery

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

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family home & container nursery (existing)

PROPOSED ZONING: AG

TRACT SIZE: 14.63 acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on May 21, 2003 by Ordinance 1586.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 (County)	Rural	A-1	Container nursery
East (County)	Rural	A-1	Warehousing
South (City)	Residential Very Low Suburban	R-1AAA	Container nursery
West (County)	Rural	A-1	Container nursery

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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 line.

**ALLOWABLE
USES:**

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



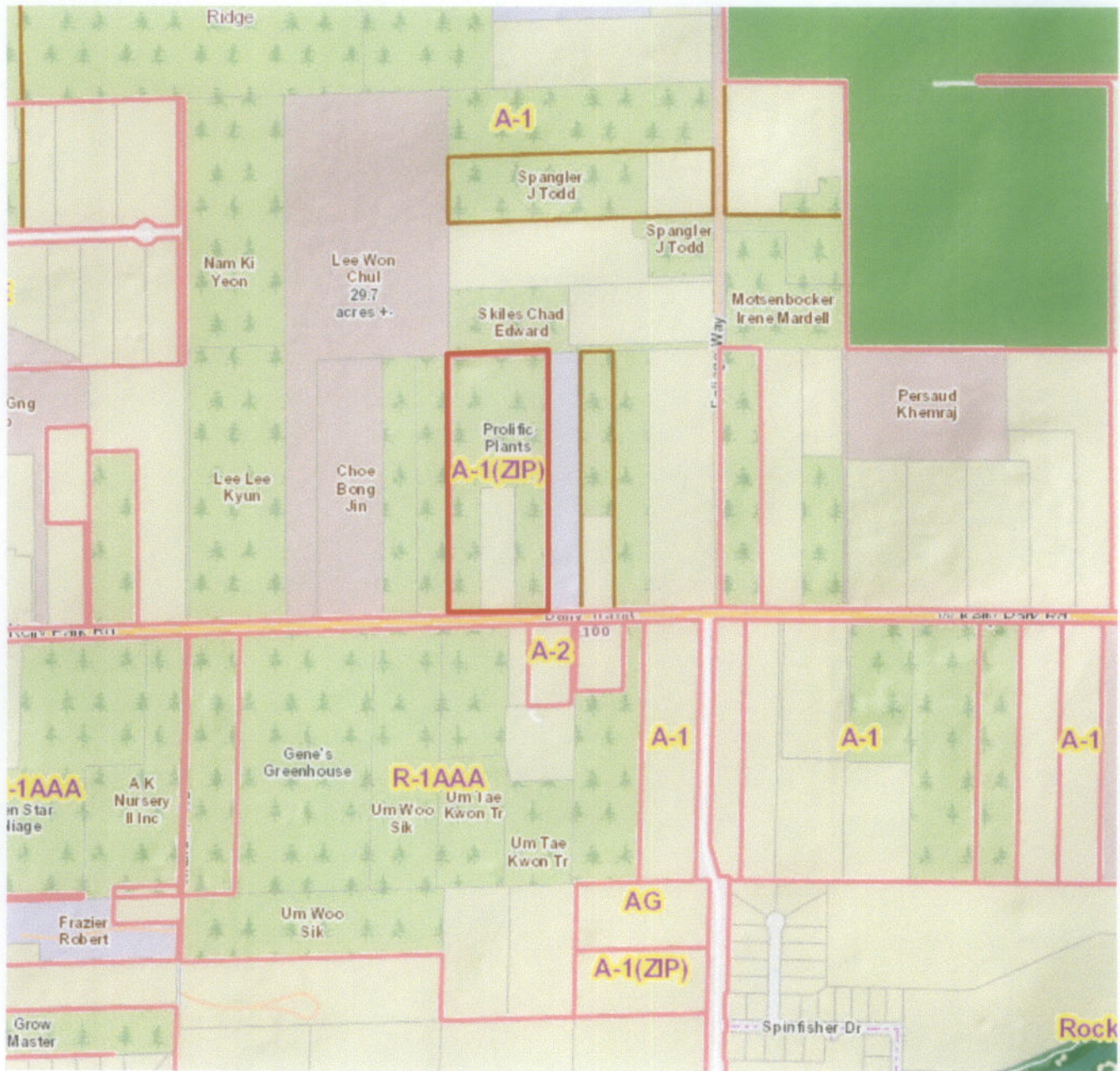
R. M. & Monica M. Poorbaugh
14.63 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 07-20-28-0000-00-008 & 07-20-28-0000-00-041

VICINITY MAP



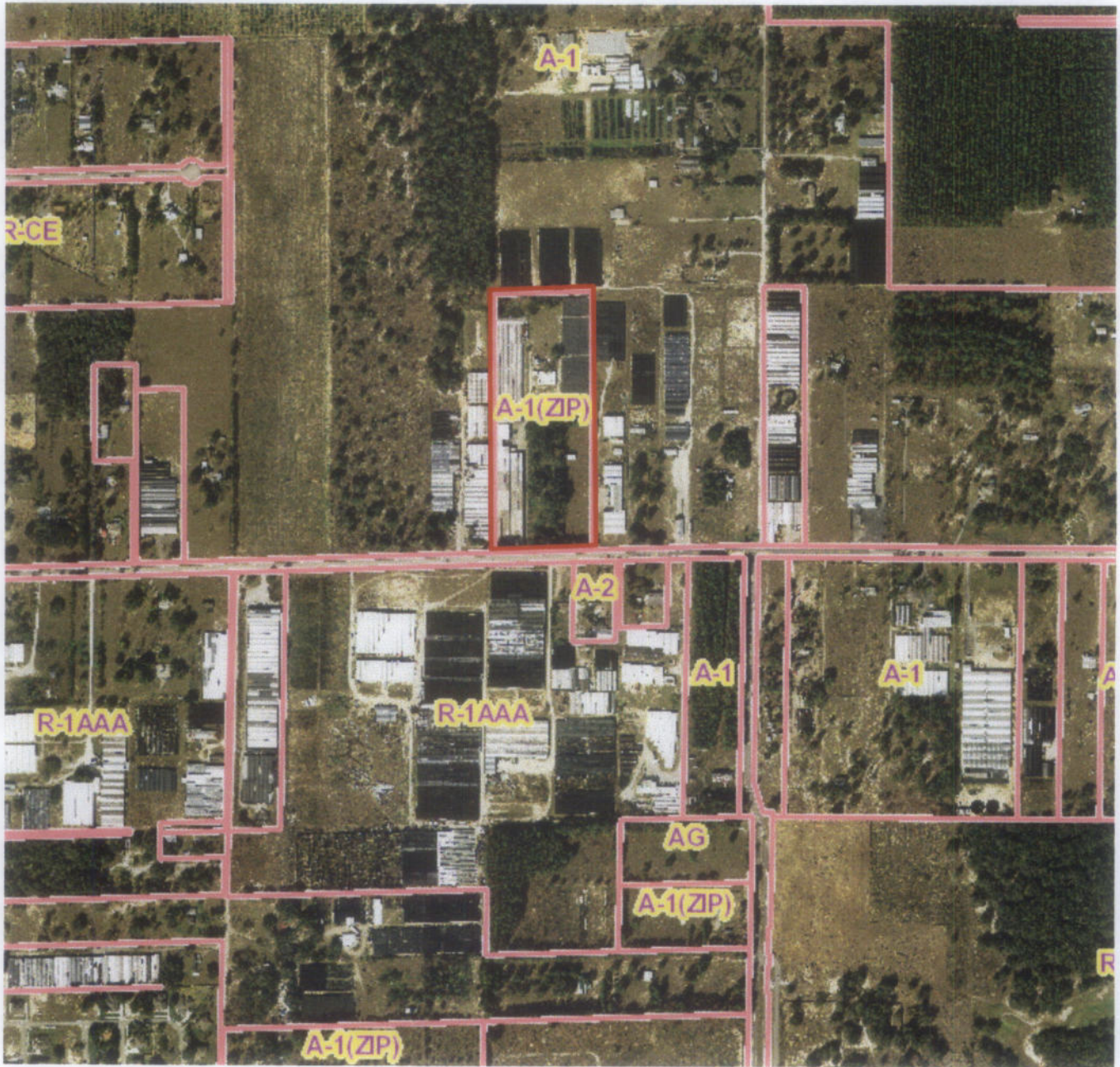


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: MARY EMILY SHANNON (Case # 2015-1-22)

