



APOPKA PLANNING COMMISSION AGENDA

October 10, 2023 5:30 PM

Apopka City Hall Council Chambers

APOPKA PLANNING COMMISSION MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:

<https://www.youtube.com/CityofApopkaFL>

CALL TO ORDER

OPENING AND INVOCATION

APPROVAL OF MINUTES

1. Meeting Minutes from September 12, 2023

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.

PRESENTATION

1. Comprehensive Plan - Transportation Element Update

PUBLIC HEARING

1. Small-Scale Future Land Use Amendment – 3585 and 3603 Golden Gem Road
2. Change of Zoning – 2301 Coral Hills Road

SITE PLANS

OLD BUSINESS

NEW BUSINESS

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 SEPTEMBER 12, 2023 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOKA, FLORIDA.

MEMBERS PRESENT: William Gusler, Howard Washington, Wes Dumey, Robert Ryan and Eric Mock

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

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, Bobby Howell – Planning Manager, Jean Sanchez – Senior Project Coordinator/Planner, Richard Earp – City Engineer, Andrew Hand – City Attorney (Cliff Sheppard’s Office), Kelly Robertson – IT Content Administrator and Erin Arnold – Administrative Assistant.

OTHERS PRESENT: Leah Fitzpatrick, Davey Brown, John Prowell, Jonathan Huels, Genevieve Labuda, Chad Harvey, Nadia Anderson, Steven Thys (sp?) and Francina Boykin

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

PUBLIC COMMENT: Chairperson Gusler asked if anyone from the public wished to speak on a matter that is not on the agenda. With no one wishing to speak, Chairperson Gusler closed the public comment period.

APPROVAL OF MINUTES: Chairperson Gusler asked if there were any corrections or additions to the regular meeting minutes of August 8, 2023 at 5:30 p.m.

Motion: Eric Mock made a motion to approve the Planning Commission minutes from the regular meeting held on August 8, 2023 at 5:30 p.m. and seconded by Howard Washington. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

QUASI JUDICIAL – VARIANCE – SHOPPES AT EAST SHORE RETAINING WALLS

Chairperson Gusler ready the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions.

Commissioner Washington asked for clarification on what the Gravix system was.

City Engineer, Richard Earp, explained that it is a wall that has been approved by the Department of Transportation (DOT) that is a heavy concrete block wall that is resistant to erosion and everything else that DOT would want it to be resistant to.

Jonathan Huels, 215 N Eola Drive, presented a graphic that shows that this will have no impact on the enhanced landscaping plan that was required along the east wall. One of the reasons for seeking the variance to go from 6 to 9 or 9 1/2 feet was to protect those existing trees that are on the neighboring properties. The landscaping is still up on that top tier which will act as a buffer to that neighbor. The trees will be retained and by allowing a two-tier system with a nine-foot section and a standard 6-foot section, that cuts down on the number of tiers and cutting back where it could actually impact the drip

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 12, 2023 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOKA, FLORIDA.

lines of those trees. He believes that is a better system and will have less of an impact on the neighboring properties.

Commissioner Ryan inquired about the setbacks from the walls to the property as well as the drainage.

Jordan Draper, Kimley-Horn, mentioned that the setbacks would be between 12 and 20 feet and this location topography is draining from south to north. There is a pond to the north of the property so it should all flow to the north. The wall is elevated such that it's matching that existing grade and pushing away from the wall.

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

MOTION: Wes Dumey made a motion to allow a maximum height for retaining walls up to ten feet in lieu of the six-foot height maximum within the Shoppes at East Shore and that all the conditions set forth in the staff report are adequately met. Motion seconded by Robert Ryan. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – THE RIDGE PARCEL 9

Chairperson Gusler read the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions.

Applicant, John Prowell with VHB located at 225 E Robinson St in Orlando mentioned that he doesn't have a presentation but happy to answer any questions.

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

MOTION: Eric Mock made a motion to approve The Ridge Parcel 9 – Major Development Plan, subject to the findings in the staff report. Motion seconded by Howard Washington. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

Mr. James Hitt stated that there are 6 plats that are basically the legal recordation of the property and these projects have already been approved but they also have to go through the approval process of the Planning Commission and City Council.

LEGISLATIVE – PLAT – APOKA TOWNHOMES

Chairperson Gusler read the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions.

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

MOTION: Howard Washington made a motion to approve the Apopka Townhomes – Plat, subject to the reviews of the City Engineer and City Surveyor. Motion seconded by Robert Ryan. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

LEGISLATIVE – PLAT – CROSSROADS AT KELLY PARK PHASE 1A

Chairperson Gusler read the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions.

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

MOTION: Wes Dumey made a motion to approve the Crossroads at Kelly Park Phase 1A – Plat, subject to the reviews of the City Engineer and City Surveyor. Motion seconded by Howard Washington. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

LEGISLATIVE – PLAT – LAUREL OAKS

Chairperson Gusler read the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions.

Commissioner Ryan asked what the width of the lots are. Mr. Hitt responded that these are all 55 or 60 width lots.

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

MOTION: Eric Mock made a motion to approve the Laurel Oaks – Plat, subject to the reviews of the City Engineer and City Surveyor. Motion seconded by Robert Ryan. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

LEGISLATIVE – PLAT – OAKVIEW

Chairperson Gusler read the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions.

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

MOTION: Howard Washington made a motion to approve the Oakview – Plat, subject to the reviews of the City Engineer and City Surveyor. Motion seconded by Robert Ryan.

Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

LEGISLATIVE – PLAT – THE RIDGE

Chairperson Gusler read the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions. This plat creates the lots for the industrial, the commercial and office and multi-family.

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

MOTION: Wes Dumey made a motion to approve The Ridge – Plat, subject to the reviews of the City Engineer and City Surveyor. Motion seconded by Robert Ryan. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

LEGISLATIVE – PLAT – KELLY PARK VILLAGE

Chairperson Gusler read the item description.

Staff Presentation: Jean Sanchez presented the item based on the staff report and answered questions.

Commissioner Washington asked if anyone knew how the developer may want to use this property. Jean Sanchez said that it is a combination of multi family and commercial tracts right now.

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

MOTION: Eric Mock made a motion to approve the Kelly Park Village – Plat, subject to the reviews of the City Engineer and City Surveyor. Motion seconded by Howard Washington. Aye votes were cast William Gusler, Howard Washington, Wes Dumey, Robert Ryan, and Eric Mock (5-0).

OLD BUSINESS: None

NEW BUSINESS: New Attorney, Andrew Hand

ADJOURNMENT: The meeting adjourned at 6:02 p.m.

William Gusler, Chairperson

James K. Hitt, FRA-RA Community Development Director



City of Apopka PLANNING COMMISSION STAFF REPORT

Section: PUBLIC HEARING

Item #: 1.

Meeting Date: October 10, 2023

Department: Community Development

SUBJECT:

Small-Scale Future Land Use Amendment – 3585 and 3603 Golden Gem Road

REQUEST:

Recommend approval of the Future Land Use Map Amendment from Rural Settlement to Mixed Use for 3585 and 3603 Golden Gem Road

SUMMARY:

Owner(s): Albert Mckimmie, Susan Incatasciato, and Christopher Crosby Johnson

Applicant(s): Albertss McKimmie and Christopher Johnson

Parcel Identification Number(s): 24-20-27-0000-00-108 and 24-20-27-0000-00-099

Location: 3585 and 3603 Golden Gem Road

Existing Future Land Use: Rural Settlement (one dwelling unit per acre)

Proposed Future Land Use: Mixed Use (five dwelling units per acre and 0.5 floor area ratio)

Zoning District: AG (Agriculture)

Existing Use(s): Single-family residence and agricultural uses

Tract Size: 20 +/- Acres

PROJECT SUMMARY:

The Community Development Director has determined that the subject properties may be considered to be part of the Kelly Park Interchange (KPI) – Form-Based Code area based on the following reasons unique to the properties:

- a. A future land use designation to allow a density of up to five dwelling units per acre is justified to maintain continuity with the surrounding area to the north and buffered by existing uses to the south;
- b. The properties are at the southeasternmost terminus of the KPI one-mile radius;
- c. The City's stormwater retention pond located to the east and south;
- d. The Hubbard Construction solid waste facility is directly west;
- e. Orange County's waste site is to the southwest.
- f. No other opportunities are available to connect to the KPI

Per Land Development Code (LDC) Section 2.5.1.D, in determining whether to adopt or deny a proposed Comprehensive Plan or Map and the zoning map amendment, the Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans;
 - I. Applicant Response: We believe that the annexation of our properties will further the goals, policies and objectives currently being implemented on Golden Gem Rd., Apopka, FL.

