



**City of Apopka
Planning Commission
Meeting Agenda
November 14, 2017
5:30 PM @ CITY COUNCIL CHAMBERS**

I. CALL TO ORDER

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

II. OPENING AND INVOCATION

III. APPROVAL OF MINUTES:

1. Approve minutes of the Planning Commission regular meeting held October 10, 2017.

IV. PUBLIC HEARING:

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – From "County" Rural Settlement to "City" Mixed Use Interchange (1-5 du/ac) for property owned by AHIFO-18 LLC and located on the north side of West Kelly Park Road, west of Plymouth Sorrento Road. (Parcel ID Nos. 12-20-27-0000-00-032; 12-20-27-0000-00-090)
2. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Moorwolf, LLC from "County" Low Density Residential (0 - 4 du/ac) to "City" Office for property located at 145 S. Wekiwa Springs Road. (Parcel ID No. 28-21-12-6896-00-181)
3. CHANGE OF ZONING – Moorwolf, LLC from "County" R-1 (ZIP) to "City" PO/I for property located at 145 S. Wekiwa Springs Road. (Parcel ID No. 28-21-12-6896-00-181)
4. CHANGE OF ZONING – From R-1AAA (Residential Single-Family) to AG-E (Agricultural Estate) for property owned by Paul and Kimberly Rehn and located at 2393 Appy Lane. (Parcel ID Nos. 18-20-28-0000-00-112; 18-20-28-0000-00-125)

V. SITE PLANS:

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

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

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

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 10, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson

ABSENT: John Sprinkle, Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackins – City Attorney, Pamela Richmond – Senior Planner, Phil Martinez – Planner I, Jean Sanchez – Planner I, Fire Chief Carnesale, and Jeanne Green – Recording Secretary.

OTHERS PRESENT: Ellon Munos, Lisa Hodge, Virginia Hodge, Rodney D. Sapp, Carmen Stern, Nancy Pridemore, Larry Poliner, Gary Singer, Michael Stenzel, Kathy Hattaway, Sandra Martinez, Denise Prescott, Jesus Arredondo, Asma Boukadoun, Sue Stenzel, Todd Spangler, Lori Spangler, Lisa Ramlal, Miranda Fitzgerald, Richard A. Newburn, Ed Velazquez, Matthew Hill, Lee Barnes, Richard C. Wohlfarth, Aydee Saravia, Jose Luccioni, Stephen Allen, Wilner Noisette, Ashish Kapadia, Jun H. Kim, Sofia Sierra-Gil, William Henry, Teresa Sargeant – Apopka Chief, Les Hebert, Frank Bombeeck, John Mock, Suzanne Kidd, Sonia Rodriguez, Tom Sullivan

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of August 8, 2017, at 5:30 p.m.

Motion: Tony Foster made a motion to approve the Planning Commission minutes from the regular meeting held on August 8, 2017, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0).

LEGISLATIVE – COMPREHENSIVE PLAN – FUTURE LAND USE ELEMENT – POLICY 20.10 AND TABLE 20.10 - Chairperson Greene stated this is a request to find the proposed Future Land Use Element Amendment consistent with the Comprehensive Plan; to recommend approval of the amendment to the City of Apopka Comprehensive Plan, Future Land Use Element, Policy 20.10 to reduce the minimum floor area ratio within the Village Center Core Character District from a minimum of 0.30 FAR to 0.015 FAR; and recommend transmittal to the Florida Department of Economic Opportunities for review.

David Moon, Planning Manager, introduced the two new Planners, Phil Martinez and Jean Sanchez. He also thanked Pamela Richmond for all of her assistance.

Mr. Moon stated the current minimum floor area ratio (FAR) for the Village Center, Core Area is .030 FAR. Planning staff recommends a reduction in the FAR standard from .030 to .015 FAR until 2,000 residential units are constructed within the area comprising the one-mile radius from the Kelly Park Road Interchange at the Wekiva Parkway.

For the village Center Core Area of the Future Land Use Element, a minimum and maximum floor area ratio are required to encourage commercial and office buildings and uses to concentrate within higher intensity clusters. In theory, the intent is to concentrate commercial buildings into typically smaller development site to promote a more walkable urban environment. To influence development to achieve

the desired urban character, a minimum floor area ratio is required for the Village Center Core Area. The “Core” area includes the lands within close proximity to the Plymouth-Sorrento Road\Kelly Park Road intersection and the Golden Gem\Kelly Park Road Intersection, as illustrated in Exhibit “B”.

Presently, a concentration of residential homes within one mile radial distance from the Village Center Core Area does not create market characteristics capable to support a population density and patronage necessary for higher intensity retail commercial. In other words, there are not enough homes or offices (i.e., day-time and night-time population density) within reasonable walking distance from the “Core Areas”, at this time or anticipated within the next three years to justify a reduction in parking spaces and the area to accommodate them. Retail customers will have to be captured from a wider market area than a one-mile radial distance to support the financial feasibility of operating retail within the “Core Areas”. Once a sufficient number of homes and business and professional offices are constructed near the Core Areas, residents and employees will be able to walk or ride bikes to commercial retail, allowing parking spaces to be replaced by more retail buildings or parking garages.

The proposed amendment to Policy 20.10, Table 20.10, of the Future Land Use Element is to add:

** Upon the effective date of Ordinance 2605 the minimum floor-area-ratio shall be 0.15 for the Village Center. The Village Center minimum floor area ratio shall increase to .03 FAR after 2,000 new dwelling units are constructed after the effective date of Ordinance 2605 and within the one-mile radius area appearing in the Wekiva Parkway Interchange Area Vision Plan Map.

The Development Review Committee recommends approval of the amendment to the City of Apopka, Comprehensive Plan, Future Land Use Element, Policy 20.10, Table 20.10, to revise the minimum floor area ratio from 0.03 to 0.15 for the Village Center, as recommended by Planning staff.

Staff recommends approval of the amendment to the City of Apopka, Comprehensive Plan, Future Land Use Element, Policy 20.10, Table 20.10, to revise the minimum floor area ratio from 0.03 to 0.15 for the Village Center, as recommended by Planning staff.

Mr. Molina expressed his concern regarding how this amendment would affect projects like the proposed Publix that may be constructed in this particular area.

Chairperson Greene explained that the amendment would make the new Publix development more viable.

Miranda Fitzgerald, an attorney with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 North Eola Drive, Orlando, Florida, expressed concerns regarding the temporary amendment stating that imposing a timeline is an artificial restriction. She said the market will dictate the intensity so that this restriction is not necessary and seems to be arbitrary. Additionally, the staff report references “Village Center Core” when the form-based code only references the Village Center. She expressed concern that this is an ambiguity that may cause confusion when the item is sent to the State for review. She stated that their preference is to reduce the FAR (Floor Area Ratio) but not the restriction that after 2,000 homes are built, the FAR increases to its original number.

Mr. Moon stated that prior to the item going before City Council staff will revise the staff report to change any reference from “Village Center Core” to “Village Center.” He went on to say that the reasoning for lowering the FAR at this time is that there needs to be between 8,000 and 10,000 people living in the area to support a grocery store use and currently there aren’t that many. Once the threshold of 2,000 homes

is reached, the population will be able to support the original 0.3 FAR. Additionally, we are in the process of preparing an Evaluation and Appraisal Report (EAR) based amendment which will include future trends and whether the current codes are sufficient for future development.

This item is considered legislative and establishes general policy. 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 recommend approval of the amendment to the City of Apopka, Comprehensive Plan, Future Land Use Element, Policy 20.10, Table 20.10, to revise the minimum floor area ratio from 0.03 to 0.15 for the Village Center, as recommended by Planning staff. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Roger Simpson; Jose Molina voted nay. (5-1) (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – J. D. AND KATHLEEN L. HORNE - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (7.5 – 25 du/ac and/or Max. 1.0 FAR) for the property owned by J.D. and Kathleen L. Horne Trust and located on the southeast corner of Plymouth-Sorrento Road and West Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to from “County” Rural to “City” Mixed Use Interchange (7.5 – 25 du/ac and/or Max. 1.0 FAR) for the property owned by J.D. and Kathleen L. Horne Trust and located on the southwest corner of Plymouth-Sorrento Road and West Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review. The existing use is a single-family residence and the proposed use is commercial. The current zoning is “County” A-1 (ZIP) and the proposed zoning is “City” Mixed Interchange with a Village Center Overlay District. The tract size is 18.13 +/- acres.

Presently, the subject property does not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Mixed Use Interchange. Presently, the applicant proposes a commercial retail center that includes a grocery store.

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use Interchange future a land use designation must be assigned to the property.

The subject property is adjacent to the future Wekiva Parkway and the Wekiva Parkway/Kelly Park Road interchange, and is located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 through 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation.

The proposed use of the property is compatible with the character of the surrounding area, is adjacent to the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Wekiva Parkway Interchange Vision Plan. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant's request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.
7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

Transportation Element

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

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

2. **Policy 3.1.r** 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...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.
3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

The property is located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the Kelly Park Crossing Form-Based Code, Mixed- Use Interchange Zoning District and Village Center Overlay District. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

If residential development is proposed through a zoning or development application, an executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

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 August 15, 2017. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation

similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

The Development Review Committee recommends approval to transmit a change in the City of Apopka Comprehensive Plan, Future Land Use Element to Mixed Use Interchange for the property owned by J. D. and Kathleen L Horne Trust, subject to the information and findings in the staff report.

Staff recommends the Planning Commission find the Commercial Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from “County” Rural to “City” Mixed Use Interchange for the properties owned by J. D. and Kathleen L Horne Trust subject to the information and findings in 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.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment to Mixed Use Interchange (7.5 – 25 du/ac and/or Max. 1.0 FAR) for the property owned by J. D. and Kathleen L. Horne Trust and located on the southeast corner of Plymouth-Sorrento Road and West Kelly Park Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – SABBATH GRACE FELLOWSHIP, INC. - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use (0 – 15 du/ac) for the property owned by Sabbath Grace Fellowship, Inc. and located at 890 Johns Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to “City” Mixed Use (0 – 15 du/ac) for the property owned by Sabbath Grace Fellowship, Inc. and located at 890 Johns Road; and recommend transmittal to the Florida Department of Economic Opportunities for review. The existing use is vacant land and the proposed use are up to 597 dwelling units. The current zoning is I-1 (Industrial) and the proposed zoning is Planned Unit Development (PUD). The tract size is 39.85 +/- acres.

The applicant proposes to combine the Sabbath Grace Fellowship Parcel with two other parcels, one owned by the City of Apopka and the other by James and Deborah Lyda. The proposed development boundary map is provided in the exhibits. Maximum proposed number of single family homes distributed over the three properties is 298 dwelling units.

The proposed Large Scale Future Land Use Amendment is being requested by the r/applicant, who has a contract with all three property owners to purchase the properties if entitlements are obtained (Future Land Use and Zoning). Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies. A request to assign a Future Land Use Designation of Mixed Use is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 39.85 acres.

The existing and proposed use of the property is consistent with the Mixed Use designation and the proposed Planned Unit Development zoning if single family development occurs as proposed by the applicant.

As residential units for the entire project will not exceed the number of residential units that could yield from the City of Apopka and the Lyda properties, no net increase in residential units will be achieved over the combined three parcels. Therefore, school capacity enhancement determination is not necessary. However, school concurrency will be required at the time of the final development plan (i.e., construction plans and plat)

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 August 15, 2017.

The 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 Industrial and Mixed Use for the property owned by Sabbath Faith Fellowship Inc.

Staff recommends that 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 Industrial to Mixed Use 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.

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

Motion: **Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment to “City” Mixed Use (0 – 15 du/ac) for the property owned by Sabbath Grace Fellowship, Inc. and located at 890 Johns Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)**

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – WON CHUL LEE ET. AL. - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (0-5 du/ac) for the properties owned by Won Chul Lee, Bong Jin Choe, Soon Chong, And Sea Myog, located on the north side of West Kelly Park Road, west of Jason Dwelley Parkway; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (0-5 du/ac) for the properties owned by Won Chul Lee, Bong Jin Choe, Soon Chong, And Sea Myog, located on the north side of West Kelly Park Road, west of Jason Dwelley Parkway; and recommend transmittal to the Florida Department of Economic Opportunities for review. The existing use is a horticultural nursery and the proposed use is a single-family development with up to 78 units. The current zoning “County” A-1 (ZIP) and the proposed zoning is Mixed Use Interchange with a Neighborhood Residential Overlay District. The tract size is 39.48 +/- acres.

Presently, the subject property does not have a “City” future land use designation or “City” zoning classification assigned. The applicant requests a future land use designation of “City” Mixed Use Interchange. Presently, the applicant proposes a residential subdivision consistent with the Neighborhood Overlay Zoning District, as defined in the Kelly Park Crossing Form-Based Code.

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use Interchange future a land use designation must be assigned to the property.

The subject property straddles the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore eligible to be within the Kelly Park Crossing Form Based Code Area. The two parcels are located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation and the Overlay District covering the property within the Vision Plan.

The proposed use of the property is compatible with the character of the surrounding area, is within one mile of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Wekiva Parkway Interchange Vision Plan a (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant's request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.
7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

Transportation Element

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

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

6. **Policy 3.1.r** 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...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.
7. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
8. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

The property is located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the Kelly Park Crossing Form-Based Code, Mixed- Use Interchange Zoning District and Neighborhood Overlay District. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

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 August 15, 2017. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

The Development Review Committee recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by Chul Lee et.al, subject to the information and findings in the staff report.

Staff recommended the Planning Commission find the Commercial Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation to Mixed Use Interchange for the properties owned by Chul Lee et. Al. subject to the information and findings in 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.

Chairperson Greene opened the meeting for public hearing.

Larry Poliner, RCE Consultants, LLC, 617 Avern Drive, Altamonte Springs, expressed his concerns regarding the changes to the densities in this area that is adjacent to the Rainbow Ridge Rural Settlement. He said he was a part of the group that worked to create the Rainbow Ridge Rural Settlement which was implemented to reduce, not increase density. He asked that the Planning Commission table this item until City and County staff could meet to discuss the proposed changes and how it will affect the Rainbow Ridge Rural Settlement area.

In response to questions by Chairperson Greene, Mr. Moon stated that the City and Orange County entered into a Joint Planning Agreement some time ago and as it required by that agreement, the County was notified of the proposed amendments. As a part of that agreement, a property owner

has the option to pull all of their property into the Mixed Use category.

Mr. Poliner further expressed his concern regarding how the increased density in the area will affect the Wekiva Recharge Protection Basin.

Mr. Foster advised Mr. Poliner that the item would be presented at City Council where Mr. Poliner may express any concerns his may have.

William Henry, 35 W. Laurel Street, Apopka, expressed his concerns and stated that the Wekiva Parkway Protection Act required that any development at the intersection of Kelly Park Road and Plymouth Sorrento Road was to transition to lower densities. He asked the Commission to table the item until a meeting could be held with Orange County.

Mr. Moon stated that the City adopted the Wekiva Parkway Interchange Form Based code and it is consistent with issues such as open space and lot sizes. Once the State has reviewed the proposed amendment and any issues they have addressed the ordinance will be presented to City Council for adoption. Once the land use has been assigned the next step would be the change of zoning which will require a master Plan. The zoning will be Mixed Use Interchange and may include some type of overlay district. Issues such as open space and lot sizes will be addressed during the rezoning process.