PARCEL ID NUMBERS: 05-20-28-0000-00-022 & 05-20-28-0476-00-041

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

SUMMARY

OWNER: Mary Emily Shannon
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, north of Swain Road
EXISTING USE: Vacant
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Vacant (existing)
PROPOSED ZONING: AG
TRACT SIZE: 15.28 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance 1992.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 (Lake County)			Lake County line/single-family homes
East (City)	Agriculture	A-1 (ZIP)	State-owned land
South (County)	Rural	A-1	Single-family and grazing
West (County)	Rural	A-1	Manufactured home

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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 line.

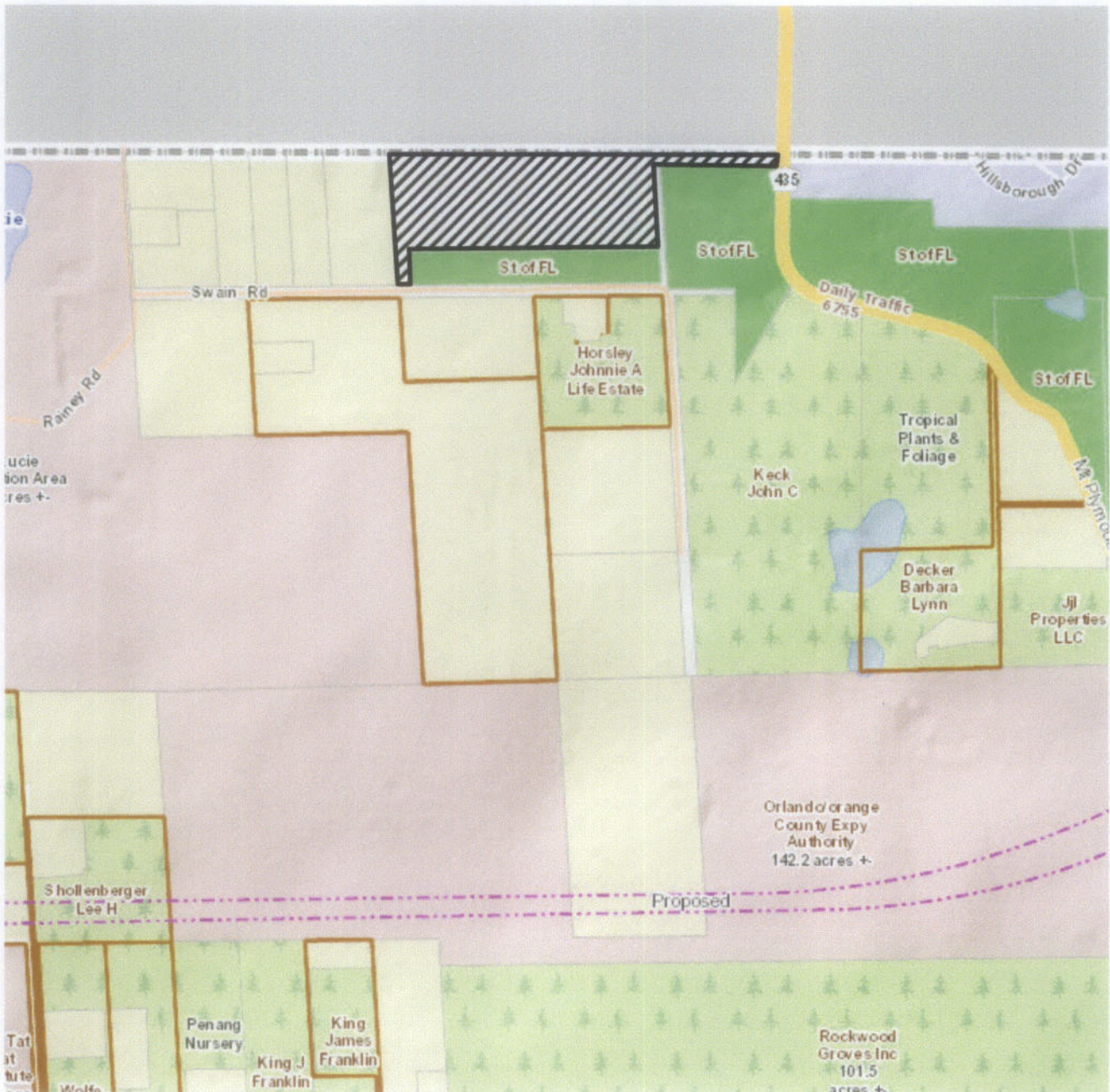
**ALLOWABLE
USES:**

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



Mary Emily Shannon
15.28 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 05-20-28-0000-00-022 & 05-20-28-0476-00-041

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	January 13, 2015
<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

SUBJECT: ALFRED & ROSE MARIE KAGER LIFE ESTATE (Case 2015-1-23)

PARCEL ID NUMBER: 13-20-27-0000-00-063

Request: ADMINISTRATIVE REZONING
FROM: "County" A-2 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Alfred & Rose Marie Kager Life Estate

APPLICANT: City of Apopka

LOCATION: West of Plymouth Sorrento Road, south of Joey McGuckin Road

EXISTING USE: Grazing

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

ZONING: A-2 (ZIP)

PROPOSED DEVELOPMENT: Grazing (existing)

PROPOSED ZONING: AG

TRACT SIZE: 7.93 acres

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

DISTRIBUTION

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

ADDITIONAL COMMENTS:

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 and made a part of the minutes of this meeting.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family homes
East (County)	Rural	A-2	Single-family home
South (City)	Residential Very Low Suburban	R-1AAA	Container nursery
West (City)	Mixed Use-EC	A-1 (ZIP)	Horse farm