- II. Staff Response: The Community Development Director, as authorized by the Form-Based Code, has determined that these properties may be included in the Form-Based Code area.
2. Is in conflict with any provisions of the LDC;
 - i. Applicant Response: The Land Development Code regulates the application process, public notification by mail and public notification by posted placard concerning the amendment request, meetings of the Planning Commission and the City Council concerning the requested amendment. We are uniquely situated so that we only have JTD Land Development at Parkview to contact. Per Mr Hitt, Shawn Colvin, as representative, received certified mail notification of the meeting of the Planning Commission for discussion of the amendment asking for questions and input. Additionally, JTD received a certified mail notification of the this meeting of the Planning Commission and subsequent scheduled meetings of the City Council that will be addressing the FLU amendment. I believe we have met the requirements of the LDC in our application
 - ii. Staff Response: Upon submission of a rezoning application, the applicant will be required to demonstrate any proposed development will be designed in accordance with all applicable requirements of Appendix A of the Land Development Code, the Mixed-Use Kelly Park Interchange Form Based Code.
3. Addresses a demonstrated community need;
 - i. Applicant Response: With literally thousands of homes planned in the immediate area, some at my north property line, the community need brought on by the growing desire for housing in the Northwest part of Orange County that matches the current development on Golden Gem Rd necessitates the amending of the FLU for our properties. The amending of our FLU is in keeping with surrounding development since we are developmentally isolated with City land on our east and south boundaries, undevelopable land on our west side and current residential construction on our north property line.
 - ii. Staff Response: No objection.
4. Is required by changed conditions;
 - i. Applicant Response: With literally thousands of homes planned in the immediate area, some at my north property line, the community need brought on by the growing desire for housing in the Northwest part of Orange County that matches the current development on Golden Gem Rd necessitates the amending of the FLU for our properties. The amending of our FLU is in keeping with surrounding development since we are developmentally isolated with City land on our east and south boundaries, undevelopable land on our west side and current residential construction on our north property line.
 - ii. Staff Response: No objection.
5. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
 - i. Applicant Response: With literally thousands of homes planned in the immediate area, some at my north property line, the community need brought on by the growing desire for housing in the Northwest part of Orange County that matches the current development on Golden Gem Rd necessitates the amending of the FLU for our properties. The amending of our FLU is in keeping with surrounding development since we are developmentally isolated with City land on our east and south boundaries, undevelopable land on our west side and current residential construction on our north property line.
 - ii. Staff Response: No objection.
6. Would result in a logical and orderly development pattern;
 - i. Applicant Response: With literally thousands of homes planned in the immediate area, some at my north property line, the community need brought on by the growing desire for housing in the Northwest part of Orange County that matches the current development on Golden Gem Rd necessitates the amending of the FLU for our properties. The amending of our FLU is in keeping with surrounding development since we are developmentally isolated with City land on our east and south boundaries, undevelopable land on our west side and current residential construction on our north property line.
 - ii. Staff Response: No objection.
7. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
 - i. Applicant Response: Maps included in the Comprehensive Plan indicate that our properties do not fall within any protected areas involving any environmental or natural resource management

and city storm water management immediately adjacent to our properties should fall within the current planned runoff requirements.

ii. Staff Response: No objection.

8. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities)

i. Applicant Response: Since our properties constitute approximately 1.15% of the KPI it is not likely that the residences on our 20 acres will adversely impact the municipal services listed in this section.

ii. Staff Response: No objection.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on August 16, 2023.

PUBLIC HEARING SCHEDULE:

October 10, 2023 – Planning Commission (5:30 P.M.)

November 1, 2023 – City Council (1:30 P.M.), First Reading

November 15, 2023 – City Council (7:00 P.M.), Second Reading and Adoption

DULY ADVERTISED:

September 15, 2023 – Apopka Chief

September 22, 2023 – Placards posted on property

September 27, 2023 – Mailed notices to adjacent property owners

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.

ATTACHMENTS:

- Maps
- 3585 and 3603 Golden Gem Road - Land Use Report
- Ordinance Number 3025

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

Development Review Committee:

Recommends approval of the change in future land use designation from Rural Settlement to Mixed Use and finds the proposed amendment compatible with the character of the surrounding areas, recommending approval of the future land use amendment, subject to the findings and facts presented in the staff report and exhibits.

Recommended Motion – Planning Commission:

Find the proposed change in future land use designation from Rural Settlement to Mixed Use compatible with the character of the surrounding areas, recommending approval of the future land use amendment, subject to the findings and facts presented in the staff report and exhibits.

ATTACHMENTS:

1. 3585 & 3603 Golden Gem Road - Land Use Report
2. Maps
3. Ordinance Number 3025



City of Apopka

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES

Direction	Future Land Use	Zoning	Present Use
North	Mixed Use	Kelly Park Interchange - Mixed=Use	Park View Preserve Residential Subdivision
East	Conservation	T (Transitional)	Stormwater Facility
South	Conservation	T	Stormwater Facility
West	County Rural	County A-1 (Citrus Rural)	Hubbard Construction Facility

II. LAND USE ANALYSIS

The subject properties are in the western portion of the Joint Planning Area. Single-family residences are located to the north, stormwater retention is located to the south and east, and a construction facility is located on the west of the subject properties. Development must comply with the Mixed Use future land use designation and be consistent with the Comprehensive Plan policies and Development Design Guidelines and Kelly Park Interchange – Form-Based Code of the Land Development Code. The properties are approximately 20 acres in size. The parcel is not located in the following areas:

Wekiva Parkway Interchange Vision Plan Area: Yes
Wekiva River Protection Area: No
Area of Critical State Concern: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The proposed FLUM Amendment request for a change from Rural Settlement to Mixed Use is consistent with the terms of the JPA.

City of Apopka Comprehensive Plan Policies

Future Land Use Element:

The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses to serve the residential and non-residential needs of special areas of the City. This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses. The intensity of development within the mixed-use land use categories will vary depending on location and surrounding uses. Transit-oriented design elements shall be encouraged to promote multiple modes of transportation in the mixed use categories.

The Land Development Code will establish zoning districts and/or zoning overlay areas with standards that define the appropriate location for various intensities/densities. The following maximum gross intensity/density standards shall not be exceeded.

In order to encourage innovative land use techniques, creative urban design, environmental protection and the use of sustainable development principles and practices, designation of new mixed-use categories on the FLUM shall only be allowed for land located within the following areas:

1. Areas within the Expressway, Plymouth, West, and Northwest small area plans as shown on their respective master plans;
2. The CRA Overlay District depicted on the adopted FLUM;
3. Land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan to be adopted by December 2010; and
4. Areas that have been subject to a Small Area Study.

Transportation Element:

Policies 1.1 and 1.2 state that the City of Apopka is a Transportation Concurrency Exception Area. The properties currently have access on Golden Gem Road.

Infrastructure Element:

Policies 1.1.1, 2.1.1 and 5.1.2 state the minimum levels of service for the City's wastewater and water systems as well as the City's solid waste collection service. The property has access to City water and wastewater.

Conservation Element:

Policy 4.1 states that a habitat study is required for developments ten (10) acres or more in size. As these properties total to over ten acres in size, a habitat study will be required for development.