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

Motion: Tony Foster made a motion to find the proposed Future Land Use Designation consistent with the Comprehensive Plan and compatible with the character of the surround area; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (0-5 du/ac) for the properties owned by Won Chul Lee, Bong Jin Choe, Soon Chong, And Sea Myog, located on the north side of West Kelly Park Road, west of Jason Dwelley Parkway. The motion was seconded by Linda Laurendeau.

Mr. Simpson expressed his concern regarding the issues that Mr. Poliner and Mr. Henry brought up; however, given the growth in the area it is unlikely that the densities they propose are sustainable.

Chairperson Greene agreed stating that there has been a lot of growth in the last few years.

In response to a question by Mr. Simpson, Chairperson Greene confirmed that Orange County Public Schools has proposed an elementary school on Jason Dwelley Parkway.

Chairperson Greene added that the Planning Commission makes a recommendation to the City Council and it will be at the time that this item is before City Council that the gentlemen will have an opportunity to voice their concerns.

Mr. Foster stated that he looks at this as having been vetted by staff ensuring that Orange County was notified.

Mr. Moon asked the Commission to amend the motion to recommend transmittal of the

amendment to the Florida Department of Economic Opportunity for review.

Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Roger Simpson; Jose Molina voted no (5-1). (Vote taken by poll.)

Ms. Laurendeau made a motion to amend the motion to include recommending transmittal of the amendment to the Florida Department of Economic Opportunity for review. The motion was seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

Attorney Bracken swore-in staff, the petitioners, and any affected parties for the following quasi-judicial item.

QUASI-JUDICIAL – PUD MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – AVIAN POINTE - Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the amendment to the development standards for the Avian Pointe Planned Unit Development Zoning and Master Plan to allow a maximum building height of 50-feet and a maximum of four-stories for multi-family buildings located within Phase B-2 of Avian Pointe, owned by Apopka Clear Lake Investments, LLC & Lust Grant\WD Long Family Farms and located east of S.R. 429, south of Peterson Road, and north of Lust Road.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the amendment to the development standards for the Avian Pointe Planned Unit Development Zoning and Master Plan to allow a maximum building height of 50-feet and a maximum of four-stories for multi-family buildings located within Phase B-2 of Avian Pointe. The owners are Apopka Clear Lake Investments, LLC & Lust Grant\WD Long Family Farms. The applicant is Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg. The engineering/planning firm is Tannath Design, Inc., c/o Holly Swanson. The property is located east of S.R. 429, south of Peterson Road, and north of Lust Road. The current future land designations are Residential Medium Density (90.7 ac) and Residential Low Density (30.3 ac). The current zoning is “City” Planned Unit Development (PUD) and “County” A-2 (ZIP); and the proposed zoning is “City” Planned Unit Development (PUD/R-3). The current use is vacant land and the proposed uses are: 58 Single Family Homes; 216 townhomes; 484 apartments; a community park; and a 6.09 +/- acres of flex use area to may be used for a 100 bed boutique hotel, a school, or an ALF. The tract size is 125.27 +/- acres total project (Parcel B-2 – 39.83 acres)

A summary of the proposed amendment is as follows:

BUILDING DESIGN/ARCHITECTURE

1. Townhomes: entrance to each unit must access a public sidewalk. Refer to landscape plans for proposed sidewalk locations.

2. Townhomes abutting a street shall have their main entry from that street. This applies to perimeter units on Parcels B-1 and B-3. Internal block units shall have their primary entrance off of the common greenspace with rear access from internal streets or alleys. Refer to enlarged landscape plans for graphic information.
3. Refer to parking notes above for single family home front entry garage requirements.
4. Standards for apartment mix are listed in tabular format on sheet za.02.
5. A minimum of one of the two required parking spaces occur within an enclosed garage space.
6. Single family residences shall have a minimum of two (2) enclosed garage spaces.
7. Maximum building height for multiple-family residential buildings constructed in the area defined as "Parcel B-2" is fifty (50) feet. Within Parcel "B-2" the maximum number of stories in a multi-family residential building is four (4).

Development Profile:

Total Residential Units	758 units		Min. Livable Area	
Single Family (70' width; 8,400 sq.ft. min.)	58 units	7.65%	1,700 sq. ft.	
Townhomes	216 units	28.50%	1,350 sq. ft.	
Apartments	484 units	63.85%	1-bedroom:	750 sq. ft.
			2-bedroom:	900 sq. ft.
			3-bedroom:	1,050 sq. ft.
Flex Use				
Public\private school; ALF\Senior housing; 100-bed boutique hotel	6.09 ac			
Community Park	10.36 ac			
Open Space	30%			
Park & Recreation	Each residential phase has its own park and recreation facility plan.			
Building Height				
Apartments	3 stories; 45 ft.; 4 stories; 50 ft.			
Townhomes	3 stories; 45 ft.			

The proposed amendment does not increase the number of residential units.

The Development Review Committee recommends to amend the development standards for the Avian Pointe Planned Unit Development zoning and master plan to allow a maximum building height of fifty feet and a maximum of four stories for phase b-2.

Staff recommended the Planning Commission recommend the amendment to the development standards for the Avian Pointe Planned Unit Development zoning and master plan to allow a maximum building height of fifty feet and a maximum of four stories for Phase B-2.

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

In response to questions by Ms. Laurendeau, Mr. Moon stated that part of the property will be at a lower elevation than S.R. 451 with a natural landscape buffer in between. The highway height is great at the south end and gets greater at the north end. Between the highway and Avian Point there is a 100' CSX railroad spur and will like serve as a natural landscape buffer. The PUD was approved with a maximum height of 45' which will help to accommodate the four floors. He said that typically when a building goes from three to four stories, elevators are required.

Petitioner Presentation: Tom Sullivan, Gray Robinson Law Firm, 301 East Pine Street, Suite 1400, Orlando, stated he was representing the owners of the property Apopka Clear Lake Investments. He stated that the proposed plans have a townhomes phase, an apartment phase, and the flex space. He said the reason the application was filed was because of the interest Orange County Public Schools has for a K-8 school on the south side. The School Board has minimum size requirements and right now it is 25 acres. Right now those phases, B-4, B-5 & B-6, have a total of 19 acres and we need to add another 6 acres. So in order to obtain that 6 acres we decreased the acreage for the townhome phase and increased the height so that there will be no change to the density. He introduced Frank Bombeeck, one of the owners, who would like to add something to the discussion. He said the concern with the recommended motion regarding the phase line. In order to keep the momentum going for this project with the School Board we would like to clarify that Phases B-4, B-5, and B-6 will total 25 acres. We have to show them that as a part of this process. He does not believe that it clear in the staff report. It is the phase lines that are important to highlight.

Frank Bombeeck, 1810 West Kennedy Boulevard, Suite 232, Tampa, Florida, stated he is the owner of the property. He has been dealing with Orange County for quite some time and we have made good head way. They have come to an agreement with the school board. He asked that they be allowed to change the acreage for Phases B-4, B-5, and B-6 to 25 acres. He has a contract with a nationally recognized home builder for Phases B-1 and B-3; but has held off because the parcel lines for B-3 are affected by the need to reduce the acreage of that phase. He said that is the reason they are requesting the additional height and stories so that they will be able to keep the density.

Mr. Moon stated that what was advertised to be presented was the building heights and the additional stories.

In response to a question by Mr. Molina, Mr. Moon stated that the building height and additional stories are normally addressed during the site plan review.

Affected Party Presentation: None

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

Motion: Roger Simpson made a motion to recommend approval of the amendment to the development standards for the Avian Pointe Planned Unit Development Zoning and Master Plan to allow a maximum building height of 50-feet and a

maximum of four-stories for multi-family buildings located within Phase B-2 of Avian Pointe, owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road. Motion seconded by Linda Laurendeau . Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – CURTIS & KAREN PUMPHREY AND A. D. RAULERSON, SR. & A. D. RAULDERSON, JR. - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Medium Density (7.5 du/ac) for the properties owned by Curtis and Karen Pumphrey, located at 251 Lester Road; and A. D. Raulerson Sr. and A. D. Raulerson, Jr., located at 213 West Lester Road and 2122 Rock Springs Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Medium Density (7.5 du/ac); and recommend transmittal to the Florida Department of Economic Opportunities for review. The owners are A. D. Raulerson, Sr. & A. D. Raulerson, Jr.; and Curtis & Karen Pumphrey. The applicant is Apopka Development II, LLC, c/o Richard C. Wohlfarth, P.E. The property is located north of Lester Road and west of Rock Springs Road. The existing use on the Pumphrey parcel is warehousing; and on the Raulerson parcels warehousing and vacant land. The potential use is a residential development with either townhomes; 40’ wide single-family lots; or a mixed use of both. The current zoning is “County” A-1 and the proposed zoning is “City” Planned Unit Development. The combined tract size is 23.2 +/- acres

The applicant intends to use the subject properties for a residential community with single family homes on 40 foot wide lots, townhomes, or both. While the County zoning assigned to the property is A-1 (minimum half acre lots), the County Future Land Use Designation assigned to its in Low Density Residential, allowing up to four units per acre. A narrow strip of land within the Pumphrey parcel isolates a parcel that is not within the proposed project boundary. A solution will be addressed at the zoning application.

The subject properties were annexed into the City under Ordinance 2594 and 2595 on October 4, 2017. The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Medium Low Density is compatible with the character of the existing land use to the south, and anticipated commercial development to the east

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

The existing and proposed use of the property is consistent with the Residential Medium Low Future Land Use Designation and anticipated future development of vacant properties within the nearby areas.

School capacity determination must be completed with Orange County Public Schools prior to the adoption hearing for this Future Land Use Amendment application.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on September 22, 2017.

The 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 "County" Low Density Residential to Residential Medium Low Density for the properties owned by A.D. Raulerson and A.D. Raulerson, Jr, Curtis and Karen Pumphrey.

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 "County" Low Density Residential to "City" Residential Medium Low Density 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.

Chairperson Greene opened the meeting for public hearing.

Richard C. Wohlfarth, P.E., Apopka Development II, LLC, 1642 Bridgewater Drive, Lake Mary, Florida, stated that he was representing the applicants and was available to answer any questions.

Michael Stenzel, 2308 Pond Cove Way, Apopka, expressed his opposition to the number of units and the possibility of a decrease in the adjacent property values.

John Mock, 124 Alexandria Place Drive, Apopka, expressed his opposition to the number of units and the possibility of a decrease in the adjacent property values.

In response to a question by Chairperson Greene, Mr. Moon stated that only the land use is before the Commission at this time. The applicant has submitted a couple of concept plans. One is for single family homes on 40' wide lots and the other is for townhomes. The market will dictate what they develop.

Mr. Wohlfarth stated the concept plan for the single-family homes on 40' wide lots, with two-story units, a 30' buffer that is wider than is required, and a concrete wall with landscaping along the north. The homes would be a minimum of 1,700 sq. ft. and will cost in the mid-200s or 300s. It will be a gated community that is maintenance free.

Ms. Laurendeau expressed her opposition to the density being proposed. She stated the homes in Alexandria Place are huge homes on small lots; however, the homes on Lester and Vick Roads, the homes and the lots are large. The Avian Reconditioning Center is on Lester and the equestrian center is on Lester.

Mr. Moon stated that the property owner of the equestrian center is requesting a change in zoning to R-1 for single family residential subdivision with 8,000 sq. ft. lots.

In response to a question by Mr. Foster, Mr. Moon stated that this was advertised in the Apopka Chief. The applicant sent out notices of the public hearings to those persons owning property within 300 feet of the property and provide to staff proof of the certified mail that was sent; and

the applicant is required to post the property.

Mr. Moon stated that the request being presented is only for the land use amendment. At the time a development plan is submitted the Planning Commission will have an opportunity to review the plan.

In response to a question by Mr. Simpson, Mr. Moon stated that the project this size, at the time of development review, will be required to provide a traffic study that will identify any traffic impacts.

Mr. Foster commended staff for their work on this project.

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

Motion: Roger Simpson made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Medium Density (7.5 du/ac) for the properties owned by Curtis and Karen Pumphrey, located at 251 Lester Road; and A. D. Raulerson Sr. and A. D. Raulerson, Jr., located at 213 West Lester Road and 2122 Rock Springs Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jose Molina, and Roger Simpson; Linda Laurendeau voted nay (5-1). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – TGINF, LLC - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from Commercial to Residential Medium-Low Density (0-3.5 du/ac) for the property owned by TGINF, LLC, located at 501 Old Dixie Highway; and to recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from Commercial to Residential Medium-Low Density (0-3.5 du/ac); and recommend transmittal to the Florida Department of Economic Opportunities for review. The owner is TGINF LLC and the applicant is Old Dixie 15 LLC, c/o Allan Goldberg. The property is located at 501 Old Dixie Highway. The existing use is vacant land and the potential development are a maximum of 102 townhomes. The current zoning is C-1 (Commercial) and the proposed zoning is R-3 (Residential). The overall tract size is 15.8 +/- acres with 13.7 +/- acres being developable.

The applicant intends to use the subject properties for a residential community with townhomes. Presently the subject property is assigned a Commercial future land use designation and a C-1 commercial zoning.

The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Medium Low Density is as compatible or more

compatible with the character of the existing land use to the west, north, and east. A public elementary school (Apopka Elementary) is situated to the west, and single family residential to the east and north. Commercial retail occurs to the south across Old Dixie Highway.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

The existing and proposed use of the property is consistent with the Residential Medium Low Future Land Use Designation.

School capacity determination must be completed with Orange County Public Schools prior to the adoption hearing for this Future Land Use Amendment application.

The JPA requires the City to notify before any public hearing or advisory board. The City properly notified Orange County on September 25, 2017.

The 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 Commercial to Residential Medium Low Density for the property owned by TGNIF LLC

Staff recommended that 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 Commercial to Residential Medium Low Density 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.

In response to questions by Ms. Laurendeau, Mr. Moon stated that at the time of development a traffic study, a habitat study, and a soil study will be requirements for the development review process. He stated that access would be off of Old Dixie Highway. The intersection at Old Dixie Highway and Bradshaw Road will likely be a part of the traffic study.

Chairperson Greene opened the meeting for public hearing.

Gary Singer, 205 Spring Lake Hills Drive, #D, Altamonte Springs, stated he was representing the developer and was available to answer any questions.

Ellon Munos, 302 N. Maine Avenue, Apopka, has a home adjacent to the subject property. She said she is 91 years old and loves her home.

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

Motion: **Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; to recommend approval of the Large Scale Future Land use amendment from Commercial to Residential Medium-Low Density (0-3.5 du/ac) for the property owned by TGINF, LLC, located at 501 Old Dixie Highway; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Tony**

Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

Attorney Bracken swore-in staff, the petitioners, and affected parties for the following quasi-judicial item.

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – JOHN’S CORNER GROCERY STORE - Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the John’s Corner Grocery Store Final Development Plan. The owners are Jun H. Kim and Yun D. Kim and the property is located at 41 E Michael Gladden Boulevard.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Pamela Richmond, AICP, Senior Planner stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the John’s Corner Grocery Store Final Development Plan. The owners are Jun H. Kim and Yun D. Kim. The engineering firm is Civil Corp Engineering, Inc., c/o Stephen Allen, P.E. The property is located at 41 E Michael Gladden Boulevard. The land use is Commercial and the zoning is C-1. The existing use is vacant land and the proposed use is a neighborhood grocery store. The proposed building size is 2,400 sq. ft. and the building height is 22 ft. The FAR is 0.13. The tract size is 0.43 +/- acres.