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

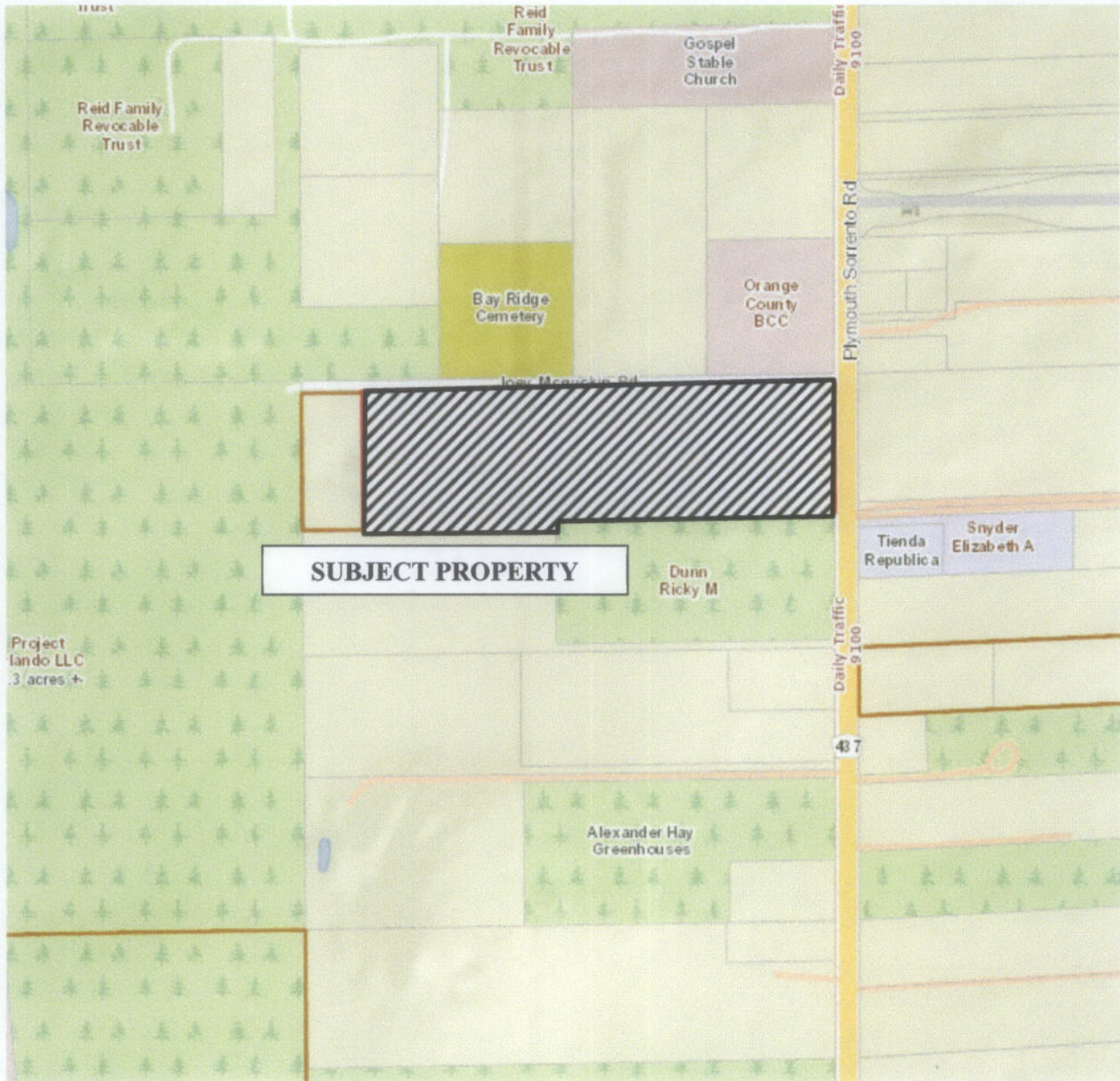
**ALLOWABLE
USES:**

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



Alfred & Rose Marie Kager Life Estate
8.53 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 13-20-27-0000-00-063

VICINITY MAP





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: VIRGINIA H. MAPLE LIFE ESTATE & DONNA M. MCCREE (2015-1-24)

PARCEL ID NUMBERS: 22-20-28-0000-00-019, 22-20-28-0000-00-025 & 22-20-28-0000-00-045

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

SUMMARY

OWNER: Virginia H. Maple Life Estate & Donna M. McCree
APPLICANT: City of Apopka
LOCATION: East of Rock Springs Road, south of Kentucky Blue Circle
EXISTING USE: Single-family home & container nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-2 (ZIP)
PROPOSED DEVELOPMENT: Single-family home & container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 19.86 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on March 7, 2003, by Ordinance No. 1587.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 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)	Parks & Recreation/Open Space	A-2	Wekiva Springs State Park
East (County)	Parks & Recreation/Open Space	A-2	Nursery
South (County)	Rural	A-2	Single-family home
West (City)	Residential Estates	PUD	Single-family homes

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (North Rock Springs Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

**ALLOWABLE
USES:**

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



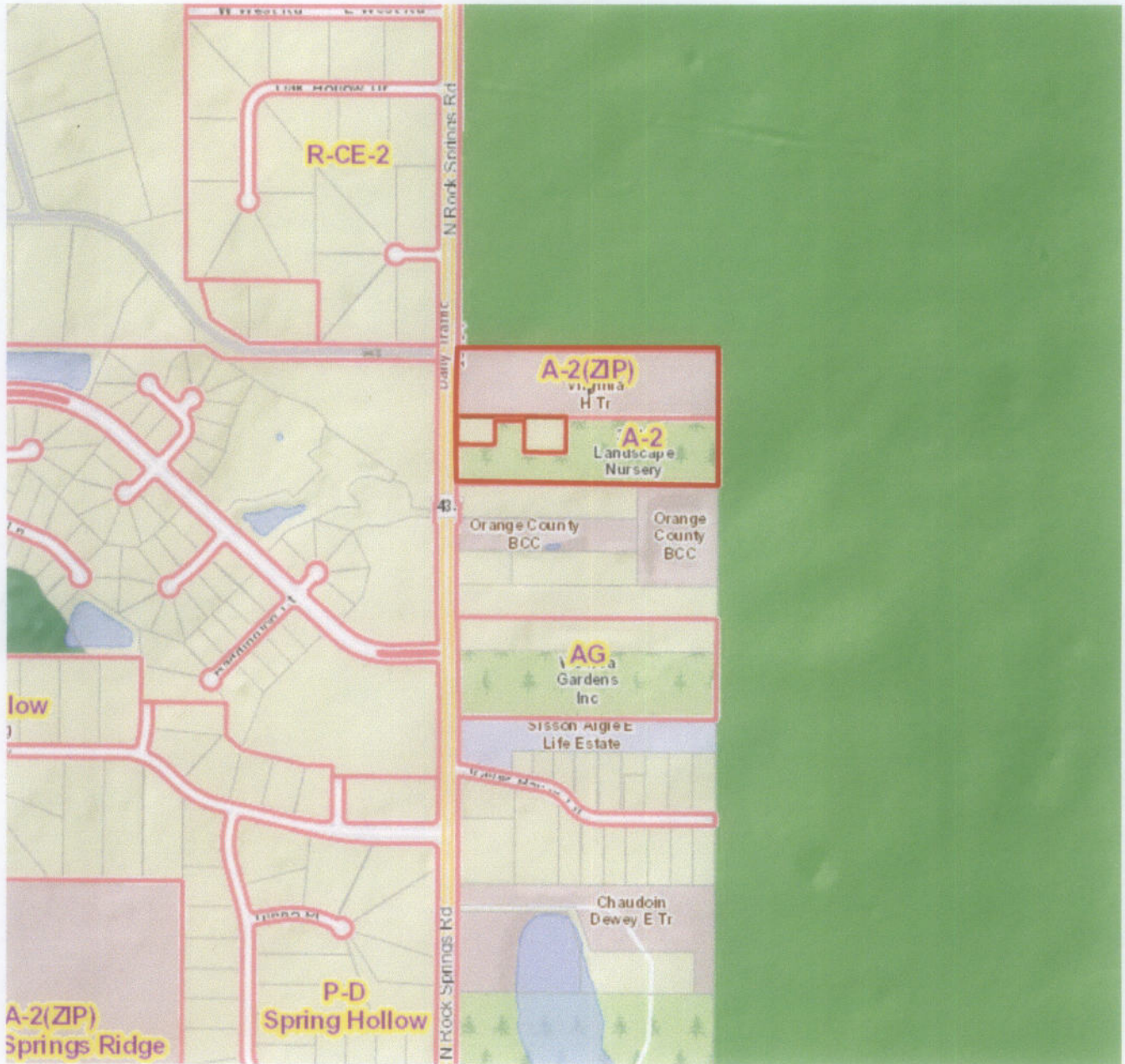
Virginia H. Mapel Life Estate & Donna McCree
19.86 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 22-20-28-0000-00-019, 22-20-28-0000-00-025
& 22-20-28-0000-00-045