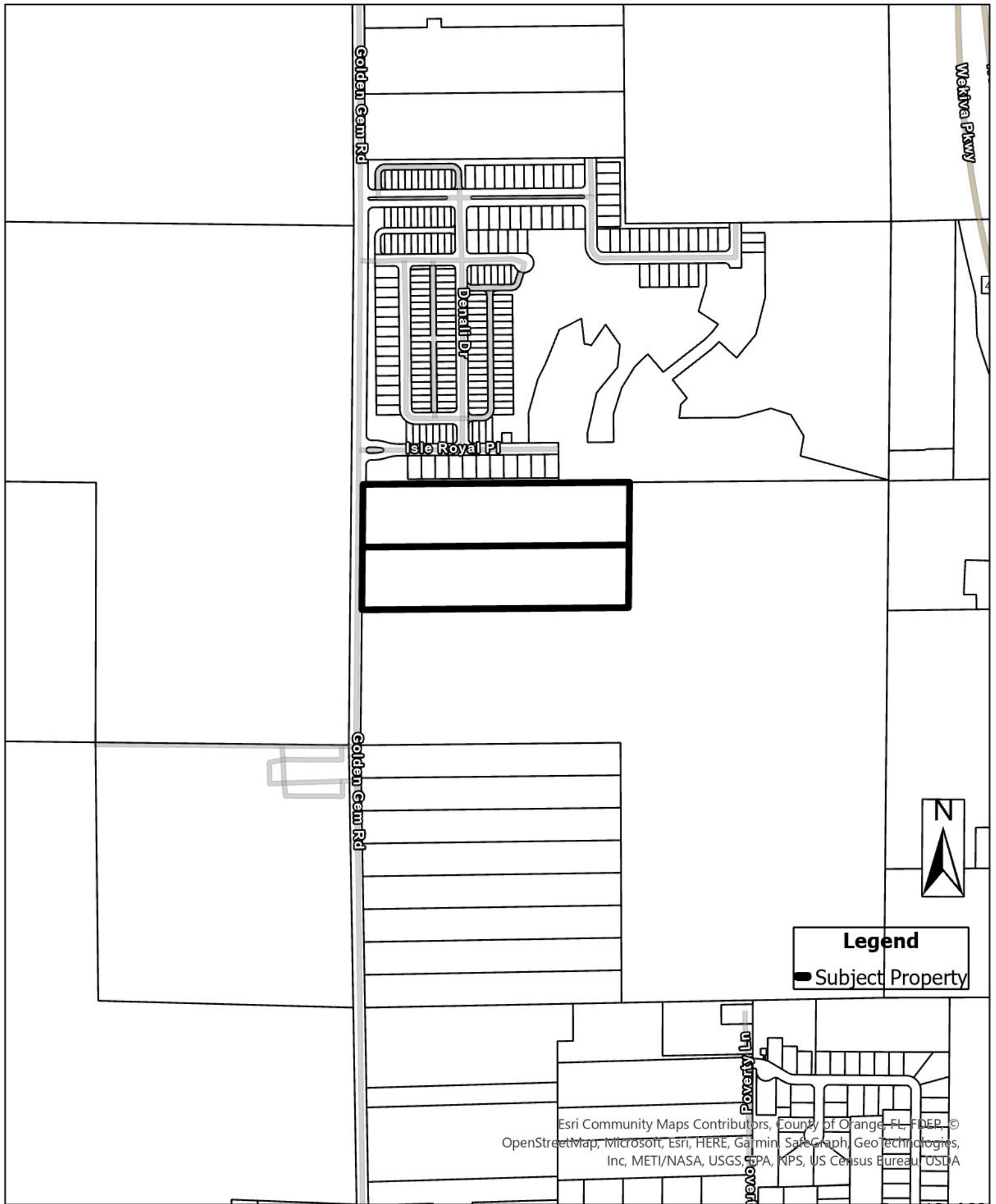
Land Use Calculations:

CURRENT: Rural Settlement (1 dwelling unit per acre)
 $1 \times 20 \text{ acres} = 20 \text{ residential units}$

PROPOSED: Mixed-Use (5 dwelling units per acre and 0.5 floor area ratio)
 $5 \text{ du/acre} \times 20 \text{ acres} = 100 \text{ residential units}$
 $0.5 \times 871200 \text{ square feet} = 435,600 \text{ square feet of non-residential uses}$