Ms. Richmond stated that Mr. Kim had initially intended the grocery store for another location; however, that property was taken by eminent domain.

Mr. Bracken advised the Commission to disregard this information as it was not relevant to the request before the Commission at this time.

This request is for the Final Development Plan\Site Plan for John’s Corner Grocery Store located on the north side of Michael Gladden Boulevard, west of S. Park Avenue. The plan calls for a 2,400 square feet gross floor area grocery store. Per City Code, the site will have ten parking spaces plus one handicap parking space. A six-foot masonry wall will be placed at the rear of the site and along the eastern boundary as a buffer between this commercial use and surrounding residential uses.

The Development Review Committee finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of John’s Corner Grocery Store Final Development Plan, subject to the findings of this staff report.

Staff recommended the Planning Commission find the Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of John’s Corner Grocery Store Final Development Plan.

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.

Petitioner Presentation: Stephen Allen, P.E., Civil Corp Engineering, Inc., 630 N. Wymore Road, Suite 310, Maitland, stated he represents the owners and was available to answer any questions.

Affected Party Presentation: None.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for John's Corner Grocery Store owned by Jun H. and Yun D. Kim and located at 41 E. Michael Gladden Boulevard Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0) (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS:

Resignation: Chairperson Greene announced that just prior to the start of the meeting he received a letter from Mr. Birdsong resigning from the Planning Commission. He read the letter into the record:

“City of Apopka: To the members of the City of Apopka Planning Commission and the Honorable Joe Kilsheimer, I am submitting my letter of resignation. I, Melvin L. Birdsong, would like to inform you that as of this day, October 10, 2017, will be my last time for serving on the Planning Commission for the City of Apopka. I must say I have been truly blessed to serve this great city for many years as a part of the Planning Commission. It has also been an honor and privilege to have served and to grow the administrations of former Mayor John Land and present Mayor Joe Kilsheimer. Thank you for this opportunity. However, the path I am taking leads me in a different direction at this time. Who knows, one day I may be back to serve again with the City of Apopka in another capacity. With best regards, Melvin L. Birdsong.”

Mr. Birdsong briefly spoke about his appreciation for having the opportunity to serve his community and being able to see the growth of the City over the years.

The Commission members expressed their appreciation for Mr. Birdsong's service to the City.

Introduction: Mr. Foster introduced Denise Prescott, a former co-worker, to the Commission.

ADJOURNMENT: The meeting was adjourned at 7:43 p.m.

James Greene, Chairperson

James K. Hitt
Community Development Director

Backup material for agenda item:

1. COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – From “County” Rural Settlement to “City” Mixed Use Interchange (1-5 du/ac) for property owned by AHIFO-18 LLC and located on the north side of West Kelly Park Road, west of Plymouth Sorrento Road. (Parcel ID Nos. 12-20-27-0000-00-032; 12-20-27-0000-00-090)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ Other

DATE: November 14, 2017
FROM: Community Development
EXHIBITS: Vicinity Map
Zoning Map
Adjacent Uses
Kelly Park Interchange Area
Wekiva Parkway Vision Plan
JPA Amendment 2

SUBJECT: COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE
AMENDMENT –AHIFO-18 LLC (AKA BRIDLE PATH)

PARCEL ID NUMBER: 12-20-27-0000-00-032; 12-20-27-0000-00-090

Request: LARGE SCALE - FUTURE LAND USE AMENDMENT
FROM: “COUNTY” RURAL SETTLEMENT
TO: “CITY” MIXED USE INTERCHANGE (1 – 5 DU/AC)

SUMMARY

OWNERS: AHIFO-18 LLC

APPLICANT: VHB, c/o Jim Hall

LOCATION: North side of West Kelly Park Road, west of Plymouth Sorrento Rd.

EXISTING USE: Equestrian ranch and single family home

CURRENT ZONING: “County” PD (ZIP)

PROPOSED DEVELOPMENT: Detached single family residential subdivision; Neighborhood Overlay District

PROPOSED ZONING: Mixed Interchange with a Neighborhood Residential Overlay District

TRACT SIZE: 51 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING: max. 5 units (up to 1 unit per 10 acres)
PROPOSED: max. 255 du (5.0 du/ac)

DISTRIBUTION:

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief
Recreation Director

ADDITIONAL COMMENTS: Presently, the subject property does not have a “City” future land use designation or “City” zoning classification assigned. The applicant requests a future land use designation of “City” Mixed Use Interchange. Presently, the applicant proposes a residential subdivision consistent with the Neighborhood Overlay Zoning District, as defined in the Kelly Park Crossing Form-Based Code.

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use Interchange future a land use designation must be assigned to the property.

The subject property is located within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road,; and are located within the Wekiva Parkway Interchange Vision Plan Area. Each parcel is therefore subject to the Kelly Park Crossing Form Based Code Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation. While the majority of the subject property lies within the Neighborhood Overlay District of the Wekiva Parkway Vision Plan and the Kelly Park Form Based Code Area, a small portion of its southeast corner lies within the Transitional Overlay Zone (5 -15 units\acre). At the time of zoning application, the application of the Overlay district will be determined.

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property is compatible with the character of the surrounding area, is within one mile of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Wekiva Parkway Interchange Vision Plan a (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2:** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

The City adopted a Form-Based Code for the Wekiva Parkway Vision Plan Area, titled the “Kelly Park Crossing Form-Based Code”, on June 21, 2017 through Ordinance 2577.

4. **Policy 20.4:** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9:** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant's request for a Mixed Use Interchange future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3:** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.
7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

Transportation Element

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

The Mixed Use Interchange future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

2. **Policy 3.1.r** The primary intent of the Mixed Use Interchange land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses...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.
3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

VISIONING AND SPECIAL STUDIES: The property is located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the” Kelly Park Crossing Form-Based Code”, Mixed- Use Interchange Zoning District and Neighborhood Overlay District. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

SCHOOL CAPACITY REPORT: An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

PUBLIC HEARING SCHEDULE:

November 14, 2017 – Planning Commission (5:30 pm)
December 6, 2017 – City Council (1:30 pm) 1st Reading & Transmittal
2nd Hearing – TBD (7:00 pm) 2nd Reading & Adoption

DULY ADVERTISED:

November 3, 2017 – Public Notice and Notification
TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed FLUM amendment to be consistent with the Comprehensive Plan and recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by AHIFO-18 LLC subject to the information and findings in the staff report.

Recommended Motion: Find the Mixed Use Interchange Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from “County” Rural Settlement to “City” Mixed Use Interchange for the properties owned by AHIFO-18 LLC subject to the information and findings in the staff report.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural	A-1 (ZIP)	Single Family Residential/Woodlands
East (County)	Rural	A-1	Woodlands\Plymouth Sorrento Road
South (City)	Rural	R-CE-2 (ZIP)	Equestrian Track
West (City)	Rural	PD (ZIP)	Woodlands\S.R. 429

The property has access from Plymouth-Sorrento Road.

II. LAND USE ANALYSIS

Analysis for the Future Land Use Designation was performed as part of the adopted Wekiva Parkway Interchange Vision Plan. This Vision Plan has been incorporated into the Apopka Comprehensive Plan. The subject property is inside the one-mile radius from the Kelly Park Road interchange.

Therefore, the proposed Mixed Use Interchange future land use designation is consistent with the general future land use character and long-range planning goals 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 and amended the JPA in October 19, 2010 to address the Wekiva Parkway Interchange Vision Plan. The subject property is consistent with the Vision Plan incorporated into Amendment 2 of the Wekiva Parkway Interchange Vision Plan.

Transportation: Road access to the site is from Plymouth Sorrento Road to the east.

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 storm water run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2; Objectives 19 and 20.
- 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 is a potential for karst features at or in the vicinity of this property. Additional soil analysis will need to occur at the time of the Overlay District Master Plan or a subsequent development application.

Analysis of the character of the Property: The current use of the property is a single family house with a barn and various other agricultural buildings. Analysis of the FLUM designation occurred as part of the Wekiva Parkway Interchange Vision Plan.

Analysis of the relationship of the amendment to the population projections: Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population by as many as TBD residents. The applicant proposes to develop the property as single family residential. Land use analysis was conducted as part of the Wekiva Parkway Interchange Vision Plan.

CALCULATIONS:

ADOPTED: 5 du x 2.659 = 3 Persons

PROPOSED: 255 du x 2.659 = 678 Persons

Housing Needs: This amendment is to change the future land use to a future land use designation that permits residential uses, and will increase the number of available housing units in the City of Apopka. Housing needs are supported by the Wekiva Parkway Interchange Vision 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 Plan or Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 980 GPD
3. Projected total demand under proposed designation: 49,980 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 1,050 GPD
3. Projected total demand under proposed designation: 53,550 GPD

4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD / Capita
6. Projected LOS under proposed designation: 177 GPD / Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: 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: 52 lbs/ person / day
4. Projected LOS under proposed designation: 2,712 lbs / person / day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 9.353 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: None
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm

4. Improvement/expansion: On site retention / detention ponds

Recreation

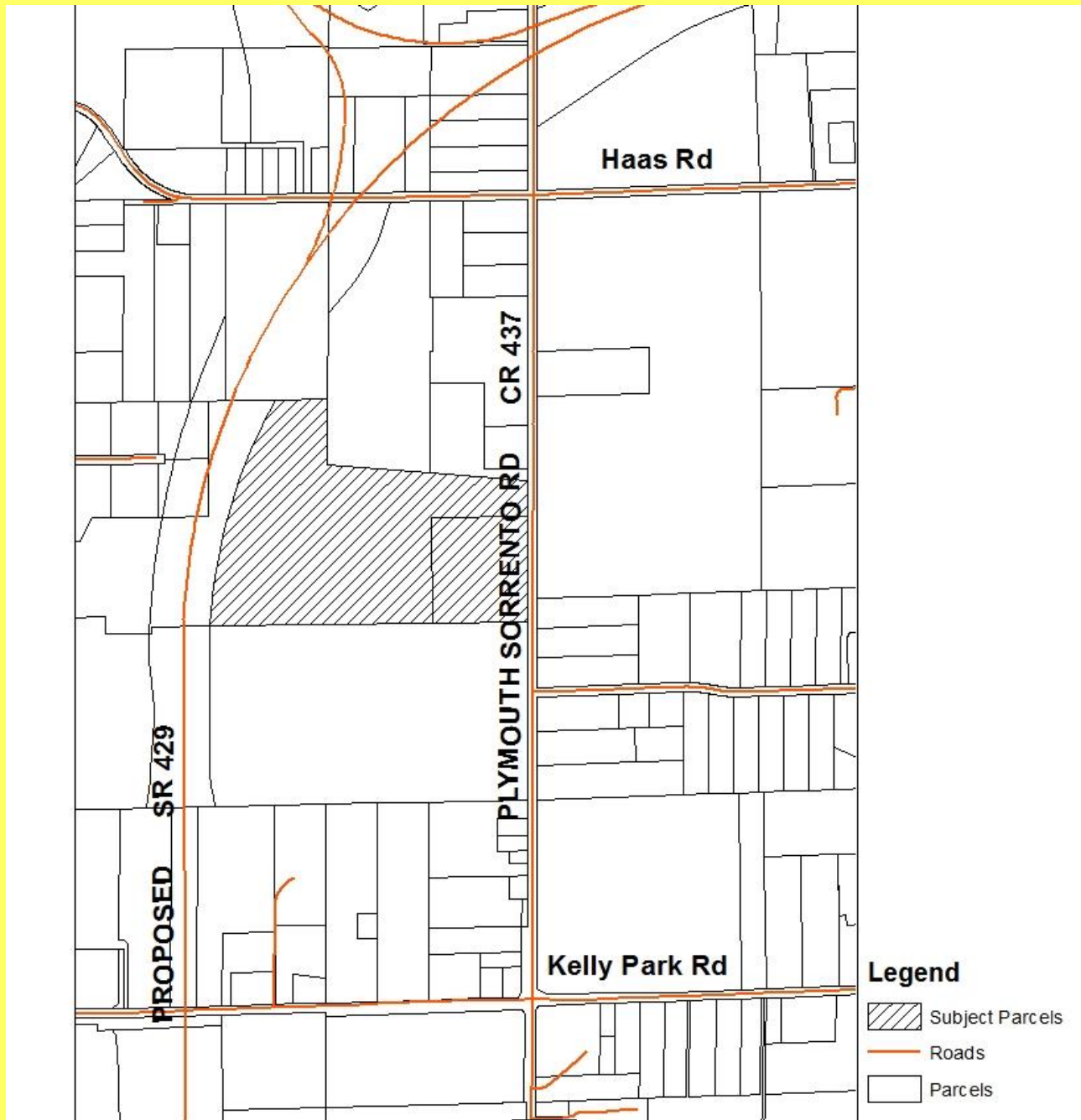
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.039 acres
3. Projected facility under proposed designation: N/A
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

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



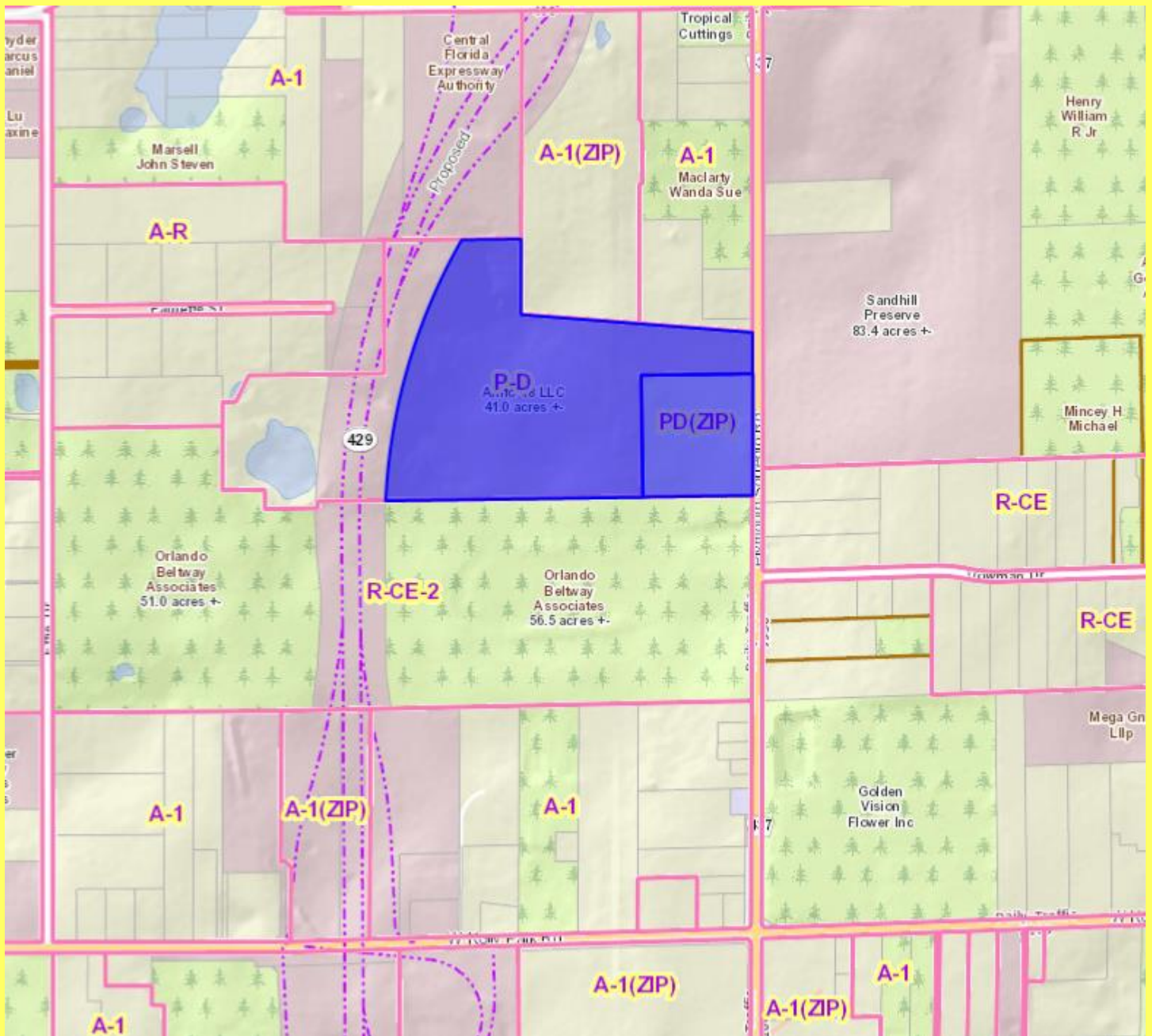
AHIFO-18 LLC
Property Owners
51 +/- Acres
Proposed Large Scale Future Land Use Amendment:
From: “County” Rural Settlement
To: “City” Mixed Use Interchange
Parcel ID #: 12-20-27-0000-00-032; 12-20-27-0000-00-090