VICINITY MAP





ADJACENT ZONING





ADJACENT ZONING





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: ROY & PATRICIA A. VALDEZ (Case # 2015-1-25)

PARCEL ID NUMBER: 13-20-27-0000-00-035

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

SUMMARY

OWNER: Roy & Patricia A. Valdez
APPLICANT: City of Apopka
LOCATION: West of Plymouth-Sorrento Road, south of Joey McGuckin Road
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-2 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 9.41 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the city on February 7, 2007, by Ordinance No. 1891.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. 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.

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 impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

JOINT PLANNING AREA/OVERLAY: The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city zoning overlay 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 December 16, 2014.

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:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

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 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 Very Low Suburban	R-1AAA	Single-family homes
East (City)	Residential Very Low Suburban	R-1AAA	Single-family homes
South (County)	Rural	A-2	Grazing
West (County)	Rural	A-1	Vacant

LAND USE &

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

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) 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 home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

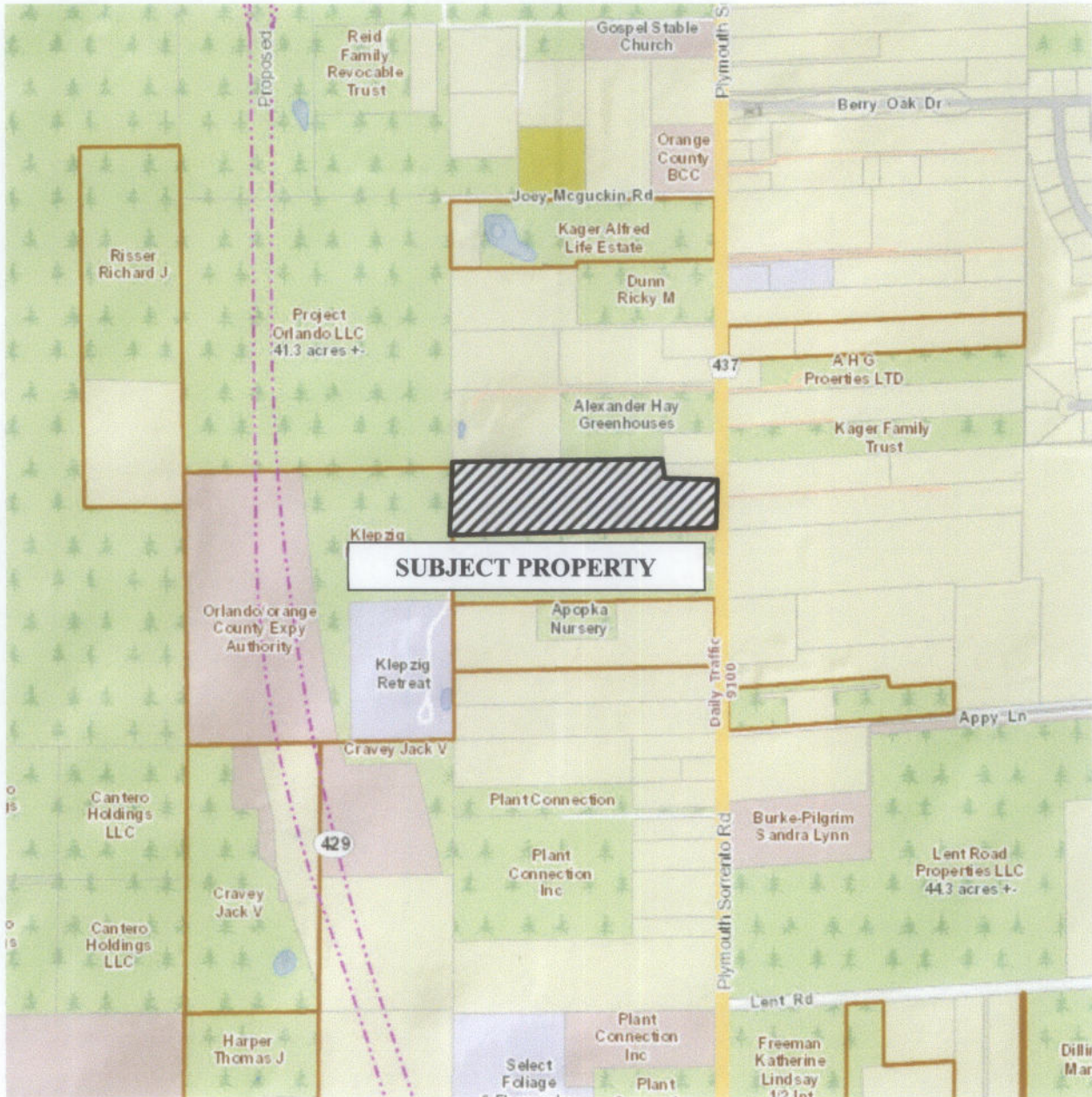
**ALLOWABLE
USES:**

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



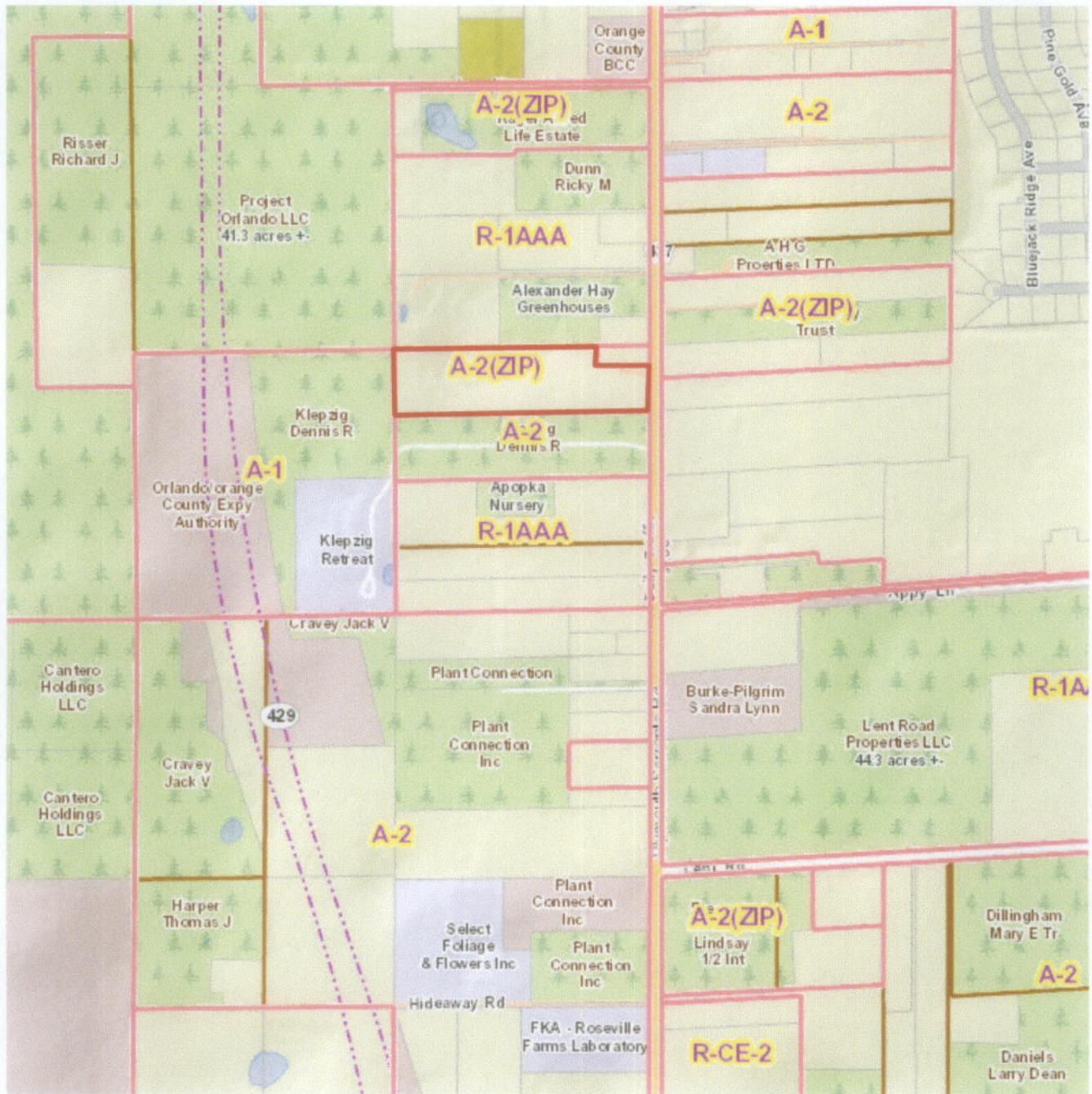
Roy & Patricia A Valdez
9.41 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 13-20-27-0000-00-035

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**



Backup material for agenda item:

2. CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC, from “County” PD (ZIP) (Residential) to “City” R-1AAA (Residential) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, 03-21-28-0000-00-119)



**CITY OF APOPKA
PLANNING COMMISSION**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: January 13, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Supporting LDC information
Legal Opinion

SUBJECT: FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – CHANGE OF ZONING - FROM “COUNTY” PD TO “CITY” R-1AAA

PARCEL ID NUMBERS: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119

Request: RECOMMEND APPROVAL OF THE FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC CHANGE OF ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA

SUMMARY

OWNER/APPLICANT: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee
LOCATION: South of Sandpiper Street, west of North Thompson Road, east of Ustler Road
EXISTING USE: Abandoned Single Family Homes
CURRENT ZONING: “County” PD (“City” ZIP)
PROPOSED DEVELOPMENT: Residential Subdivision
FUTURE LAND USE DESIGNATION: “City” Residential Very Low Suburban (0- 2.0 du/ac)
TRACT SIZE: Combined total Acreage: 58.23 +/- Total Acres (48.4 developable acres)
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: up to 97 Dwelling Units (max. 2 un/ac x 49.4)
PROPOSED: up to 97 Dwelling Units (max. 2 un/ac x 49.4)

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on September 17, 2008, through the adoption of Ordinance No. 2068; and on September 18, 2013, through the adoption of Ordinance No. 2326.

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general area. Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size.

As the zoning application requests an R-1AAA district, zoning or development conditions or restrictions cannot be placed on the subject property unless otherwise accepted by the applicant. Regarding this matter, a legal opinion has been prepared by the city attorney's office and is provided with the attached information.