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

Vicinity

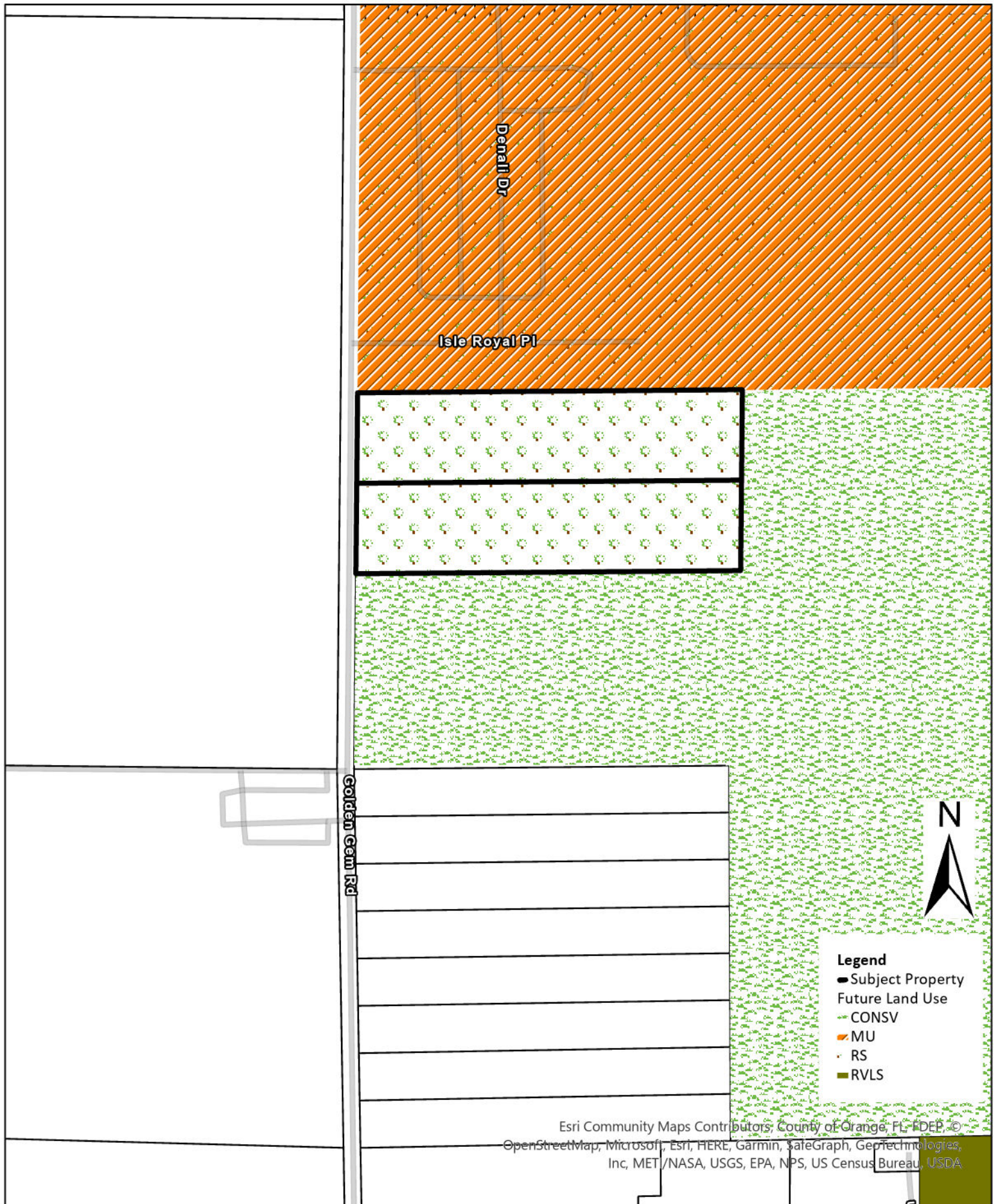


Aerial

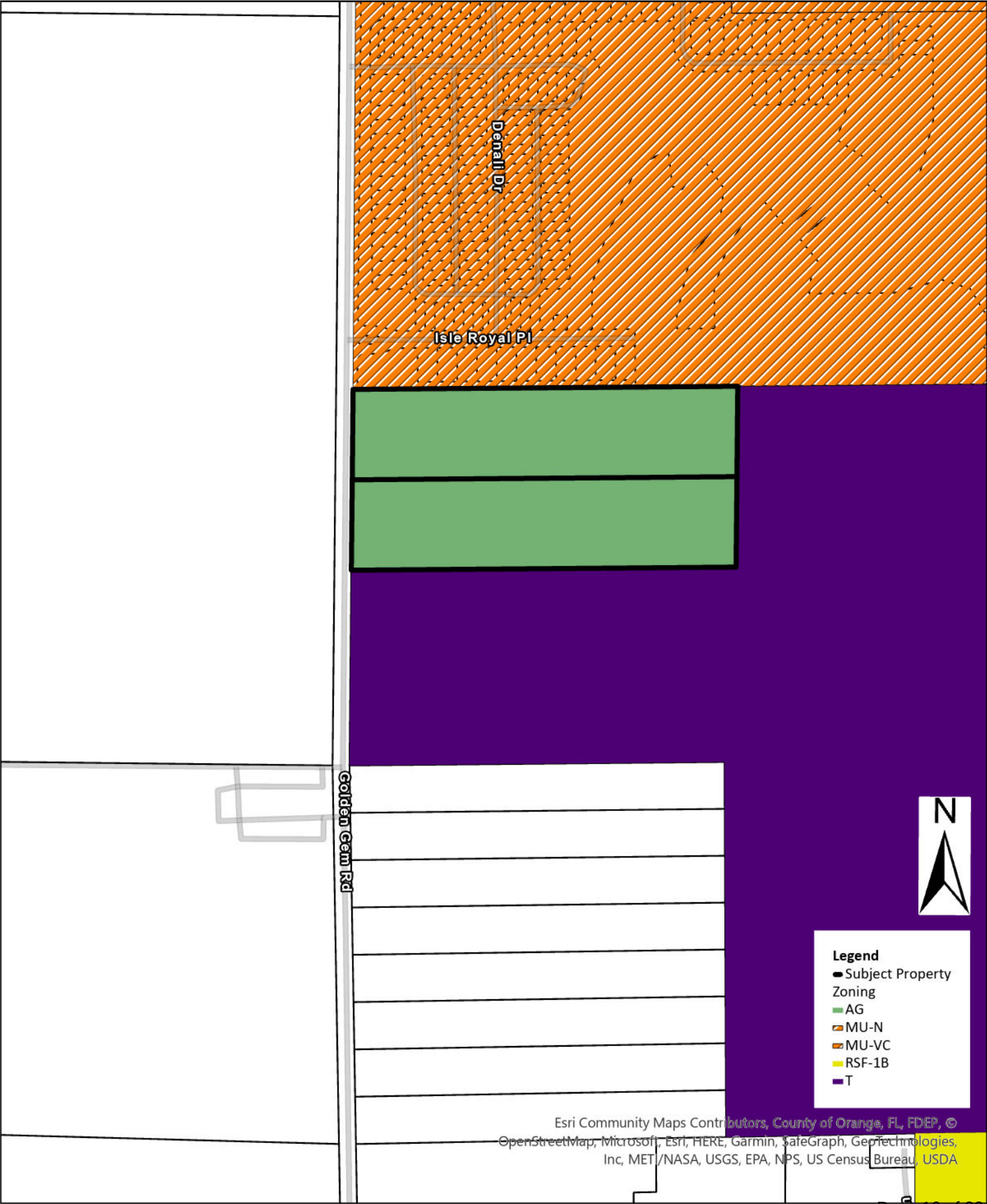


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Future Land Use



Zoning



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AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RURAL SETTLEMENT TO MIXED USE FOR A PORTION OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF GOLDEN GEM ROAD, WEST OF SR 429 AND SOUTH OF ISLE ROYAL PLACE, OWNED BY ALBERT MCKIMMIE, SUSAN INCATASCIATO AND CHRISTOPHER CROSBY JOHNSON, COMPRISING 20 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 3010 on September 20, 2023; and

WHEREAS, the City of Apopka's Local Planning Agency (Planning Commission) has, in preparation of the amended version of the Apopka Comprehensive Plan, analyzed the proposed amendment pursuant to Chapter 163, Part II, F.S., found it to be consistent with the intent of the Apopka Comprehensive Plan, and held public hearings providing for full public participation.

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

Section I. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section II. Future Land Use Element. Page 1-32 (Map 1-6) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 3010 is amended in its entirety to change the land use from Rural Settlement (one dwelling unit per acre) to Mixed-Use (5 dwelling units per acre and 0.5 floor area ratio) for certain real property generally located east of Golden Gem Road, west of SR 429 and south of Isle Royal Place, comprising 20 acres more or less; as further described in Exhibit “A” attached hereto.

Section III. Applicability and Effect. The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes.

Section IV. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section V. Director Authorization. The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance.

ORDINANCE NO. 3025

PAGE 2

1 **Section VI. Effective Date.** This Ordinance shall become effective thirty-one (31) days
2 after adoption. If challenged within thirty (30) days after adoption, the Ordinance shall become
3 effective after the state land planning agency or the Administration Commission, respectively,
4 issues a final order determining that the adopted small-scale development amendment is in
5 compliance.

6
7 ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
8 _____ day of _____, 2023.

READ FIRST TIME: November 1, 2023

READ SECOND TIME AND
ADOPTED: November 15, 2023

ATTEST:

Susan Bone, City Clerk

Bryan Nelson, Mayor

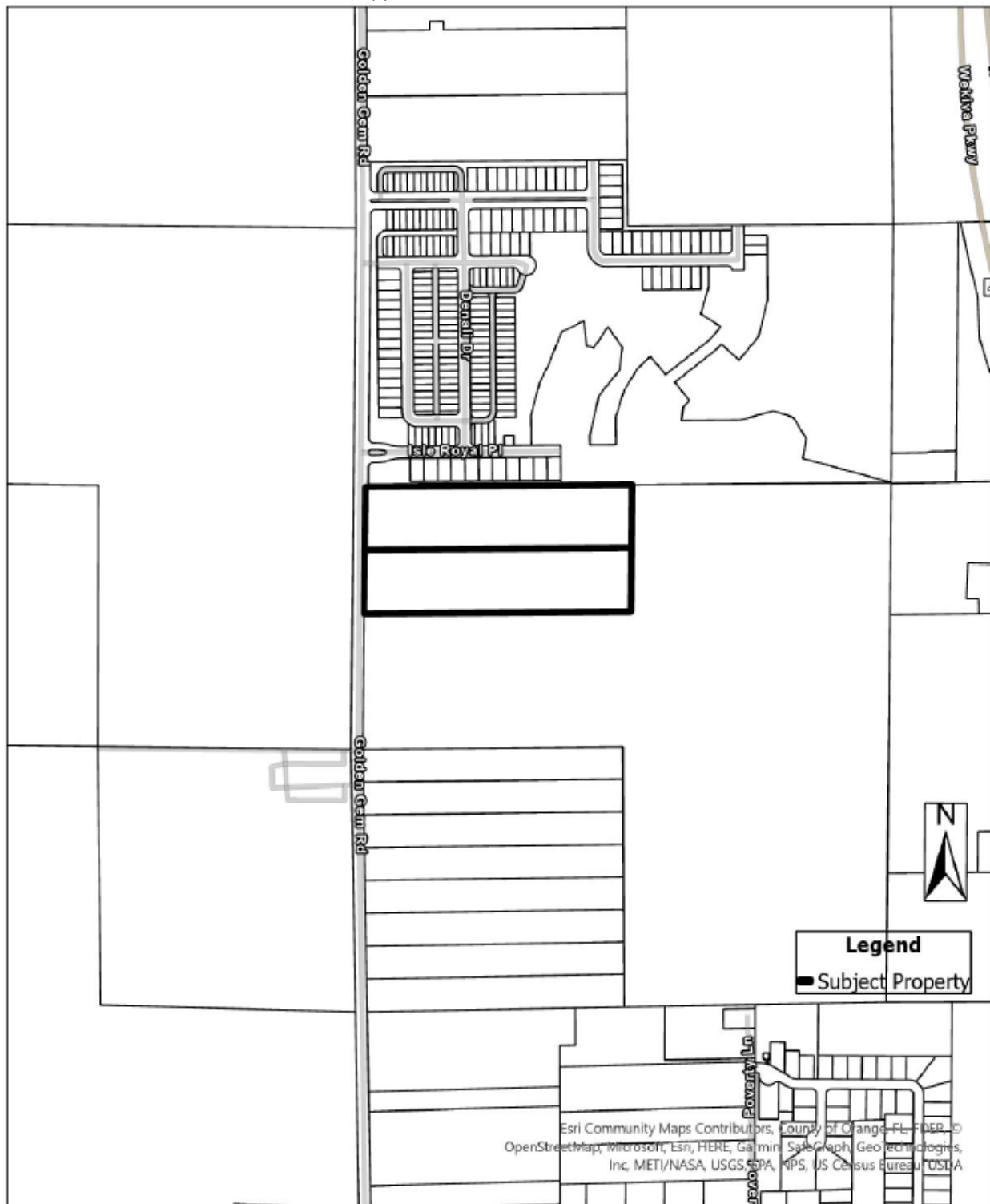
Approved as to form and legal sufficiency:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: September 15, 2023

EXHIBIT "A"

Parcel Identification Number(s): 24-20-27-0000-00-108 and 24-20-27-0000-00-099





City of Apopka PLANNING COMMISSION STAFF REPORT

Section: PUBLIC HEARING

Item #: 2.

