

APOPKA PLANNING COMMISSION AGENDA
FEBRUARY 09, 2021 5:30 PM
Apopka City Hall Council Chambers

APOPKA PLANNING COMMISSION MEETING WILL BE [LIVE-STREAMED AND AVAILABLE ON YOUTUBE.](#)

CALL TO ORDER

OPENING AND INVOCATION

APPROVAL OF MINUTES

- [1.](#) Approve minutes of the Planning Commission meeting held November 10, 2020.
- [2.](#) Approve minutes of the Planning Commission meeting held December 8, 2020.
- [3.](#) Approve minutes of the Planning Commission meeting held January 12, 2021.

PUBLIC COMMENT PERIOD

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

PUBLIC HEARING

- [1.](#) Comprehensive Plan – Small Scale – Future Land Use Amendment
From: Rural (County)
To: Low Density Residential (City)
Owner: Apopka Centerline Development, LLC.
Applicant: VHB c/o Erika Hughes
Location: 1879 Boy Scout Road, North of Boy Scout Road and east of South Binion Road
Project: 9.487 +/- acres
Project Manager: Allyson Williams

- [2.](#) Comprehensive Plan – Large Scale – Future Land Use Amendment
From: High Density Residential - 15 (Max. 15 DU/AC)
To: High Density Residential - 25 (Max. 25 DU/AC)
Owner: Francis X. Heidrich, Jr. and Cathy Tolbert Campbell
Applicant: First Team Commercial, LLC
Location: 2302 Ocoee-Apopka Road
Project: 21.59 +/- acres
Project Manager: Bobby Howell

3. Comprehensive Plan – Small Scale – Future Land Use Amendment

From: Mixed Use (Max. 1.0 FAR, 15 DU/AC)

To: Commercial (Max. 0.25 FAR)

Owner/Applicant: McCloskey Holdings LLC

Location: 1537 Harmon Road

Project: 2.93 +/- acres

Project Manager: Phil Martinez

4. Change of Zoning

From: MU-ES-GT (Mixed-Use East Shore-Gateway District)

To: C-C (Community Commercial District)

Owner/Applicant: McCloskey Holdings LLC

Location: 1537 Harmon Road

Project: 2.93 +/- acres

Project Manager: Phil Martinez

SITE PLANS

OLD BUSINESS

NEW BUSINESS

1. Potential purchase of Camp Wewa for City park and recreations opportunities.

ADJOURNMENT

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Planning Commission with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Planning Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Planning Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Planning Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the Planning Commission meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON NOVEMBER 10, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, William Gusler, Linda Laurendeau, and Howard Washington

ABSENT: Mary Norwood, Butch Stanley, Robert Ryan and Orange County Public Schools (Non-voting)

STAFF PRESENT: Michael Rodriguez – City Attorney, James Hitt, FRA-RA – Community Development Director, Robert Hippler – IT Director, Robert Shelton – Network Engineer, Bobby Howell, AICP – Planning Manager; Phil Martinez – Planner II, and Erin Arnold – Recording Secretary.

OTHERS PRESENT: Tara Tedrow, J. G. Johnson, Linda Roche, Benjamin Thompson, Liria Bretz Thompson, Isaac Perez and Teresa Seargent.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of September 8, 2020 at 5:30 p.m.

Motion: William Gusler made a motion to approve the Planning Commission minutes from the regular meeting held on September 8, at 5:30 p.m. and seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau and Howard Washington (4/0)

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of October 13, 2020 at 5:30 p.m.

Motion: William Gusler made a motion to approve the Planning Commission minutes from the regular meeting held on October 13, at 5:30 p.m. and seconded by Linda Laurendeau. Aye votes were cast by James Greene, William Gusler, Howard Washington (4/0)

PUBLIC COMMENT: Chairperson Greene opened the meeting to Public Comment. No one spoke.

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – FUTURE LAND USE – CADENCE PARTNERS LLC - Chairperson Greene stated this is a request to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from County Rural (1DU/10AC) to City Industrial (MAX. 0.6 FAR), subject to the findings of the staff report for the property owned by Joseph L. Sandroni Estate, and located north of Ocoee Apopka Road and east of S.R. 451.

Staff Presentation – Phil Martinez, Planner II, stated this is a request to find the proposed request to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from County Rural (1DU/10AC) to City Industrial (MAX. 0.6 FAR) for the property owned by Joseph L. Sandroni Estate, and located north of Ocoee Apopka Road and east of S.R. 451.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON NOVEMBER 10, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

The existing use is vacant land. The current zoning is Transitional District. The tract size is 8.76 +/- acres.

The subject property was annexed into the City on October 7, 2020 by Ordinance No. 2788. The proposed Future Land Use of Industrial is compatible with the property due to the parcels with a Future Land Use designation of Industrial being located in the vicinity. This application is being processed simultaneously with an application to rezone the subject property from T (Transitional District) to I-L (Light Industrial District).

The proposed Future Land Use, Industrial, is consistent with the proposed zoning designation, I-L (Light Industrial District). Site development cannot exceed the density allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support an Industrial designation at the subject site:

Future Land Use Element - Policy 3.1.e – Industrial - The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor ratio shall be .60.

Planned Unit Development uses may include:

- (1) All primary uses
- (2) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of “Industrial” for the property owned by Joseph L Sandroni Estate and located north of Ocoee Apopka Road and east of S.R. 451.

Staff recommended the Planning Commission find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from “County” Rural to “City” Industrial, subject to the findings of the Staff Report or the property owned by Joseph L Sandroni Estate and located north of Ocoee Apopka Road and east of S.R. 451.

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

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

MOTION: Howard Washington made a motion to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from County Rural (1DU/10AC) to City Industrial (MAX 0.6 FAR) subject to the findings of the staff report for the property owned by Joseph L. Sandroni Estate, and located north of Ocoee Apopka Road and east of

S.R. 451. Motion seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, and Howard Washington (4-0).

LEGISLATIVE – CHANGE OF ZONING – CADENCE PARTNERS LLC - Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning from T (Transitional District) to I-L (Light Industrial District) for the property owned by Joseph L. Sandroni Estate, and located north of Ocoee Apopka Road and east of S.R. 451.

Staff Presentation – Phil Martinez, Planner II, stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional District) to I-L (Light Industrial District) for the property owned by Sandroni Joseph L Estate and located north of Ocoee Apopka Road and east of S.R. 451. The current zoning is “Transitional District”. The tract size is 8.76 +/- acres.

The proposed I-L (Light Industrial District) zoning is consistent with the proposed Industrial (Max. 0.6 Floor Area Ratio) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional District) to I-L (Light Industrial District) for the property owned by Sandroni Joseph L Estate and located north of Ocoee Apopka Road and east of S.R. 451.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional District) to I-L (Light Industrial District) for the property owned by Sandroni Joseph L Estate and located north of Ocoee Apopka Road and east of S.R. 451.

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

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

MOTION: Linda Laurendeau made a motion to find the proposed change of zoning consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning from T (Transitional District) to I-L (Light Industrial District) subject to the findings of the staff report for the property owned by Joseph L. Sandroni Estate, and located north of Ocoee Apopka Road and east of S.R. 451. Motion seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, and Howard Washington (4-0).

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – FUTURE LAND USE – MID FLORIDA FREEZER PROPERTIES LLC - Chairperson Greene stated this is a request to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from “County” Industrial and “City” Industrial to “City” Commercial (MAX. 0.25 FAR) for the property owned by Mid-Florida Freezer Properties LLC, and located South of West Orange Blossom Trail and west of Lake View Drive.

Staff Presentation – Bobby Howell, Planning Manager, stated this is a request to find the proposed request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from “County” Industrial and “City” Industrial to “City” Commercial, subject to the findings of the Staff Report. The current zoning is “County” Rural. The tract size is 4.88 +/- acres.

The subject properties were annexed into the City on December 31, 1996 and October 21, 2020 by Ordinance No. 1022 and 2794, respectively. The proposed Future Land Use of Commercial is compatible with the property due to the Commercial Future Land Use and commercially oriented uses found in the vicinity. This application is being processed simultaneously with an application to rezone the subject properties from T (Transitional) and I-L (Light Industrial) to “City” C-COR (Corridor Commercial District).

The proposed Future Land Use, Commercial, is consistent with the proposed zoning designation, C-COR (Corridor Commercial District). Site development cannot exceed the density allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support an Industrial Future Land Use designation at the subject site:

Future Land Use Element - Policy 3.1.e – Commercial - The primary use shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acres; and public facilities or utilities of less than five acres.

The expansion of strip commercial areas shall be prohibited except in infill areas.

Special exception uses shall include:

- 1) Institutional land uses of five acres or more
- 2) Elementary schools, middle schools and high schools
- 3) Supporting infrastructure and public facilities of five acres or more
- 4) Nursing homes, assisted living facilities and independent living facilities to be consistent with a maximum intensity of up to 2.0 FAR-Floor Area Ratio, based on compatibility with the surrounding area, and shall be the primary use and a stand-alone development.

Planned Unit Development uses may include:

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

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON NOVEMBER 10, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of Commercial for the properties owned by Mid-Florida Freezer Properties LLC and located south of W. Orange Blossom Trail and west of Lake View Drive.

Staff recommended the Planning Commission find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from “County” Industrial and “City” Industrial to “City” Commercial, subject to the findings of the Staff Report.

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

Tara Tedrow, Lowndes Drosdick 215 North Eola Drive, Orlando, stated that she represented the property owner and they agree with staff. She gave an overview of the property and stated that she was available to answer any questions.

In response to a question by Commissioner Washington, Ms. Tedrow stated that the property will have commercial uses on site. The upgrades will consist of an enhanced gas station with retail options.

In response to a comment by Commissioner Laurendeau, Ms. Tedrow stated that traffic concerns are being addressed by City staff and they are working with them to minimize the traffic problems in that area. This proposed project would be able to provide some of the needed right of way that the City wants to construct things like wider turn lanes into the intersection along with other improvements. She stated that she was available to answer any further questions.

Chairperson Greene opened the meeting for public hearing.

Benjamin Thompson, 449 Lake View Drive, Apopka, stated that he was here to oppose the future land use amendment. He proceeded to express his concerns regarding potential health concerns, ozone pollution, environmental concerns, traffic & commercial gasoline trucks.

Isaac Perez, 441 Lake View Drive, Apopka, stated that his primary concern is the potential increase in crime and traffic that the proposed project would bring. He also expressed his concern regarding the lake behind his property being affected.

In response to the concerns of the public comments, Tara Tedrow provided further information that addressed their concerns about crime, environmental & industrial issues.

Chairperson Greene asked if there were any others that would like to speak. With no one wishing to speak, Chairperson Greene closed the public hearing.

Commissioner Gusler stated that he wanted to address a few of the comments that were made. He spoke to the concerns on the spilling of fuel on the ground, the traffic and the current gas station that is across the street on the corner that arguably has more potential dangers than what the proposed gas station would have.

Chairperson Greene responded that some of the issues, such as traffic would be addressed in later phases.

MOTION: William Gusler made a motion to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from County Industrial and City Industrial to City Commercial (MAX. 0.25 FAR) subject to the findings of the staff report for the property owned by Mid-Florida Freezer Properties LLC, and located South of West Orange Blossom Trail and west of Lake View Drive. Motion seconded by Howard Washington. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler and Howard Washington (4-0).

LEGISLATIVE – CHANGE OF ZONING – MID-FLORIDA FREEZER PROPERTIES, LLC -

Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning from T (Transitional District), and I-L (Light Industrial District) to C-COR (Corridor Commercial District) for the property owned by Mid-Florida Freezer Properties LLC, and located South of West Orange Blossom Trail and west of Lake View Drive.

Staff Presentation – Bobby Howell, Planning Manager, stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional District) and I-L (Light Industrial District) to C-COR (Corridor Commercial District) for the property owned by Mid-Florida Freezer Properties, LLC and located south of W. Orange Blossom Trail and west of Lake View Drive. The current zoning is “Transitional District” and Light Industrial. The tract size is 4.88 +/- acres.

The subject property was annexed into the City on October 21, 2020 by Ordinance No. 2794. The proposed C-COR zoning is compatible with the property due to Commercially zoned properties being found in the vicinity. This application is being processed simultaneously with an application for a Small-Scale Future Land Use Amendment from “County” Industrial and “City” Industrial to “City” Commercial. The northeastern portion of the property is the site of a retail store. The remainder of the property is vacant. The applicant intends to demolish the retail store and construct a convenience store with gasoline sales on the property.

The proposed C-COR (Corridor Commercial District) zoning is consistent with the proposed Commercial (Max. 0.25 Floor Area Ratio) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional District) and I-L (Light Industrial District) to C-COR (Corridor Commercial) for the property owned by Mid-Florida Freezer Properties, LLC and located south of W. Orange Blossom Trail and west of Lake View Drive.

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Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional District) and I-L (Light Industrial District) to C-COR (Corridor Commercial District) for the property owned by Mid-Florida Freezer Properties, LLC and located south of W. Orange Blossom Trail and west of Lake View Drive.

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

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

City Attorney, Michael Rodriguez asked that the comments made by the applicant in the other item are incorporated into this agenda item to clear the record.

MOTION: Linda Laurendeau motion to find the proposed change of zoning consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the proposed change of zoning from T (Transitional District) and I-L (Light Industrial District), to C-COR (Corridor Commercial District) for the property owned by Mid-Florida Freezer Properties LLC, and located South of West Orange Blossom Trail and west of Lake View Drive. Motion seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, and Howard Washington (4-0).

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – LARGE SCALE – FUTURE LAND USE – CHORY HOLDINGS I, LLC - Chairperson Greene stated this is a request to find the proposed large scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the large scale future land use amendment from Mixed Use (MAX. 1.0 FAR, MAX. 15 DU/AC) to Industrial (MAX. 0.6 FAR) for the property owned by Chory Holdings I, LLC, and located South of West Orange Blossom Trail and west of Hermit Smith Road.

Staff Presentation – Phil Martinez, Planner II, stated this is a request to find the proposed large scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map amendment from Mixed Use to Industrial to the Florida Department of Economic Opportunity. The current zoning is Mixed Use East Shore Gateway. The tract size is 11.94 +/- acres.

The subject properties were annexed into the City on May 20, 1998 via Ordinance No. 1168. The properties consist of an estimated 11.94 acres. A request to assign a Future Land Use Designation of Industrial is compatible with the designations assigned to abutting properties. The applicant is also applying for I-L, Light Industrial District zoning, which is compatible with the proposed Industrial Future Land Use.

Future Land Use Element - Policy 3.1.1 – Industrial - The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be 0.6.

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Planned Unit Development uses may include:

- (1) All primary uses
- (2) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from Mixed Use to Industrial (Max. 0.6 FAR) for the properties owned by Chory Holdings I, LLC.

Staff recommended the Planning Commission find the proposed amendment consistent with the comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from Mixed Use to Industrial to the Florida Department of Economic Opportunity.

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

Tara Tedrow, Lowndes Drosdick 215 North Eola Drive, Orlando, stated that she represented the property owner gave an overview of the property and stated that she was available to answer and questions.

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

MOTION: Howard Washington made a motion to find the proposed large scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the large scale future land use amendment from Mixed Use (MAX. 1.0 FAR, MAX. 15 DU/AC) to Industrial (MAX. 0.6 FAR) for the property owned by Chory Holdings I, LLC, and located South of West Orange Blossom Trail and west of Hermit Smith Road. Motion seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler and Howard Washington (4-0).

LEGISLATIVE – CHANGE OF ZONING – CHORY HOLDINGS I, LLC - Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to I-L (Light Industrial District) for the property owned by Chory Holdings I, LLC, and located South of West Orange Blossom Trail and west of Hermit Smith Road.

Staff Presentation – Phil Martinez, Planner II, stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to I-L (Light Industrial District) for the property owned by Chory Holdings I, LLC., located south of W. Orange Blossom Trail and west of Hermit Smith Road. The current zoning is Mixed Use East Shore Gateway District. The tract size is 11.94 +/- acres.

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The subject properties were annexed into the City on May 20, 1998 by Ordinance No. 1168. The proposed I-L (Light Industrial District) zoning is compatible with the property due to the I-L zoning being found in the vicinity. This application is being processed simultaneously with an application for a Large-Scale Future Land Use Amendment from Mixed Use to Industrial.

The proposed I-L zoning is consistent with the proposed Industrial (Max. 0.6 FAR) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed zoning change will not create additional residential units and thus will not have an impact on school enrollment. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to I-L (Light Industrial District) for the property owned by Chory Holdings I, LLC., located south of W. Orange Blossom Trail and west of Hermit Smith Road.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to I-L (Light Industrial District) for the property owned by Chory Holdings I, LLC., located south of W. Orange Blossom Trail and west of Hermit Smith Road.

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

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

MOTION: William Gusler made a motion to find the proposed change of zoning consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to I-L (Light Industrial District) for the property owned by Chory Holdings I, LLC, and located South of West Orange Blossom Trail and west of Hermit Smith Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, and Howard Washington (4-0).

LEGISLATIVE – CHANGE OF ZONING – JOHN AND GRACE JOHNSON - Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning from T (Transition District) to RCE (Residential Country Estate) for the property owned by John and Grace Johnson, and located at 1701 Hermit Smith Road.

Staff Presentation – Bobby Howell, Planning Manager, stated this is a request to recommend approval of the change of Zoning from T (Transition District) to RCE (Residential Country Estate) for property

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located at 1701 Hermit Smith Road. The current zoning is Transition District. The tract size is 2.52 +/- acres.

The subject property was annexed into the City on November 1, 2006 by Ordinance No. 1876. The proposed RCE (Residential Country Estate) zoning is compatible with the surrounding property zoning designations as the surrounding properties which are located in the City have an RSF-1A (Residential Single-Family-Estate) zoning designation which has a minimum lot size of 12,500 square feet. The proposed zoning designation of RCE permits a minimum lot size of one acre. The property owner is requesting the rezoning in order to divide the property into two lots. The current zoning designation of T (Transition) has a minimum lot size of 2.5 acres, and thus would not permit the property to be divided into two lots.

The proposed RCE zoning is consistent with the proposed Low Density Suburban Residential (0-3.5 dwelling units per acre) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school Capacity and Concurrency per the School Interlocal Planning Agreement.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transition) to RCE (Residential Country Estate) for the property owned by John and Grace Johnson and located at 1701 Hermit Smith Road.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transition) to RCE (Residential Country Estate) for the property owned by John and Grace Johnson and located at 1701 Hermit Smith Road.

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

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

MOTION: William Gusler made a motion to find the proposed change of zoning consistent with the comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning from T (Transition District) to RCE (Residential Country Estate) for the property owned by John and Grace Johnson, and located at 1701 Hermit Smith Road. Motion seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, and Howard Washington (4-0).

QUASI-JUDICIAL – SPECIAL EXCEPTION – LITTLE BROWNIE PROPERTIES – Chairperson Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a Special Exception for Little Brownie Properties to allow heavy equipment retail, repair, servicing and storage in the Light Industrial (I-L) Zoning District at 1350 Sheeler Avenue.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON NOVEMBER 10, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

In response to the question by Chairperson Greene, no one on the Planning Commission had any ex parte communications regarding this item.

Staff Presentation: Bobby Howell, Planning Manager, stated this is a special Exception to allow heavy equipment retail, repair, servicing and storage at 1350 Sheeler Avenue, subject to the Conditions of Approval and findings of the staff report. The tract size for the property is 21.15 +/- acres.

The property is presently assigned a Future Land Use Designation of Industrial and has a zoning designation of Light Industrial (I-L). Based on Land Development Code (LDC) Table 4.2.2.C, Principal Use Table, heavy equipment retail, repair, servicing and storage uses require an approved Special Exception within the I-L zoning district. The applicant is requesting a special exception permit to allow for a potential tenant's business to operate in a new building addition at the subject property for sales, rental and service of street sweepers, trailers and equipment. A variance has been previously granted for this property to allow for a reduction of setback from 50 feet to 30 feet and enhanced landscaping along the south property line in lieu of masonry wall, under the 1993 LDC.