Selection of a zoning category is made according to the allowed zoning district hierarchy set forth within Chapter 2 of the Land Development Code. This zoning hierarch is summarized within Table II-1 and Section 2.02.02 of the LDC. The zoning category of R-1AAA requires a minimum lot size of 16,000 sq. ft. and a minimum lot width of 120 feet. As shown within Table II-1 the next category within the zoning hierarchy that requires a larger lot size is RCE-1, which requires a minimum lot size of one acre (43,560 sq. ft.) with a minimum lot width of 130 feet. No other zoning category exists that addresses a lot size option greater than 16,000 sq. ft. and less than one acre. For example, a zoning category does not exist that requires a minimum lot size of half an acre (21,780 sq. ft.). A subdivision plan or Master plan is not required to be submitted with a standard zoning application.

Staff has analyzed the proposed amendment and determined that adequate transportation public facilities capacities exist to support this zoning change (see attached Zoning Report) subject to the extension of water and sewer lines to the property. Prior to developing the subject property pursuant to the R-1AAA zoning category, water and sewer lines must be extended to the subject property. As the City does not currently plan to extend such infrastructure to the property within its five-year capital improvement program, the developer will be required to facilitate such extension.

COMPREHENSIVE PLAN COMPLIANCE: The proposed Change of Zoning designation is consistent with the City's proposed Future Land Use designation of Residential Very Low Suburban. Site development cannot exceed the densities allowed by the Future Land Use policies and must occur consistent with the City's Comprehensive Plan, Land Development Code, and Development Design Guidelines. Per Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation.

SCHOOL CAPACITY REPORT:

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Affected Schools: Dream Lake ES, Apopka MS, Apopka HS.

ORANGE COUNTY NOTIFICATION:

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on December 19, 2014.

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 – City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Notice and Notification
February 6, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” R-1AAA (0-2 un/ac) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Res. Low Density (4 du/ac)	A-1, A-2	SF Homes
East (County)	Res. Low Density (4 du/ac)	A-1, RCE	SF Homes
South (County)	Res. Low Density (4 du/ac)	A-2, RCE, R-1AAAA	SF Homes
South (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	SF Homes
West (City)	Res. Very Low Suburban (0-2 du/ac)	RCE-1, R-1AAAA	SF Homes
West (County)	Res. Low Density (4 du/ac)	A-2	SF Homes

LAND USE & TRAFFIC COMPATIBILITY:

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general surrounding area.

Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size. For example, the Wekiva Preserve residential community is assigned a zoning category of R-1AA (min. 12,500 sq. ft. lot) and abuts property assigned County A-1 or A-2), and the southern neighborhoods of the Wekiva Glen residential community is assigned a zoning has R-1A (min. 10,000 sq. ft. lot) next to properties assigned the RCE-1 zoning district (min. lot size of one acre).

The entire City is designated a Transportation Concurrency Exception Area. As such a transportation study is not required as part of a zoning application. Based on a review of recent traffic counts for Sandpiper Street and nearby roads, adequate capacity is available on these streets to satisfactory accommodated vehicle trips generated by future development of the subject property.