VICINITY MAP



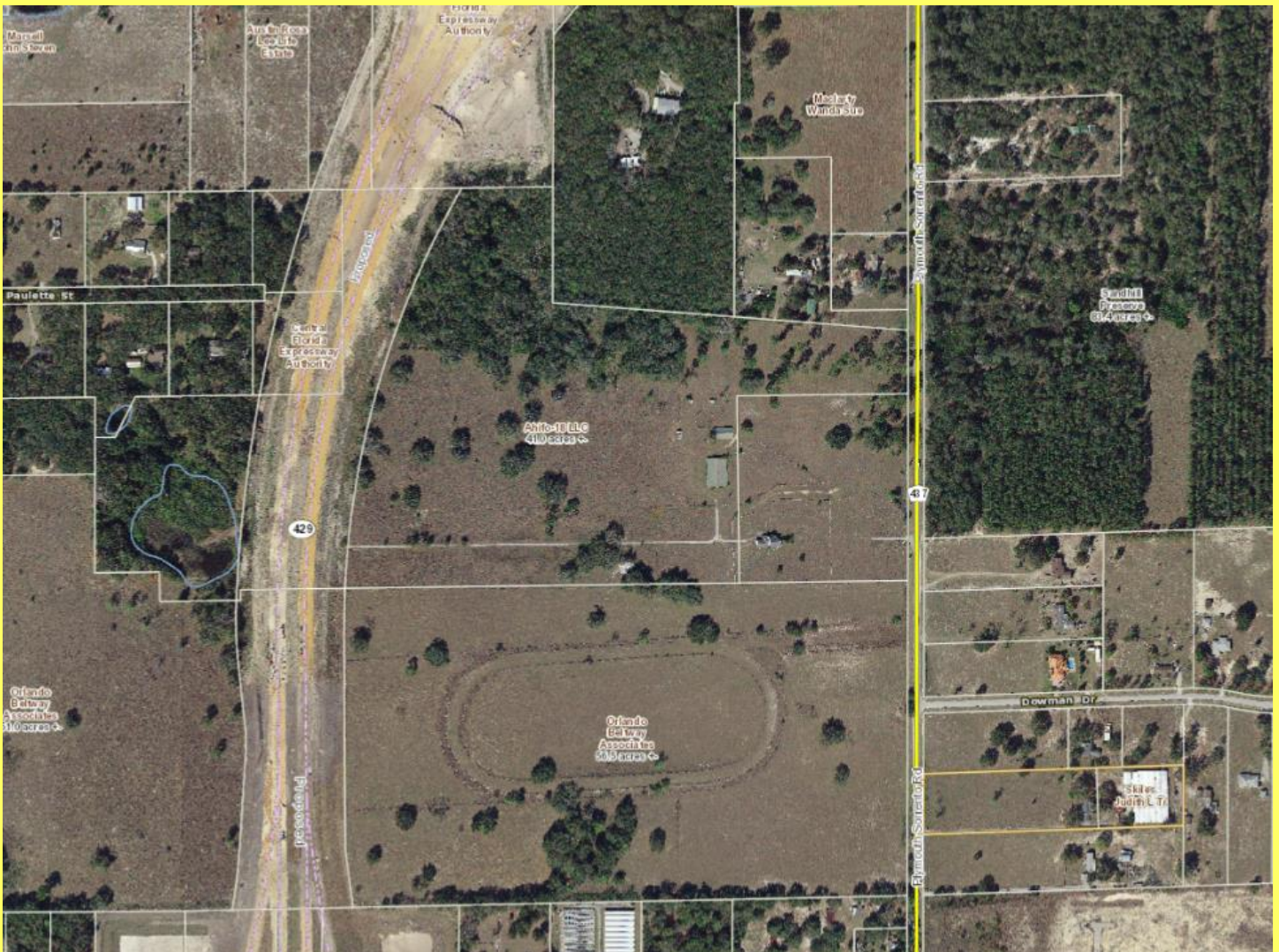


ADJACENT ZONING





ADJACENT USES



[illegible]

construction, whereas larger pipes are constructed from ductile iron. Improvements to the distribution/transmission system have generally followed the recommendations outlined in the most recent master plan, with the timing of specific projects dependent on development patterns. **Map 10** shows the extent of the system within the interchange study area.

E. Public Schools

The area is currently served by Wolf Lake and Zellwood elementary schools, Wolf Lake Middle School and Apopka High School. According to the Orange County Public Schools (OCPS), all four schools are projected to be deficient by FY 2011-12. The OCPS current 10-year plan includes a relief elementary school for Wolf Lake and Zellwood, and a relief middle school for Wolf Lake. **Maps 11 to 13** show the attendance zones for these schools.

IV. Community Involvement

In conjunction with the County, the City conducted two public workshops to discuss the future growth around the proposed Wekiva Parkway Interchange. The first public workshop was conducted on February 25, 2010, and the second workshop was conducted on March 25, 2010. **Appendices B and C** contain the workshop summaries and the list of attendees. It should be noted that for the purpose of the Community Workshops an enlarged study area was reviewed, which included the area north of West Ponkan Road.

Additionally, the City held a public hearing before the City of Apopka Planning Commission on April 27, 2010 and the City Council on May 19, 2010.

V. Wekiva Parkway Interchange Vision Plan

The Wekiva Parkway will complete the outer beltway around Metro Orlando area. The completion of this outer ring, along with the proposed interchange, will result in added growth and development pressure within the Wekiva Study Area.

The Interchange Vision Plan was developed with a goal to accommodate new development that: (1) supports regional markets that depend on the Wekiva Parkway's function to move people and goods (light industry and warehousing, hotels/motels, restaurants, gas stations, truck stops, and convenience stores)¹; (2) is designed to complement the surrounding areas; and (3) manages and protects water and wildlife resources.

A. Land Use Vision

Even though the area is currently rural in character and the adopted land use categories for the area reinforce that character, the introduction of a highway interchange at Kelly Park Road will create development pressure in the area. The City, County and most area residents realize a need and have a desire for a plan for that future growth. The main goal of planning for growth is to situate it within an appropriate area around the interchange, and to allow sufficient density

¹ Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area

and intensity to maximize sustainability and minimize environmental impacts on the Wekiva Study Area. The City also wants to take advantage of the opportunity this location provides to create a setting that will attract new quality employment to the area. The higher densities and intensities expected to accompany the interchange should transition into lower densities/intensities to ensure compatibility with the surrounding areas. Well thought-out, coordinated development is, therefore, a driving element of the interchange land use plan. Coordinated, transitional development at the interchange will protect meaningful tracts of connected open space, and preserve rural land outside of the interchange study area while allowing for carefully planned growth.

As shown on **Map 8**, potential Karst features are indicated proximate to the proposed interchange. For that reason, the vision plan proposes a measured approach to intensive development in the area immediately adjacent to the interchange, and instead create two nodes of development at the closest intersections to the parkway: Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth Sorrento Road (see **Map 14**). The most dense and intense uses will be located within a 1/3-mile radius of the two proposed nodes. Between these nodes and the one-mile study area boundary, land uses will provide a transition to the existing lower densities, and less intense development character will be respected beyond the one-mile radius.

Map 15 shows the proposed interchange vision plan, which includes both City and unincorporated land. As shown on the map, the area within a 1-mile radius of the proposed interchange is proposed to be urban in character, with uses such as industrial, commercial, office, institutional/public, and medium and high-density residential uses. The highest intensity of use will be clustered around the two nodes as village centers. The area between the nodes and the one-mile radius will contain uses that will ensure the smooth transition to the less intense areas outside the one-mile radius.

The following is a description of the proposed character districts for the vision plan area.

1. Village Center (residential and commercial mix)

As noted above, the vision plan intends to concentrate the most intensive development within the two major intersection nodes. The type of development envisioned for these two nodes includes mixed-use buildings with retail uses on the ground floor and offices or residential spaces above. The Village Center character district will comprise approximately 5 to 15% of the area.

2. EdgeEmployment(employment uses)

Office uses may appear within the village center nodes as part of mixed-use buildings, or as stand-alone uses in the EdgeEmployment character district along the Wekiva Parkway. Other uses that would be appropriate for the EdgeEmployment area include industrial developments (clean industry), or large institutional uses (hospitals, educational facilities), which would provide much needed jobs in the area. Limited residential

will also be allowed. Both office and industrial uses will benefit from the visibility and access from the highway. Within the [EdgeEmployment](#) character district, greater attention will be applied to ensure protection of the potential Karst features and to allow for adequate setbacks from the highway. This area will not focus on the pedestrian environment as the village center, but would adopt a campus-like environment. Approximately 5 to 10% of the area is shown as [EdgeEmployment](#) on the vision plan map.

3. Interchange (highway-dependent uses)

The area between the proposed village centers and the parkway will be the most accessible to traffic exiting the highway. Therefore, the intended character for those areas will be a mix between Village Center and a more “suburban” type setting. It is expected that this is the area where gas stations would be located. There will be form-based standards adopted to ensure the transition from the fast-moving traffic in the highway to the more walkable environment expected to develop in the village centers. The Interchange character district will contain predominantly stand-alone uses (as opposed to mixed-use buildings) with less intensity of development than in the Village Center.

[EdgeEmployment](#) character district type uses, including limited high density residential, may also occur in this character district. The area to be dedicated to Interchange uses comprises approximately 5 to 10% of the entire vision plan area.

4. Transitional (office, medium density residential uses)

Uses within the transitional areas will be regulated to minimize the impact of the most intensive areas (Village Center, [EdgeEmployment](#) and Interchange) on the existing lower density neighborhoods surrounding the study area. Medium densities in the form of town houses, apartments and condominiums, and office uses will be allowed within the Transitional district. The vision plan shows that approximately 10 to 20% of the total area will be dedicated to the Transitional character district. The expected density in the Transitional character district would accommodate between 5 to 15 dwelling units per acre depending on their location respective to neighborhood areas.

5. Neighborhood (residential)

The Neighborhood character district is intended to be primarily a single-family residential area. This district will have lower density residential than the Transitional district, allowing for a smooth transition into the existing lower density neighborhoods outside the 1-mile radius. The character of the area will be regulated through form-based standards to ensure that single-family homes are designed with front porches and that garages are located in the back with access from alleyways. The neighborhood area comprises over 50% of the vision plan area.

6. Recreation and Institutional

The Vision Plan shows an area as Recreation, consistent with the adopted Northwest Small Area Plan. This, however, does not mean that there will only be one area designated for recreation/open space. As properties develop (especially large tracts), the City will consider dedication of land for open space. Institutional uses (schools, churches, etc.) will also be defined as the area develops. It is anticipated that a minimum of 15% of the land within the area will eventually be used for open space/recreation purposes.

B. Vision Plan Holding Capacity

Based on the land uses and densities proposed in the vision plan, holding capacities were calculated to identify the amount of development that could potentially occur in the area. **Table 3** demonstrates that the vision plan area could accommodate approximately 15,873 residential units and 22,587,535 square feet of non-residential development.

Table 3: Vision Plan Holding Capacity

Proposed Land Use	Total Acres	% of Total	Max. Intensity (FAR)	Max. Density (UPA)	Density/ Intensity Factor	Total Dwelling Units	Non-Residential Square Feet
Village Center Core (assumes 1st floor non-resid. + resid above)	80	2.1	0.5	12	0.75	720	1,306,800
Village Center balance (assumes 1st floor non-resid. + resid above)	248	6.4	0.35	12	0.75	2,232	2,835,756
Interchange (assumes 10% residential)	175	4.5	1.0	15	0.70	184	4,811,875
Edge Employment (assumes 10% residential)	260	6.7	0.5	7.5	0.60	117	3,052,231
Transitional (assumes 70% resid.; 30% non)	581	14.9	1.0	15	0.85	5,185	6,453,276
Neighborhood (assumes 90% residential)	2,360	60.7	0.5	5	0.70	7,435	3,598,699
Parks/Recreation	121	3.1	0.2		0.50	0	528,897
Wekiva Parkway ROW	63	1.6					
TOTAL	3,889	100.0				15,873	22,587,535

Note: Acreages and yields are approximations only.

Based on the total acres of the area and the potential for residential and non-residential development noted above, an *overall* density of 4 du/ac and an *overall* FAR of 0.14 could be achieved.

Revised 9-7-10

**SECOND AMENDMENT TO
JOINT PLANNING AREA AGREEMENT
BETWEEN ORANGE COUNTY AND
THE CITY OF APOPKA**

THIS SECOND AMENDMENT TO JOINT PLANNING AREA AGREEMENT
(Amendment) is made and entered into as of the ____ day of OCT 19 2010, 2010, by
and between **ORANGE COUNTY, FLORIDA**, a political subdivision of the State of Florida
(the County), and the **CITY OF APOPKA**, a Florida municipal corporation (the City).