Zoning and existing land use assigned to adjacent and nearby properties appears in the following table. The character of the area surrounding the subject property is described as follows:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-L and O	Industrial Storage, Warehouse and Place of Worship
East (City)	Residential Low	C-N	Vacant
South (County)	County Low Medium Density Residential	County R-1 (County Residential Urban District)	Jeffcoat Heights Residential Subdivision
West (City and County)	City Industrial and County Medium Density Residential	City I-L and County R-1	Vacant and single-family residence

Per Land Development Code Section 2.5.1.G.4, a Special Exception is required to be in compliance with the following standards:

- Will be consistent with the goals, objectives, and policies of the comprehensive plan;
- Will comply with all applicable zoning district standards;
- Will comply with all standards in Sec. 4.2.3, Standards Specific to Principal Uses, Standards for Specific Principal Uses;

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- d. Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;
- e. Will be located a minimum of 1,000 feet from any other existing like use in nonresidential districts, and 1,500 feet in residential districts. This distance requirement shall apply whether the existing like use is a permitted "use by right" or a special exception use;
- f. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- g. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
- h. Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- i. Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- j. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
- k. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
- l. Will not overburden existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection facilities; and
- m. Will comply with all other relevant City, State, and federal laws and regulations.

FINDINGS:

- A. *Special Exception Distance Separation Standard.* "Will be located a minimum of 1,000 feet from any other existing like use in nonresidential districts..." (LDC Section 2.5.1.G.4.e Special Exception Permit Review Standards).
 - The proposed use is more than 1,000 feet from other like use.
- B. *Special Exception Development Standards.* Article II of the Land Development Code establishes development standards specific to special exceptions. These standards are intended to reduce any impacts from the proposed special exception use on adjacent properties. After review of the Development Plan for the Special Exception, staff finds that the applicant has met the intent of the regulations stated in Article II, Section 2.5.1.G Special Exception Permit by the following:
 - 1. The parking requirement for the proposed special exception use is two spaces for each 1,000 square feet of heavy equipment sales, rental, repair, servicing, or storage use.
 - 2. The landscape plan, including screening and landscape buffers as part of the approved site plan for the Apopka Business Complex Addition – Final Development Plan, shall be maintained.
- C. *Special Exception Conditions of Approval:*
 - 1. The proposed special exception use shall be consistent with the goals, objectives, and policies of the Comprehensive Plan.

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2. The proposed special exception use shall comply with all applicable zoning district standards.
3. The proposed special exception use will comply with all standards in Sec. 4.2.3, Standards Specific to Principal Uses, Standards for Specific Principal Uses.
4. The proposed special exception use will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district.
5. The service area, outdoor storage of trucks and equipment shall be located in a way that minimizes adverse visual impacts on adjacent lands and/or behind building(s) or screened from the public right-of-way.
6. Safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site shall be maintained.
7. Significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements shall be avoided.
8. Adverse impacts on land values and the ability of neighboring lands to develop uses permitted in the zoning district shall be avoided.
9. Significant deterioration of water and air resources, scenic resources, and other natural resources shall be avoided.
10. Existing public facilities and services, including, but not limited to, streets and other transportation facilities, potable water facilities, sewage disposal, stormwater management, and police and fire protection facilities shall not be overburdened by the proposed special exception use.
11. The proposed special exception use shall comply with all other relevant City, State, and federal laws and regulations.
12. This Special Exception authorization expires if a Business Tax Receipt within five years from the date of the Special Exception approval and the Special Exception Use has vacated the parcel for more than 180 consecutive days.

Pursuant to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.3.2.B.1.a, the Planning Commission has the authority to take make decisions on a special exception permits. Therefore, the Planning Commission may approve, deny or approve with conditions this application. An applicant may appeal the Planning Commission action to the City Council.

The Development Review Committee Recommends approval of a Special Exception to allow heavy equipment retail, repair, servicing and storage within the I-L zoning district, subject to the Special Exception Conditions of Approval and findings of the staff report.

Staff recommended the Planning Commission Approve a Special Exception to allow heavy equipment retail, repair, servicing and storage at 1350 Sheeler Avenue, subject to the Special Exception Conditions of Approval and findings of the staff report.

Commissioner Washington asked if this request is for the applicant to be able to build a new building on the property to accommodate a new business.

Bobby Howell, Planning Manager, responded that the building is pre-existing tenant on the site.

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

Motion: **Howard Washington made a motion to approve the Special Exception for Little Brownie Properties to allow heavy equipment retail, repair, servicing and storage in the Light Industrial (I-L) Zoning District subject to the findings of the Staff Report for the property located at 1350 Sheeler Avenue. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, and Howard Washington (4-0).**

OLD BUSINESS: None

NEW BUSINESS: Bobby Howell introduced Allyson Williams. She is a new employee in the planning and zoning department.

ADJOURNMENT: The meeting adjourned at 6:19 p.m.

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON DECEMBER 08, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington

ABSENT: Linda Laurendeau, Orange County Public Schools (Non-voting)

STAFF PRESENT: Michael Rodriguez – City Attorney, James Hitt, FRA-RA – Community Development Director, Robert Hippler – IT Director, Robert Shelton – Network Engineer, Bobby Howell, AICP – Planning Manager; Phil Martinez – Planner II, and Erin Arnold – Recording Secretary.

OTHERS PRESENT: Edmund Papie, Christopher Mills, Jay Klima, Larry Poliner and Teresa Sargeant

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

PUBLIC COMMENT: Chairperson Greene opened the meeting to Public Comment. No one spoke.

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – FUTURE LAND USE – CARPENTER COMPANIES FLORIDA LLC - Chairperson Greene stated this is a request to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the small scale future land use designation from Office (MAX 0.3 FAR) to Mixed Use (MAX. 1.0 FAR, 15 DU/AC), subject to the findings of the staff report for the property owned by Carpenter Companies Florida LLC, and located south of E. Oak Street and west of N. Forest Avenue.

Staff Presentation – Phil Martinez, Planner II, stated this is a request to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the small scale future land use designation from Office (MAX 0.3 FAR) to Mixed Use (MAX. 1.0 FAR, 15 DU/AC), subject to the findings of the staff report for the property owned by Carpenter Companies Florida LLC, and located south of E. Oak Street and west of N. Forest Avenue. The property is currently zoned “mixed use” downtown district. The current zoning is “Office” (Max 0.3 FAR). The maximum allowable development is 1 dwelling units. The tract size is 0.13 +/- acres.

The proposed “Mixed Use” Future Land Use is compatible with the property due to residential-oriented Future Land Use designations and residential uses being found in the vicinity. In addition, the proposed Mixed-Use Future Land Use is compatible with the current zoning, MU-D (Mixed Use Downtown District). The applicant has expressed intent to construct a single-family home on the parcel.

The proposed Future Land Use, “Mixed Use”, is consistent with the proposed zoning designation, MU-D (Mixed Use District). Site development cannot exceed the density allowed by the Mixed Use policies in the Comprehensive Plan. Planning & Zoning staff determines that the below policies support a “Mixed Use” designation at the subject site.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON DECEMBER 8, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the proposed Future Land Use Designation of “Mixed Use” for the property owned by Carpenter Companies Florida LLC and located south of E. Oak Street and west of N. Forest Avenue.

Staff recommended the Planning Commission find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Office to Mixed Use, subject to the findings of the Staff Report.

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

Commissioner Robert Ryan inquired about what was located to the west of the property. Staff stated that it was a parking lot.

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

MOTION: **Howard Washington made a motion to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from Office (MAX 0.3 FAR) to Mixed Use (MAX. 1.0 FAR, 15 DU/AC), subject to the findings of the staff report for the property owned by Carpenter Companies Florida LLC, and located south of E. Oak Street and west of N. Forest Avenue. Motion seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (6-0).**

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – JASON DWELLEY K-8 RELIEF SCHOOL - Chairperson Greene stated this is a request to recommend approval of the Jason Dwelley K-8 relief school Major Development Plan for the property owned by Orange County Public Schools, and located at 4650 and 4700 Jason Dwelley Parkway.

Staff Presentation – Bobby Howell, AICP, Planning Manager, stated this is a request to approve the Jason Dwelley K-8 relief school owned by Orange County Public Schools and located at 4650 and 4700 Jason Dwelley Parkway. The applicant is Klima Weeks Civil Engineering, c/o Jay A. Klima, P.E. The existing use is vacant land and the proposed development is a 141,952 square foot K-8 school. The tract size is 15.09 acres +/- . The applicable code is the 2019 Land Development Code.

The applicant has submitted a Major Development Plan for a 141,952 square foot K-8 school. The subject property is located at 4650 and 4700 Jason Dwelley Parkway and is approximately 15.09 acres in size. The Major Development Plan details the construction of the main school building, gymnasium, a track and ball fields, hardcourts, drop-off/pick-up area and reserves an area for future portables to be installed as needed.

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The site will be accessed via Jason Dwelley Parkway via two access points which consist of one right-in/right-out that is reserved for school buses, and one full access point that leads to the parking lot and parent drop-off/pick-up loop. Right and left turn lanes will be constructed leading into the site at the full access point, and a right turn lane will be constructed at the access point that is reserved for school buses. A total of 145 parking spaces are provided on site. Of the 145 parking spaces, 5 are accessible parking spaces.

Stormwater retention ponds are proposed to be located in the center of the school bus loop, and the center of the parent drop-off/pick-up area.

The landscape plan proposes the planting of Magnolia, Loblolly Pine, Shumard Oak, and Live Oak as trees on site. These materials are consistent with the requirements of the Land Development Code. A natural tree protection area consisting of existing pines will be preserved on the portion of the property that is adjacent to Jason Dwelley Parkway. In addition, an area of existing trees and understory material will be preserved adjacent to the Orchid Estates residential subdivision to act as a buffer between the existing residences and the proposed school.

Orange County was notified at the time of the Major Development Plan submittal for this property through the DRC agenda distribution.

The Development Review Committee found the Major Development Plan consistent with the Land Development Code.

Staff recommended the Planning Commission find the Major Development Plan consistent with the Land Development Code.

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

Commissioner Robert Ryan asked staff why there were only 5 accessible parking spaces instead of 6. He also wanted to know why the accessible parking spaces were angled parking and were not straight parking. Staff deferred to the applicant for comment.

Jay Klima, Klima Weeks 385 Douglas Rd, Altamonte Springs, stated that he represented the property owner and that he was available to answer any questions.

In response to Commissioner Ryan, Mr. Weeks stated that he would double check on the information for the number of parking spaces and shared common access aisles for ADA compliance. He stated that the angled parking is there because of the location and it is a one way driveway.

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

MOTION: William Gusler made a motion to approve the Jason Dwelley K-8 relief school Major Development Plan for the property owned by Orange County Public Schools and located at 4650 and 4700 Jason Dwelley Parkway. Motion seconded by Butch

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Stanley. Aye votes were cast by James Greene, William Gusler, Mary Norwood, Butch Stanley, and Howard Washington (5-1). Nay votes were cast by Robert Ryan.

QUASI-JUDICIAL – SPECIAL EXCEPTION – MENOL TRANSPORT – Chairperson Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a Special Exception to allow outdoor storage (as a principle use) in the I-L (Light Industrial District) for the property owned by Jose L. Perez located at 2025 Coral Hills Road, subject to the Special Exception Conditions of Approval and findings of the staff report.

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

In response to the question by Chairperson Greene, no one on the Planning Commission had any ex parte communications regarding this item.

Staff Presentation: Phil Martinez, Planner II, stated this is a Special Exception to allow outdoor storage (as a principle use) in the I-L (Light Industrial District) at 2025 Coral Hills Road, subject to the Conditions of Approval and findings of the staff report. The tract size for the property is 2.24 +/- acres.

The property is presently assigned a Future Land Use Designation of Industrial and has a zoning designation of Light Industrial (I-L). Based on Land Development Code (LDC) Table 4.2.2.C, Principal Use Table, outdoor storage (as a principal use) requires an approved Special Exception within the I-L zoning district. The applicant’s intent is to park operable semi-trucks in an enclosed area. The applicant has submitted a Minor Development Plan application for such use, and the most updated version of the Minor Development Plan is attached to the staff report as a point of reference. The Minor Development Plan requires the approval of the Development Review Committee (DRC).

Zoning and existing land use assigned to adjacent and nearby properties appears in the following table. The character of the area surrounding the subject property is described as follows:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Vacant
East (City)	Agriculture	AG	Vacant
South (County)	Rural	A-1	Hydro Rents
West (City)	Industrial	I-L	Vacant (Proposed Self-Storage)

Per Land Development Code Section 2.5.1.G.4, a Special Exception is required to be in compliance with the following standards:

- a. Will be consistent with the goals, objectives, and policies of the comprehensive plan;
- b. Will comply with all applicable zoning district standards;

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- c. Will comply with all standards in Sec. 4.2.3, Standards Specific to Principal Uses, Standards for Specific Principal Uses;
- d. Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;
- e. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- f. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
- g. Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- h. Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- i. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
- j. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
- k. Will not overburden existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection facilities; and
- l. Will comply with all other relevant City, State, and federal laws and regulations.

Special Exception Conditions of Approval:

- 1. Repairing, installing or maintaining components, and washing of vehicles is not permitted on-site.
- 2. Inoperable vehicles are not permitted to be stored on-site.
- 3. The use of the site shall not commence until a development plan has been approved by the DRC which permits said use on the site.

Pursuant to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.3.2.B.1.a, the Planning Commission has the authority to take make decisions on a special exception permits. Therefore, the Planning Commission may approve, deny or approve with conditions this application. An applicant may appeal the Planning Commission action to the City Council.

The Development Review Committee recommends approval of a Special Exception to allow outdoor storage (as a principal use) at 2025 coral Hills Road within the I-L (Light Industrial) zoning district, subject to the Special Exception Conditions of Approval and findings of the staff report.

Staff recommended the Planning Commission approve a to allow outdoor storage (as a principle use) at 2025 Coral Hills Road, subject to the Special Exception Conditions of Approval and findings of the staff report.

Commissioner Washington expressed concerns about the increased traffic possibility. Staff stated there is minimal to no traffic here. Coral Hills Road terminates at the 414.

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

Motion: Howard Washington made a motion to approve the Special Exception to allow outdoor storage (as a principle use) in the Light Industrial (I-L) Zoning District for the property owned by Jose L. Perez located at 2025 Coral Hills Road, subject to the Special Exception Conditions of Approval and findings of the staff report. Motion seconded by Mary Norwood. Aye votes were cast by James Greene, William Gusler, Mary Norwood, Butch Stanley, and Howard Washington (6-0)

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting adjourned at 5:47 p.m.

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JANUARY 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, William Gusler, Linda Laurendeau, Robert Ryan, and Howard Washington

ABSENT: Mary Norwood, Butch Stanley; Orange County Public Schools (Non-voting)

STAFF PRESENT: Michael Rodriguez – City Attorney, James Hitt, FRA-RA – Community Development Director, Robert Hippler – IT Director, Robert Shelton – Network Engineer, Bobby Howell, AICP – Planning Manager; Allyson Williams – Planner I and Erin Arnold – Recording Secretary.

OTHERS PRESENT: Pastor Rupert Bushner, Jr., Jonathan Huels, Alberto Antonio Esteban, Victoria Jaramillo, Gordy Vastey, Jose Medina, Sylvia Medina, Stephanie Silve and Jose Nunez.

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

ELECTION OF OFFICERS:

Chairperson:

MOTION: William Gusler nominated James Greene as Chairperson of the Planning Commission and seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, and Howard Washington (5-0)

Vice - Chairperson:

MOTION: James Greene nominated William Gusler as Vice-Chairperson of the Planning Commission and seconded by Howard Washington. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, and Howard Washington (5-0)

PUBLIC COMMENT: Chairperson Greene opened the meeting to Public Comment. No one spoke.

LEGISLATIVE – CHANGE OF ZONING – ALBERTO ESTEBEN - Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and to recommend approval of the proposed change of zoning from T (Transitional District) to RCE (Residential Country Estate) for the property owned by Alberto Esteben and located at 1228 Ustler Road.

Staff Presentation – Allyson Williams, Planner I, stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional) to RCE (Residential Country Estate) for the property owned by Alberto Esteben, located at 1228 Ustler Road. The current zoning is “Transitional District”. The tract size is 5.06+/- acres.

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The subject property was annexed into the City on December 4, 1996 by Ordinance No. 994. The proposed RCE (Residential Country Estate) zoning is compatible with the surrounding property zoning designations as the surrounding properties which are located in the City are zoned Transitional and RCE (Residential Country Estate) and are primarily residential and agricultural in nature. The proposed zoning designation of RCE permits a minimum lot size of one acre. The property owner is requesting the rezoning in order to divide the property into two lots.

The proposed RCE zoning is consistent with the existing Low Density Suburban Residential (0-3.5 dwelling units per acre) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional) to RCE (Residential Country Estate) for the property owned by Alberto Esteben, located at 1228 Ustler Road.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional) to RCE (Residential Country Estate) for the property owned by Alberto Esteben, located at 1228 Ustler Road.

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

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

MOTION: Linda Laurendeau made a motion to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and to recommend approval of the proposed change of zoning from T (Transitional) to RCE (Residential Country Estate) subject to the findings of the staff report for the property owned by Alberto Esteben and located at 1228 Ustler Road. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, and Howard Washington (5-0).

QUASI-JUDICIAL - VARIANCE – SOUTHEASTERN CONFERENCE ASSOCIATION OF SEVENT-DAY ADVENTIS INC. – 110 ATHLETES ROW - Chairman Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 5, Section 5.10.8.B.1.A, wall and projecting signs for single and multiple occupancy development, to allow a 22’ x 12’ (264 square feet) outdoor video board for drive-in worship for the property owned by Southeastern Conference Association of the Seventh-Day Adventist Inc and located at 110 Athletes Row.

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

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In response to the question by Chairperson Greene, no one on the Planning Commission had any ex parte communications regarding this item.

Staff Presentation: Allyson Williams, Planner I, stated this is a request to approve a variance from Land Development Code Article 5: Section 5.10.8.B.1.a. Primary and Secondary Wall Sign Sizing (a) which states “One primary wall sign is permitted on each wall of a building, parallel or perpendicular to a road or street, not exceeding an area equal to 15 percent of the front wall face height (interior roof) multiplied by the building width, not exceeding 200 square feet.” The property is owned by Southeastern Conference Association of Seventy-Day Adventist Inc and located at 110 Athletes Row. The applicant is Jonathan Huels. The existing use is a place of worship. The tract size is 5.09 +/- acres. The applicable code is the 2019 Land Development Code.

The applicant is requesting a variance from Land Development Code Article 5: Section 5.10.8.B.1.a. Primary and Secondary Wall Sign Sizing (a) which states “One primary wall sign is permitted on each wall of a building, parallel or perpendicular to a road or street, not exceeding an area equal to 15 percent of the front wall face height (interior roof) multiplied by the building width, not exceeding 200 square feet.”

- *Applicant Request* – Allow a 22’ x 12’ (264 square foot) video board to be installed on the east side of the existing structure to be utilized in conjunction with outdoor worship service conducted in the parking lot.

VARIANCE PROCESS: Per Land Development Code Section 2.5.5(A)(5), the Planning Commission shall make initial determination of the following to approve a variance **(Step 1):**

1. Section 2.5.5(A)(5)(1). Whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Planning Commission shall make the findings in subsection b., below, based on the granting of the variance for that site alone.
2. Section 2.5.5(A)(5)(2). If the condition is common to numerous sites so that requests for similar variances are likely to be received, the Planning Commission shall make the required findings based on the cumulative effect of granting the variance to all who may apply.
3. Section 2.5.5(A)(5)(3). No nonconforming use of neighboring lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a zoning variance.