R-1AAA DISTRICT REQUIREMENTS*:

- Minimum Site Area: 16,000 sq. ft.
- Minimum Lot Width: 120 ft.
- Front Setback: 25 ft.
- Side Setback: 10 ft.
- Rear Setback: 20 ft.
- Corner Setback: 25 ft.
- Minimum Living Area: 1,800 sq. ft.

**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 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:

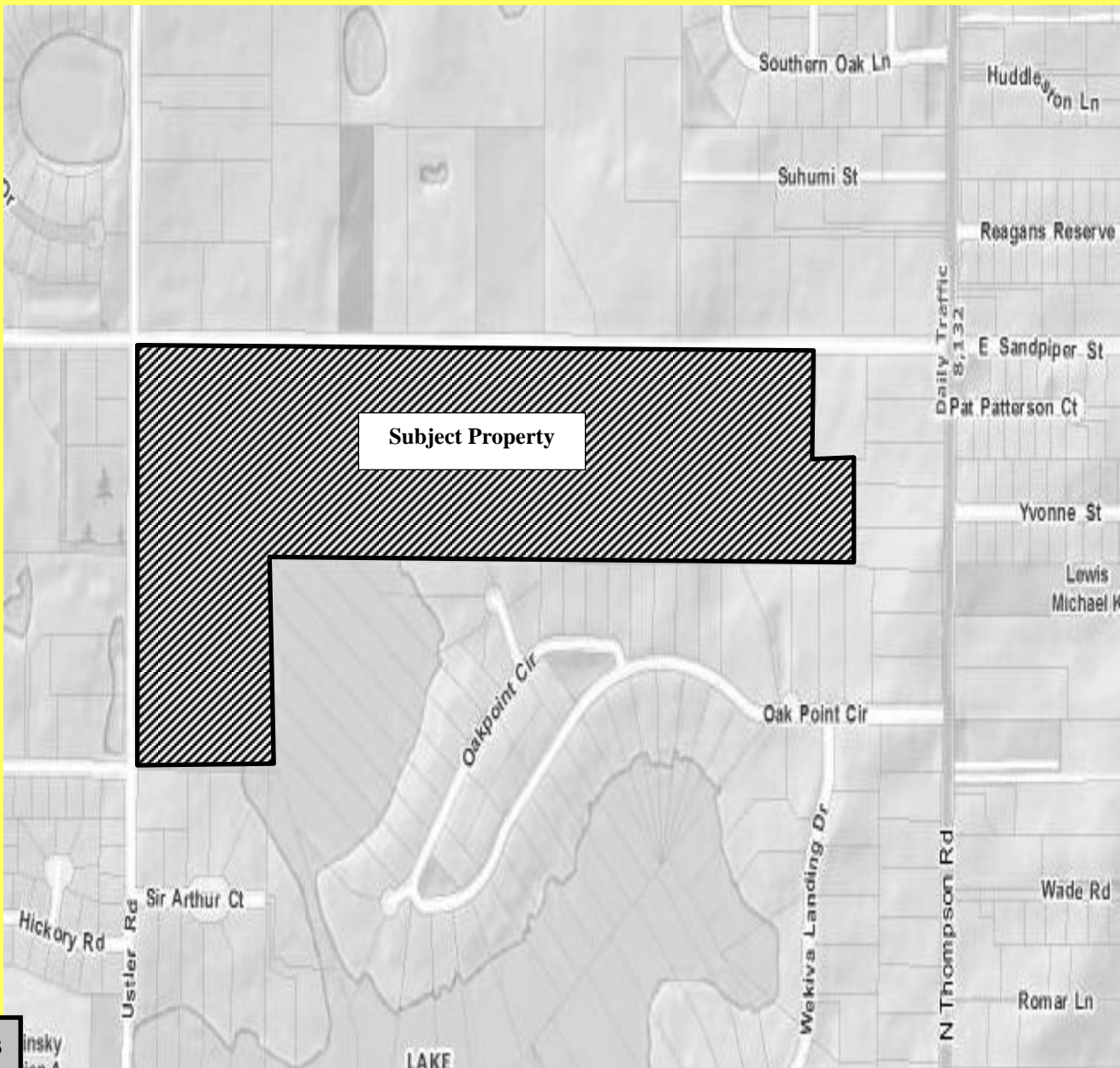
Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with [section 2.02.01](#). Accessory structures, such as swimming pools and screened rooms, must be set back at least five feet from the rear property line.

Applicant: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee
From: “County” PD (ZIP)
To: “City” R-1AAA Residential
57.7 +/- Acres (48.4 developable acres)
Maximum Allowable Development: up to 97 dwelling units
Proposed Minimum Lot Size: 16,000 sq. ft.
Future Land Use Designation: Residential Very Low Suburban (0 – 2 un\ac)

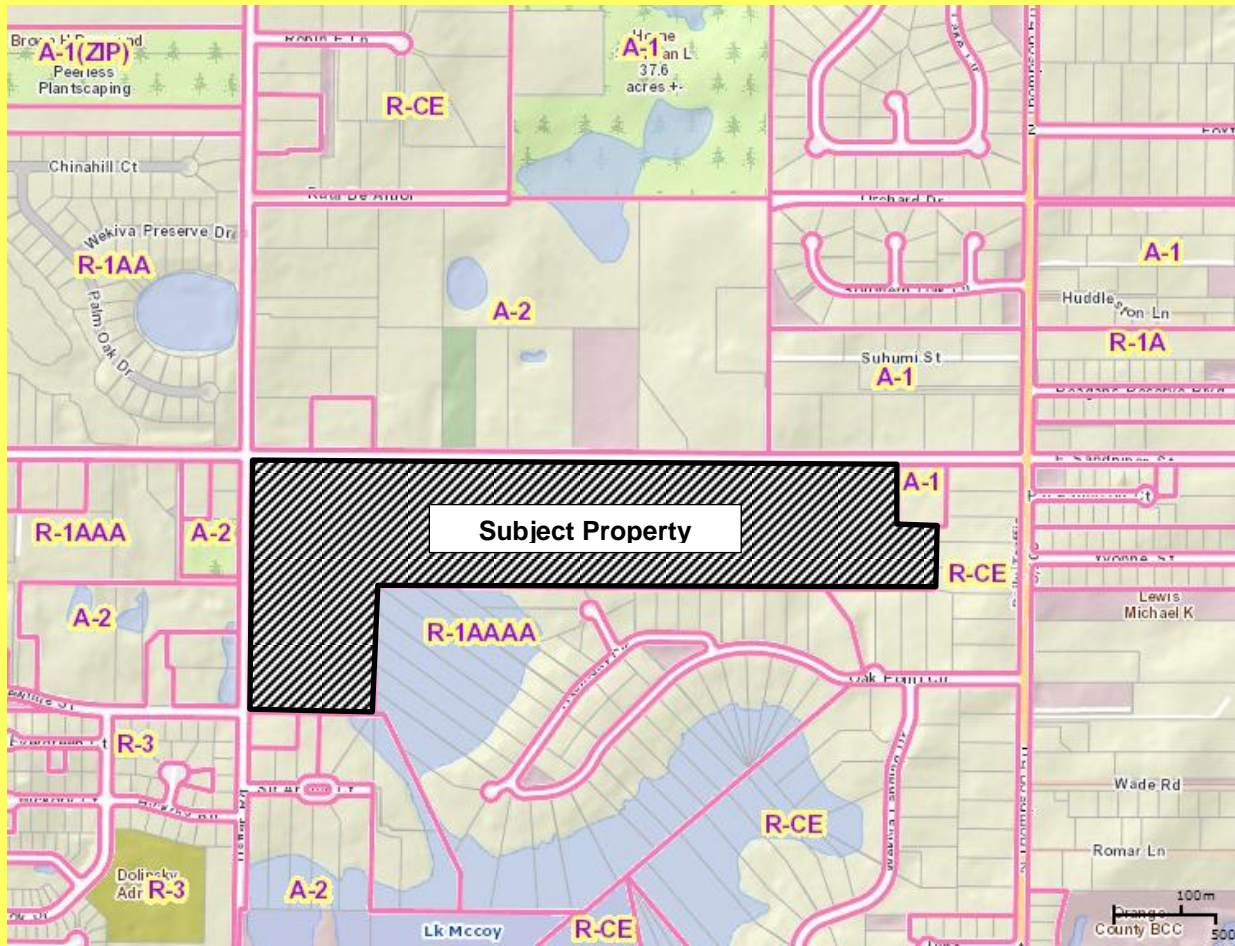
Parcel ID #s: 02-21-28-0000-00-106 02-21-28-0000-00-131
03-21-28-0000-00-015 03-21-28-0000-00-022
03-21-28-0000-00-023 03-21-28-0000-00-046
03-21-28-0000-00-047 03-21-28-0000-00-072
03-21-28-0000-00-073 03-21-28-0000-00-119