Meeting Date: October 10, 2023

Department: Community Development

SUBJECT:

Change of Zoning – 2301 Coral Hills Road

REQUEST:

Recommend approval of the Change of Zoning from C-C (Community Commercial) to C-R (Regional Commercial) for the operation of a landscape company.

SUMMARY:

Owner(s): HCH Development, LLC

Applicant: Sarah Maier c/o Dewberry Engineers

Parcel Identification Number(s): 22-21-28-0000-00-068, 22-21-28-0000-00-207

Location: 2301 Coral Hills Road

Existing Future Land Use: Commercial (0.25 Floor Area Ratio (FAR) Maximum)

Proposed Future Land Use: N/A

Existing Use(s): Vacant Commercial

Existing Zoning: C-C (Community Commercial) Zoning District

Tract Size: 6.36 +/- Acres

Direction	Future Land Use	Zoning	Present Use
North	N/A – SR 414	N/A	Limited Access Toll Road
East	Commercial	C-C (Community Commercial)	Vacant
South	Commercial	C-C (Community Commercial), C-R (Regional Commercial)	Convenience/Gas Station/Vacant
West	Agriculture/Commercial	AG/C-C	Horse Farm, Single-Family Residence/Vacant

PROJECT SUMMARY:

The subject property, which is approximately 6.36 acres in size, is located at 2301 Coral Hills Road and is currently vacant. The applicant is requesting the rezoning of the property to develop proposed office facilities for the headquarters of a landscape company. A contractor's office is permitted use in the C-R zoning district per Land Development Code Table 4.2.2.C, of which a landscape company is considered. Land Development Code Section 10.3.1.F.6 defines a contractor's office as follows:

"A building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a contractor's storage yard."

The proposed C-R zoning district is compatible with the surrounding areas, as properties to the east and south have zoning designations of Commercial. The property to the west has a zoning designation of Agriculture. The applicant has indicated to staff that they have a future plan of applying for a Special Exception for outdoor storage for their landscape equipment to be stored on site. Per Land Development Code Section 2.5.1.G, Special Exceptions require Planning Commission approval.

Land Development Code Section 2.5.1.D.3 requires the Council to weigh the relevance of and consider whether and the extent to which the proposed amendment:

- a. Is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans;
 - Applicant's response: The proposed rezoning is consistent with the goals, objectives and policies of the comprehensive plan including meeting adopted levels of service for public facilities, being consistent with the future land use map and future land use designation, not contributing to urban sprawl, and protecting and/or mitigating natural resources located onsite.
 - Staff response: Staff has no objection.
- b. Is in conflict with any provisions of the LDC;
 - Applicant's response: Rezoning the subject property from C-C to C-R is not in conflict with the City's LDC. Rezoning is allowable when they are consistent with the City's goals, are compatible with surrounding uses and provide an orderly and a logical development pattern. This rezoning has demonstrated that it meets the City's review standards for a rezoning and will further the City's goals for development of under utilized and vacant land, employment opportunity and tax revenue.
 - Staff response: Staff has no objection.
- c. Addresses a demonstrated community need;
 - Applicant's response: The rezoning from C-C to C-R would permit lawn care maintenance as a use on the property. The Applicant desires to use this property to operate their lawn care maintenance business, bringing employee opportunities to City residents and tax revenue to the City.
 - Staff response: Staff has no objection.
- d. Is required by changed conditions;
 - Applicant's response: Rezoning the subject property is necessary to allow for the proposed use of lawn care. The property use is proposed for a landscape company headquarters and operations center (i.e. Lawn Care). According to Table 4.2.2.C: Principal Use Table of the Land Development Code, lawn care is permitted in only four (4) zoning districts. The requested zoning district of C-R Commercial Regional is less intense than the industrial zoning district that permits lawn care as a use. Additionally, allowing for the rezoning to C-R will require the property to be developed according to the Commercial Development Standards of the City's Land Development Code. This is compatible with the adjacent commercial uses and future commercial uses across Clarcona Road.
 - Staff response: Staff has no objection.
- e. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
 - Applicant's response: The subject property is currently surrounded by mostly commercial land use and zoning districts. To the east and west across Clarcona Road and Coral Hills Road, respectively, are vacant properties with C-C zoning districts. South and adjacent to the subject property is C-R zoning, the same zoning designation requested for this property. The property to the south has a convenience store, gas station, and small retail shops; there is also some vacant commercial land and a stormwater pond. To the west across Coral Hills Road, there property with Agriculture land use and zoning, which is used for a horse ranch operation. On the north, the subject property is adjacent to SR 414. The proposed rezoning to C-R is compatible with the surrounding commercial zoning districts of C-R and C-C. The proposed use of lawn care maintenance is also compatible with the existing uses of convenience, gas and retail stores, as well as the horse ranch, as there are no adverse impacts with noise, dust, air, and traffic to the existing horse ranch. Rezoning the subject property to C-R is appropriate and desirable.

- Staff response: Staff has no objection.
- f. Would result in a logical and orderly development pattern;
- Applicant's response: Once rezoned, development of the subject property for use as a lawn care maintenance operation is compatible with the surrounding uses. Costa Farms (Exotic Angel Farms) has a large nursery operation at the opposite intersection of Keene Road and Clarcona Road. Sanctuary Florida has a large medicinal farming operation to the west. The convenience store and gas station are located adjacent to the subject site on the south property line. Just west of the subject property along Keene Road is the existing Waste Management landfill site, the former landfill site that is now the RCACF RC Flying Club. The northern perimeter of the subject site is adjacent to SR 414, and further north beyond SR 414 is a mix of commercial and industrial uses including self-storage and an outdoor used auto parts storage facility. The area has a mix of commercial, industrial and agriculture uses, with a large presence of outdoor storage or outdoor functions. Development of the subject site as a lawn care maintenance operation is logical and orderly with the existing development pattern and uses. While there are some vacant properties in the area, this development would not be considered leap-frog or sprawl as the area is firmly established with long term and ongoing business operations.
 - Staff response: Staff has no objection.
- g. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- Applicant's response: Rezoning the subject property to allow for a lawn care maintenance facility will not result in significantly adverse impacts on the natural environment. The property does not contain wetlands. Stormwater management will be retained onsite and meet all regulatory requirements. Impacts to trees and listed wildlife species will be permitted and mitigated according to the applicable required regulations including planting of replacement trees as required. There will be little impact to water, air and noise, as most of the services provided by the lawn maintenance facility are performed offsite at the customer's property. Development under the existing zoning district of Community Commercial would also be required to mitigate any impacts to the natural environment and would be subject to the same requirements as the development under the proposed rezoning.
 - Staff response: Staff has no objection.
- h. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).
- Applicant's response: The subject site will be serviced by City water and wastewater, which has adequate capacity in the area. There are 2 existing paved roads that can provide access to the property. Stormwater management will be addressed on site. The proposed development will have no impact on schools or parks because it is a non-residential use. The property is located in the existing City service area for police, fire and emergency medical facilities. Any impacts to City services as a result of the proposed development will be addressed through the City's established concurrency management process.
 - Staff response: Staff has no objection.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on August 23, 2023.

PUBLIC HEARING SCHEDULE:

October 10, 2023 – Planning Commission (5:30 P.M.)