RECITALS

WHEREAS, the Wekiva Parkway and Protection Act was enacted by the Florida Legislature
in 2004, was amended in 2005, and is currently found at Part III, Chapter 369, Florida Statutes
(specifically sections 369.314 – 369.324, Florida Statutes); and

WHEREAS, the Act requires those local governments hosting an interchange on the Wekiva
Parkway to adopt amendments to their comprehensive plans within one year after the
establishment of an interchange location to address issues relating to appropriate land uses,
compatible development, secondary road access, access management, right of way protection,
vegetation protection, water conserving landscape, and height and appearance of structures and
signage; and

WHEREAS, the County and the City entered into a certain Settlement Interlocal Agreement
between the City of Apopka and Orange County Florida, approved October 26, 2004, amended
August 2, 2005 and on (insert this date) (hereafter "JPA"); and

WHEREAS, in the JPA the parties agreed, among other things, on a joint planning area
boundary, a joint land use map, and the framework for establishing standards and requirements
for the Wekiva Parkway interchange area; and

WHEREAS, the County and the City will share jurisdictional authority over the area within
the Wekiva Parkway interchange and wish to commit to certain goals and objectives for that area
in a separate Interlocal Agreement; and

WHEREAS, lands depicted within a one mile radius from the approved Wekiva Parkway
interchange are included in this area and constitute the Study Area Boundary; and

WHEREAS, in order to accomplish the objectives of the Act and the Interlocal Agreement
for the Study Area Boundary, the County and the City have determined that certain provisions of

the JPA, including Exhibit F as it pertains to the Study Area Boundary, are outdated or will become outdated by the adoption the Interlocal Agreement; and

WHEREAS, both the County and the City desire to amend the existing JPA to ensure consistency between the JPA and the Interlocal Agreement for the area described as the Study Area Boundary; and

WHEREAS, pursuant to Section 163.3171(3), Florida Statutes, this Amendment has been approved by the Orange County Board of County Commissioners and the Apopka City Council at advertised public hearings.

NOW THEREFORE, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City hereby agree as follows:

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

Section 2. Authority. This Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes, (2) the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements, (3) the Charters of the County and City, and (4) the Joint Planning Area Agreement.

Section 3. Map Amendment.

“Exhibit F” to the JPA is hereby deleted and replaced with a new “Exhibit F”, which is attached hereto and incorporated herein by reference. For purposes of interpreting the JPA, the parties agree that the area described in “Exhibit F” is unaffected by this amendment except as to the Study Area Boundary, which is described in “Exhibit F1” hereto and the Interlocal Agreement.

“Exhibit F1”, is attached hereto and incorporated herein by reference, and describes the future land uses of those parcels located within the Study Area Boundary and agreed upon by the City and the County and is typified in Exhibit B to the Interlocal Agreement. The parties agree that, as to the parcels located in the Study Area Boundary, to the extent of any conflict between the JPA and the Interlocal Agreement, the Interlocal Agreement will control and shall supersede the JPA unless otherwise indicated in the Interlocal Agreement. (Exhibit “F1” hereto and Exhibit “B” to the Interlocal Agreement are identical exhibits.)

Revised 9-7-10

Section 4. Text Amendment. A new paragraph (4) is added to Subsection (c), "Small Area Study Areas" of Section 3, Joint Land Use Plan, to read as follows:

(4) Pursuant to the Interlocal Agreement approved by the parties the parties agree that, as to the parcels located in the Study Area Boundary and as described in "Exhibit F1" to the JPA, the terms of the Interlocal Agreement will control and that the Interlocal Agreement supersedes the JPA to the extent of any conflict between the Interlocal Agreement and the JPA, unless otherwise indicated in the Interlocal Agreement.

Section 5. Except as expressly set forth herein, all other provisions of the JPA, as amended, remain unchanged and in full force and effect.

Section 6. Severability. Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment invalid or unconstitutional.

Section 7. Effective Date. This Second Amendment to the JPA shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

IN WITNESS WHEREOF, the County and City have executed this Second Amendment to the JPA on the dates inscribed below.

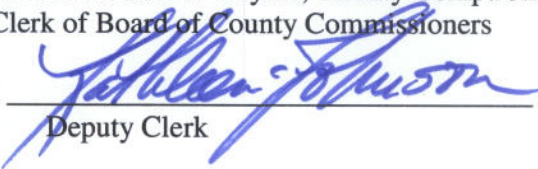


ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Richard T. Crotty
Orange County Mayor

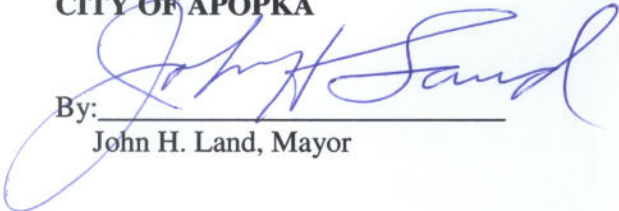
DATE: OCT 19 2010

ATTEST: Martha O. Haynie, County Comptroller
as Clerk of Board of County Commissioners

By: 
Deputy Clerk

Revised 9-7-10

CITY OF APOPKA

By: 
John H. Land, Mayor

ATTEST: Janice G. Goebel
City Clerk

By: 
Date: 9-17-10

S:\Dcrosby\AGRMNT\Apopka\2d amend Apopka JPA D4

Exhibit 'F'

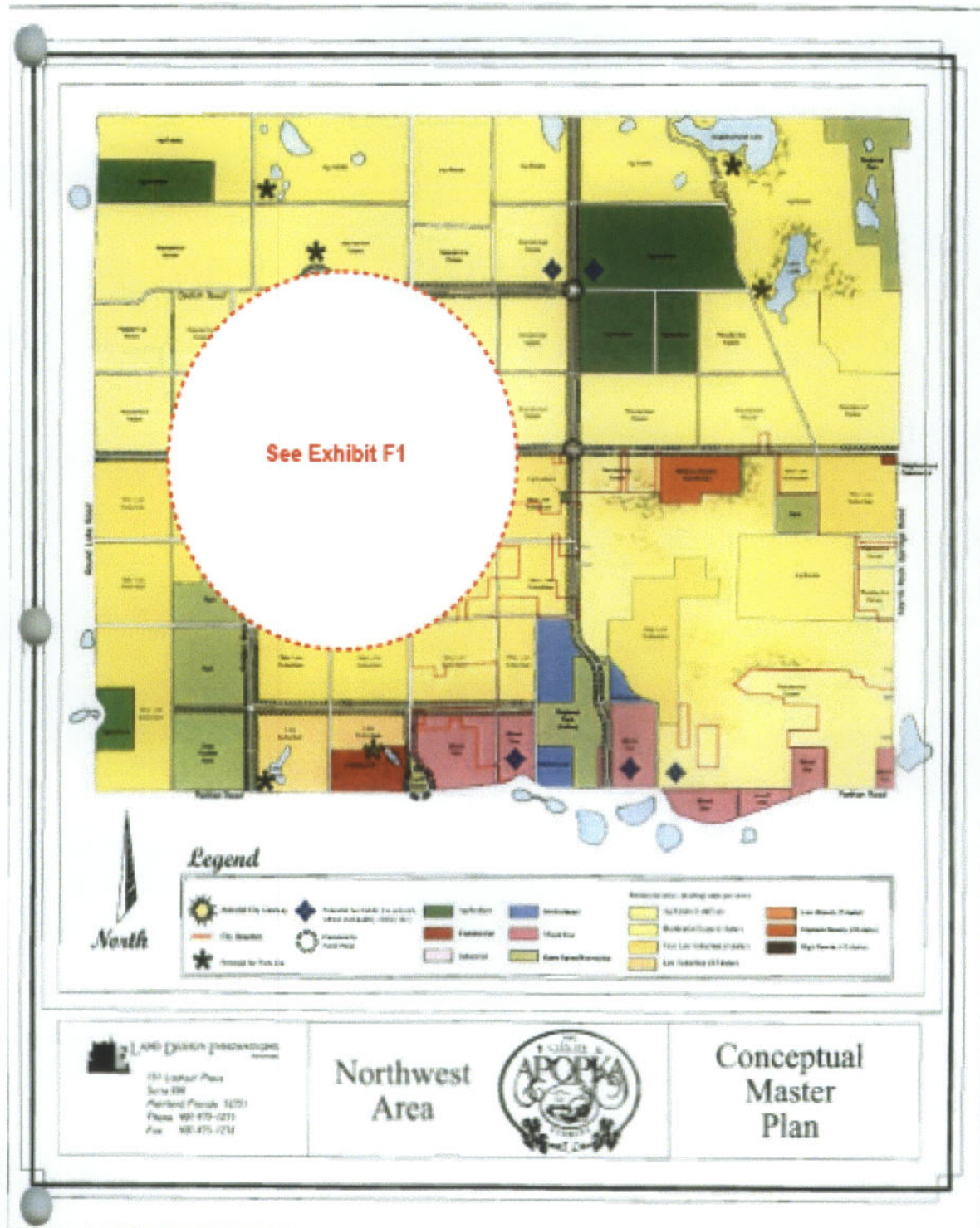
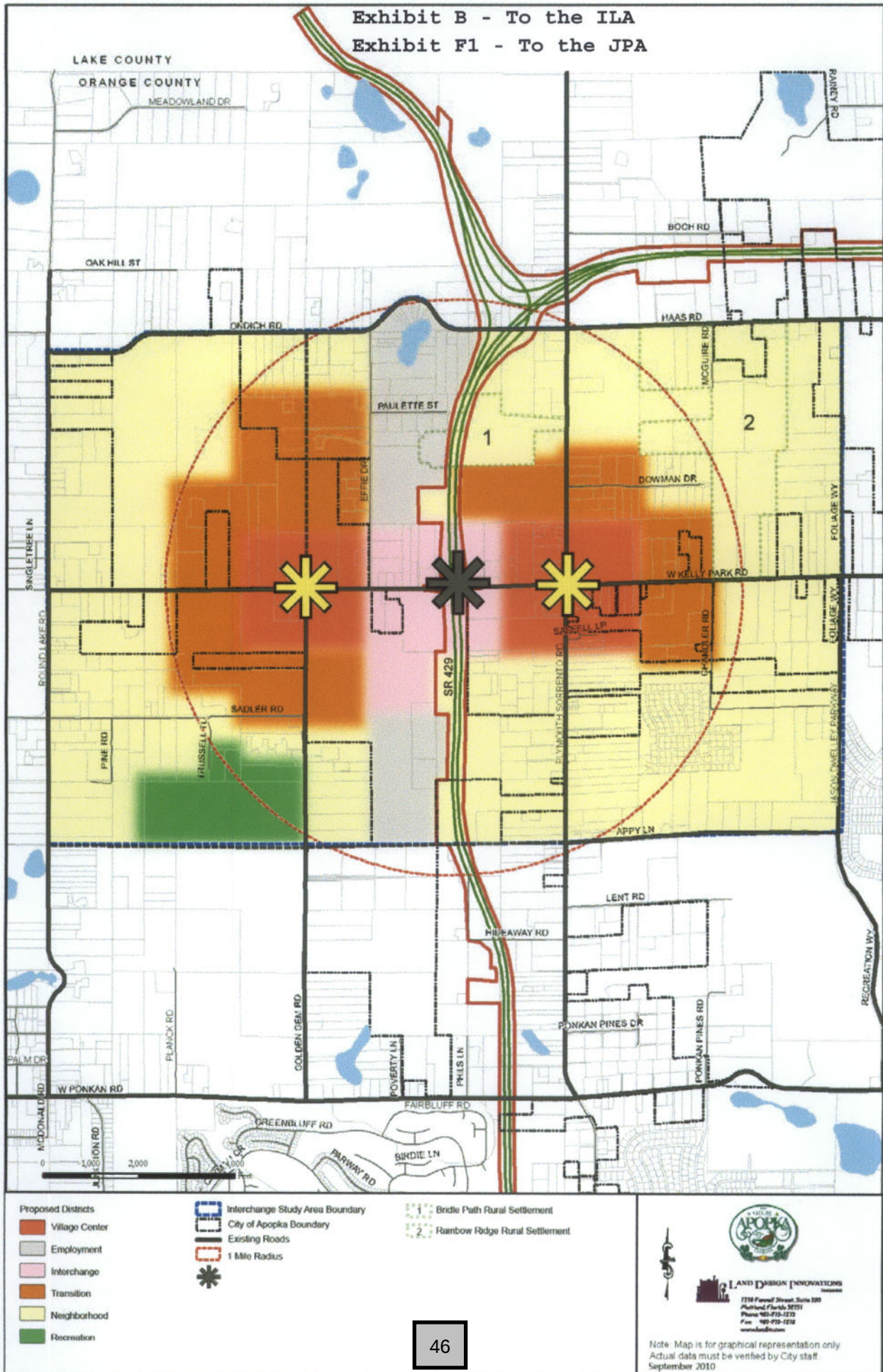


Exhibit B - To the ILA
Exhibit F1 - To the JPA



Backup material for agenda item:

2. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Moorwolf, LLC from “County” Low Density Residential (0 - 4 du\ac) to “City” Office for property located at 145 S. Wekiwa Springs Road. (Parcel ID No. 28-21-12-6896-00-181)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING	DATE:	February 14, 2017
☐ ANNEXATION	FROM:	Community Development
☐ PLAT APPROVAL	EXHIBITS:	Land Use Report
☐ OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

SUBJECT: **COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE
AMENDMENT – MOORWOLF, LLC**

PARCEL ID NUMBER: **12-21-28-6896-00-181**

Request: **COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE
AMENDMENT**
FROM: RESIDENTIAL LOW (0-5 DU/AC)
TO: OFFICE (MAX. FAR 0.30)

SUMMARY

OWNER: Moorwolf, LLC

APPLICANT: Dailey Design Group, c/o Peter Dailey

LOCATION: 145 S. Wekiva Springs Road

EXISTING USE: Single-family residence

CURRENT ZONING: “County” R-1 (ZIP)

DEVELOPMENT POTENTIAL: Maximum 13,917 sq. ft. office use (.30 floor area ratio)

PROPOSED ZONING: “City” PUD/PO/I (Professional Office/Institutional) (Note: this Future
Land Use Map amendment request is being processed along with a request
to change the Zoning Map designation from “County”R-1 (ZIP) to “City”
PUD/PO/I.)

TRACT SIZE: 1+/- acres

**MAXIMUM ALLOWABLE
DEVELOPMENT UNDER
ZONING DISTRICT:** **EXISTING:** Single-family residence
PROPOSED: Up to 13,917 sq. ft. office use.

DISTRIBUTION

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

ADDITIONAL COMMENTS: The applicant intends to use the subject property for a 7,000 sq. ft. business or professional office facility.

The subject property was annexed into the City of Apopka on February 7th, 2007, through the adoption of Ordinance No. 1900.

A request to assign a Future Land Use Designation of “Office” is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 1 acre.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the subject property is consistent with the Office (max. 0.30 FAR) Future Land Use designation and the City’s proposed PO/I Zoning.

SCHOOL CAPACITY REPORT: Because this request represents a change to a non-residential future land use designation and zoning classification, school capacity determination by Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on September 22nd, 2017

PUBLIC HEARING SCHEDULE:

November 14th, 2017 - Planning Commission (5:30 pm)

December 6th, 2017 - City Council (1:30 pm) - 1st Reading

December 20th, 2017 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

November 3, 2017 -- Public Notice (Letters, Apopka Chief, Site Posting)

December 8, 2017 -- Public Notice (Apopka Chief)

RECOMMENDED ACTION:

The **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 Office for the property owned by Moorwolf, LLC, and located at

Planning Commission Recommended Motion: Find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the change of Future Land Use Designation from Residential Low Density to Office, 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 (County)	Low Density Residential (0-4 du/ac)	R-1	Single-family residence
East (County)	Low Density Residential (0-4 du/ac)	R-1	Woodlands
South (County)	Low Density Residential (0-4 du/ac)	P-D	Assisted Living Facility
West (City)	Commercial (max 0.25 FAR)	C-1	Strip Mall

II. LAND USE ANALYSIS

North: Abutting the subject property to the north is a single family home on a heavily wooded property.