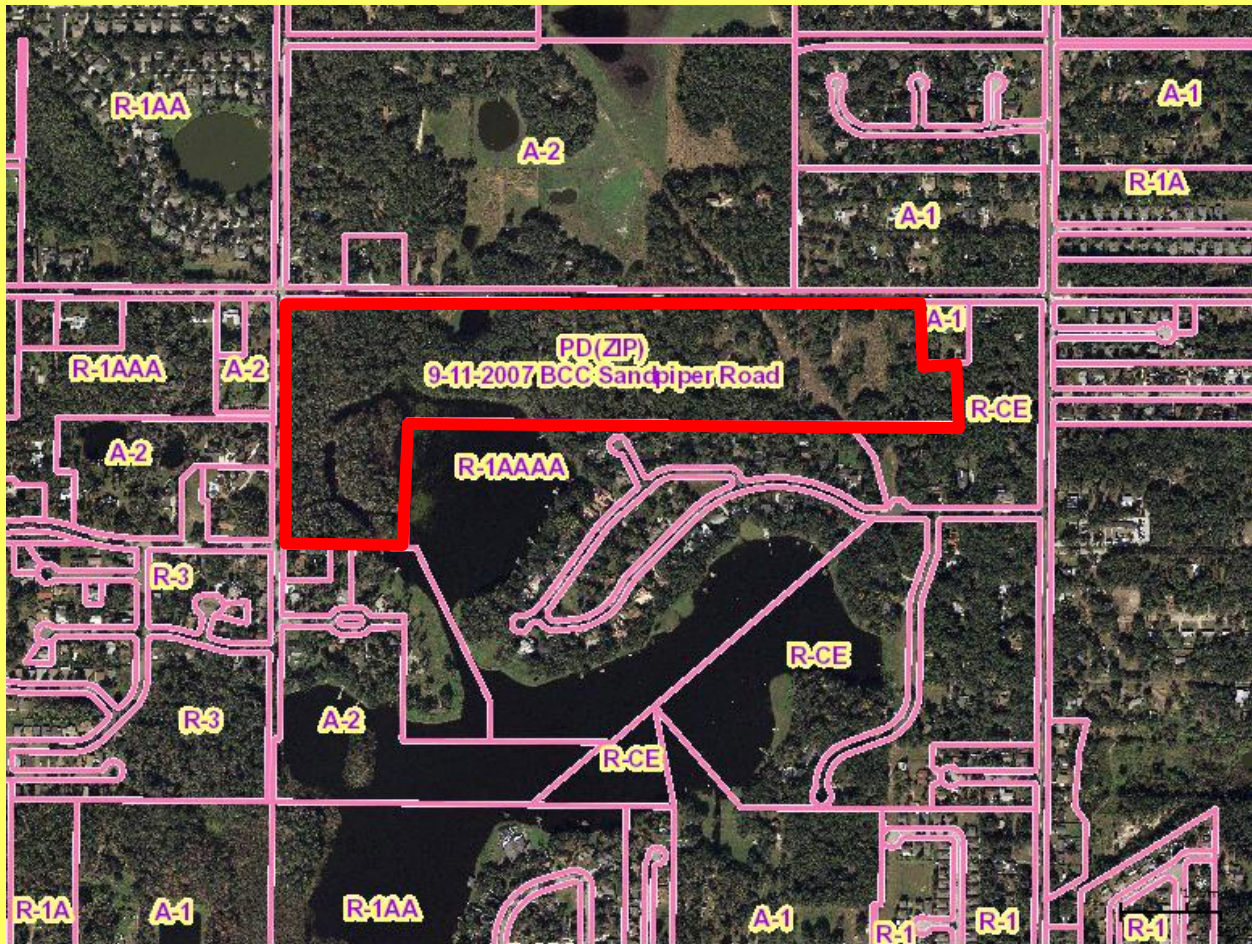
VICINITY MAP



ADJACENT ZONING



ADJACENT USES



2.00.00. GENERALLY

2.00.01. Purpose.

The purpose of this article is to describe the zoning districts that apply to Future Land Use Designations of the Apopka Comprehensive Plan and the specific uses and restrictions with minimum standards which apply to each zoning district. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the city as expressed in the Apopka Comprehensive Plan.

(Ord. No. 963, § 1, 11-6-96)

2.01.00. ALLOWABLE ZONING DISTRICTS WITHIN FUTURE LAND USE CLASSIFICATIONS

2.01.01. Generally.

Land use districts for Apopka are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Apopka Comprehensive Plan and delineated on the Future Land Use Map series shall be the

determinants of permissible activities on any parcel in the jurisdiction. Land use and zoning designations must be compatible in order for development to occur. Refer to the Future Land Use Element of the Comprehensive Plan for the definitions of each use category. This section of the Land Development Code is intended to correlate individual zoning classifications with land use districts.

In interpreting and applying the provisions of this code, development shall be held to be the minimum requirements for the promotion of the public health, safety, property and general welfare of the community. It is not intended by this code to interfere with, abrogate or annul any lawful easements, covenants, or other agreements between parties; provided, however, that where this code imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations, or by lawful easements, covenants, or agreements, the provisions of this code shall control.