November 1, 2023 – City Council (1:30 P.M.), First Reading

November 15, 2023 – City Council (7:00 P.M.), Second Reading and Adoption

DULY ADVERTISED:

September 22, 2023 – Apopka Chief

September 27, 2023 – Mailed notices to adjacent property owners; Posters placed on the property

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

Development Review Committee (DRC):

Recommends approval of the Change of Zoning from C-C (Community Commercial) to C-R (Regional Commercial), finding the proposed change consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, based on the findings and facts presented in the staff report and exhibits.

Recommended Motion – Planning Commission:

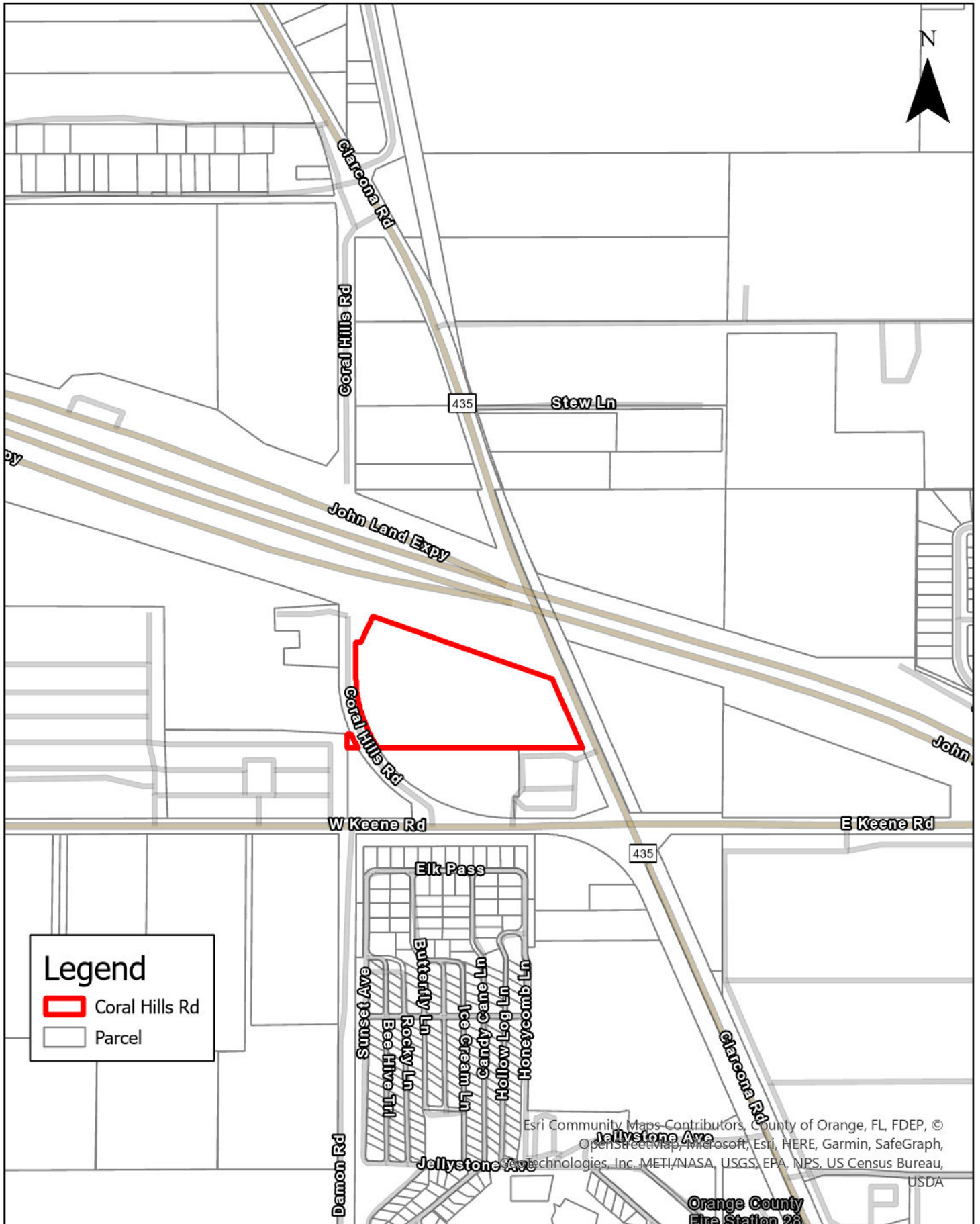
Find the proposed Change of Zoning from C-C (Community Commercial) to C-R (Regional Commercial), consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, recommend approval of the proposed Change of Zoning, based on the findings and facts presented in the staff report and exhibits.

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

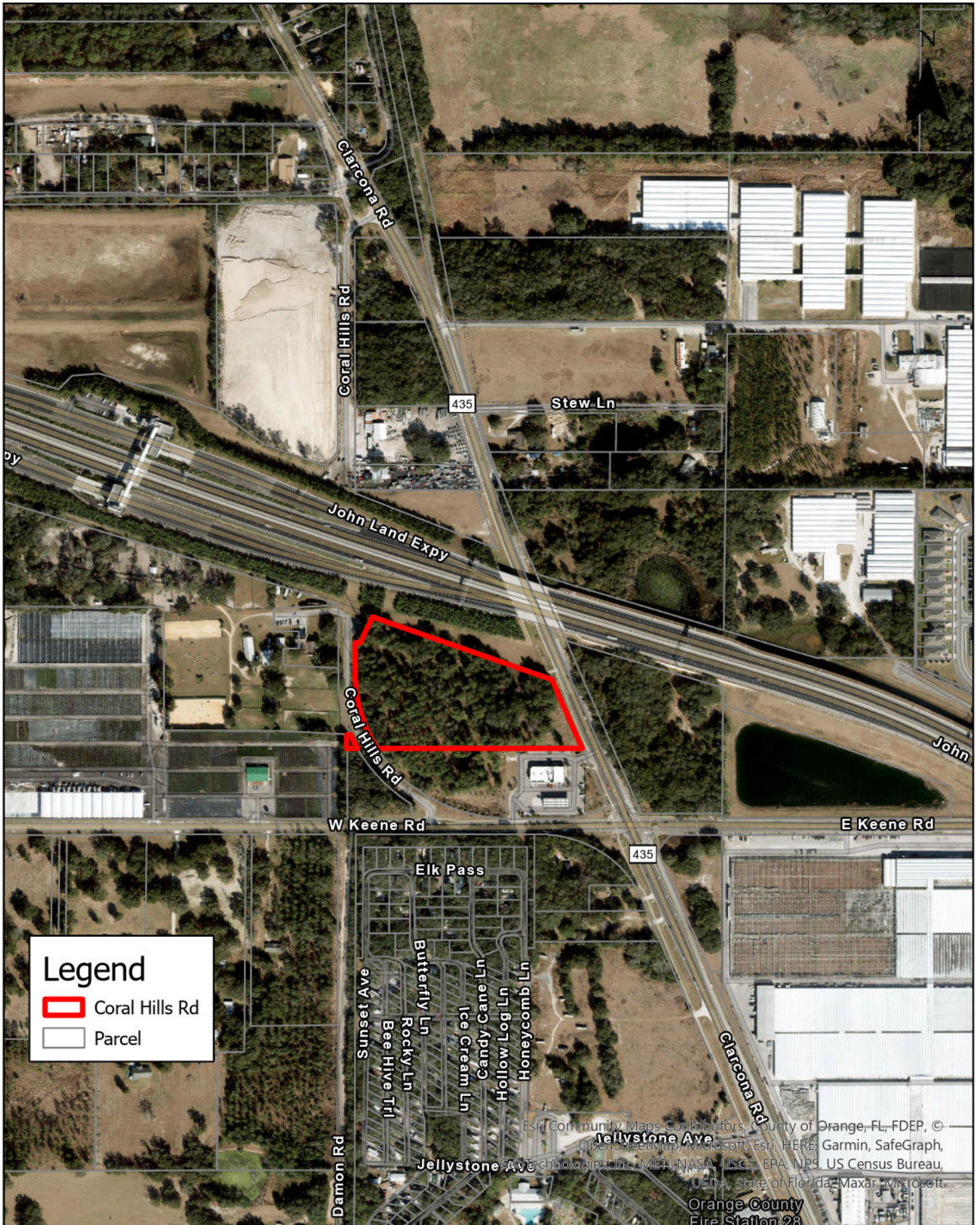
ATTACHMENTS:

1. Maps (PDF)
2. Ordinance Number 3026 rezoning

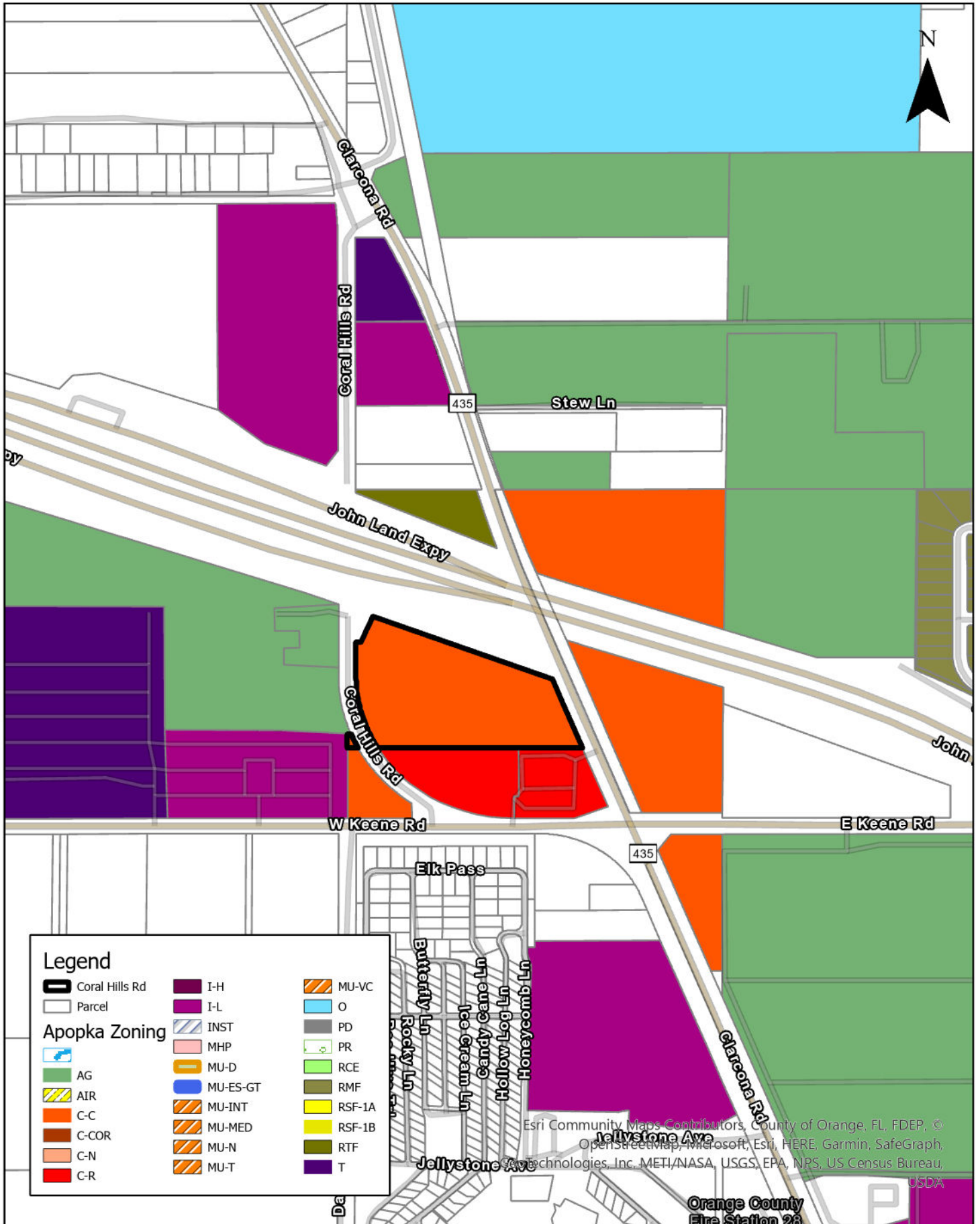
VICINITY MAP



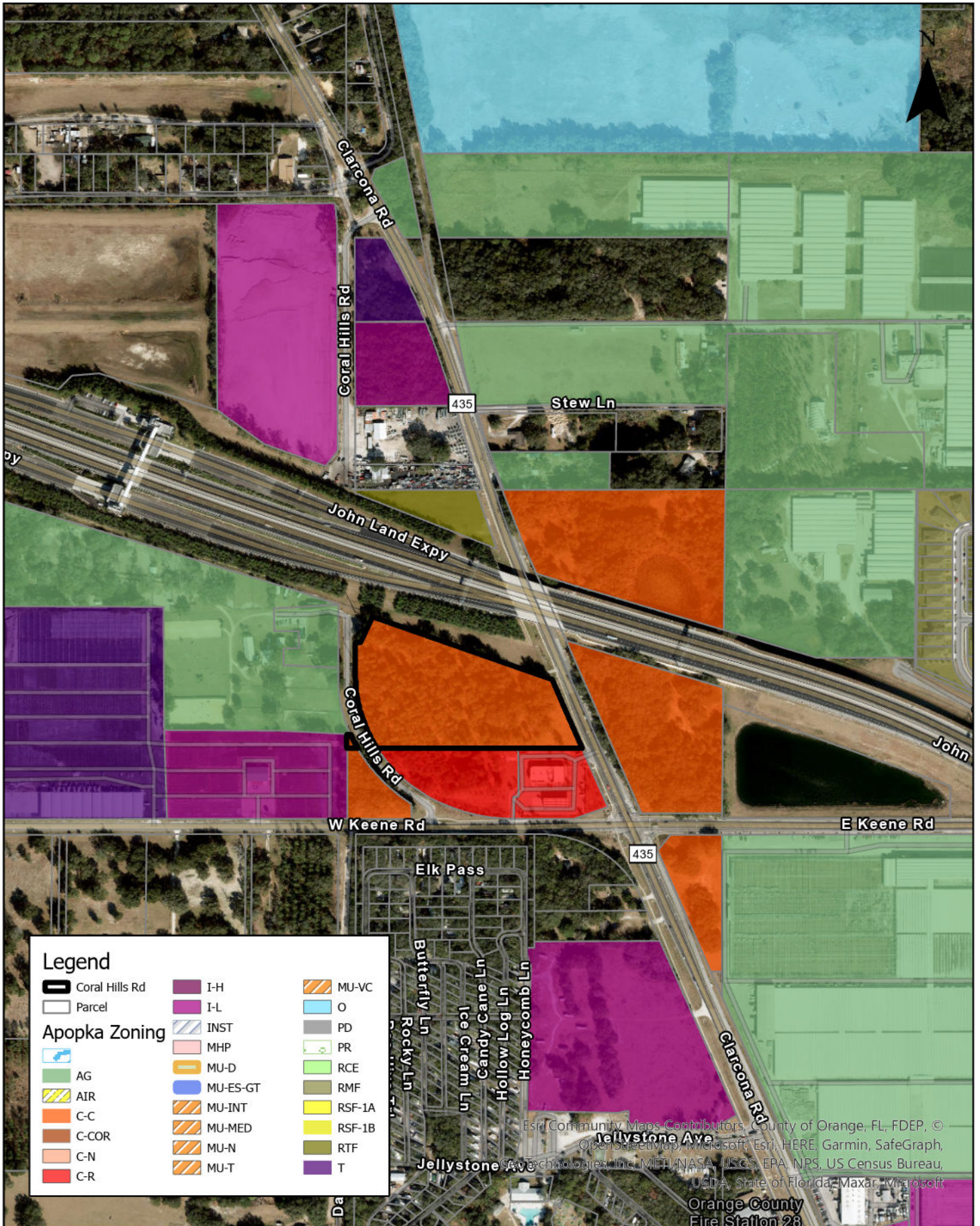
AERIAL MAP



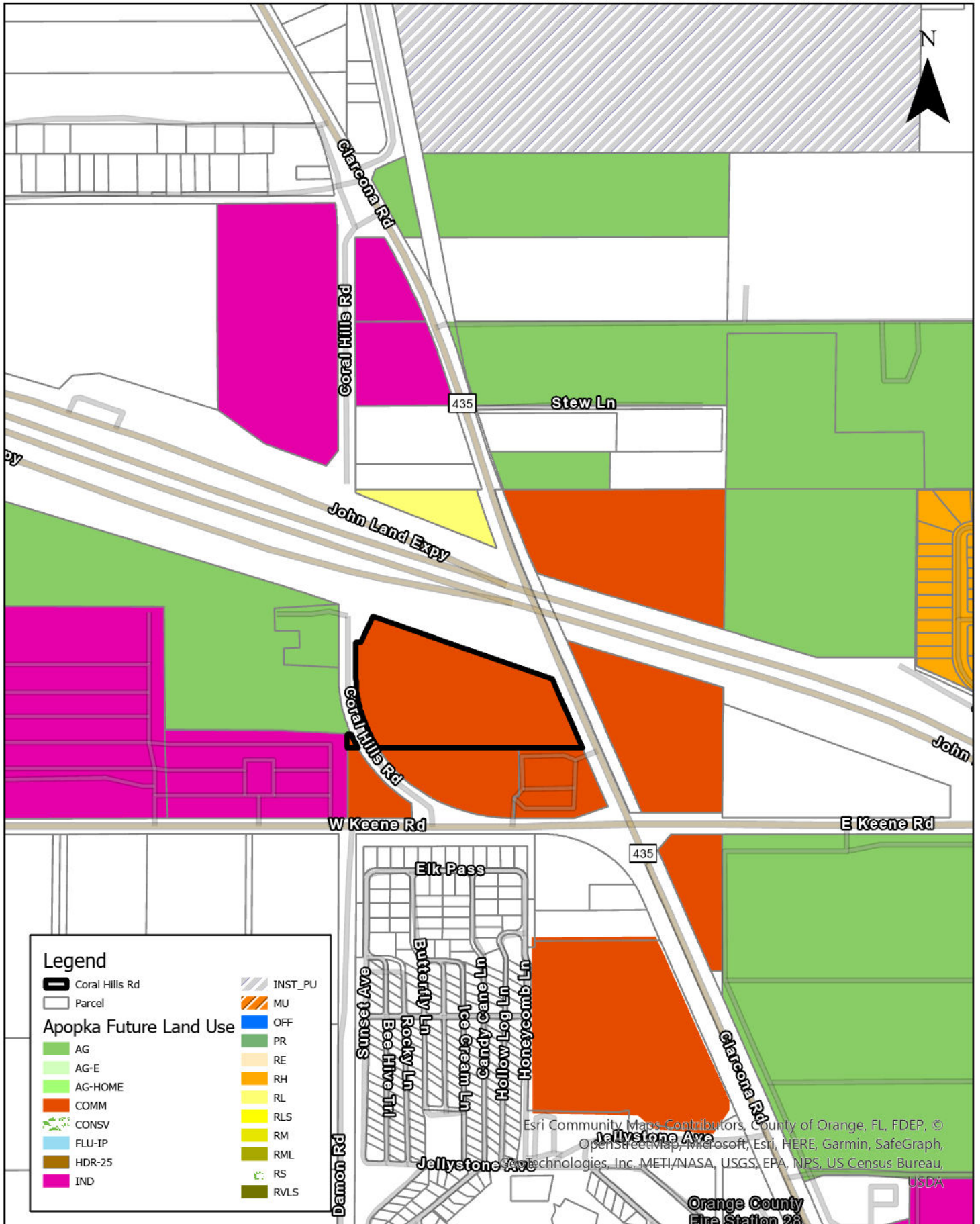
ZONING MAP



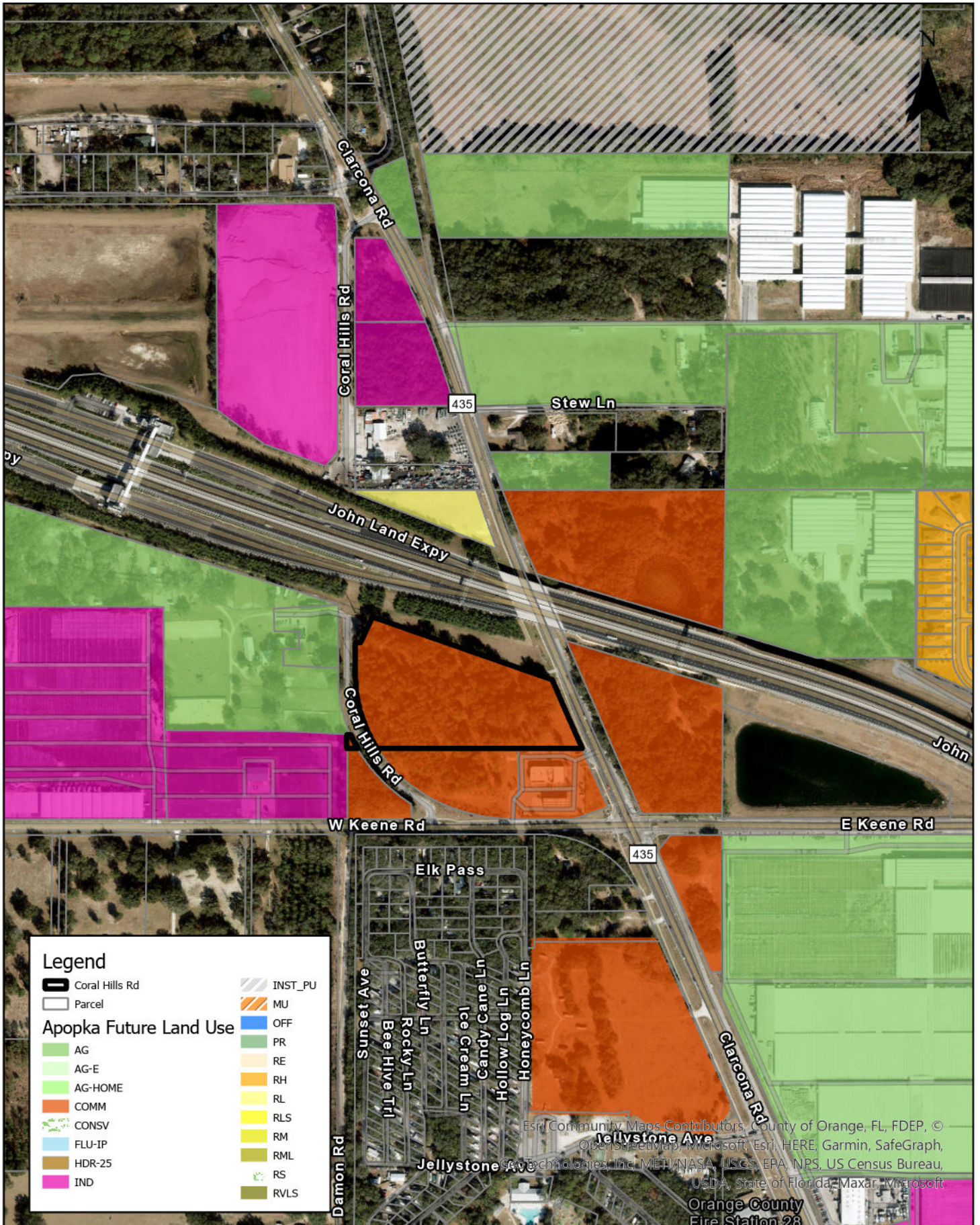
ZONING MAP



FUTURE LAND USE MAP



FUTURE LAND USE MAP



AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM C-C (COMMUNITY COMMERCIAL) TO C-R (REGIONAL COMMERCIAL), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 2301 CORAL HILLS ROAD; OWNED BY HCH DEVELOPMENT, LLC COMPRISING 6.36 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Sarah Maier c/o Dewberry Engineers has requested a change in zoning on said property as identified in Section I of this ordinance; and

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

Section II. That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida. The applicant shall obtain all approvals as required, if any, per the Orange County Charter and the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

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

Section VI. That this Ordinance shall take effect upon the date of adoption.

ORDINANCE NO. 3026

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ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
____ day of _____, 2023.

READ FIRST TIME: November 1, 2023

READ SECOND TIME AND
ADOPTED:

ATTEST:

Susan Bone, City Clerk

Bryan Nelson, Mayor

Approved as to form and legal sufficiency:

Cliff Sheppard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: September 22, 2023

EXHIBIT "A"

Parcel Identification Number(s): 22-21-28-0000-00-068, 22-21-28-0000-00-207