APPLICABLE CITY CODES:

- Section 2.5.5(A) - The procedures and standards in this section apply to the review of and decision on an application for a variance.

Nine Variance Criteria Findings (Step 2): If the Planning Commission makes a positive determination of each item in Step 1 above, the second step is to make a finding on the nine criteria below. A zoning variance shall be approved only on a finding the applicant demonstrates there is competent substantial evidence in the record that on each of the following nine criteria:

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. There are practical difficulties in carrying out the strict letter of the relevant requirements of the LDC in that the requested variance relates to a hardship due to characteristics of the land and not solely the needs of the land owner.

Applicant's Response: The health risk posed by the global Covid-19 pandemic create practical difficulties in safely conducting indoor worship within the existing facility. This hardship is not created by the landowner. The proposed variance would mitigate these health risks by allowing for use of the proposed video board in conjunction with outdoor drive-in worship conducted in the existing parking lot.

Staff's Response: The applicant installed the video board without a building permit and applied for an "after the fact" building permit which was subsequently rejected due to the proposed video board exceeding the maximum allowable 200 square feet in area. Staff does not object to a video board that is 200 square feet in area or to the need and purpose of the video board.

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

Applicant's Response: There is no desire to reduce the cost of developing the site. In contrast, the cost of the purchase and installation of the video board is significant and will be borne by the applicant. Further, the video board would enhance the existing outdoor drive-in worship service conducted in the parking lot.

Staff's Response: Staff does not object to a video board that does not exceed the maximum allowable square footage amount that is noted in the Land Development Code.

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

Applicant's Response: Since the video board will be utilized exclusively in conjunction with outdoor worship service in that is currently being conducted in the parking, there is no increase in traffic or congestion of surrounding public streets. Further, the same parking lot that would otherwise be utilized for indoor worship within the facility, which would activity occur at the same time and involve the same participants as the outdoor service.

Staff's Response: No objection. The addition of a video board to allow for outdoor worship services for church members does not appear to cause an increase in congestion on surrounding public streets.

4. The proposed variance will not substantially diminish property values in the area surrounding the site.

Applicant's Response: Based on the orientation and limited use of the video board, the property values in the surrounding area will not be diminished. The surrounding area is comprised of industrial warehousing, railroad right-of-way and vacant land.

Staff's Response: No objection. The installation of the video board is not anticipated to substantially diminish property values in the area surrounding the site.

5. The proposed variance will not substantially alter the essential character of the area surrounding the site.

Applicant's Response: The proposed variance, if granted, will not alter the essential character of the area surrounding the site, which consists of industrial warehousing, railroad right-of-way and vacant land. The orientation and limited use of the videoboard in conjunction with Saturday worship service will have no impact on the surrounding businesses in the area.

Staff Response: No objection.

6. The effect of the proposed variance is in harmony with the general intent of the LDC and the specific standards for which the variance is granted;

Applicant's Response: The City's LDC is predicated on the protection of public health, safety and welfare. Since the proposed video board furthers the applicant's goal of conducting worship service in a safe and efficient manner that is protective of public health and general welfare, the effect of the variance, if granted, is in harmony with the general intent of the LDC.

Staff Response: The intent of the video board is to allow church members to adhere to social distancing guidelines in response to the Covid-19 global pandemic which is in the interest of the public health, safety and welfare; and will assist in limiting the spread of Covid-19 not only throughout the congregation but in the City and in the surrounding community as a whole. Post Covid-19 issues allows the church a drive-in worship use.

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

Applicant's Response: The applicant is not requesting any special conditions and circumstances. The request is to provide an addition that accommodates the existing building, existing terrain, and site constraints.

Staff Response: The applicant elected to install the video board as a way to increase social distancing measures in response to the potential Covid-19 transmission during worship services. The video board was installed without a building permit and exceeds the maximum allowable square footage by 64 square feet. The Development Review Committee (DRC) stated that uses needed to remain oriented towards worship. Viewing or showing of motion picture films is prohibited. Renting of the video board will be prohibited. External speakers or system is prohibited. Nighttime uses are also prohibited unless approved by the City's DRC. If other uses are to arise in the future they must be presented and taken through a special event permit process.

8. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: There is no safety hazards or other detriments to the public. In fact, the proposed variance, if granted, will decrease the safety hazards to church members and the public presented by the global Covid-19 pandemic by allowing worship in a social-distanced, open-air environment, which will greatly reduce any risk of transmission of the virus.

Staff Response: The Development Review Committee (DRC) stated concerns regarding noise transmission from the video board after suitable operating hours. The video board must only be used during certain operating hours which have been designated as dawn to dusk. If other uses outside of these operating hours arises in the future they must be presented and taken through a special permit process.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JANUARY 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

9. The variance is the minimum variance which will make possible the reasonable use of the land, building or structure.

Applicant's Response: The health risks associated with indoor assembly posed by the global Covid-19 Pandemic require the implementation of innovative measure to allow for worship service to continue in a safe and efficient manner during these unprecedented times. The proposed variance is the minimum possible to allow for the outdoor video board to be utilized in conjunction with the drive-in worship service that is protective of the public health, safety and welfare.

Staff Response: No objection.

The role of the Planning Commission is to review the application at a quasi-judicial hearing and make a decision based on the review standards in Section 2.5.5(A)(5) Standards. The Planning Commission decision shall be one of the following:

1. Approval of the variance;
2. Approval of the variance subject to modification and/or condition; or
3. Denial of the variance.

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 Greene stated that under the ordinance, there are certain findings that need to be made to approve it. He isn't sure that the board can make those findings.

In response to Chairperson Greene, City Attorney Michael Rodriguez stated that the applicant will need to make their presentation and the board has to determine if that standard is met.

Commissioner Washington inquired about the location of the board. Staff stated that the board was placed on the east side facing the parking lot.

Commissioner Laurendeau mentioned that the dawn-to-dusk requirement changes every day. The applicant needs to understand that the time frame will adjust during different time changes.

In response to Commissioner Gusler, City Attorney, Michael Rodriguez stated that variances do not set a precedent for everyone. They are examined on a case by case basis.

James Hitt, Community Development Director, pointed out some of the special conditions in Item #7 in the staff report.

Jonathan Huels, Lowndes Law Firm, 215 N Eola Drive Orlando, stated that he represents the owner of the church and gave an overview on why the church decided to put the screen up. He stated that because of COVID, the church currently listens to worship in the car via a radio station as part of a drive thru worship. The thought process behind the video board was to add an element to give people who may be further in the back of the parking lot on a busy day the ability to see anyone that was on the stage in the front. They contacted a video board manufacturer and went under contract with them. The contractor did not follow the rules. He didn't look in to how the city would regulate the video board. He did not pull a permit with the city. He proceeded to put the video board up. The board is now up and the church does desire to utilize the board for outdoor Saturday worship services. Mr. Huels proceeded to show pictures to give perspective on why the size of the board was chosen. There were no concerns expressed from surrounding properties about the board possibly becoming a nuisance, only discussion regarding amplified noise. The radio would be where the sound would come from.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JANUARY 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

In response to Commissioner Gusler, Mr. Huels stated that the idea behind video board was that it would be specifically for use during the drive in worship on Saturday from 10a-1p and there would be no amplified sound. Any other use would require a special event permit.

In response to Chairperson Greene, Mr. Huels stated that he had not looked over the contract in detail so he was not able to speak the obligations of the contractor.

In response to Commissioner Washington, Mr. Huels stated that the circumstance is unique and feels that it meets the criteria for a variance.

In response to Chairperson Greene, City Attorney, Michael Rodriguez stated that if city council finds that the applicants' justifications are based, then city council can overrule. Anything that is going to city council is going to be based on the information that is being presented today.

Commissioner Ryan stated that this is a self-hardship and that self-hardship doesn't work under variances.

In response to Commissioner Ryan, Mr. Huels stated that the hardship is COVID. This is the safest way for them to worship together. The pandemic creates the need for this type of use.

Chairperson Greene commented that the statute doesn't just say hardship. It says hardship due to the characteristics of the land.

In response to Chairperson Greene, Mr. Huels stated that the land is a large parking lot. He stated that this is a unique situation and the video board is not going to be used as a sign since it won't be used to advertise.

Commissioner Gusler and Community Development Director, James Hitt, discussed the motivation for the signage regulation and the intent of the rule if the video board is inactive most of the time.

Mr. Huels commented that conditions will be put on the use and operation in order to make it specific to this property.

In response to Commissioner Ryan's concerns as to who would be enforcing the rules and regulations, Mr. Huels stated if the rules put in place were not adhered to that it would fall to the Code Enforcement division. Commissioner Ryan expressed concern about this due to the work load that Code Enforcement already has.

Commissioner Washington and Community Development Director, James Hitt, discussed the definition of hardship. The example given was if there was someone at the back of the parking lot who could not see the front of the stage. City Attorney, Michael Rodriguez clarified that the hardship is tied to the land.

In response to Commissioner Laurendeau, Mr. Huels stated that the church felt that it would enhance the experience of the drive in worship which has guided them to where they are today.

Commissioner Gusler stated that he doesn't think that under the specific conditions given to the variance that they will be violating the code.

Commissioner Laurendeau stated that she was concerned that the video board would still be used since they already have it up. James Hitt explained that the video board would have to come down if city council denies it because they do not have a building permit and it would be in violation.

Chairperson Greene opened the meeting for public hearing.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JANUARY 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

Motion: Robert Ryan made a motion to recommend denial of the variance for Southeastern Conference Association of Seventh-Day Adventist Inc to allow a 22' x 12' (264 square foot) outdoor video board for drive-in worship at the property located at 110 Athletes Row. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, and Howard Washington. Nay votes were cast by Williams Gusler (4/1).

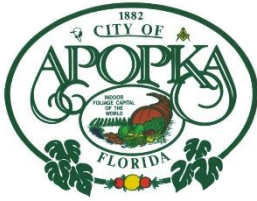
OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting adjourned at 6:19 p.m.

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: February 9, 2021
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT & REQUEST:

**COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE
AMENDMENT – APOPKA CENTERLINE DEVELOPMENT, LLC.**

FROM: RURAL (COUNTY)

TO: LOW DENSITY RESIDENTIAL (CITY)

SUMMARY:

OWNER: Apopka Centerline Development, LLC.

APPLICANT: VHB c/o Erika Hughes

LOCATION: 1879 Boy Scout Road (North of Boy Scout Road and East of South Binion Road)

PARCEL ID NUMBER: 17-21-28-0000-00-006

EXISTING USE: Vacant

CURRENT ZONING: A-1 (Orange County)

TRACT SIZE: 9.487 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: Orange County Rural permits 1 du/10 ac.
PROPOSED: 47 du/ac– City Low Density Residential permits 5 du/ac

RECOMMENDED ACTION:

Find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from (County) Rural to (City) Low Density Residential, subject to the findings of the Staff Report.

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject property was annexed into the City limits on January 20, 2021 via Ordinance No. 2812. The “Low Density Residential” Future Land Use designation is proposed on the subject property due to residential-oriented Future Land Use designations and residential uses being found in the vicinity. Surrounding properties that are located in the City along the north side of Boy Scout Road have a Low Density Residential Future Land Use. The proposed Low Density Residential Future Land Use designation is compatible with the surrounding properties that are located in the City along the north side of Boy Scout Road which have a Low Density Residential Future Land Use designation. It is the intent of the property owner to incorporate the subject property into a Planned Development (PD) that is currently under review that encompasses the subject property and surrounding properties located along the northern and southern sides of Boy Scout Road.

COMPREHENSIVE PLAN COMPLIANCE: The proposed Future Land Use designation, “Low Density Residential”, is consistent with the proposed zoning designation, PD (Planned Development). Site development cannot exceed the density allowed by the Planned Development policies. Planning & Zoning staff determines that the below policies support a “Low Density Residential” Future Land Use designation at the subject site.

Future Land Use Element

Policy 3.1.e Low Density Residential

Primary uses shall be residential dwelling units up to 5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- 1) Institutional uses of five acres or less
- 2) Supporting infrastructure and public facilities of five acres or more
- 3) Horticulture nurseries as a primary use;

Planned Development uses may include:

- 1) All primary uses
- 2) All special exception uses
- 3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.

SCHOOL CAPACITY REPORT: The proposed Future Land Use amendment will result in a significant increase (approximately 47 dwelling units) in the number of residential units which could be developed at the subject property. A School Capacity determination application was submitted to Orange County Public Schools (OCPS) on January 22, 2021.

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 30, 2021.

PUBLIC HEARING SCHEDULE:

February 9, 2021 - Planning Commission (5:30 pm)

March 3, 2021 - City Council (1:30 pm) - 1st Reading

March 17, 2021 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

January 22, 2021 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

Development Review Committee: Finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of “Low Density Residential” for the property owned by Apopka Centerline Development LLC and located North of Boy Scout Road and East of South Binion Road, specifically at 1879 Boy Scout Road.

Recommended Motion: Find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Orange County Rural to City of Apopka Low Density Residential, subject to the findings of the Staff Report.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Low Density Residential	RSF-1A	Vacant
East (City)	Low Density Residential	RSF-1A	Vacant
South (City)	Mixed Use	MU-ES-GT	Vacant
West (City)	Low Density Residential	RSF1-A	Vacant

II. LAND USE ANALYSIS

The subject property is currently vacant, future development must comply with the Low Density Residential future land use designation and be consistent with the Comprehensive Plan policies.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from Orange County Rural to City of Apopka Low Density Residential (Max. 47 dwelling units, 5 du/ac) is consistent with the terms of the JPA (Second Amendment). Apopka Centerline Development LLC is the property owner, and has been notified of the hearing schedule.

Transportation: Road access to the site is from Boy Scout Road.

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

- Future Land Use Element, Policies 4.5, 4.13, 4.15, 14.4, 15.1,
- Infrastructure Element, Policies 1.5.5, 3.1.2, 3.4.3, 3.4.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 1.1,2.1

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on the subject property, however, there are karst features in the vicinity of the property.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Low Density Residential (Max. 47 dwelling units, 5 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 0 GPD
3. Projected total demand under proposed designation: 3,807 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: None
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improvement/expansions already programmed or needed as a result if proposed amendment: Yes

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 174 GPD/Capita

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

2. Projected total demand under existing designation: 0 GPD
3. Projected total demand under proposed designation: 8,178 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: None
6. Projected LOS under proposed designation: 174 GPD/Capita
7. Improvement/expansions already programmed or needed as a result of the proposed amendment: Yes
8. Parcel located within the reclaimed water service area.

Solid Waste

1. Facilities serving the site: City of Apopka

2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 4 lbs/ day /Capita
4. Projected LOS under proposed designation: 4 lbs / day /1,000sf
5. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

- Water treatment plant permit number: CUP No. 3217
- Permitting agency: St. John's River Water Management District
- Permitted capacity of the water treatment plant(s): 24.141 MGD
- Total design capacity of the water treatment plant(s): 33.696 MGD
- Availability of distribution lines to serve the property: Yes
- Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site:
2. Projected LOS under existing designation:
3. Projected LOS under proposed designation:
4. Improvement/expansion: On site retention / detention ponds

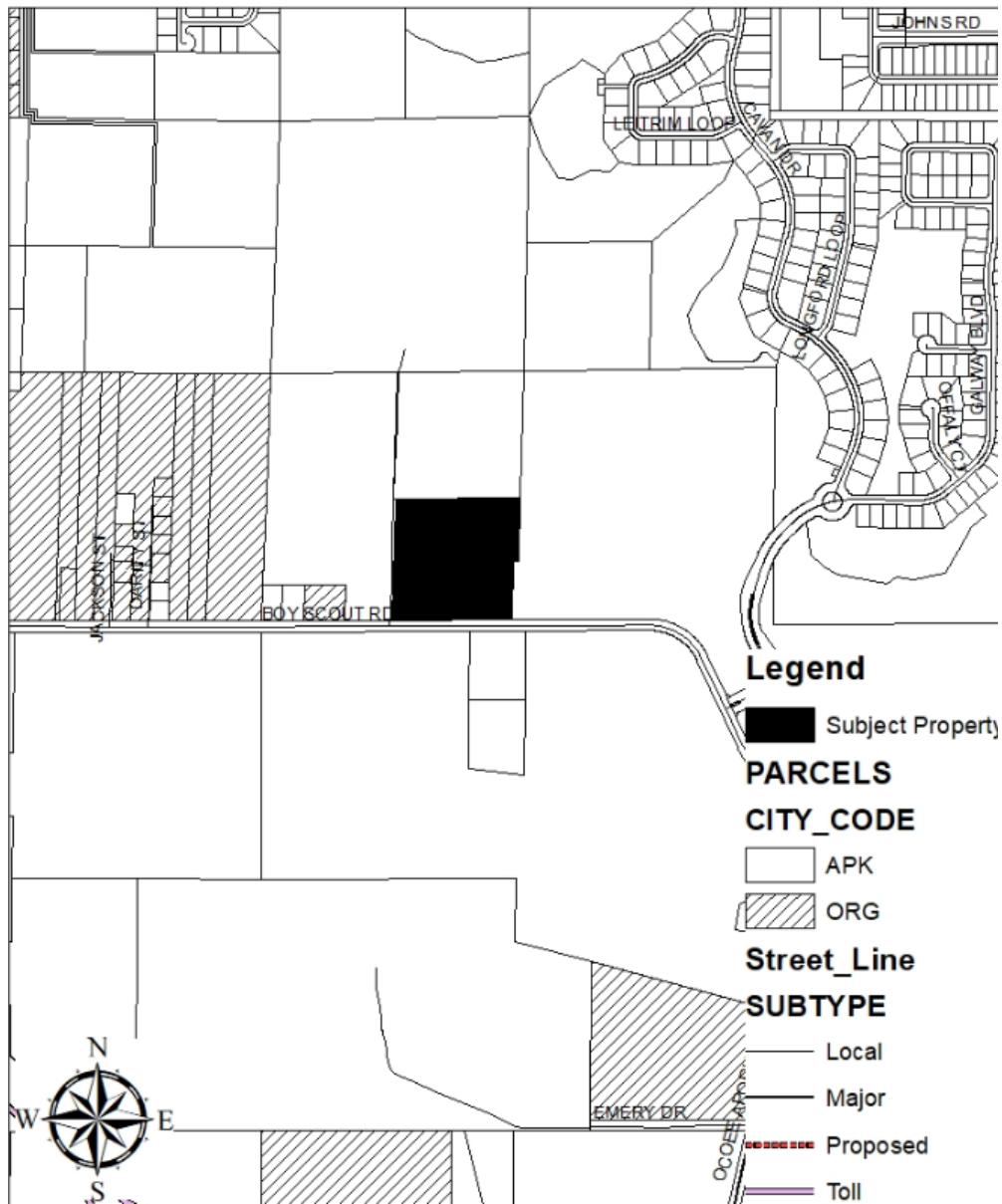
Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 acre / 1000 capita
2. Projected facility under existing designation: 0 acres
3. Projected facility under proposed designation: 0.01 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None