West: The subject property fronts S. Wekiva Springs Road to the west. Across the road is the Wekiva Riverwalk Shopping Center.

South: The Brookdale Assisted Living Facility is located to the south of the Moorwolf property.

East: East of the Moorwolf property are woodlands and Lake Cortez. The woodlands are part of the Hope Baptist Church property.

The proposed future land use designation of “City” Office serves as a transitional land use between the residential uses to the east and south, as well as the institutional uses to the west and industrial land uses to the north.

Therefore, staff supports the proposed future land use changes.

Other Information:

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 “Core Area” of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River 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 there are no karst features on this property.

Analysis of the character of the Property:

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Office (max FAR 0.3). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:

ADOPTED (County designation): 5 x 2.659 = 13 Persons

PROPOSED (City designation): N/A, no residential.

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

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

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

Water and Sewer: The subject property is located within the Orange County Public Services utility service areas for water and sewer capacity.

Solid Waste

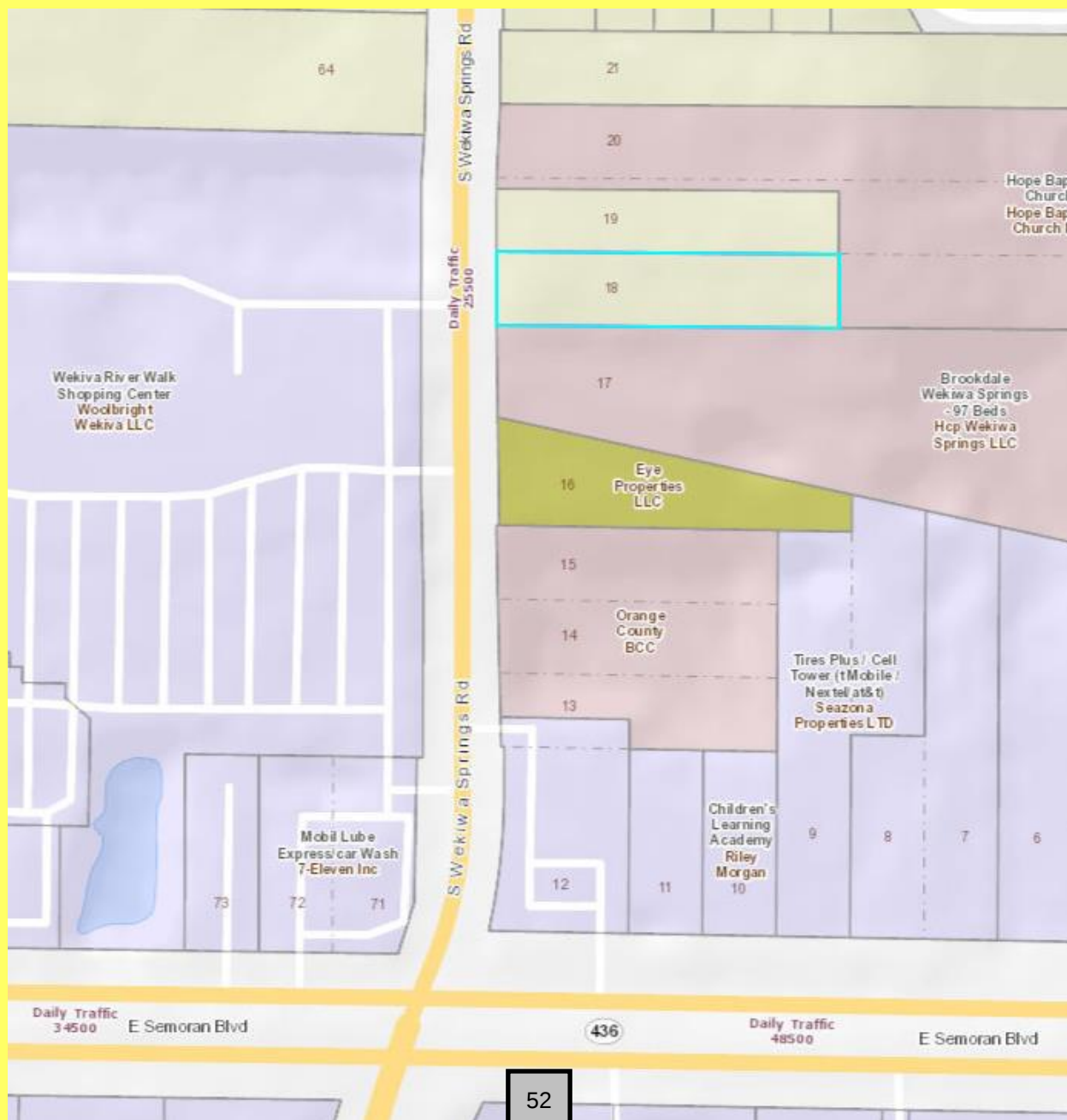
1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 52 lbs / person /day
4. Projected LOS under proposed designation: 26.1 lbs / day / 1000 sf
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

Drainage Analysis

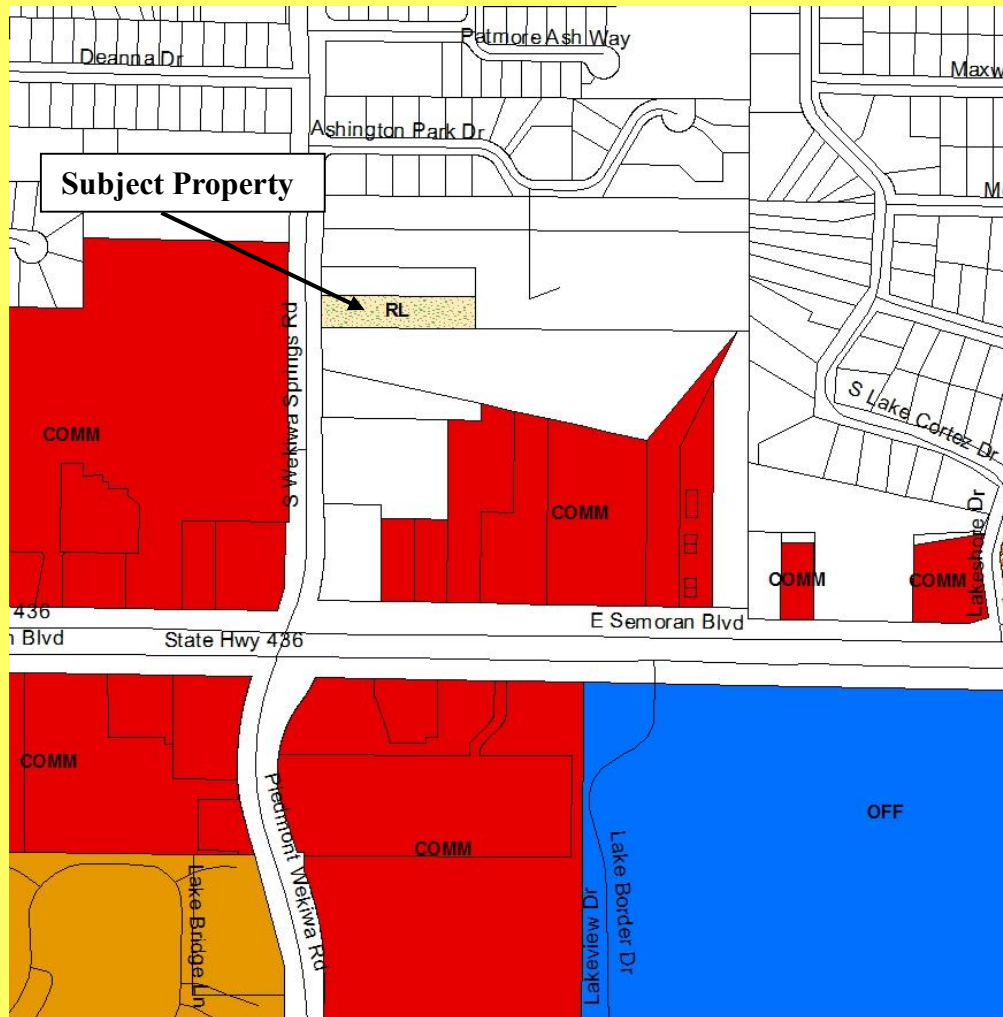
1. Facilities serving the site: Lake Cortez
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation: Office use will not impact city parks and recreation facilities.

VICINITY MAP



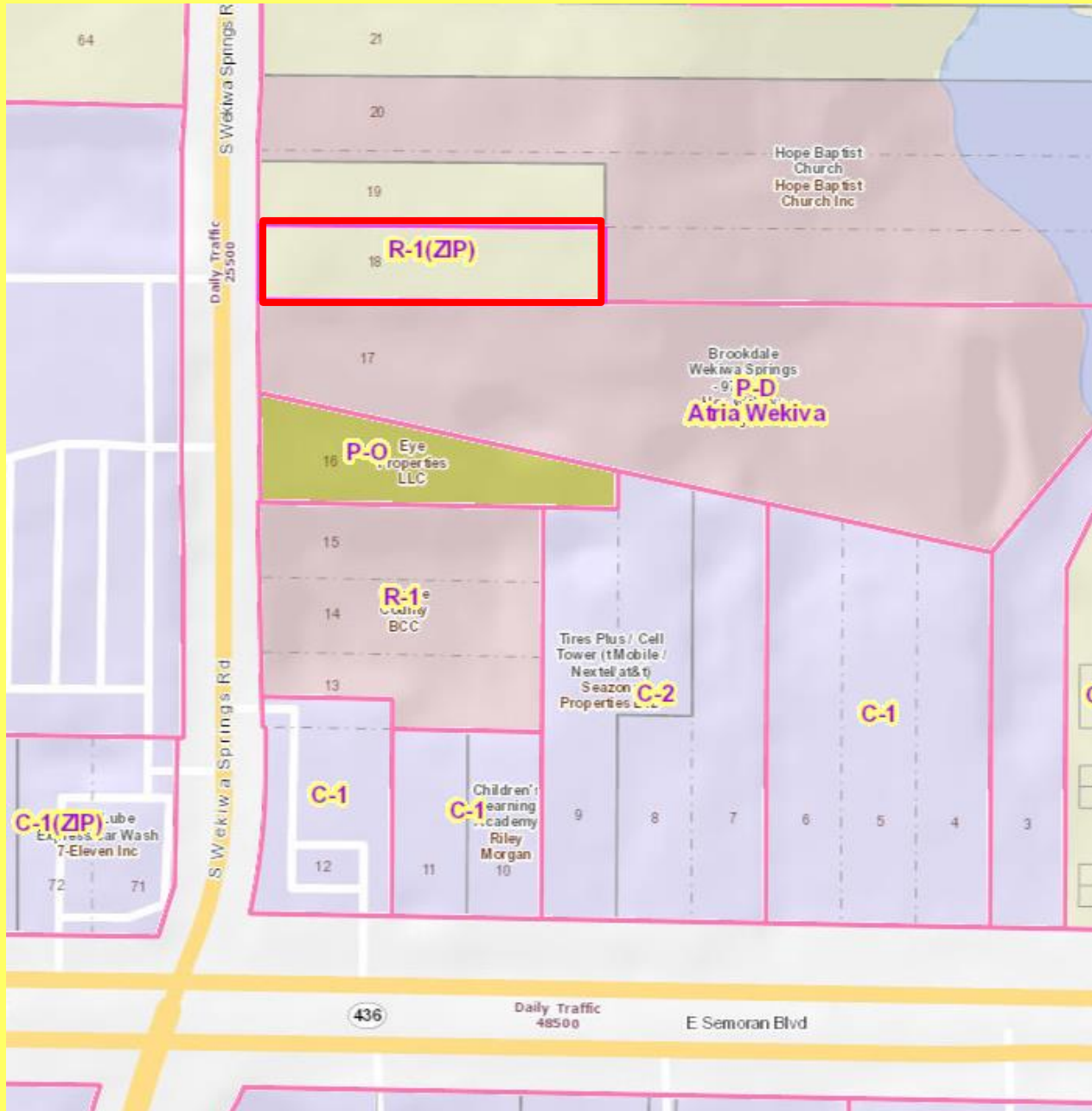
FUTURE LAND USE MAP



-  Residential Low
-  Commercial
-  Office
-  Residential High

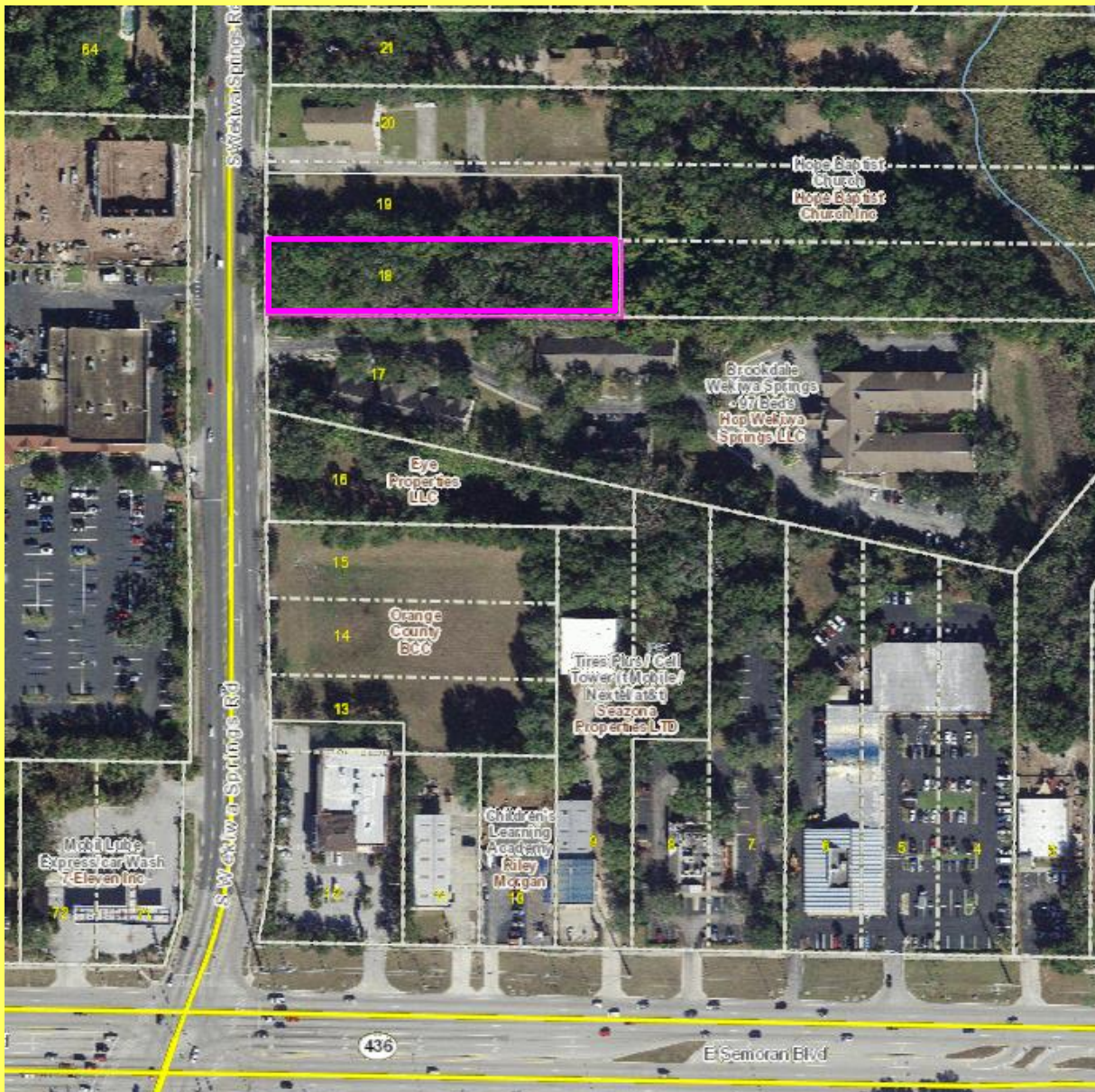


ADJACENT ZONING MAP





ADJACENT USES MAP



Backup material for agenda item:

3. CHANGE OF ZONING – Moorwolf, LLC from “County” R-1 (ZIP) to “City” PO/I for property located at 145 S. Wekiwa Springs Road. (Parcel ID No. 28-21-12-6896-00-181)



CITY OF APOPKA PLANNING COMMISSION

<u>X</u>	PUBLIC HEARING	DATE:	November 14, 2017
<u> </u>	SITE PLAN	FROM:	Community Development
<u> </u>	PLAT APPROVAL	EXHIBITS:	Zoning Report
<u> </u>	OTHER:		Vicinity Map
			Adjacent Zoning Map
			Adjacent Uses Map

SUBJECT: CHANGE OF ZONING - MOORWOLF, LLC

PARCEL ID NUMBER: 12-21-28-6896-00-181

Request: CHANGE OF ZONING

FROM: "COUNTY" R-1 (RESIDENTIAL)

TO: "CITY" PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL)

SUMMARY

OWNER: Moorwolf, LLC

APPLICANT: Dailey Design Group, c/o Peter Dailey

LOCATION: 145 S. Wekiva Springs Road

EXISTING USE: Single-family residence

CURRENT ZONING: "County" R-1 (ZIP)

DEVELOPMENT POTENTIAL: Maximum 13,917 sq. ft. office use (.30 floor area ratio)

PROPOSED ZONING: "City" PUD/PO/I (Professional Office/Institutional) (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from Residential Low (0-5 du/ac) to Office (Max. 0.30 FAR)

TRACT SIZE: 1+/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT:

EXISTING: Single-family residence

PROPOSED: Up to 13,917 sq. ft. office use.

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief
Recreation Director

ADDITIONAL COMMENTS: Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of PO/I (Professional Office/Institutional District) to the property.

The subject property was annexed into the City of Apopka on February 7th, 2007, through the adoption of Ordinance No. 1900.

A request to assign a change of zoning to PO/I is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The change of zoning request is being processed in conjunction with a future land use amendment from “Residential Low” to “Office”

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the proposed Office (Max. 30% Floor Area Ratio) Future Land Use designation and the City’s proposed Professional Office/Institutional Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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 enhancement 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 September 22, 2017.

PUBLIC HEARING SCHEDULE:

Planning Commission, November 14th, 2017 (5:30 pm)
City Council, December 6th, 2017 (1:30 pm) - 1st Reading
City Council, December 20th, 2017 (7:00 pm) - 2nd Reading

DULY ADVERTISED:

November 3, 2017 - Public Notice (Letters, Apopka Chief, Site Posting)
December 8, 2017 - Public Notice (Apopka Chief)

RECOMMENDED ACTION:

The **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 “County” R-1 to “City” PO/I for the property owned by Moorwolf, LLC, and located at 145 S. Wekiva Springs Road.

Recommended Motion: Planning Staff recommends finding 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 “County” R-1 to “City” PO/I for the property owned by Moorwolf, LLC, and located at 145 S. Wekiva Springs Road.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Low Density Residential	R-1	Single Family House
East (County)	Low Density Residential	R-1	House of Worship/Woodlands
South (County)	Low Density Residential	P-D	Assisted Living Facility
West (City)	Commercial	C-1	Strip Mall

LAND USE & TRAFFIC COMPATIBILITY:

The subject property fronts and is accessed by a county collector (Wekiva Springs Road)

COMPREHENSIVE PLAN COMPLIANCE:

The proposed PO/I zoning is consistent with the proposed Future Land Use designation, Office” (Max. 30% FAR) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.

PO/I DISTRICT REQUIREMENTS:

Floor Area Ratio (%):	30% max.
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	85 ft.
Setbacks:	Front: 25 ft. (From property line)
	Rear: 10 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the subject parcel does meet code requirements for the PO/I (Professional Office/Institutional) district.

BUFFERYARD REQUIREMENTS:

1. Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard.
2. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard.
3. Areas adjacent to nonresidential uses or districts shall provide a minimum of five-foot landscaped bufferyard.
4. Landscaping requirements for existing platted lots of record and structures may be approved in a lesser amount than required after review by 59 development review committee.

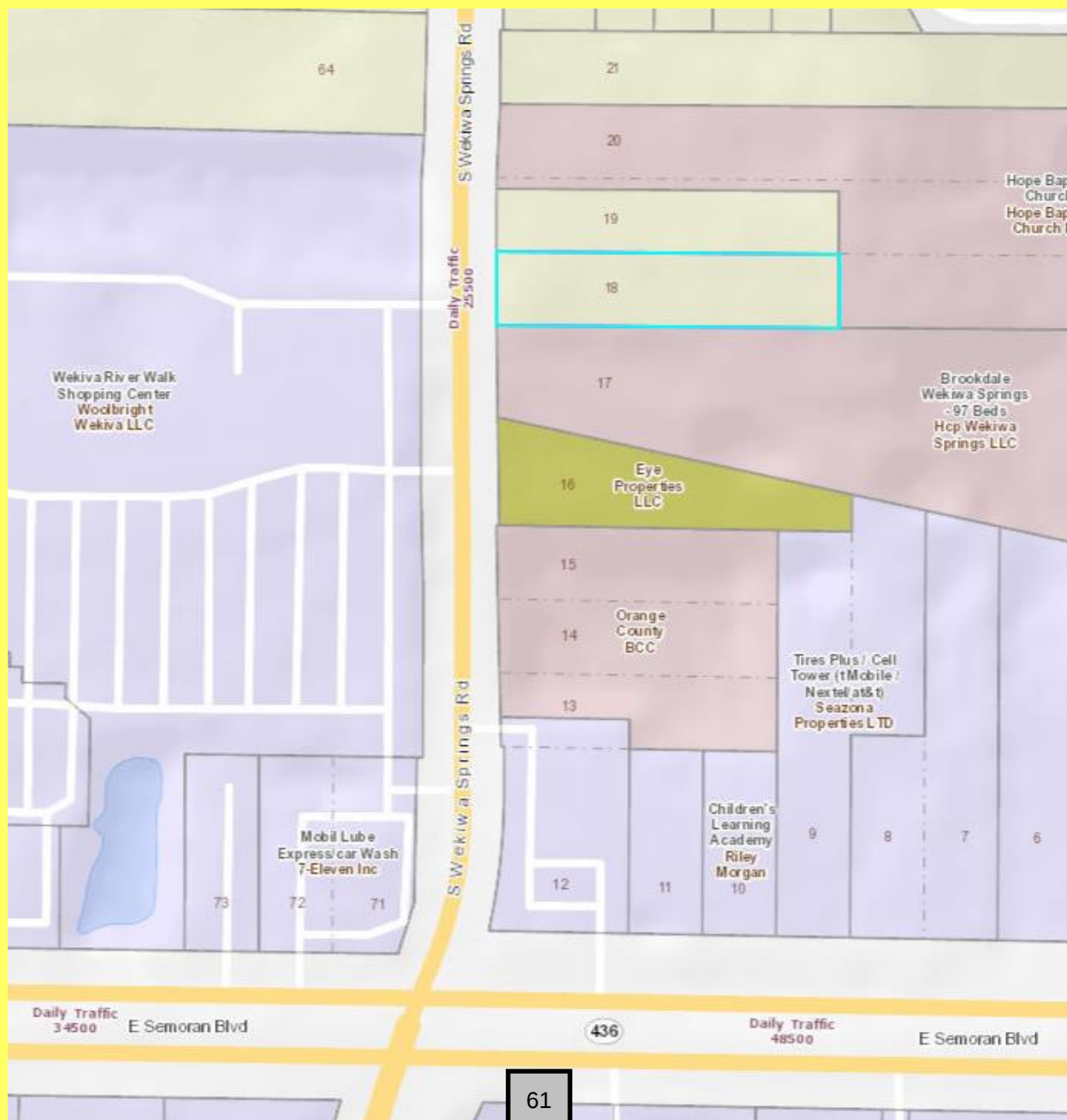
ALLOWABLE USES:

1. Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc.
2. Medical or dental clinics and offices.
3. Establishments for the retail sale of pharmaceutical, medical and dental supplies and other hospital-related items such as wheelchairs, braces, crutches, etc., for the handicapped, and other similar merchandise.
4. Parks and recreational areas owned and operated by nonprofit organizations.
5. Hospitals, museums, libraries, and cultural institution.
6. General government offices, including, but not limited to, fire stations, police stations, and post offices.
7. Churches and attendant educational facilities.
8. Educational facilities and day nurseries.
9. Public and private utilities.
10. Supporting infrastructure and public facilities.
11. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based on the community development director's recommendation.



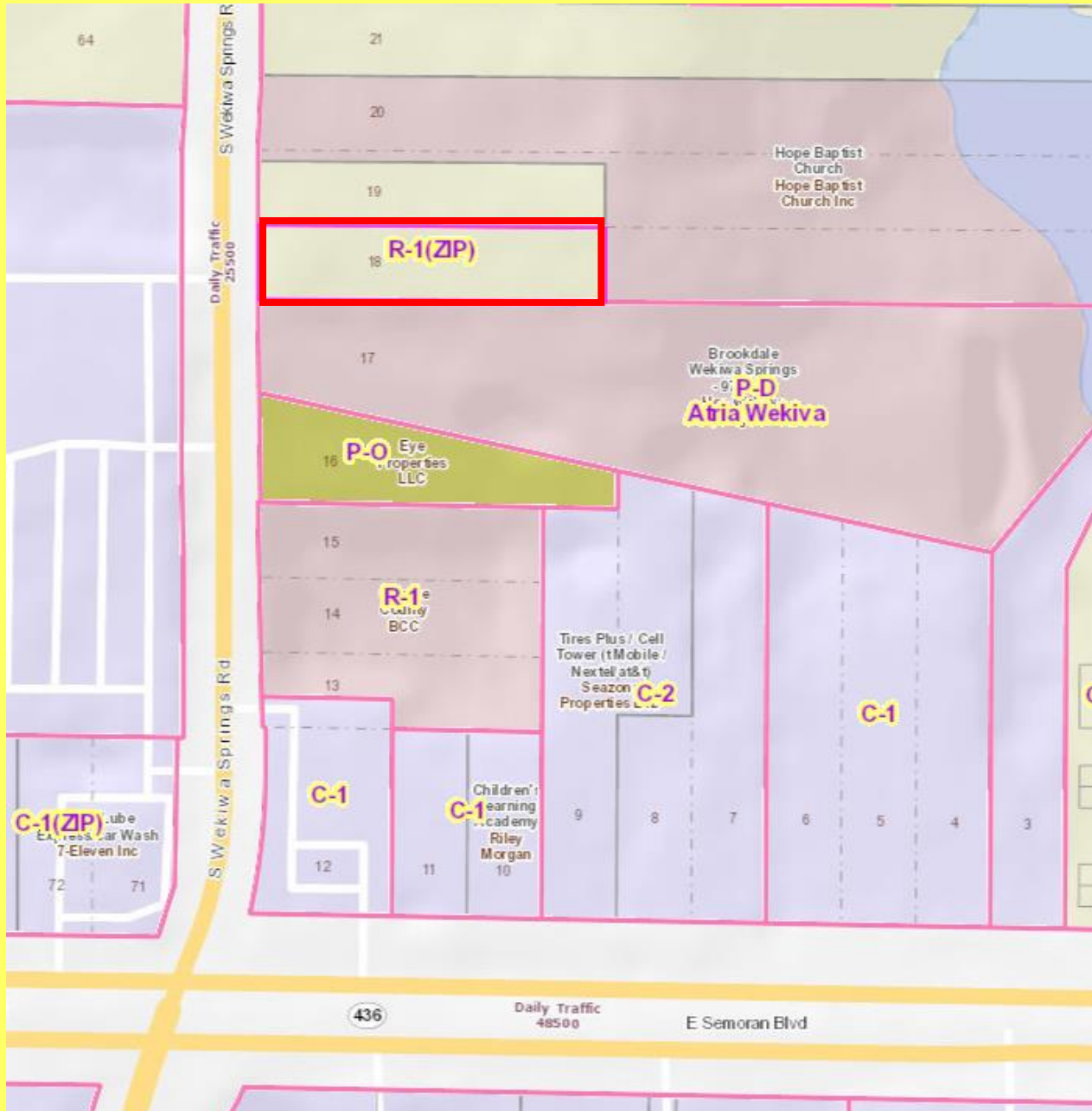
Moorwolf, LLC
1 +/- acres
Proposed Small Scale Future Land Use Amendment:
From: Residential Low
To: Office
Proposed Change of Zoning:
From: R-1 (ZIP)
To: PO/I
Parcel ID #: 12-21-28-6896-00-181