(Ord. No. 963, § 1, 11-6-96)

2.01.02. Allowed zoning districts.

**TABLE II-1
PERMISSIBLE ZONING DISTRICTS WITHIN FUTURE LAND USE CLASSIFICATIONS**

Density/ Intensity Standard	Future Land Use Classifications*														
	AG	Residential						OFF	COMM	MU	IND	INST	REC	CONS	CBD
		VLS	LS	L	ML	M	H								
	1 du per 5 acres	0 to 2	0 to 3.5	0 to 5	0 to 7.5	0 to 10.0	0 to 15	.30 FAR	.25 FAR		.60 FAR				2.00 FAR
Zoning Classification:															
AG	X														
AG-E	X	X	X	X											
RCE-1		X	X	X	X	X	X								
RCE-2		X	X	X	X	X	X								
R-1		X	X	X	X	X	X								
R-1A		X	X	X	X	X	X								
R-1AA		X	X	X	X	X	X								
R-1AAA		X	X	X	X	X	X								
R-2				X	X	X	X								
R-3					X	X	X								
MHP					X										X
MHS					X										X
PO/I								X			X				X
CN									X						X

2.02.00. USES ALLOWED IN ZONING DISTRICTS

2.02.01. General.

A. Minimum requirements for site area, lot width, yard setback, and living area by zoning district.

Districts		Minimum Site Area	Minimum Lot Width (feet)	Minimum Setbacks				Minimum Living (Sq. Ft.)
				Front (feet)	Side (feet)	Rear (feet)	Corner (feet)	
AG,	Agriculture,							
	Resid. mobile home	5 AC	None	25	25	25	25	400
	Resid. tenant housing	5 AC	None	25	25	25	25	600
	Resid. single-family	5 AC	None	25	25	25	25	1,200
	Nonresidential	5 AC	None	100	100	100	100	
	Apiaries	5 AC	None	200	200	200	200	
AG-E,	Residential							
	Single-Family	2½ AC	150	45	35	50	35	2,200
RCE-1,	Residential							
	County Estates 1	1 AC	130	35	15	30	35	2,000
RCE-2,	Residential							
	County Estates 2	2 AC	150	35	15	30	35	2,200
R-1		8,000sf	75	25	10	20	25	1,500
R-1A	Residential	10,000sf	85	25	10	20	25	1,600
R-1AA	Single-Family	12,500sf	95	25	10	20	25	1,700
R-1AAA		16,000sf	120	25	10	20	25	1,800
R-2,	Residential One and Two Family							
SF	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
R-3,	Residential							
	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
	Multiple-Family							
	Rental/Apartments	1 AC	None	**	***	**	25	750
	Fee Simple, Condo or Townhouse	1 AC	None	**	***	**	25	1,350
MHP,	Mobile Home Park	10 AC						
		4,000sf	None	*15	7.5	15*	7.5	600
MHS,	Mobile Home Subd.							
	Mobile Home	5,000sf	50	20	7.5	15	25	600
	Single-Family	6,000sf	60	25	*7.5	20	25	1,000

* 15 feet between structures.

** Distance between buildings: 50' front to front and 50' rear to rear.

*** 20' between structures.

NOTE:

1. Maximum building height for all districts is 35'

MEMORANDUM

Shepard, Smith & Cassidy, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone (407) 622-1772
Facsimile (407) 622-1884

To: Cliff B. Shepard, Esq.
From: Andrew J. Hand
Subject: Imposition of Conditions on Straight Zoning Application
Date: December 9, 2014

- 1) When in receipt of a “straight zoning” application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City’s code if all criteria of the City’s zoning ordinance are met?**

No. It is my opinion that imposition of additional conditions by City Council or other reviewing agencies for zoning approval of a straight zoning application is improper under Florida law if such conditions are not specified within Apopka’s code.

According to the Court in *City of Homestead v. Schild*, 227 So.2d 540, 543 (Fla. 3d DCA 1969):

“The law of Florida is committed to the doctrine of the requirement that zoning ordinances and their exceptions must be predicated upon legislative standards which can be applied to all cases, rather than to the theory of granting an administrative board or even a legislative body the power to arbitrarily decide each case entirely within the discretion of the members of the administrative board or legislative body, or to shift a particular parcel of property arbitrarily from one zoning classification to another...”

Another principle of Florida law is that “a local government may not deny a development order based on criteria which are not specifically enumerated in its land use regulations.” See *Drexel v. City of Miami Beach*, 64 So. 2d 317 (Fla. 1953). See also *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983); *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146 (Fla. 1st DCA 1979).

Based on the case law above which I find to be analogous to this situation, it is my opinion that it would not be legal for City Council to unilaterally impose of conditions that are not specifically delineated within the City’s zoning code on an application for straight zoning.

Additionally, although such a situation is not implicated here, it is important to note that in the absence of planned development zoning situations, bilateral agreements between developers and municipalities to accomplish rezonings in Florida constitute “contract zoning” and are illegal. In *Hartnett v. Austin*, 93 So. 2d 86 (Fla. 1956), Florida’s Supreme Court held that, “[a] municipality has no authority to enter into a private contract with a property owner for the amendment of a zoning ordinance subject to various covenants and restrictions in a collateral deed or agreement to be executed between the city and property owner.”

Notwithstanding the illegality of contract zoning, Florida has evolved to permit developers to make concessions to a local government at a public hearing. Self-imposed conditions proffered by a developer to a municipality to mitigate development impacts or to address public discontent associated with an application do not automatically render a local government’s decision to rezone void as contract zoning.¹ However, it is important to point out that this rule appears to be limited to unilateral concessions offered by the developer to a municipality rather than conditions directly imposed on a developer by a municipality that are not specified within the municipality’s land development regulations.

¹ See *Wallberg v. Metropolitan Dade County*, 296 So. 2d 509 (Fla. 3d DCA 1974).

Backup material for agenda item:

1. MINOR FINAL DEVELOPMENT PLAN AMENDMENT – APOPKA WOODS SUBDIVISION – Owned by Apopka Woods LLC, property located north of West McCormick Road and east of Irmalee Lane, for construction of a pre-cast decorative wall in lieu of the previously approved brick wall.



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	January 13, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input type="checkbox"/> OTHER:		Exhibit A – Approved Brick Wall Exhibit B – Proposed Pre-cast Wall

SUBJECT: APOPKA WOODS SUBDIVISION - MINOR MODIFICATION TO FINAL DEVELOPMENT PLAN

Request: RECOMMEND APPROVAL OF THE MINOR MODIFICATION TO THE APOPKA WOODS SUBDIVISION FINAL DEVELOPMENT PLAN TO CONSTRUCT A PRE-CAST DECORATIVE WALL IN LIEU OF THE PREVIOUSLY APPROVED BRICK WALL.

SUMMARY

OWNER/APPLICANT: Apopka Woods LLC

LOCATION: North of West McCormick Road and east of Irmalee Lane

FUTURE LAND USE: Residential Low Density (0 – 5 du/ac)

ZONING: R-2 Residential

PROPOSED DEVELOPMENT: 76 Single Family Residential Lots

TRACT SIZE: 24.82 +/- acres

PROPOSED MODIFICATION: Installation of decorative pre-cast exterior buffer wall in lieu a brick wall along McCormick Road

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	

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Institutional	A-1	County Northwest Water Reclamation Facility
East (County)	Institutional	A-1	County Northwest Water Reclamation Facility
South (Ocoee)	Low Density Residential	R-1A	McCormick Woods Res. Subdivision
West (City)	Commercial; Residential Low Density	C-1/PUD	Vacant undeveloped

ADDITIONAL COMMENTS:

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 - Planning Commission (5:01 pm)

January 17, 2015 – City Council (8:00 pm)

RECOMMENDED ACTION:

The **Development Review Committee** takes the position that the proposed modification represents a policy decision by the City Council after considering a recommendation from the Planning Commission. If the Planning Commission recommends acceptance of the pre-cast decorative wall, the following motion is recommended:

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

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

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

Apopka Woods Subdivision
24.82 +/- Acres
Proposed: 76 units
Parcel ID #: 32-21-28-0000-00-002

VICINITY MAP