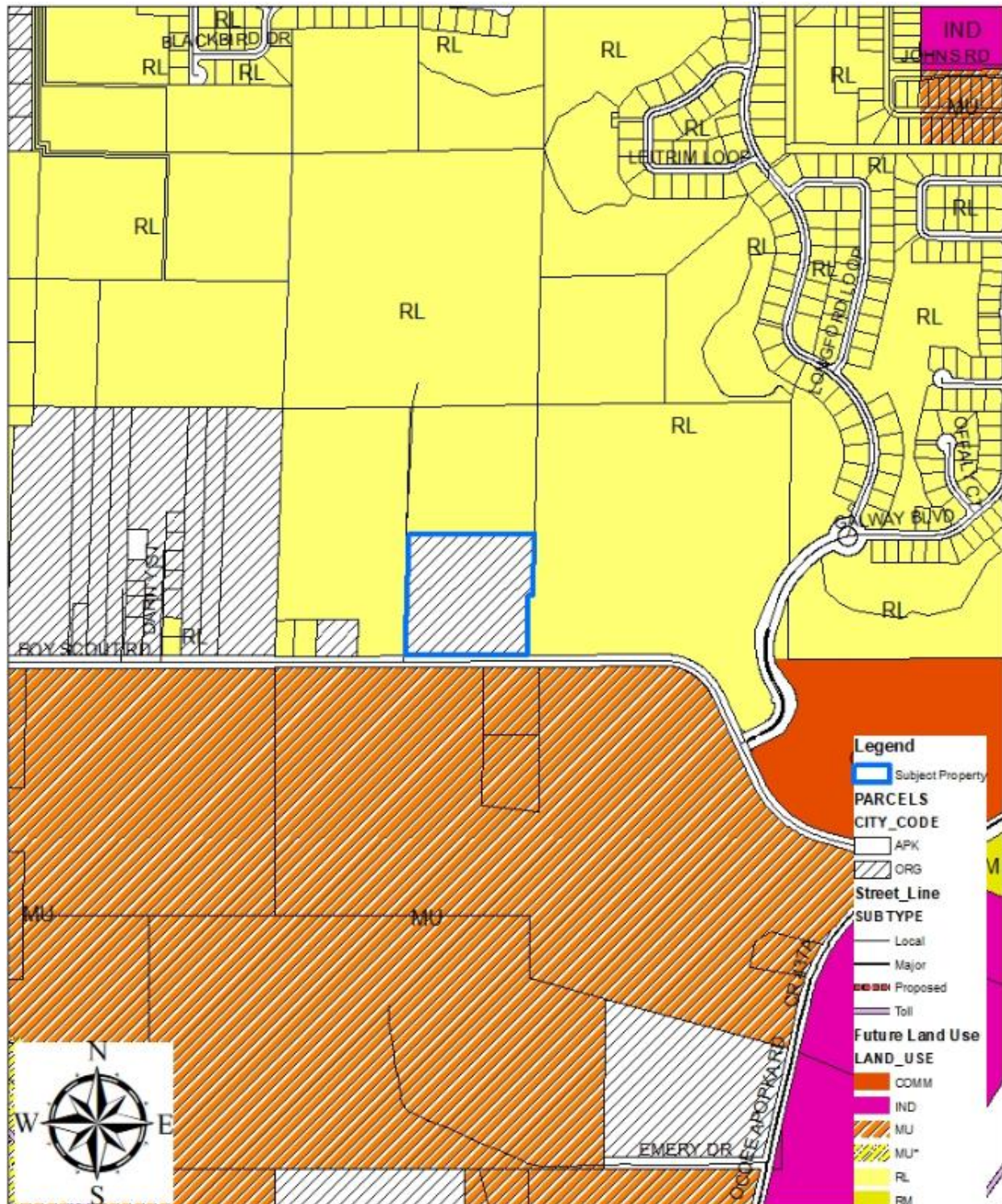
Apopka Centerline Development LLC
9.487 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: Rural (Orange County)
To: Low Density Residential (City)
Parcel ID #: 17-21-28-0000-00-006

VICINITY MAP

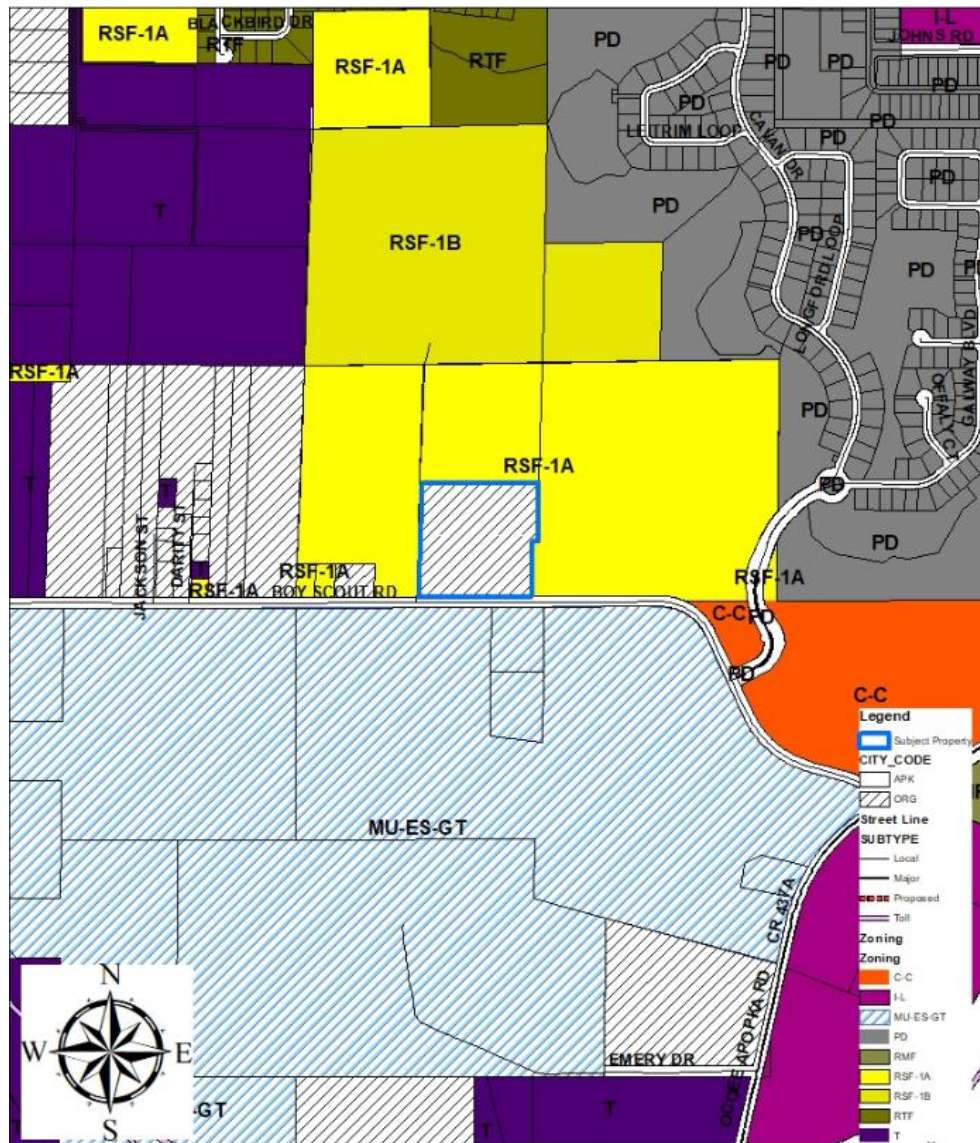




FUTURE LAND USE MAP

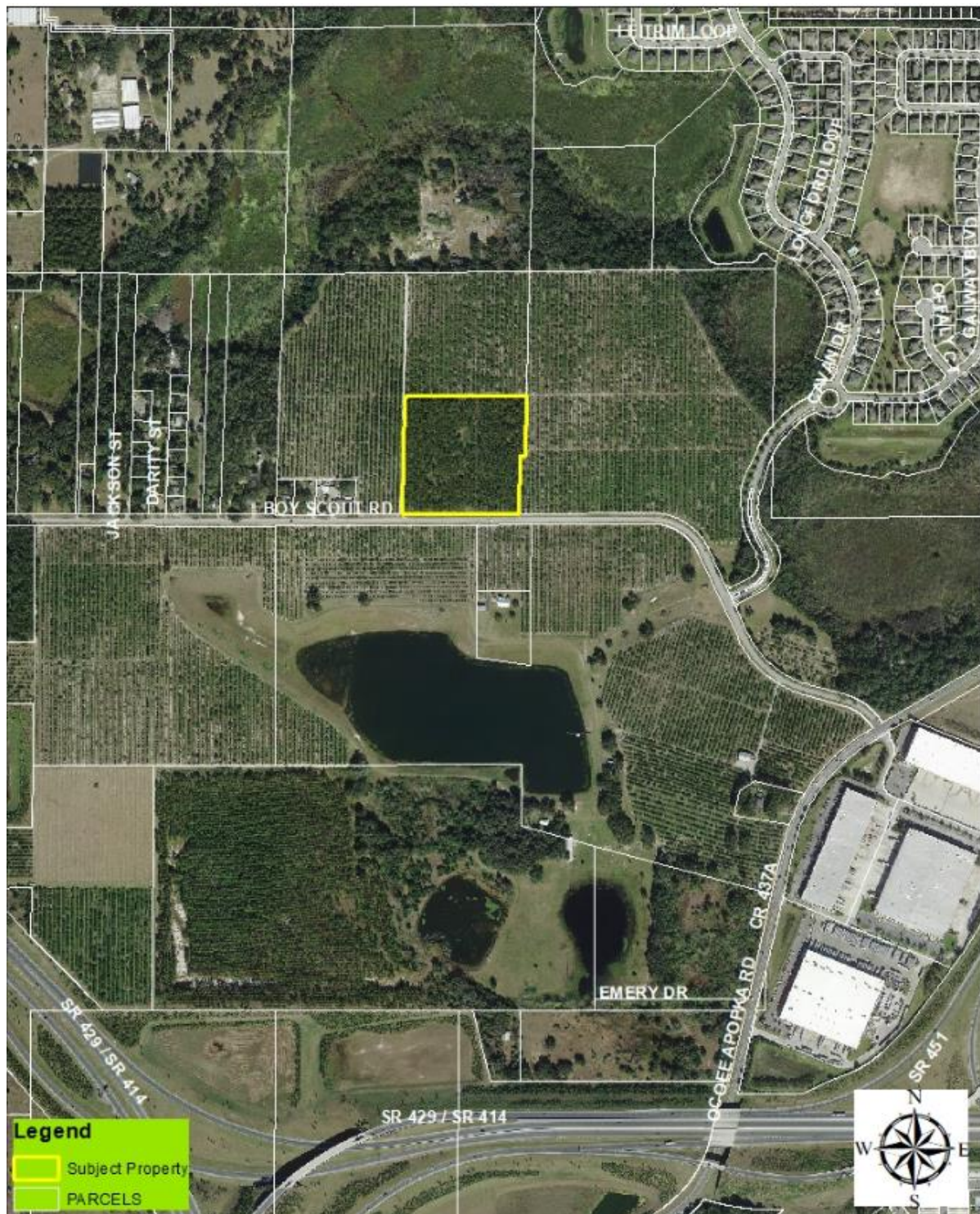


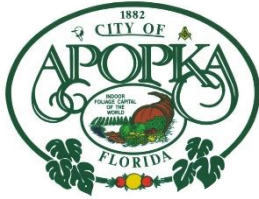
ADJACENT ZONING





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: February 9, 2021
FROM: Community Development
EXHIBITS: Land Use Report
Map 1-1.d, FLUE
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map
Vicinity Map
Concept Plan

SUBJECT & REQUEST:

**COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE
AMENDMENT – 2302 OCOEE-APOPKA ROAD**

FROM: HIGH DENSITY RESIDENTIAL-15 (MAX. 15 DU/AC)

TO: HIGH DENSITY RESIDENTIAL-25 (MAX. 25 DU/AC)

SUMMARY:

OWNER: Francis X Heidrich, Jr. and Cathy Tolbert Campbell

APPLICANT: First Team Commercial, LLC

LOCATION: 2302 Ocoee-Apopka Road (Northwest corner of the intersection of Keene Road and Ocoee-Apopka Road)

PARCEL ID #: 20-21-28-0000-00-009

EXISTING USE: Vacant

CURRENT ZONING: T (Transitional)

MAXIMUM ALLOWABLE DEVELOPMENT UNDER FLUM: EXISTING FLU: 222 dwelling units
PROPOSED FLU: 371 dwelling units

TRACT SIZE: 21.59 +/- acres

RECOMMENDED ACTION:

Find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from High Density Residential-15 to High Density Residential-25 to the Florida Department of Economic Opportunity.

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject property is located at 2302 Ocoee-Apopka Road and is approximately 21.59 acres in size and has a zoning designation of Transitional (T). Of the 21.59 acres, approximately 6.74 are located within Medicine Lake. The developable land area is approximately 14.85 acres. The applicant is requesting a change in the future land use designation of the property from HDR-15, which permits a maximum density of 15 dwelling units per acre, to HDR-25, which permits a minimum density of 15 dwelling units per acre and a maximum density of 25 dwelling units per acre in order to develop a 350-unit apartment complex on the subject property. The existing future land use designation of HDR-15 permits a maximum of 222 dwelling units on the property. The proposed HDR-25 future land use designation permits a maximum of 371 dwelling units on the buildable portion of the property.

Future Land Use Element, Policy 3.1.h allows the HDR-25 option on a property provided it meets the location criteria set forth in Policy 3.1.h of the Future Land Use Element. The subject property is located within the East Shore New Market Area, which is one of the four permitted locations depicted in Policy 3.1.h of the Future Land Use Element of the Comprehensive Plan.

A request to assign a Future Land Use Designation of HDR-25 is compatible with the designations assigned to abutting properties and is permitted in the Comprehensive Plan as the property is located within the East Shore New Market Area, which is one of the four locations depicted in Policy 3.1.h of the Future Land Use Element. The applicant will be applying for a Planned Development (PD) zoning on the property at a later date, which is the only zoning designation that will allow for implementation of the HDR-25 future land use designation on a property as the Land Development Code allows for a maximum density of 15 dwelling units per acre within all standard zoning districts.

Policy 3.1.h. ii. High Density Residential – 25 (HDR-25)

The primary use shall be residential dwelling units with a minimum of 15 units per acre up to a maximum of 25 dwelling units per acre; elementary schools; middle schools, high schools; supporting infrastructure of less than five acres. The HDR-25 Designation may only be assigned to properties located within the geographical areas delineated within Maps 1-1.a to 1-1.e. through a Future Land Use Map Amendment. Properties assigned the HDR-25 Designation must have access to a collector or arterial road, or planned as a component of a pedestrian-oriented, mixed-use master plan with internal “complete street” connectivity. Only properties located inside an HDR-25 edibility area, as delineated in Maps 1-1.a to 1-1.e, are eligible to be assigned this designation through a Future Land Use Map amendment.

Special exception uses shall include:

- (1) Institutional uses of ten acres or less;
- (2) Supporting infrastructure and public facilities of five acres or more;

Planned Development uses may include:

- (1) All primary use
- (2) All special exception uses
- (3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

SCHOOL CAPACITY REPORT: Orange County Public Schools (OCPS) has provided a report that indicates capacity for the proposed development is not available at the elementary school level and is deficient by 30.660 seats at the elementary school level. The property is zoned for the following schools: Wheatley Elementary, Wolf Lake Middle, and Wekiva High.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 8, 2021.

PUBLIC HEARING SCHEDULE:

February 9, 2021 - Planning Commission (5:30 pm)

March 3, 2021 - City Council (1:30 pm) - 1st Reading and Transmittal

DULY ADVERTISED:

January 22, 2021 – Public Notice (Apopka Chief) and Notification (letters and posting)

RECOMMENDATION ACTION:

Development Review Committee: Finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from HDR-15 to HDR-25 for the property owned by Francis X Heidrich, Jr. and Cathy Tolbert Campbell.

Recommended Motion: Find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from HDR-15 to HDR-25 to the Florida Department of Economic Opportunity.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North	Industrial	I-L (Light Industrial)	Vacant
East	Mixed-Use	MU-ES-GT (Mixed-Use-East-Shore-Gateway), T (Transitional)	Vacant
South	HDR-15	T (Transitional)	Vacant
West	SR 429	N/A	SR 429

II. LAND USE ANALYSIS

North: Abutting the subject property to the north is vacant property that currently has a future land use designation of Industrial. This property is eligible for the HDR-25 future land use designation as it is located within the East Shore New Market Area, which is one of the four eligibility zones noted in Future Land Use Element, Policy 3.1.h.

West: SR 429 is located to the west.

South: Abutting the subject property to the south is vacant property that currently has a future land use designation of HDR-15. This property is eligible for the HDR-25 future land use designation as it is located within the East Shore New Market Area, which is one of the four eligibility zones noted in Future Land Use Element, Policy 3.1.h.

East: To the east is property that is vacant and has a future land use designation of Mixed-Use and is vacant. The Mixed-Use future land use designation allows a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities to serve the residential and non-residential needs of special areas of the City.

Other Information:

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

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through

the following policies:

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

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

Analysis of the character of the Property: The property is vacant and was used as a single-family residence in the past.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is HDR-25. A change to the HDR-25 Future Land Use will generate an estimated population increase up to 986 persons.

CALCULATIONS:

EXISTING: HDR-15 (Max. 15 DU per Acre): 222 dwelling units.

PROPOSED: HDR-25 (Max. 25 DU per Acre): 371 dwelling units.

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

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments ten (10) acres or more in size. This site is greater than ten acres. A habitat study will be required at the time of a development plan application.