VICINITY MAP



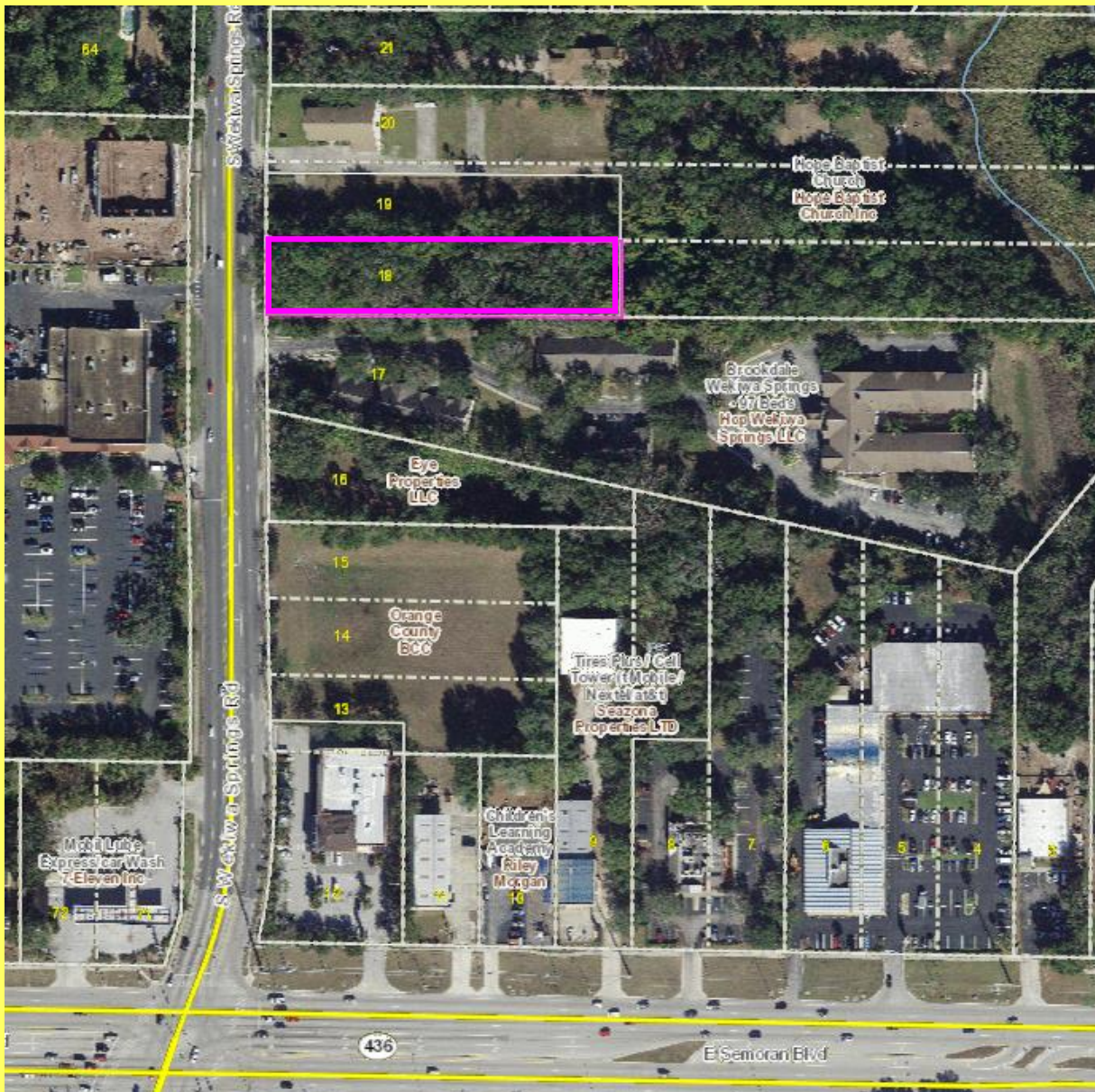


ADJACENT ZONING MAP





ADJACENT USES MAP



Backup material for agenda item:

4. CHANGE OF ZONING – From R-1AAA (Residential Single-Family) to AG-E (Agricultural Estate District) for property owned by Paul and Kimberly Rehn and located at 2393 Appy Lane. (Parcel ID Nos. 18-20-28-0000-00-112; 18-20-28-0000-00-125)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING	DATE:	November 14 th , 2017
☐ ANNEXATION	FROM:	Community Development
☐ PLAT APPROVAL	EXHIBITS:	Vicinity Map
☐ OTHER:		Zoning Map
		Adjacent Uses

SUBJECT: **CHANGE OF ZONING - PAUL AND KIMBERLY REHN**

Parcel ID Numbers: **18-20-28-0000-00-112; 18-20-28-0000-00-125**

Request: **CHANGE OF ZONING**
FROM: R-1AAA (RESIDENTIAL SINGLE-FAMILY)
TO: AG-E (AGRICULTURAL ESTATE DISTRICT)

SUMMARY

OWNER/APPLICANT: Paul and Kimberly Rehn

LOCATION: 2393 Appy Lane

EXISTING USE: Single Family Home, Horse Barn, Mobile Home

FUTURE LAND USE: Very Low Density Suburban Residential (Max. 2 D/Us per acre)

PROPOSED LAND USE: Very Low Density Suburban Residential (Max. 2 D/Us per acre)

CURRENT ZONING: R-1AAA

PROPOSED DEVELOPMENT: Single Family Home, Horse Barn, Mobile Home

TRACT SIZE: 10.0 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: up to 20 dwelling units (estimated)
PROPOSED: up to 4 dwelling units

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

G:\CommDev\PLANNING ZONING\REZONING\2017\Rehn Parcels

ADDITIONAL COMMENTS: The property owner requests to change the zoning to Agriculture Estates so that horses and other domestic animals can continue to legally occur at the property. Currently, the subject property has a barn and corral fences. The subject property has a horse barn which is prohibited in the existing R-1AAA zoning district. In order for the property owner to be in compliance with the City’s Land Development Code, the two subject parcels require Agriculture Estate District zoning.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use complies with the Agricultural Estate zoning district and the Future Land Use designation, Very Low Density Suburban Residential. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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 three acres are exempt from school capacity enhancement per the School Interlocal Planning Agreement.

ORANGE COUNTY NOTIFICATION: A notification was not required for this project. In accordance with our Joint Planning Agreement with Orange County, when a city parcel is not adjacent to an unincorporated parcel, no notification is required for a rezoning action.

PUBLIC HEARING SCHEDULE:

November 14, 2017 - Planning Commission (5:30 pm)
December 6, 2017 - City Council (1:30 pm) - 1st Reading
December 20, 2017 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

October 31st, 2017– Public Notice (Apopka Chief), Letter Notification, Property Posting
December 8, 2017– Public Notice (Apopka Chief)

RECOMMENDED ACTION:

Development Review Committee: The DRC finds the change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area. Planning staff recommends approval for the zoning change, R-1AAA to Agricultural Estate District.

Planning Commission: Find the change of zoning to Agricultural Estates to be consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend to change the zoning from R-1AAA to Agricultural Estates for the property owned by Paul and Kimberly Rehn, subject to the findings of the Staff Report.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	PUD	Vacant
East (City)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	PUD	Vacant
South (City)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	PO/I	Vacant
West (City)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	R-1AAA	Sheds

LAND USE &

TRAFFIC COMPATIBILITY: The rezoning to Agricultural Estates creates fewer traffic impacts than the R-1AAA zoning, and will generate fewer daily vehicle trips than that which can be generated by the R-1AAA zoning district.

To the south, across Jason Dwelley Parkway, is the City's Northwest Recreation Complex. To the north is a tree preservation and park area for the Orchid Estates residential community. To the west is a vacant residential parcel that is owned by Philip and Alice Rehn. To the east is vacant land planned for future residential development.

COMPREHENSIVE PLAN COMPLIANCE:

Under Section 2.01.02, Table II-1, Agricultural Estates is a compatible zoning category in the Residential Very Low Suburban Future Land Use Designation. North of Ponkan Road and West of Rock Springs Road, residential development is restricted to no more than 2 dwelling units per acre except for land located within the Wekiva Parkway Interchange Vision Plan.

AG-E DISTRICT REQUIREMENTS:

Minimum Living Area:	2,200
Minimum Site Area:	2.5 acres
Minimum Lot Width	150 ft.
Setbacks:	Front: 45 ft.
	Rear: 50 ft.
	Side: 35 ft.
	Corner 35 ft.

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

**BUFFERYARD
REQUIREMENTS:**

1. Developments shall provide a minimum six-foot high brick or stone finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall.
2. Areas adjacent to agriculture districts or activities shall provide a minimum five foot bufferyard and a minimum six-foot high brick or stone finished wall unless acceptable alternatives are submitted for approval.

ALLOWABLE USES:

Permitted uses. The following uses are permitted uses in the AG-E District (2.02.19, Land Development Code)

1. Single-family dwellings providing they are consistent with the stated purpose of this zoning district. Commercial endeavors such as boarding facilities etc. shall not be permitted in residential agricultural subdivisions.
2. Commercial wholesale foliage plant production nursery.
3. Livestock barns and stables.
4. Crop and animal production and the buildings and structures necessary to support such production.
5. Accessory buildings or structures, including stables or barns shall be in accordance with the standards of the AG-E District.
6. Accessory uses shall be in accordance with article VII of this code.

Paul and Kimberly
2393 Appy Lane
10.0 +/- Acres

Existing Maximum Allowable Development: 20 dwelling un\ac (estimated)

Proposed Maximum Allowable Development: 20 dwelling units

Proposed Zoning Change: 4 dwelling units

From: R-1AAA

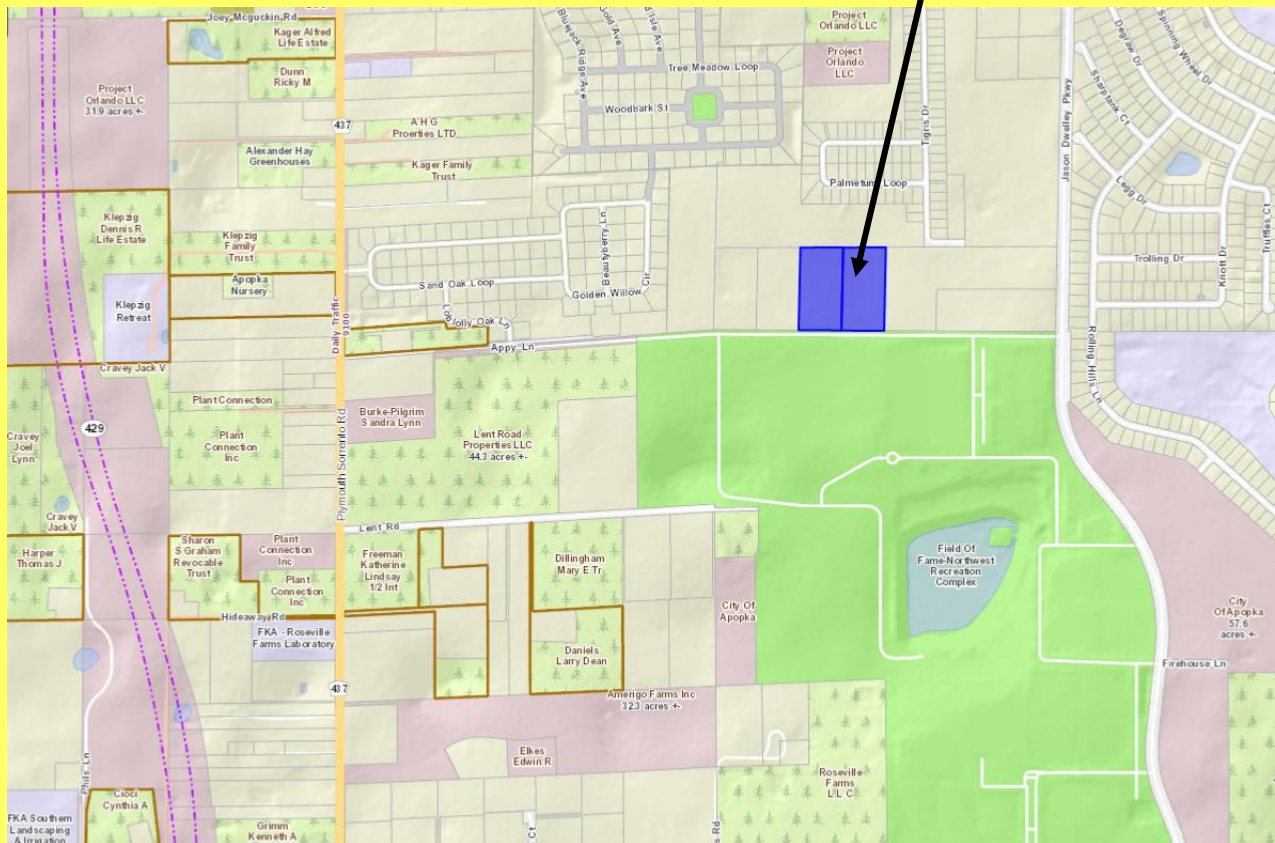
To: AG-E (2.5 acres min. lot size)

Parcel ID #s: 18-20-28-0000-00-112; 18-20-28-0000-00-125



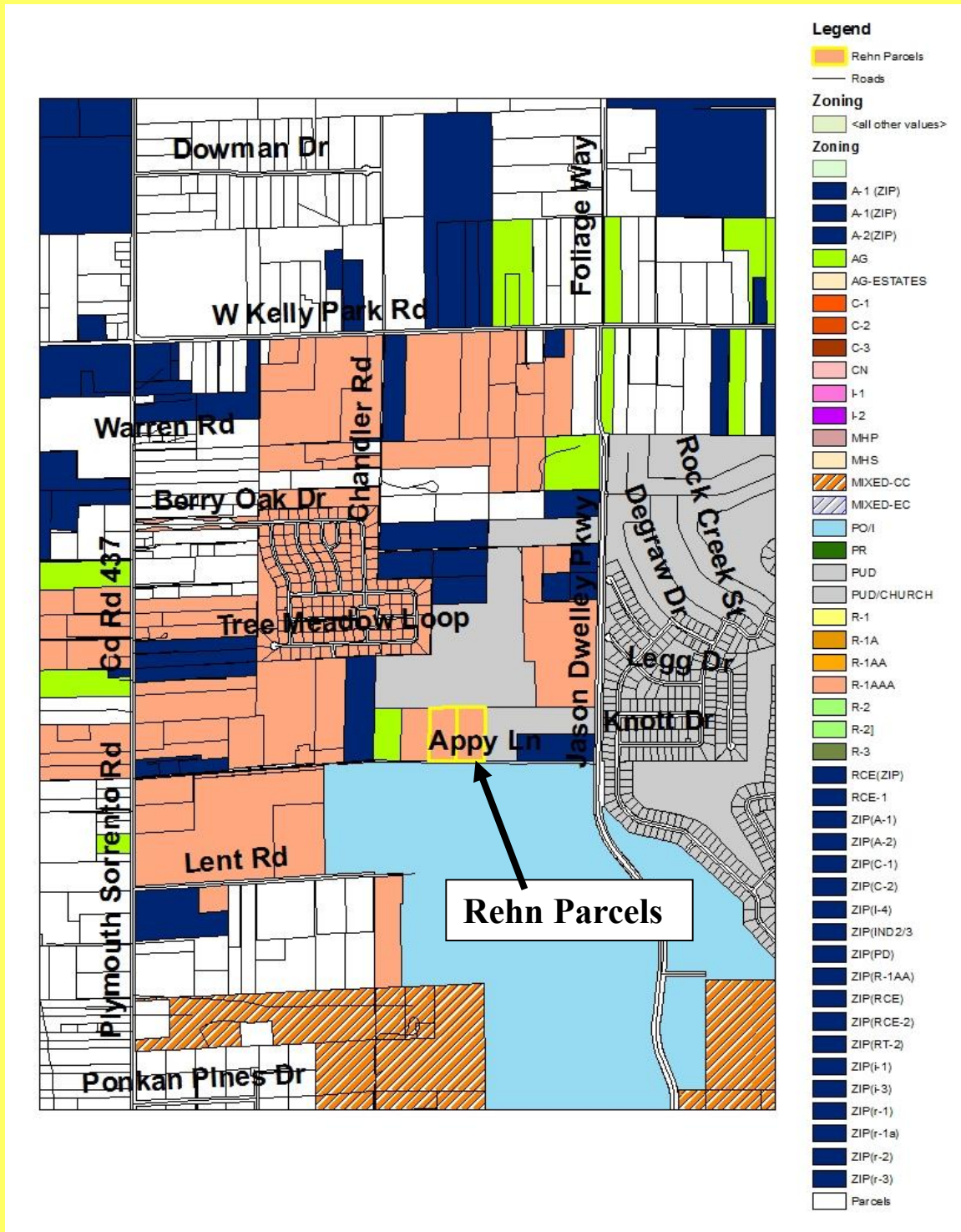
VICINITY MAP

Rehn Parcels





ADJACENT ZONING





ADJACENT USES