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

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 90 GPD/1,000 sf, 81 GPD / Capita; 90 GPD/1,000 sf

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

2. Projected total demand under existing designation: 46,800 GPD
3. Projected total demand under proposed designation: 28,080 GPD
4. Capacity available: TBD
5. Projected LOS under existing designation: 90 GPD/1,000 sf
6. Projected LOS under proposed designation: 90 GPD/1,000 sf

7. Improved/expansions already programmed or needed as a result if proposed amendment:
TBD

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 200 GPD/1,000 sf, 174 GPD / Capita; 200 GPD/1,000 sf

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

2. Projected total demand under existing designation: 104,000 GPD
3. Projected total demand under proposed designation: 62,400 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 200 GPD/1,000 sf
6. Projected LOS under proposed designation: 200 GPD/1,000 sf
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 24.141 MGD

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

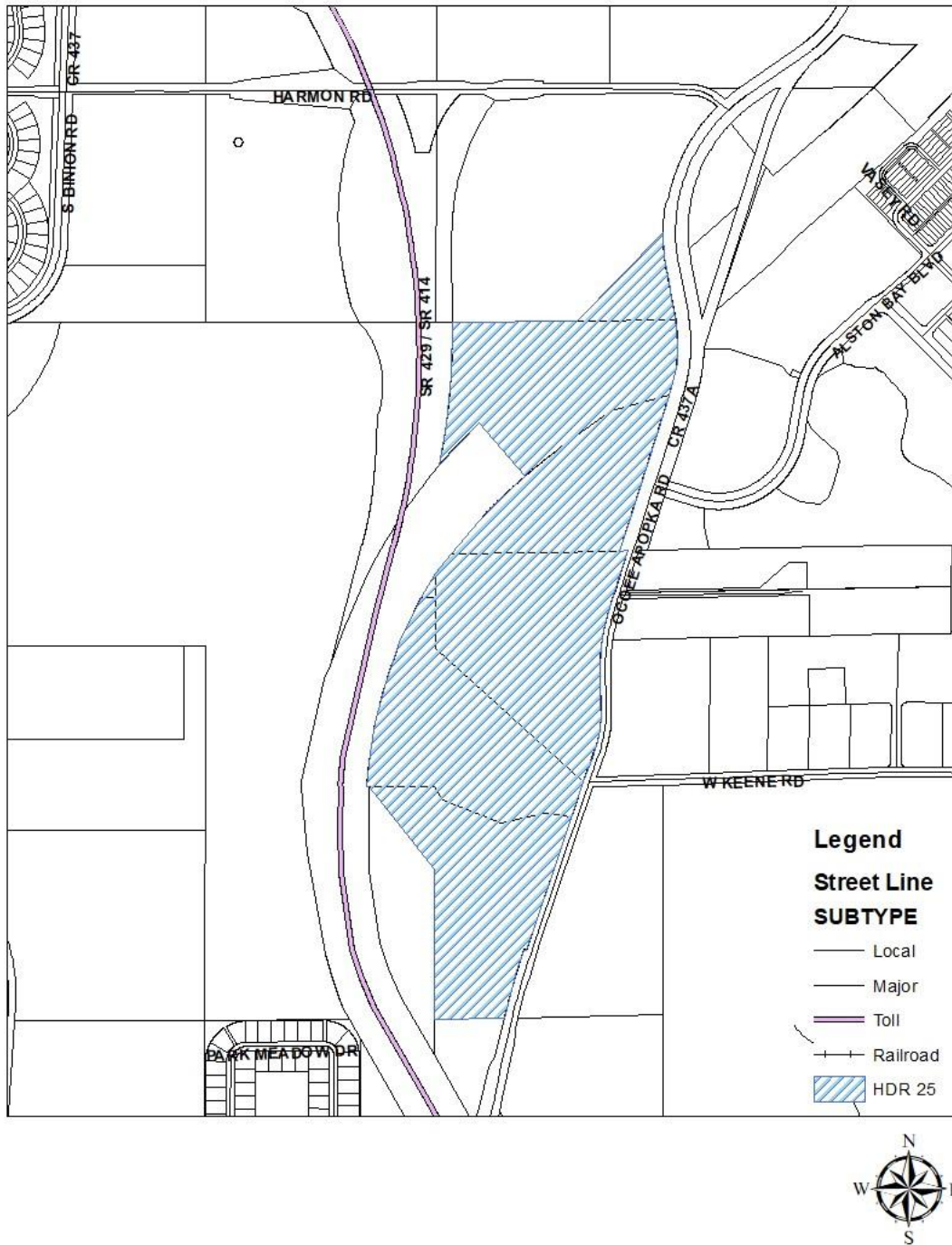
1. Facilities serving the site:
2. Projected LOS under existing designation:
3. Projected LOS under proposed designation:
4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 1.77 acres
3. Projected facility under proposed designation: 2.95 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

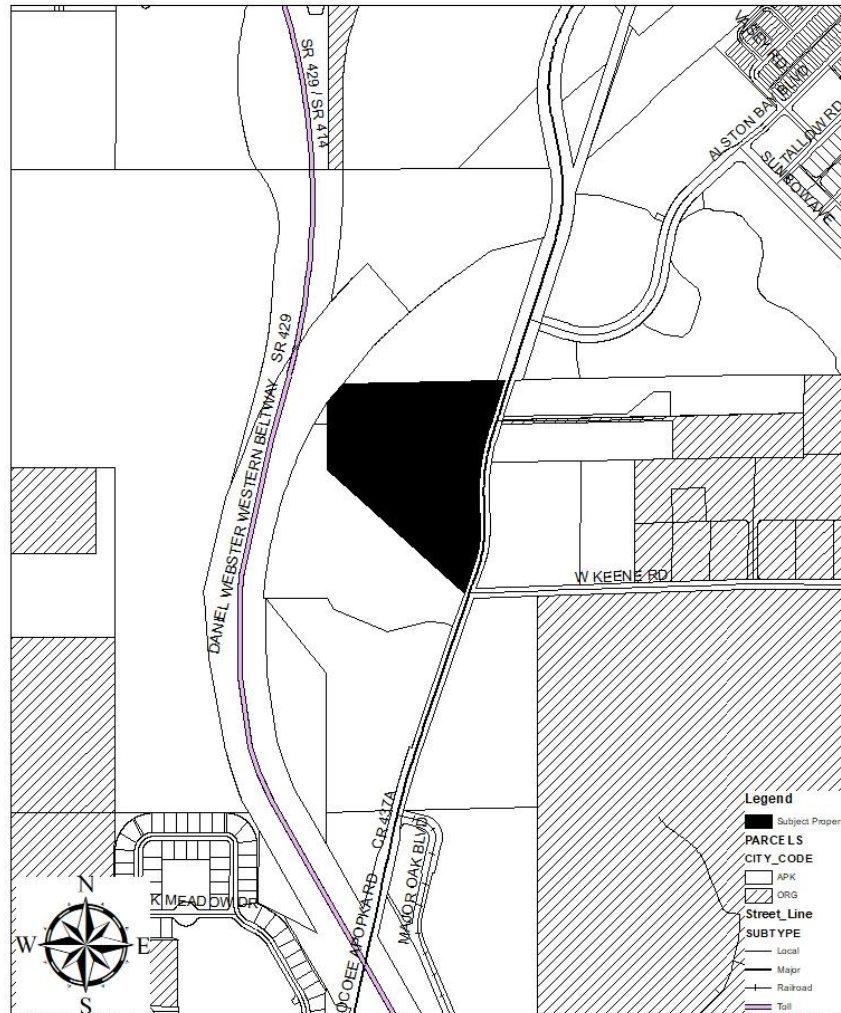
This initial review does not preclude conformance with concurrency requirements at the time of development approval.

**Map 1-1.d: Policy 3.1.h.ii
East Shore New Market Area
(Map delineates areas eligible for designation as
HDR-25 through a Future Land Use Amendment)**



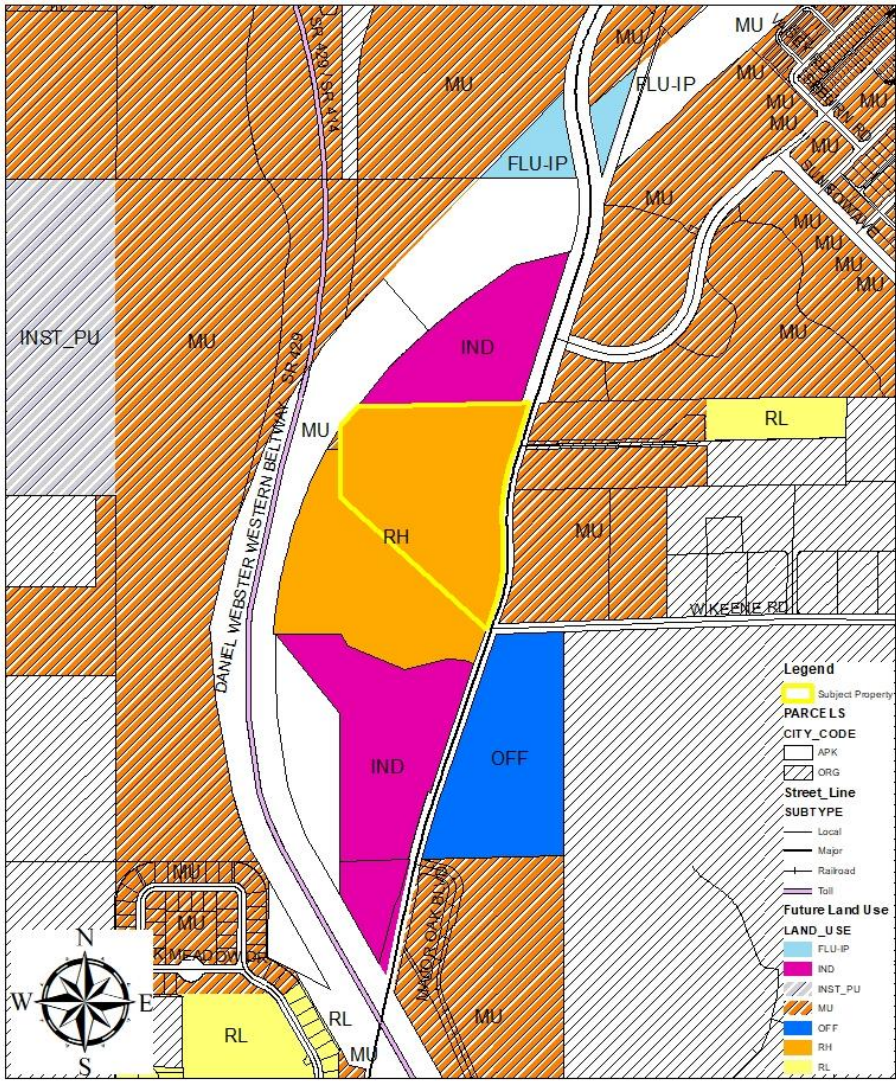
2302 Ocoee-Apopka Road
Proposed Large Scale Future Land Use Amendment:
From: HDR-15
To: HDR-25
Parcel ID #: 20-21-28-0000-00-009

Vicinity Map



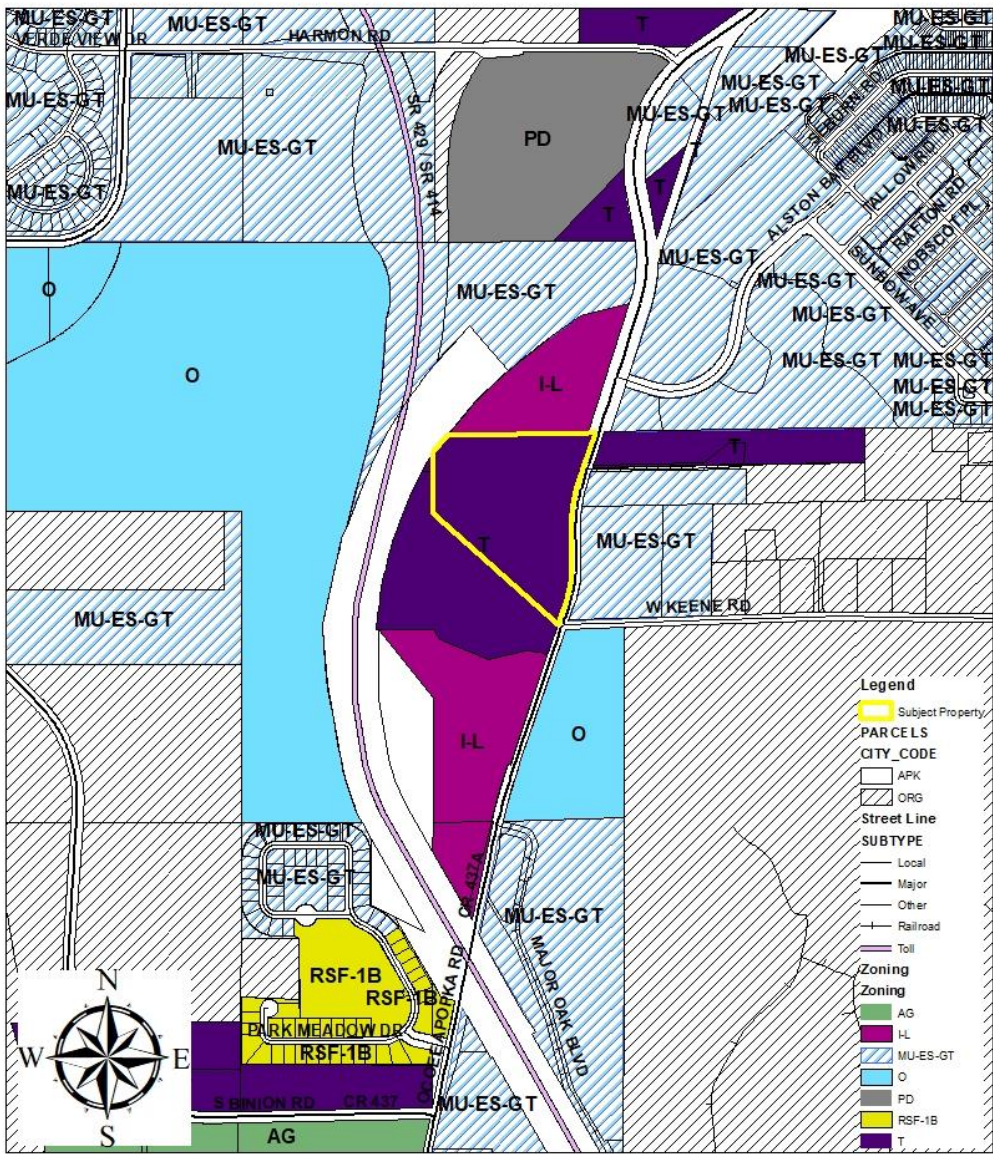
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Future Land Use Map



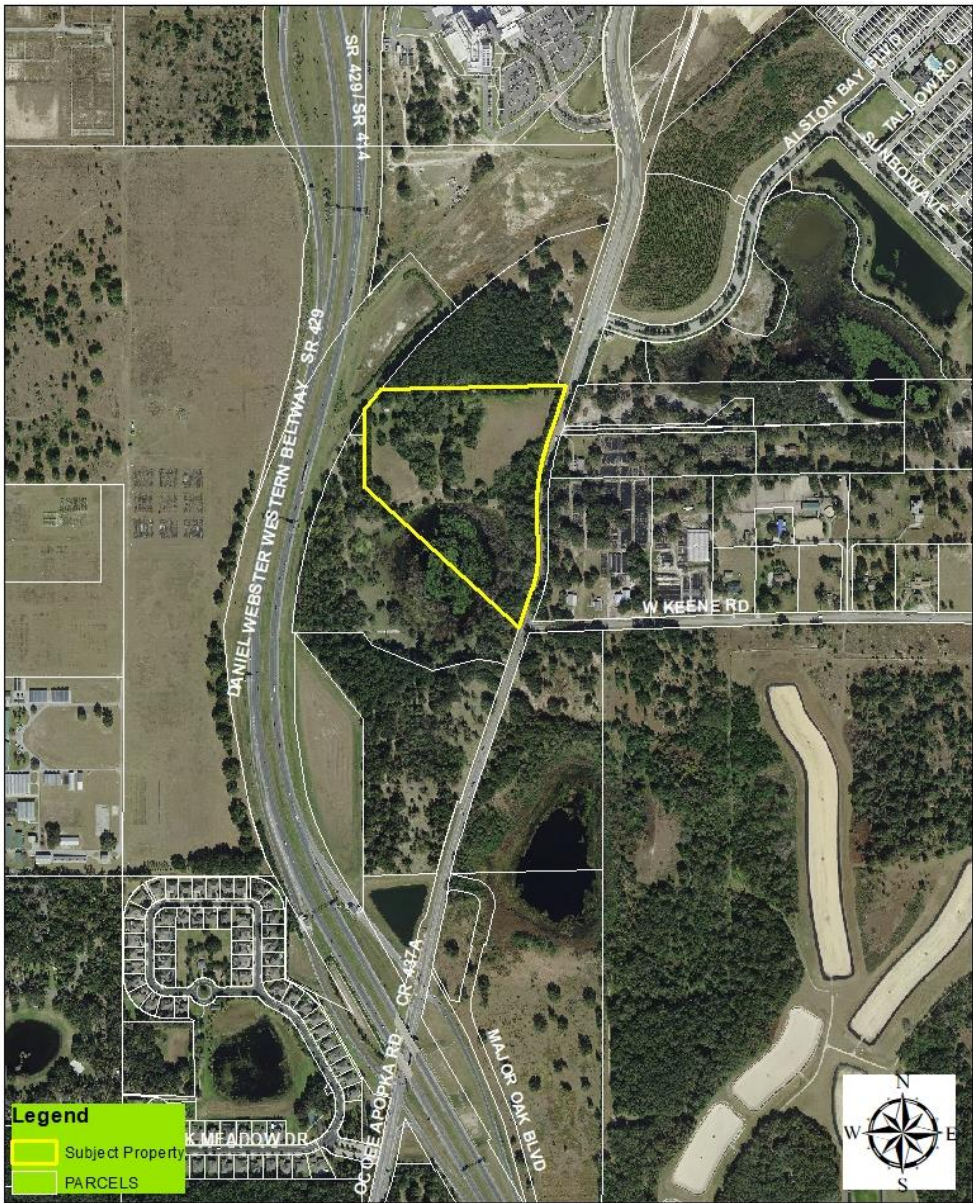
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Zoning Map

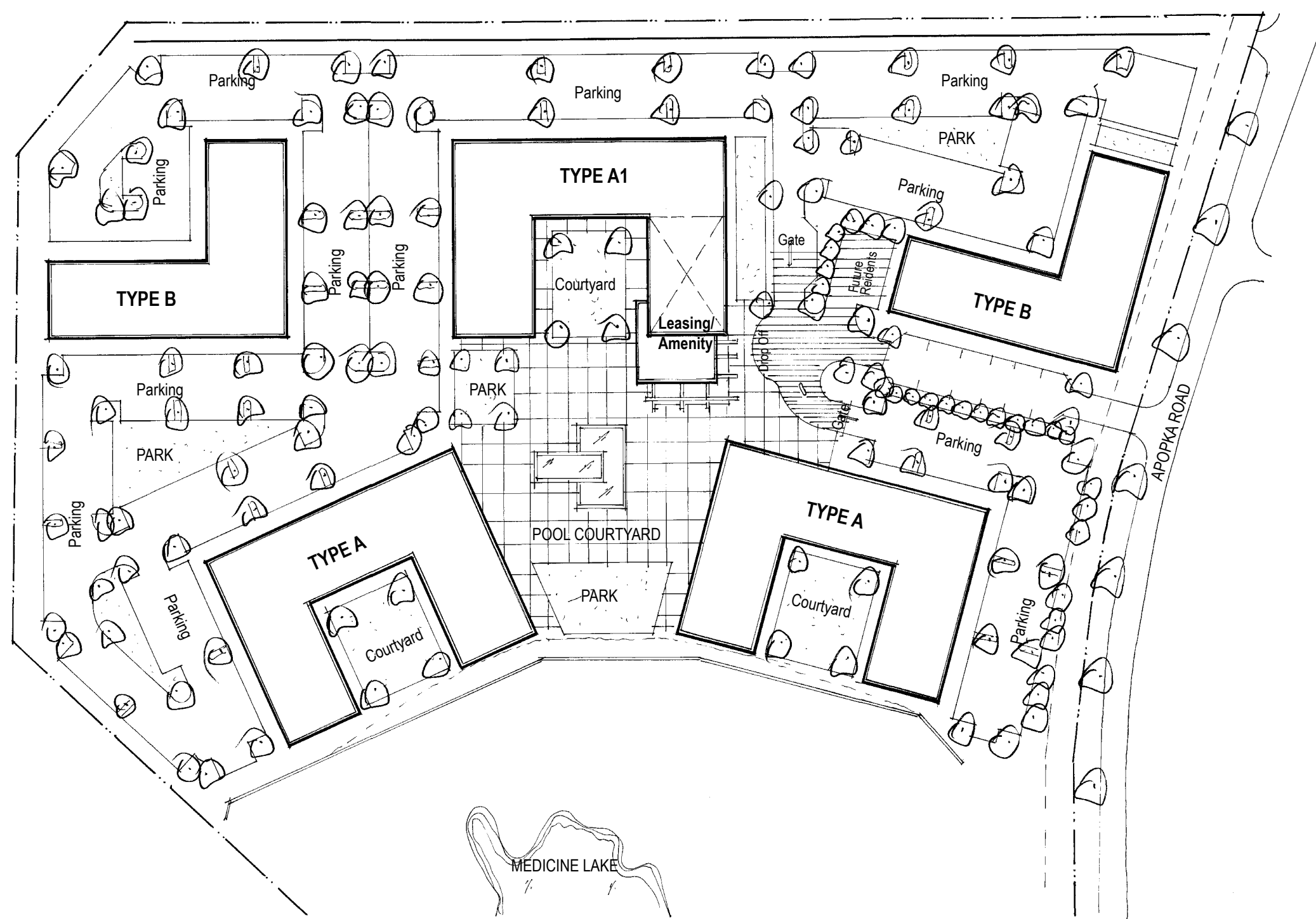


(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

ADJACENT USES



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)



PROJECT DATA

RESIDENTIAL - MULTIFAMILY - (Average Unit Size 950 SF)

TYPE A - 3 Story	- 81 Units Each
TYPE A1 - 3 Story	- 74 Units Each
LEASING/AMENITY	- 10,000 SF
TYPE B - 3 Story	- 57 Units Each

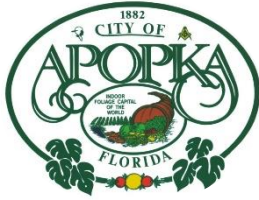
TOTAL UNITS

TYPE A - 2 BLDGS	- 2 x 81 = 162 Units
TYPE A1 - 1 BLDGS	- 1 x 74 = 74 Units
TYPE B - 2 BLDGS	- 2 x 57 = 114 Units
TOTAL	= 350 Units

PARKING

Surface Parking - 550 Spaces (1.57 Spaces/Unit)

OVERALL CONCEPT PLAN - OPTION C



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: February 9, 2021
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT & REQUEST:

**COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE
AMENDMENT – MCCLOSKEY HOLDINGS LLC**
FROM: MIXED USE (MAX. 1.0 FAR, 15 DU/AC)
TO: COMMERCIAL (MAX. 0.25 FAR)

SUMMARY:

OWNER: McCloskey Holdings LLC
APPLICANT: McCloskey Holdings LLC
LOCATION: 1537 Harmon Road (East of Ocoee Apopka Road and South of S.R. 414)
PARCEL ID NUMBER: 20-21-28-0000-00-002
EXISTING USE: Vacant
CURRENT ZONING: MU-ES-GT, Mixed Use East Shore Gateway District
TRACT SIZE: 2.93 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING: 43 Dwelling Units and/or 127,639 non-residential sq. ft.
+/-
PROPOSED: 31,907 non-residential square feet +/-

RECOMMENDED ACTION:

Find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Mixed Use to Commercial, subject to the findings of the Staff Report.

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The proposed “Commercial” Future Land Use designation is compatible with the property due to commercially-oriented Future Land Use designations and non-residential uses being found in the vicinity. In addition, the proposed Commercial Future Land Use is compatible with the proposed zoning, C-C, Community Commercial District. Attached to the staff report is a Concept Plan submitted by the applicant as a point of reference. The Concept Plan proposes approximately 22,990 square feet of medical/office space and approximately 2,000 square feet of restaurant space. The conceptual development comprises an approximate floor area ratio of 0.19.

COMPREHENSIVE PLAN COMPLIANCE: The proposed Future Land Use, “Commercial”, is consistent with the proposed zoning designation, C-C (Community Commercial District). Site development cannot exceed the density allowed by the Commercial policies in the Comprehensive Plan. Planning & Zoning staff determines that the below policies support a “Commercial” designation at the subject site.

Policy 3.1.i Commercial

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

The expansion of strip commercial areas shall be prohibited except in infill areas.

Special exception uses shall include:

- 1) Institutional land uses of five acres or more
- 2) Elementary schools, middle schools and high schools
- 3) Supporting infrastructure and public facilities of five acres or more

Planned Unit Development uses may include:

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

SCHOOL CAPACITY REPORT: The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school Capacity and Concurrency per the School Interlocal Planning Agreement.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 6, 2021.

PUBLIC HEARING SCHEDULE:

February 9, 2021 - Planning Commission (5:30 pm)

March 3, 2021 - City Council (1:30 pm) - 1st Reading

March 17, 2021 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

January 22, 2021 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

Development Review Committee: Finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use designation of “Commercial” for the property owned by McCloskey Holdings LLC and located East of Ocoee Apopka Road and South of State Route 414, specifically at 1537 Harmon Road.

Recommended Motion: Find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use designation from Mixed Use to Commercial, subject to the findings of the Staff Report.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-L	S.R. 414
East (City)	Mixed Use	MU-ES-GT	Right-of-Way and the Crossing at Emerson Park Townhomes
South (City)	Mixed Use	MU-ES-GT	Vacant
West (City)	Mixed Use	T	Ocoee-Apopka Road

II. LAND USE ANALYSIS

The subject property is currently vacant, future development must comply with the Commercial future land use designation and be consistent with the Comprehensive Plan policies.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from Mixed Use (Max. 1.0 FAR, 15 du/ac) to Commercial (Max. 0.25 FAR) is consistent with the terms of the JPA (Second Amendment). McCloskey Holdings LLC is the property owner, and has been notified of the hearing schedule.

Transportation: Road access to the site is from Ocoee Apopka Road.

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

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

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

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Commercial (Max. 0.25 FAR). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:

ADOPTED: 43 Dwelling Units and/or 127,639 non-residential sq. ft. +/-

PROPOSED: 31,907 non-residential sq. ft. +/-

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

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

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita; 90 GPD/1,000sf

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

2. Projected total demand under existing designation: 11,488 GPD
3. Projected total demand under proposed designation: 2,872 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita/ 90 GPD/1,000sf
6. Projected LOS under proposed designation: 90 GPD/1,000sf
7. Improvement/expansions already programmed or needed as a result if proposed amendment: Yes

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 174 GPD/Capita; 200 GPD/1,000sf

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

2. Projected total demand under existing designation: 25,528 GPD
3. Projected total demand under proposed designation: 6,381 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 174 GPD/Capita/ 200 GPD/1,000sf
6. Projected LOS under proposed designation: 200 GPD/1,000sf
7. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

8. Parcel located within the reclaimed water service area.

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 4 lbs/ day /Capita
4. Projected LOS under proposed designation: 4 lbs / day /1,000sf
5. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 24.141 MGD

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site:
2. Projected LOS under existing designation:
3. Projected LOS under proposed designation:
4. Improvement/expansion: On site retention / detention ponds

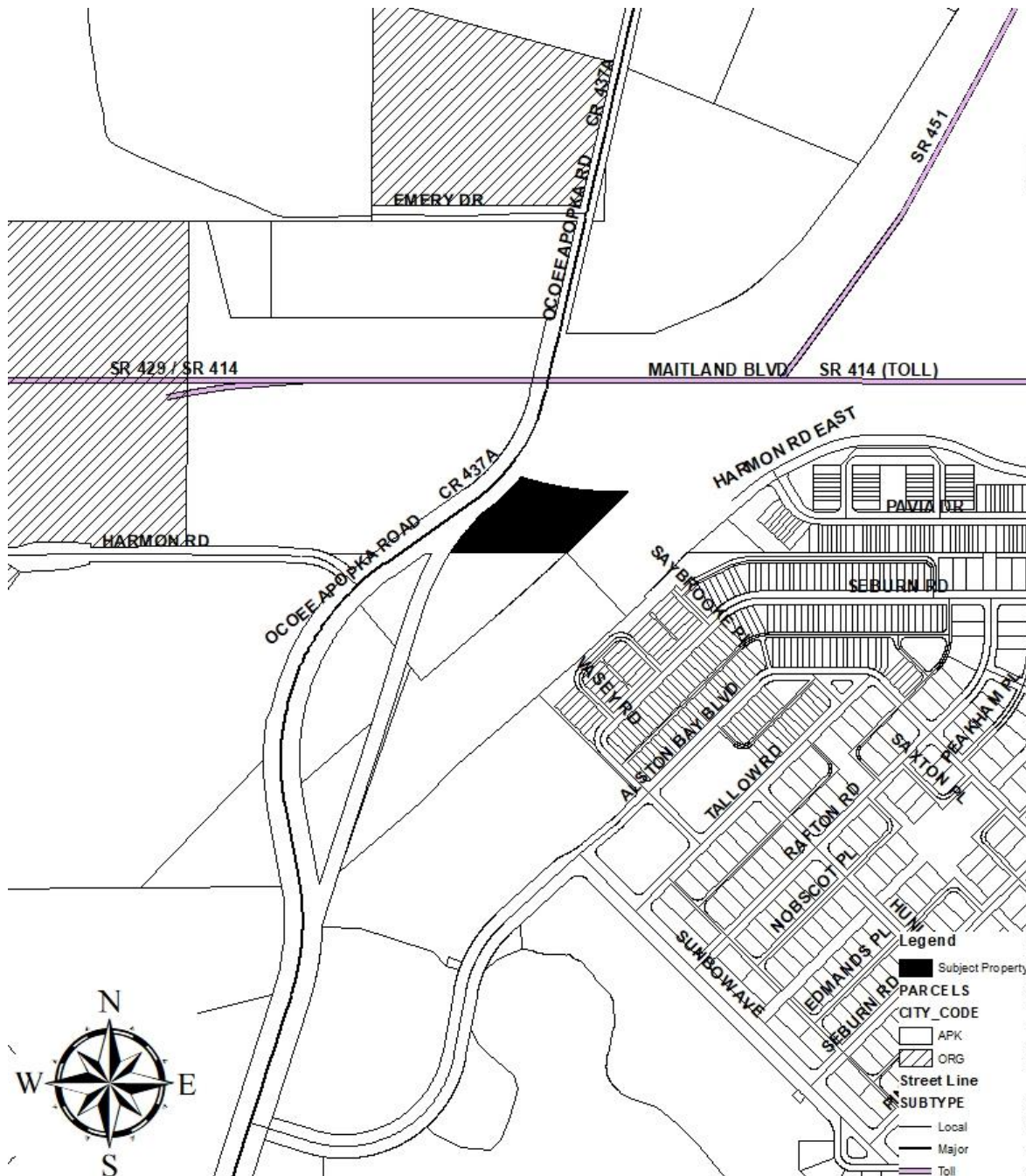
Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 acre / 1000 capita
2. Projected facility under existing designation: 0 acres
3. Projected facility under proposed designation: 0.01 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None



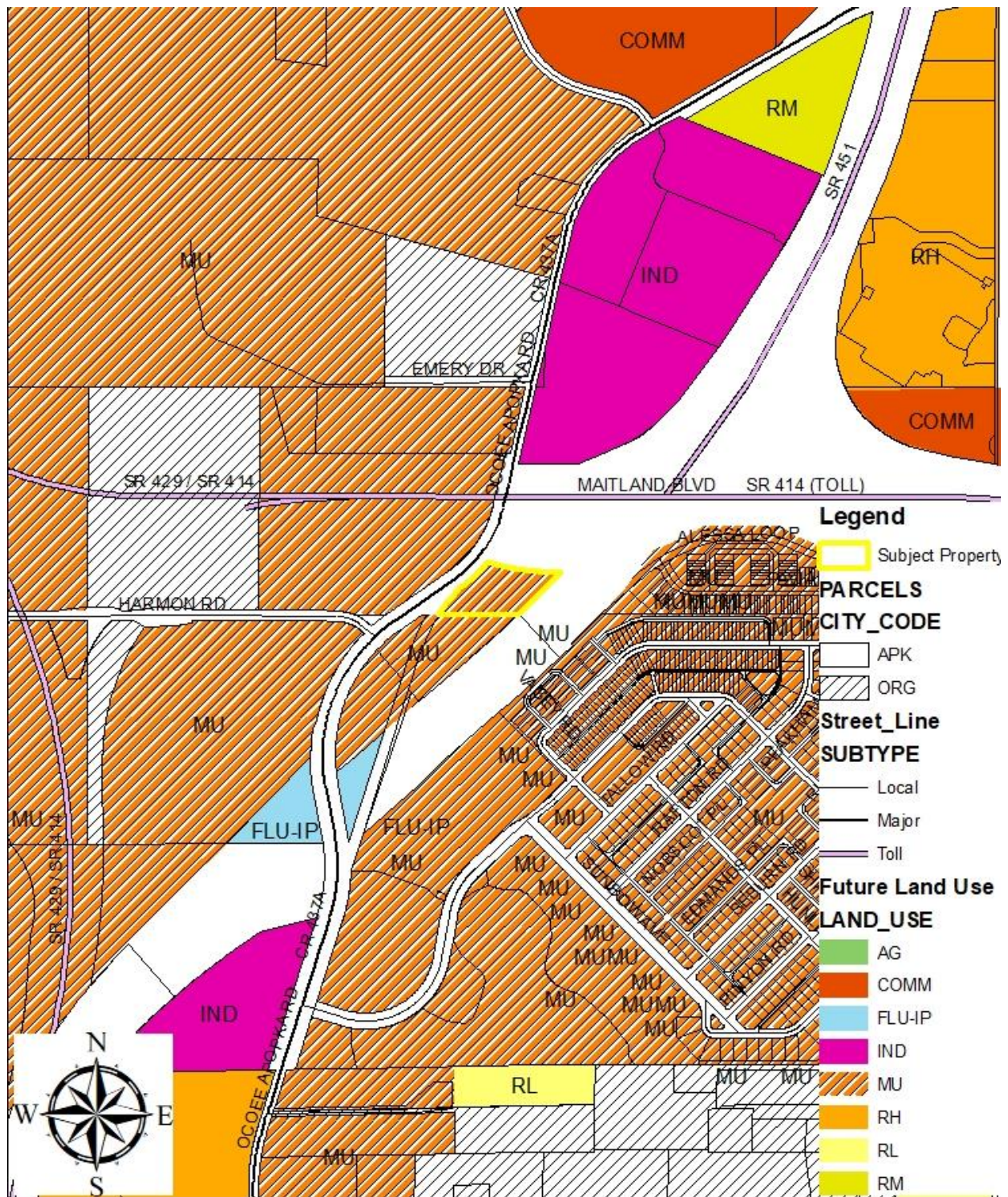
McCloskey Holdings LLC
2.93 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: Mixed Use
To: Commercial
Parcel ID #: 20-21-28-0000-00-002

VICINITY MAP



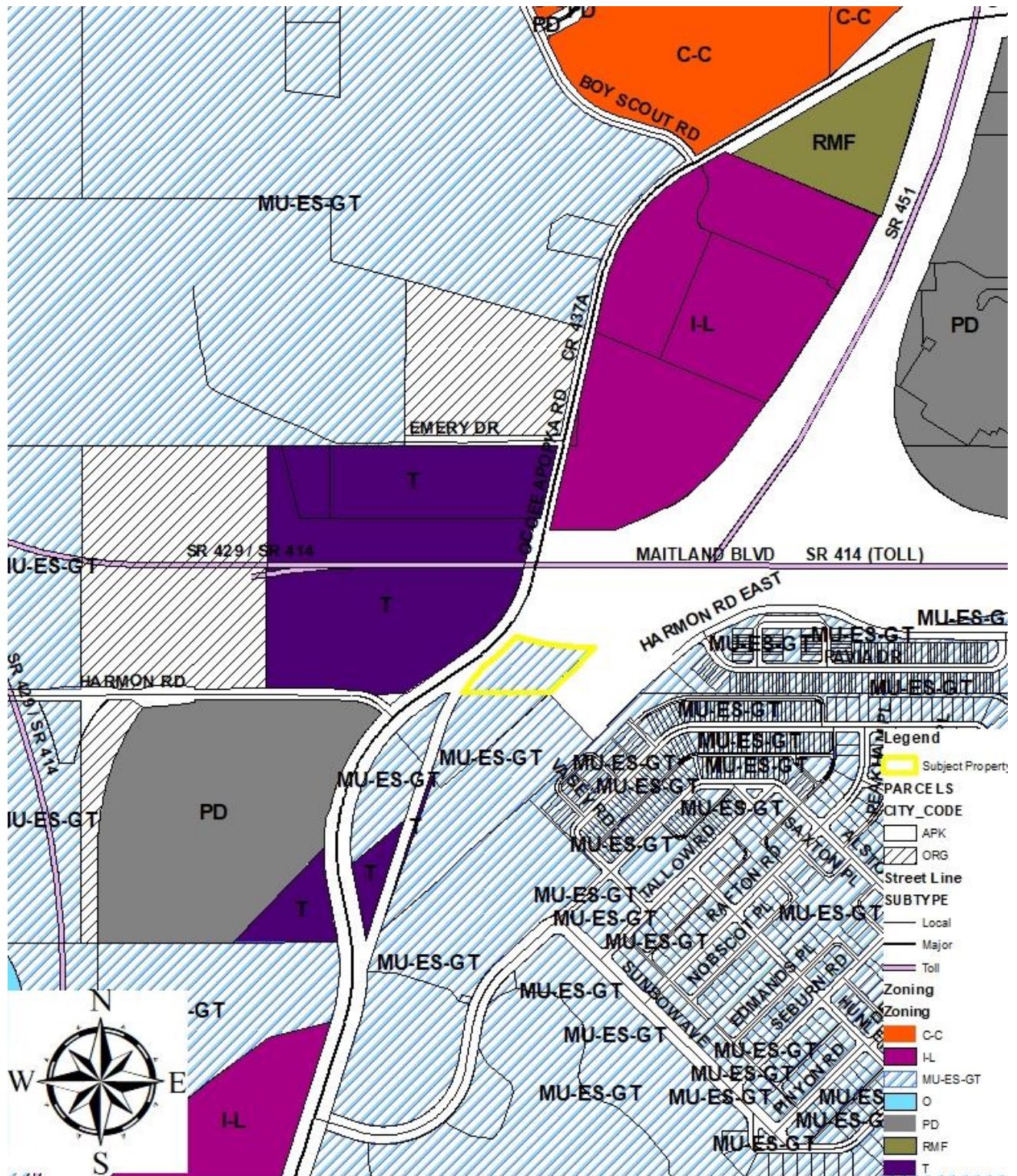


FUTURE LAND USE MAP



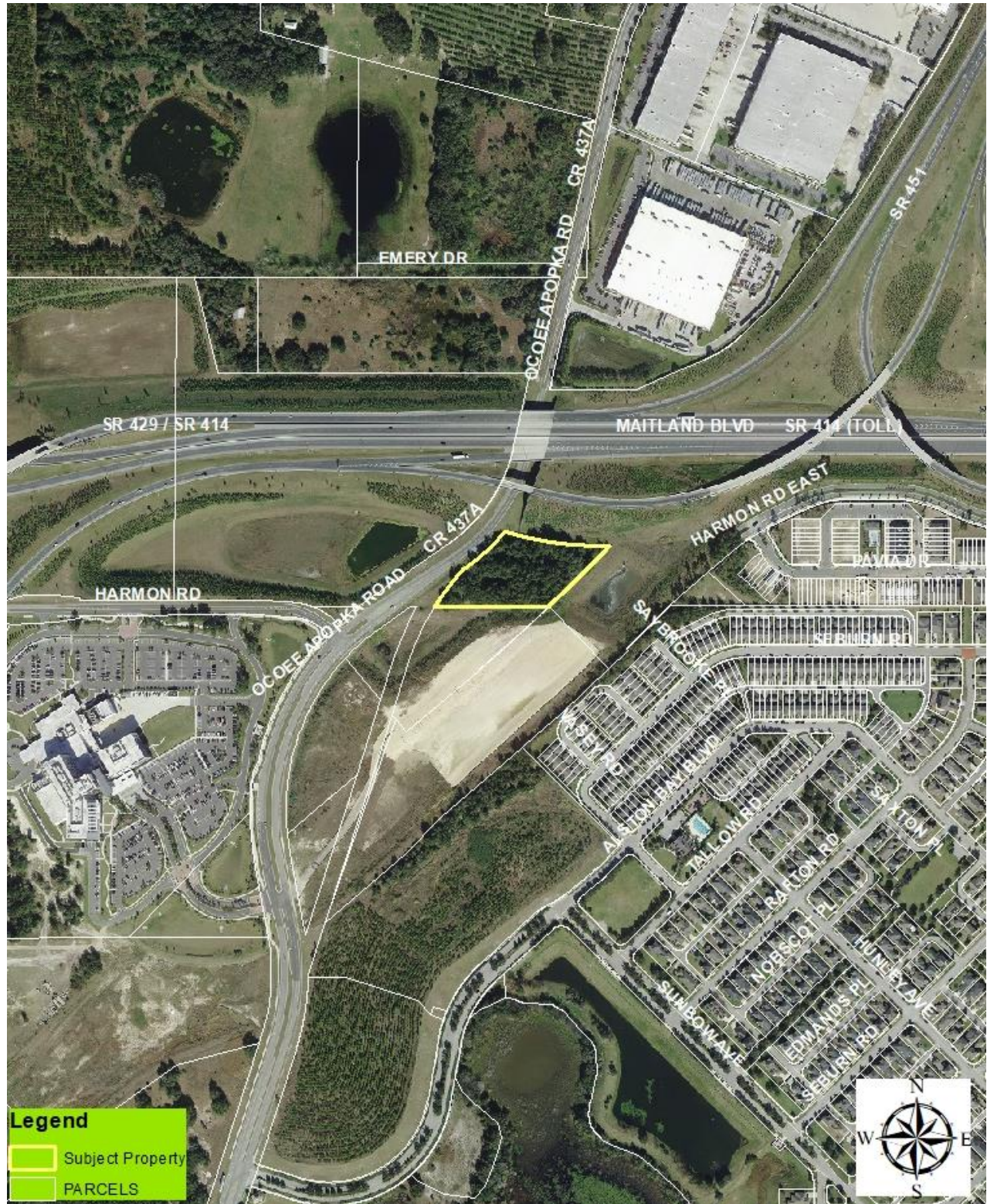


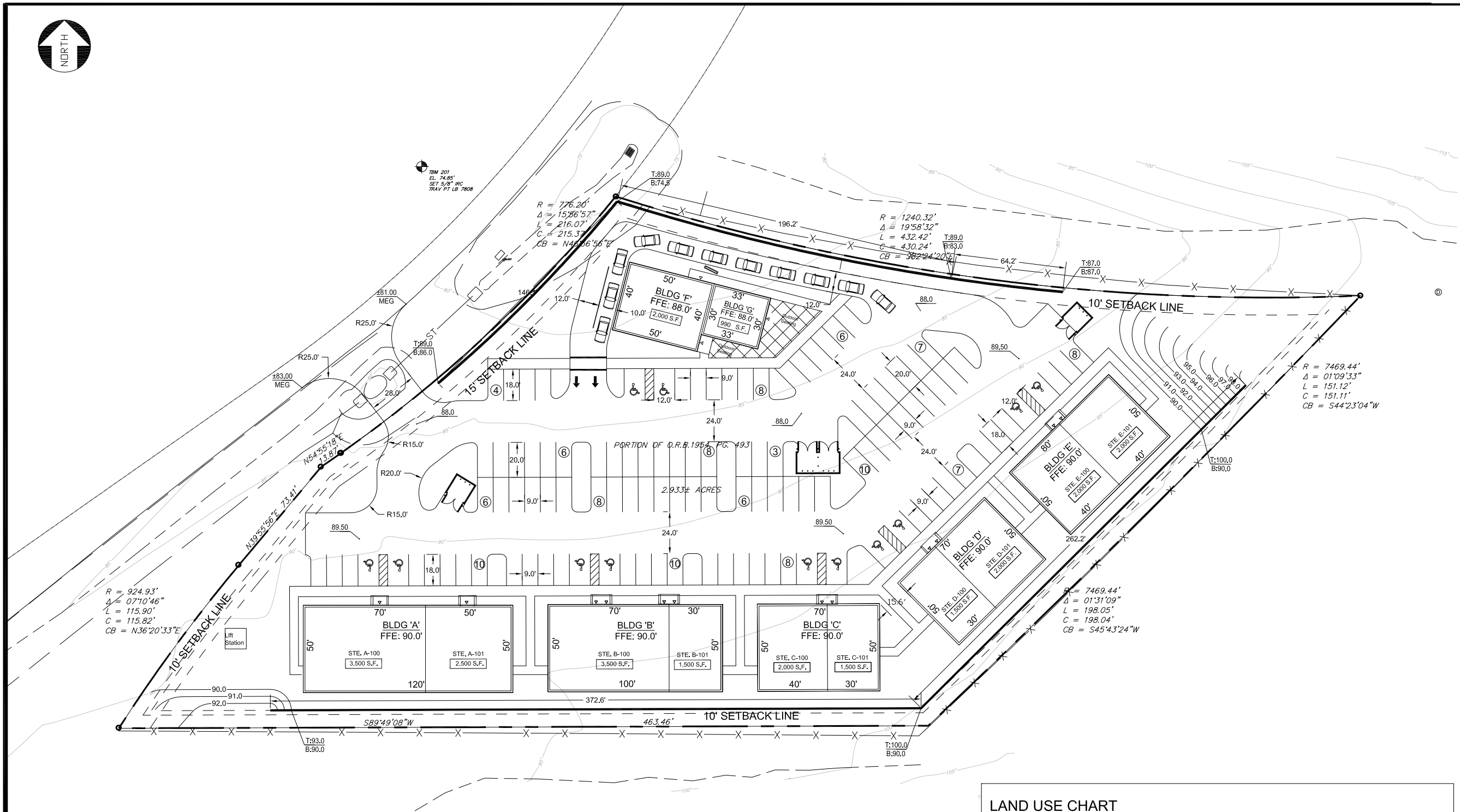
ADJACENT ZONING





ADJACENT USES





GENERAL NOTES

THIS PLAN IS INTENDED TO BE USED FOR BASIC CONSIDERATION OF STANDARD SITE LAYOUT CRITERIA AND IT IS NOT TO BE USED FOR CONSTRUCTION.

ALL EXISTING FEATURES AND PROPERTY LINES ARE SUBJECT TO CHANGE AS DETERMINED IN THE FIELD BY A LICENSED SURVEYOR.

LAND USE CHART

LOCATION:	1537 HARMON RD APOPKA, FL 32703
EXISTING ZONING:	MIXED USE, EAST SHORE, GATEWAY SUBDISTRICT (MU-ES-GT)
PROPOSED ZONING:	COMMUNITY COMMERCIAL DISTRICT (C-C)
PROPERTY AREA:	±127,760 SF; ±2.93 AC
MEDICAL/OFFICE BLDG AREA:	±22,990 SF
RESTAURANT BLDG AREA:	±2,000 SF
OFFICE PARKING REQ:	1/250 SF; 92 STALLS
RESTAURANT PARK REQ:	1/4 SEATS; 1/75 SF PATRON AREA
PARKING PROPOSED:	115 STALLS TOTAL
REGULAR PARKING:	103 STALLS
HANDICAP PARKING:	12 STALLS

DRDEVELOPMENT INVESTMENTS, LLC
11513 LAKE UNDERHILL ROAD
ORLANDO, FL 32825

CONCEPTUAL PLAN

MIXED USE
DEVELOPMENT
AT
1537 HARMON ROAD
APOPKA, FL 32703



COMMON OAK ENGINEERING, LLC
1209 EDGEWATER DR, SUITE 100
ORLANDO, FL 32804
ATTN: JEREMY ANDERSON, P.E.
PHONE: (407) 951-5915

PROJECT #
220.082

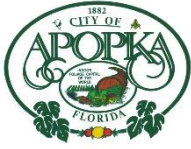
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CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: February 9, 2021
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map
Concept Plan

**SUBJECT &
REQUEST:**

CHANGE OF ZONING – MCCLOSKEY HOLDINGS LLC

**FROM: MU-ES-GT (MIXED-USE EAST SHORE-GATEWAY DISTRICT)
TO: C-C (COMMUNITY COMMERCIAL DISTRICT)**

SUMMARY:

OWNER/APPLICANT: McCloskey Holdings LLC
PARCEL ID NUMBER: 20-21-28-0000-00-002
LOCATION: 1537 Harmon Road (East of Ocoee Apopka Road and South of S.R. 414)
FUTURE LAND USE: Mixed Use (Commercial is proposed)
EXISTING USE: Vacant
CURRENT ZONING: MU-ES-GT (Mixed-Use East Shore-Gateway District)
PROPOSED ZONING: C-C (Community Commercial District)
TRACT SIZE: 2.93 +/- acres
MAXIMUM ALLOWABLE
DEVELOPMENT: EXISTING: 43 Dwelling Units and/or 127,639 non-residential square feet +/-
PROPOSED: 31,907 non-residential square feet +/-

RECOMMENDED ACTION:

Find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to C-C (Community Commercial District) for the property owned by McCloskey Holdings LLC and located East of Ocoee Apopka Road and south of S.R. 414, specifically at 1537 Harmon Road.

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

PROJECT SUMMARY: The subject property was annexed into the City on December 30, 1991 by Ordinance No. 693. The proposed C-C zoning is compatible with the property due to the commercial-oriented zoning being found in the vicinity. This application is being processed simultaneously with an application for a Small-Scale Future Land Use Amendment from Mixed Use to Commercial. Attached to the staff report is a Concept Plan submitted by the applicant that is being used as a point of reference. If the rezoning request is approved, then the applicant will be required to obtain approval of a Minor Development Plan. The Concept Plan proposes approximately 22,990 square feet of medical/office space and approximately 2,000 square feet of restaurant space. The conceptual development comprises an approximate floor area ratio of 0.19.

COMPREHENSIVE PLAN COMPLIANCE: The proposed C-C (Community Commercial District) zoning is consistent with the proposed Commercial (Max. 0.25 Floor Area Ratio) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

PUBLIC HEARING SCHEDULE:

February 9, 2021 – Planning Commission (5:30 pm)
March 3, 2021 – City Council (1:30 pm) – 1st Reading
March 17, 2021 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

January 22, 2021 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

Development Review Committee: Finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to C-C (Community Commercial District) for the property owned by McCloskey Holdings LLC and located East of Ocoee Apopka Road and south of S.R. 414, specifically at 1537 Harmon Road.

Recommended Motion: Find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from MU-ES-GT (Mixed-Use East Shore-Gateway District) to C-C (Community Commercial District) for the property owned by McCloskey Holdings LLC and located east of Ocoee Apopka Road and south of S.R. 414, specifically at 1537 Harmon Road.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-L	S.R. 414
East (City)	Mixed Use	MU-ES-GT	Right-of-Way and the Crossing at Emerson Park Townhomes
South (City)	Mixed Use	MU-ES-GT	Vacant
West (City)	Mixed Use	T	Ocoee-Apopka Road

**LAND USE & TRAFFIC
COMPATIBILITY:**

The property is currently accessed from Ocoee Apopka Road.

**COMPREHENSIVE PLAN
COMPLIANCE:**

The proposed C-C zoning is consistent with the proposed Future Land Use designation, Commercial (Max. 0.25 Floor Area Ratio) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



McCloskey Holdings LLC

2.93 +/- acres

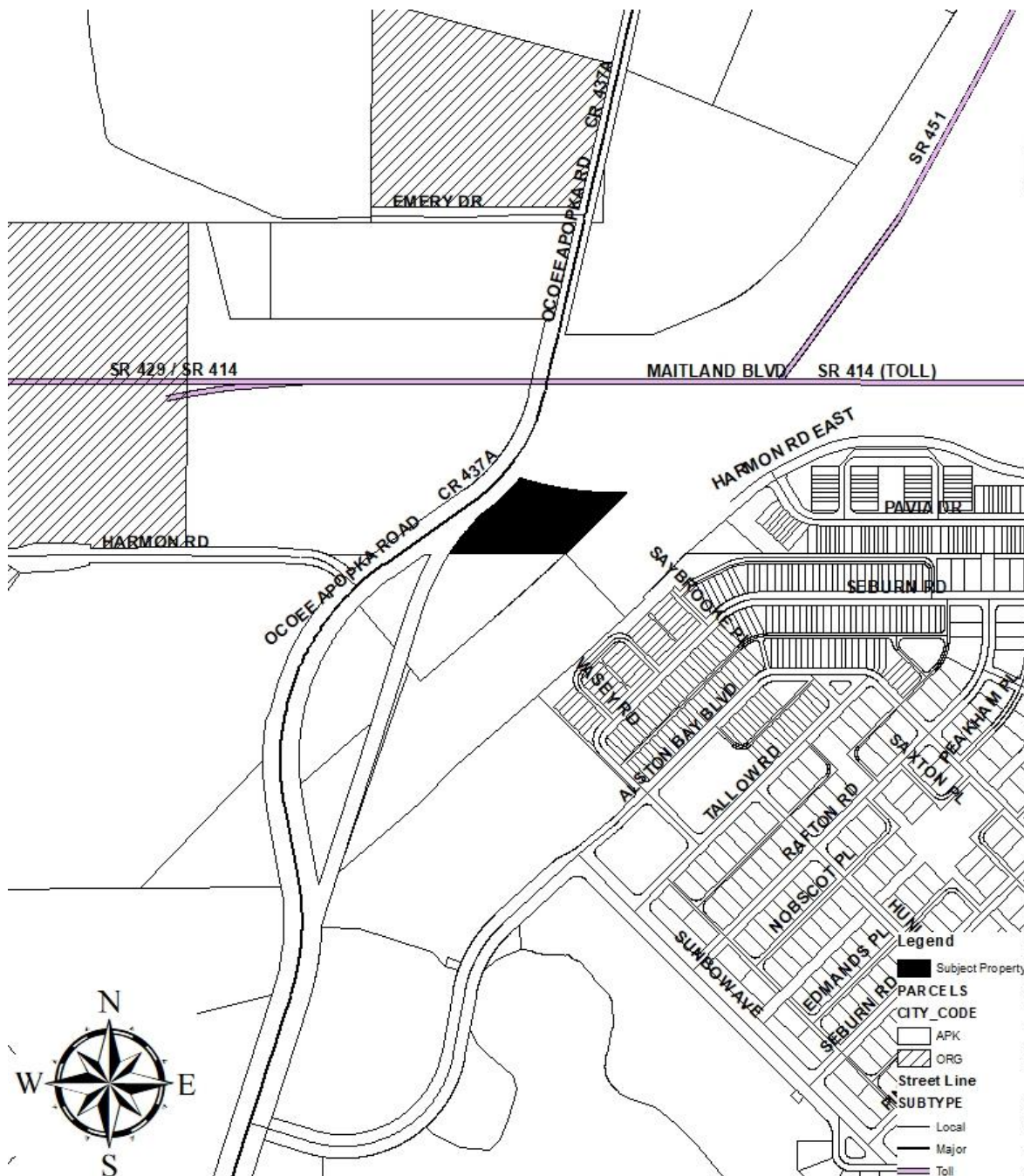
Rezoning:

From: MU-ES-GT, Mixed-Use East Shore-Gateway District

To: C-C, Community Commercial District

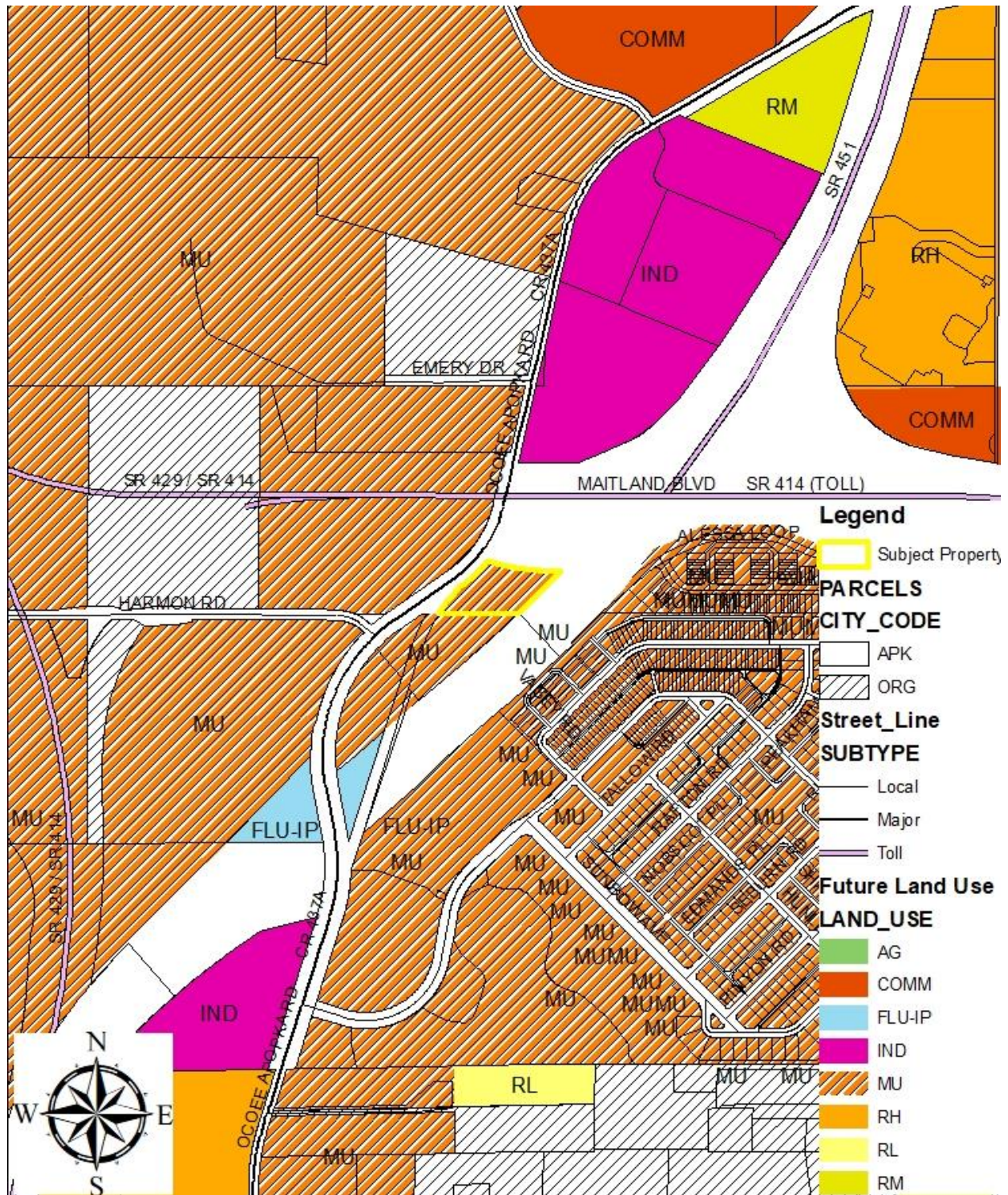
Parcel ID #: 20-21-28-0000-00-002

VICINITY MAP



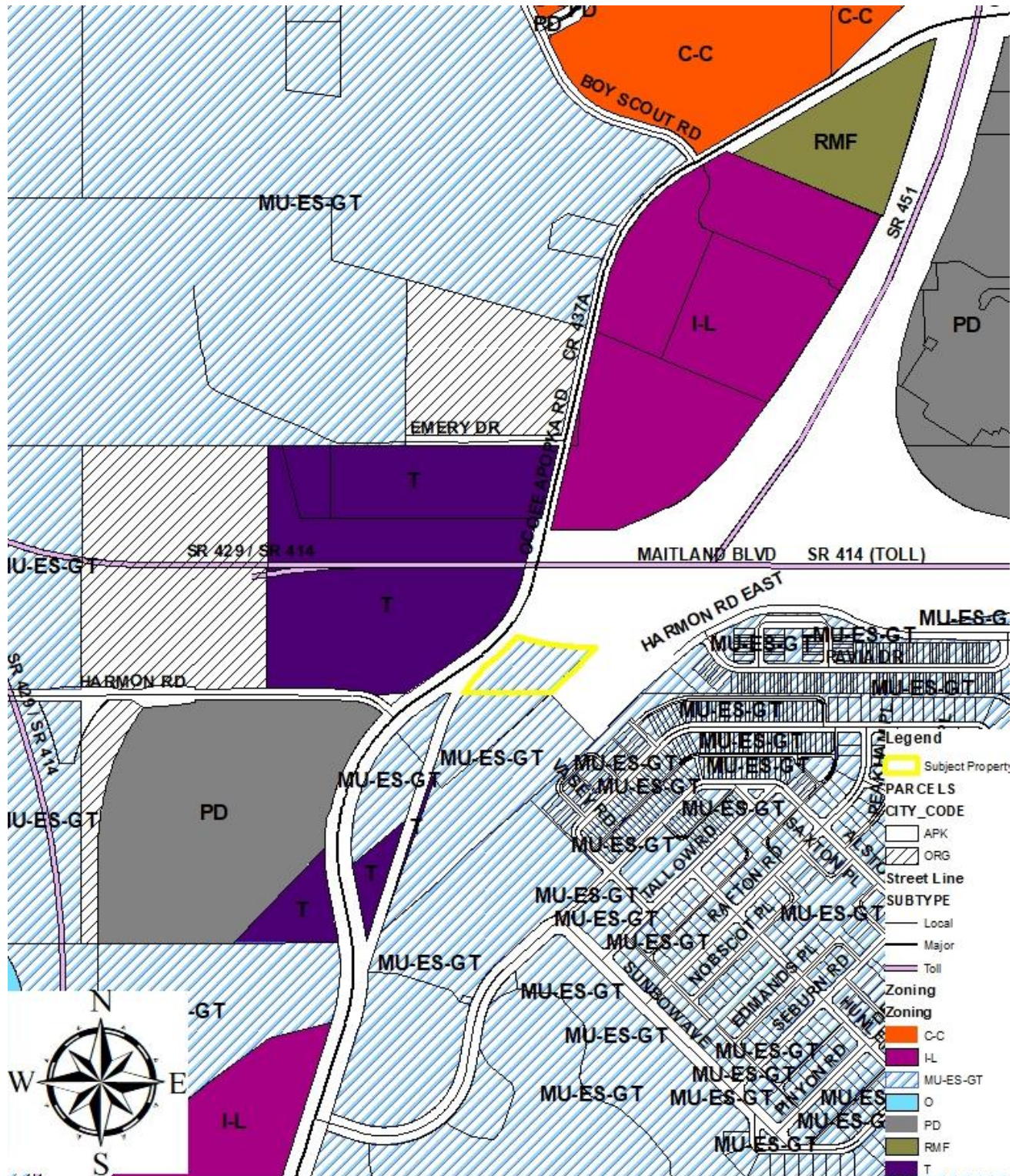


FUTURE LAND USE MAP



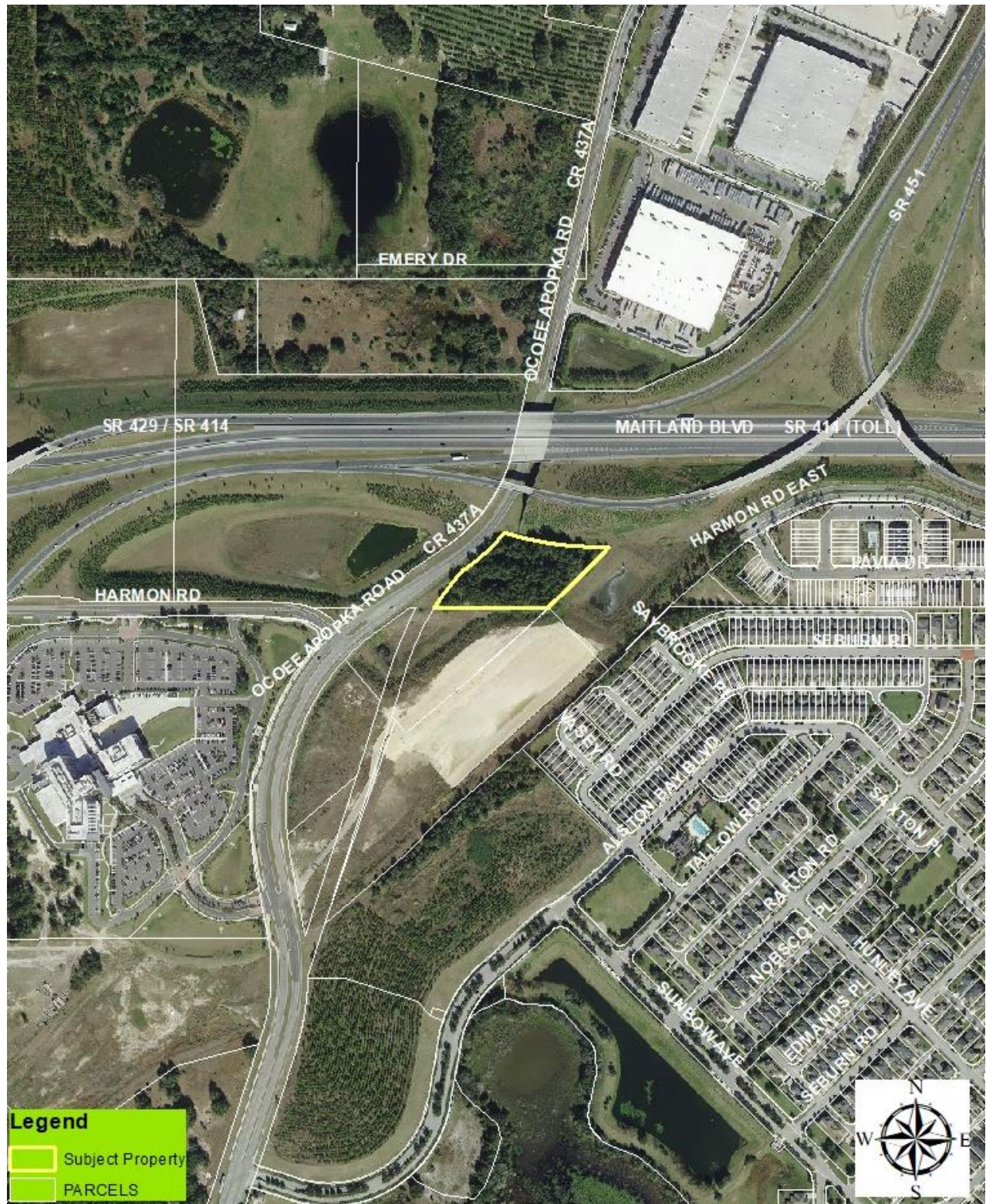


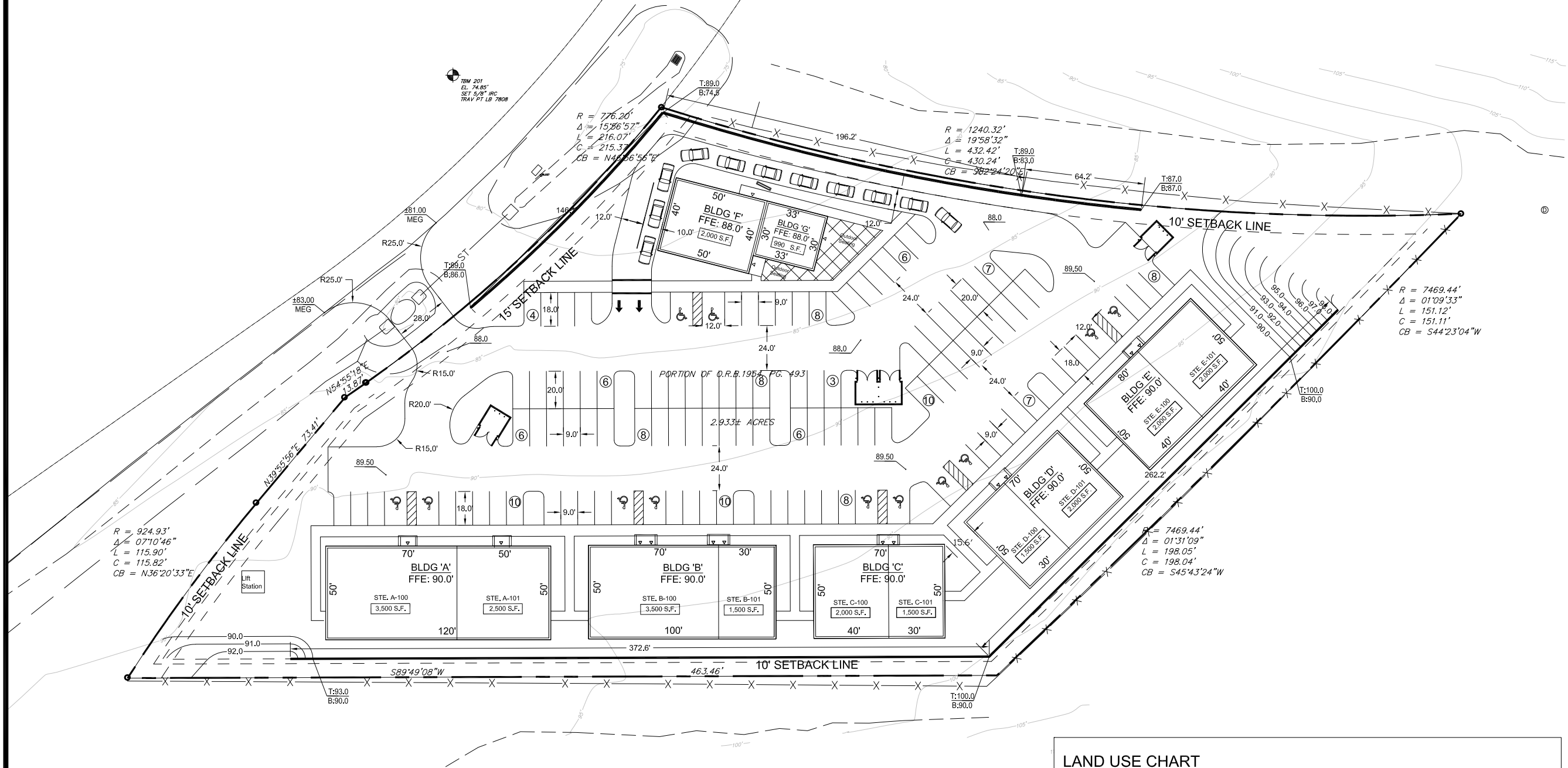
ADJACENT ZONING





ADJACENT USES





GENERAL NOTES

THIS PLAN IS INTENDED TO BE USED FOR BASIC CONSIDERATION OF STANDARD SITE LAYOUT CRITERIA AND IT IS NOT TO BE USED FOR CONSTRUCTION.

ALL EXISTING FEATURES AND PROPERTY LINES ARE SUBJECT TO CHANGE AS DETERMINED IN THE FIELD BY A LICENSED SURVEYOR.

LAND USE CHART	
LOCATION:	1537 HARMON RD APOPKA, FL 32703
EXISTING ZONING:	MIXED USE, EAST SHORE, GATEWAY SUBDISTRICT (MU-ES-GT)
PROPOSED ZONING:	COMMUNITY COMMERCIAL DISTRICT (C-C)
PROPERTY AREA:	±127,760 SF; ±2.93 AC
MEDICAL/OFFICE BLDG AREA:	±22,990 SF
RESTAURANT BLDG AREA:	±2,000 SF
OFFICE PARKING REQ:	1/250 SF; 92 STALLS
RESTAURANT PARK REQ:	1/4 SEATS; 1/75 SF PATRON AREA
PARKING PROPOSED:	115 STALLS TOTAL
	REGULAR PARKING: 103 STALLS
	HANDICAP PARKING: 12 STALLS

DRDEVELOPMENT INVESTMENTS, LLC
11513 LAKE UNDERHILL ROAD
ORLANDO, FL 32825

CONCEPTUAL PLAN

MIXED USE
DEVELOPMENT
AT
1537 HARMON ROAD
APOPKA, FL 32703



COMMON OAK ENGINEERING, LLC
1209 EDGEWATER DR, SUITE 100
ORLANDO, FL 32804
ATTN: JEREMY ANDERSON, P.E.
PHONE: (407) 951-5915

PROJECT # 220.082	
DATE 12/14/2020	SHEET 1
SCALE 1:60	
CP1.5	

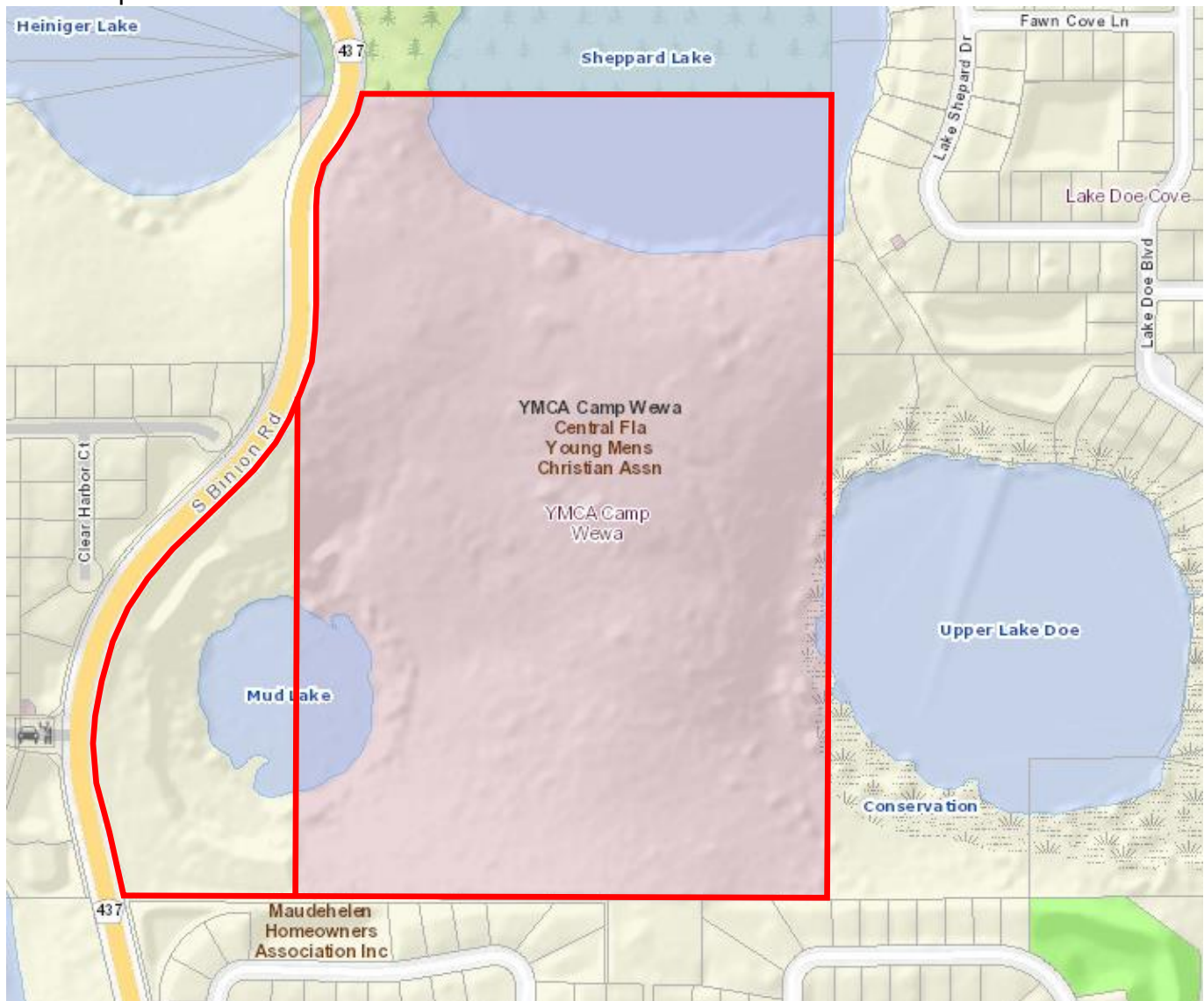
YMCA Camp Wewa

221 S. Binion Rd. 07-21-28-0000-00-008 59.32 acres (55.4 ac upland)
Land Use: Residential Low & Conservation
Zoning: Transitional

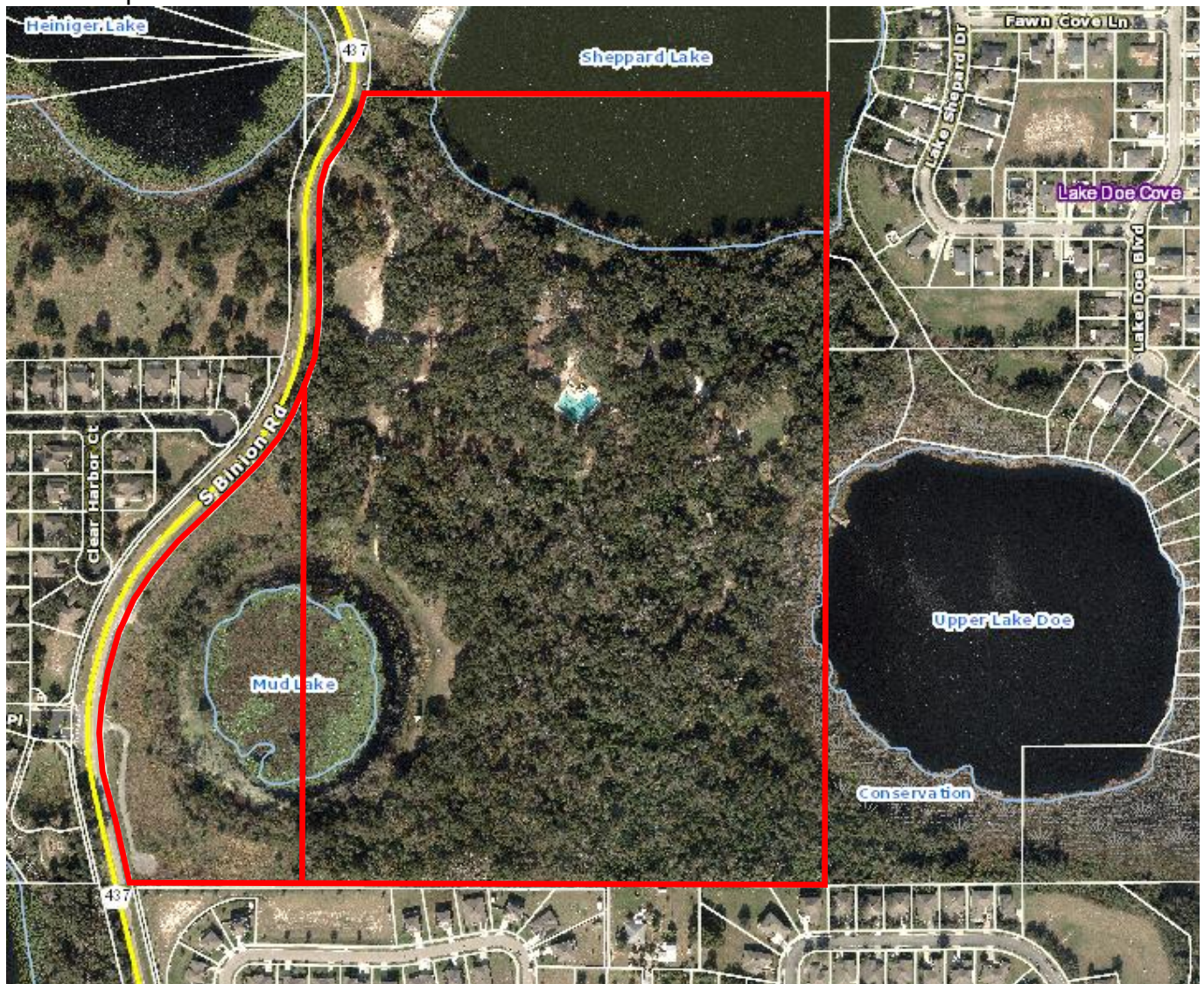
217 S. Binion Rd. 07-21-28-0000-00-031 10.23 acres (4.23 ac upland)
Land Use: Residential Low
Zoning: Transitional

Total: 69.55 acres

Base map:



Aerial map:



Main building and Pool:

