

APOPKA PLANNING COMMISSION AGENDA

NOVEMBER 10, 2020 5:30 PM

Apopka City Hall Chambers

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

CALL TO ORDER

OPENING AND INVOCATION

APPROVAL OF MINUTES

- [1.](#) Approve minutes of the Planning Commission meeting held September 8, 2020.
- [2.](#) Approve minutes of the Planning Commission meeting held October 13, 2020.

PUBLIC COMMENT PERIOD

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

LEGISLATIVE

Public Hearing

- [1.](#) Comprehensive Plan – Small Scale – Future Land Use Amendment
From: "County" Rural (1DU/10AC)
To: "City" Industrial
Owner: Sandroni Joseph L Estate
Applicant: Cadence Partners LLC
Location: North of Ocoee Apopka Road and east of S.R. 451
Project: 8.76 +/- acres
Project Manager: Phil Martinez
- [2.](#) Change of Zoning
From: T (Transition District)
To: I-L (Light Industrial District)
Owner/Applicant: Sandroni Joseph L Estate
Location: North of Ocoee Apopka Road and east of S.R. 451
Project: 8.76 +/- acres
Project Manager: Phil Martinez
- [3.](#) Comprehensive Plan – Small Scale – Future Land Use Amendment
From: "County" Industrial and "City" Industrial
To: "City" Commercial (MAX. 0.25 FAR)
Owner: Mid-Florida Freezer Properties LLC
Applicant: Tara Tedrow
Location: South of W. Orange Blossom Trail and west of Lake View Drive
Project: 4.88 +/- acres
Project Manager: Bobby Howell

4. Change of Zoning
From: T (Transitional District), and I-L (Light Industrial)
To: C-COR (Corridor Commercial District)
Owner: Mid-Florida Freezer Properties, LLC
Applicant: Tara Tedrow
Location: South of W. Orange Blossom Trail and west of Lake View Drive
Project: 4.88 +/- acres
Project Manager: Bobby Howell
5. Comprehensive Plan – Large Scale – Future Land Use Amendment
From: Mixed Use (MAX. 1.0 FAR, MAX. 15 DU/AC)
To: Industrial (MAX. 0.6 FAR)
Owner: Chory Holdings I, LLC
Applicant: Tara Tedrow
Location: South of West Orange Blossom Trail and west of Hermit Smith Road
Project: 11.94 +/- acres
Project Manager: Phil Martinez
6. Change of Zoning
From: MU-ES-GT (Mixed-Use East Shore-Gateway District)
To: I-L (Light Industrial District)
Owner: Chory Holdings I, LLC
Applicant: Tara Tedrow
Location: South of West Orange Blossom Trail and west of Hermit Smith Road
Project: 11.94 +/- acres
Project Manager: Phil Martinez
7. Change of Zoning
From: T (Transition District)
To: RCE (Residential Country Estate)
Owner/Applicant: John and Grace Johnson
Location: 1701 Hermit Smith Road
Project: 2.52 +/- acres, 2 dwelling units
Project Manager: Phil Martinez

QUASI-JUDICIAL

Special Exception

1. Special Exception – To allow heavy equipment retail, repair, servicing and storage in the Light Industrial (I-L) Zoning District
Owners/Applicants: Little Brownie Properties, Inc. c/o Linda Roche
Location: 1350 Sheeler Avenue
Project: 21.15 +/- acres
Project Manager: Jean Sanchez

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

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

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

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 9, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

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

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

OTHERS PRESENT: Frank Campbell, Maynard LeBraun, Kathy Dearing, Sid Vihlen, Will McReynold, and John Peery

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of August 11, 2020, at 5:30 p.m.

Motion: Howard Washington made a motion to approve the Planning Commission minutes from the regular meeting held on August 11, 2020, at 5:30 p.m. and seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

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

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – RANDALL REAL ESTATE INVESTMENTS, INC. - Chairperson Greene stated this is a request to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from Agriculture to Industrial (Max. 0.60 FAR) for the property owned by Randall Real Estate Investments, Inc., and located east of Clarcona Road, north of Stone Road.

Staff Presentation: Phil Martinez, Planner II, stated this is a request to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from Agriculture to Industrial (Max. 0.60 FAR) for the property owned by Randall Real Estate Investments, Inc., and located east of Clarcona Road, north of Stone Road. The applicant is Vihlen and Associates, P.A., c/o Sidney L. Vihlen, III. The existing zoning is AG (Agriculture District). The existing use is warehouse/industrial. The proposed use is 25,874 non-residential sq. ft. (IND Future Land Use, 0.6 FAR). The tract size is 0.99 +/- acres.

The subject property was annexed into the City on February 21, 1996 by Ordinance Number 914. The proposed Future Land Use of Industrial is compatible with the property due to the Industrial Future Land Use and industrial-oriented uses found adjacent to the parcel and in the vicinity. This application is being processed simultaneously with an application to rezone the subject property from AG (Agriculture District) to I-L (Light Industrial).

The proposed Future Land Use, Industrial, is consistent with the proposed zoning designation, I-L (Light

Industrial District). Site development cannot exceed the density allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support an Industrial Future Land Use designation at the subject site:

Future Land Use Element - Policy 3.1.1 Industrial - The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be .60.

Planned Unit Development uses may include:

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

The proposed future land use amendment will not impact public school enrollment. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

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 Industrial for the property owned by Randall Real Estate Investment Inc. and located East of Clarcona Road and North of Stone Road.

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

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

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

Motion: Linda Laurendeau made a motion to find the proposed small scale future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the small scale future land use amendment from Agriculture to Industrial (Max. 0.60 FAR) for the property owned by Randall Real Estate Investments, Inc., and located east of Clarcona Road, north of Stone Road. Motion Seconded by Robert Ryan. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

LEGISLATIVE – CHANGE OF ZONING – RANDALL REAL ESTATE INVESTMENTS, INC. - Chairperson Greene stated this is a request to find the proposed change of zoning from AG (Agriculture District) to I-L (Light Industrial District) consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning for the property owned by Randall Real Estate Investments, Inc., and located east of Clarcona Road, north of Stone Road.

Staff Presentation: Phil Martinez, Planner II, stated this is a request to find the proposed change of zoning from AG (Agriculture District) to I-L (Light Industrial District) consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning for the property owned by Randall Real Estate Investments, Inc., and located east of Clarcona Road, north of Stone Road. The applicant is Vihlen and Associates, P.A., c/o Sidney L. Vihlen, III. The existing zoning is AG (Agriculture District). The existing use is warehouse/industrial. The proposed use is 25,874 non-residential sq. ft. (IND Future Land Use, 0.6 FAR). The tract size is 0.99 +/- acres.

The subject property was annexed into the City on February 21, 1996 by Ordinance Number 914. The proposed I-L (Light Industrial District) zoning is compatible with the property due to the I-L zoning being found in the vicinity. This application is being processed simultaneously with an application for a Small-Scale Future Land Use Amendment from Agriculture to Industrial.

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

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

The Development Review Committee 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 AG (Agriculture) District to I-L (Light Industrial District) for the property owned by Randall Real Estate Investments Inc. and located north of Stone Road and east of Clarcona Road.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from AG (Agriculture) District to I-L (Light Industrial District) for the property owned by Randall Real Estate Investments Inc., and located north of Stone Road and east of Clarcona Road.

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

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

Motion: Howard Washington made a motion to find the proposed change of zoning from AG (Agriculture District) to I-L (Light Industrial District) consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the proposed change of zoning for the property owned by Randall Real Estate Investments, Inc., and located east of Clarcona Road, north of Stone Road. Motion seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

LEGISLATIVE - COMPREHENSIVE PLAN – TEXT AMENDMENT - PUBLIC SCHOOL FACILITIES ELEMENT – POLICY 3.1 - Chairperson Greene stated this is a request to find the proposed text amendment consistent with the Comprehensive Plan; and recommend approval of the text amendment to the City of Apopka Comprehensive Plan Public School Facilities Element, Policy 3.1.

Staff Presentation: Bobby Howell, AICP, Planning Manager, stated this is a request to find the proposed

text amendment consistent with the Comprehensive Plan; and recommend approval of the text amendment to the City of Apopka Comprehensive Plan Public School Facilities Element, Policy 3.1.

A text amendment to the Comprehensive Plan, according to Florida Statute 163, is processed similar to a large-scale future land use amendment. After recommendation from the Planning Commission, the City Council votes to transmit the amendment to the Florida Department of Economic Opportunity and other State agencies for a determination of consistency with State planning policies. Following this, the amendment is subsequently scheduled for an adoption hearing before the City Council.

Policy 3.1 of the Public Schools Facilities Element of the Comprehensive Plan states the City shall not approve a developer initiated Comprehensive Plan amendment or Rezoning which increases the density on property until such time that Orange County Public Schools (OCPS) has determined whether sufficient capacity will exist at the time of the proposed change, or a Capacity Enhancement Agreement (CEA) is executed that provides for the needed capacity to accommodate the proposed development.

In 2020, OCPS stopped entering into Capacity Enhancement Agreements (CEA) with residential developers. As a result, all developer initiated Comprehensive Plan amendments and Rezoning that increase density on a property are not able to obtain a CEA from OCPS, and are inconsistent with Policy 3.1 of the Public Schools Facilities Element of the Comprehensive Plan, thus either requiring residential developers to withdraw their application, or wait until the text of the Comprehensive Plan has been amended to ensure their request is consistent with the Comprehensive Plan. Staff is proposing an administrative text amendment to Policy 3.1 of the Public Schools Facilities Element of the Comprehensive Plan to remove language relating to CEA's, which are no longer issued by OCPS. This mirrors language Orange County Government is proposing to amend their respective Public Schools Facilities Element regarding the requirement to obtain a CEA from OCPS for either a Comprehensive Plan amendment or Rezoning that increases density on a property.

Staff recommended the Planning Commission to recommend approval of the amendment to Policy 3.1 of the Public Schools Facilities Element of the Apopka Comprehensive Plan and transmittal to DEO by the Apopka City Council.

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

Motion: William Gusler made a motion to recommend approval of the amendment to Policy 3.1 of the Public Schools Facilities Element of the Apopka Comprehensive Plan and transmittal to DEO by the Apopka City Council. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

QUASI-JUDICIAL - VARIANCE – MICHAEL AND LAURA BOGLE - Chairperson Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.3.4.C, to reduce the required minimum rear yard setback from 25 Feet to 20 Feet for the property owned by Michael and Laura Bogle and located at 2936 Ponkan Meadow Drive.

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

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

Staff Presentation: Bobby Howell, AICP, Senior Planner, stated this is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.3.4.C, to reduce the required minimum rear yard setback from 25 Feet to 20 Feet for the property owned by Michael and Laura Bogle and located at 2936 Ponkan Meadow Drive. The future land use is Residential Low Suburban and the zoning is RSF-1A. The existing use is a single-family home. The tract size is 0.39 +/- acres. The applicable code is the 2019 Land Development Code.

The applicant is requesting a variance from Land Development Code Article 3: Section 3.3.4.C. to reduce the required minimum rear yard setback from 25 feet to 20 feet in the RSF-1A zoning district to allow for the construction of a home addition totaling 1,330 square feet in area. The proposed home addition is for an attached garage, bedroom, bathroom, and covered porch.

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

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

APPLICABLE CITY CODES:

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

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

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

Applicant's Response: Setback in Wekiva Run was 20' and changed to 25' while plans

for an addition were in progress.

Staff's Response: No objection. Wekiva Run Phase 1 was developed under the 1993 Land Development Code, with R-1AAA zoning. Under the 1993 Land Development Code, a minimum 20' rear setback was required in the R-1AAA zoning district. On March 6, 2019, the City Council adopted a new Land Development Code, and, in accordance with Section 1.8.1. Transitions to New Zoning Districts, the R-1AAA zoning district became the RSF-1A zoning district. The new RSF-1A zoning district requires a minimum 25' rear setback.

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

Applicant's Response: The addition is meant to raise the property value.

Staff's Response: No objection. Staff finds no relation between the intent to build a home addition and reducing the cost of developing the site.

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

Applicant's Response: There are no surrounding streets in my back yard.

Staff's Response: No objection. Staff does not anticipate a substantial increase in congestion on surrounding public streets for an addition to an existing single-family home.

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

Applicant's Response: The addition should help to raise values in my neighborhood.

Staff's Response: No objection. A request for a minimum 20' rear setback does not appear to diminish property values in the area surrounding the site.

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

Applicant's Response: The addition will not impact any of my neighbors.

Staff Response: No objection. The subdivision was developed with a minimum 20' rear setback, thus the addition is keeping in character with the surrounding area.

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

Applicant's Response: The setback for my property was 20' at the time the home was originally built.

Staff Response: No objection. The variance request is in harmony with the general intent of the LDC (Land Development Code) and the specific standards for which the variance is granted.

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

Applicant's Response: No, the applicant is not requesting any special conditions, simply to honor the original setbacks for the property.

Staff Response: No objection.

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

Applicant's Response: No, the addition will not cause any danger; the property is fully fenced.

Staff Response: No objection. Staff does not anticipate this variance will create safety hazards and other detriments to the public. The applicant has submitted a building permit, to be reviewed in accordance with the Florida Building Code.

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

Applicant's Response: Yes, the current plans were made using a setback of 20'; the structure sits 20'4" from the property line.

Staff Response: No objection.

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

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

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

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

Motion: Linda Laurendeau made a motion to find that sufficient information indicates a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property owned by Michael and Laura Bogle and located at 2936 Ponkan Meadow Drive. Motion seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

Motion: Linda Laurendeau made a motion to find that sufficient information occurs to accept each of the nine variance criteria and to approve a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.3.4.C, to reduce the required minimum rear yard setback from 25 Feet to 20 Feet on the property

owned by Michael and Laura Bogle and located at 2936 Ponkan Meadow Drive. Motion seconded by Mary Norwood. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

QUASI-JUDICIAL - VARIANCE – FLORIDA CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS - 340 VOTAW ROAD - Chairman Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.4.6.C, maximum building height standards, to allow a maximum building height for property zoned O (Office District) of 53-feet for property owned by the Florida Conference Association of Seventh Day Adventists and located at 340 Votaw Road.

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

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

Staff Presentation: Bobby Howell, AICP, Senior Planner, stated this is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.4.6.C, maximum building height standards, to allow a maximum building height for property zoned O (Office District) of 53-feet for property owned by the Florida Conference Association of Seventh Day Adventists and located at 340 Votaw Road. The applicant is Frank Campbell. The future land use is Institutional/Public Use and the zoning is O (Office). The existing use is a place of worship. The tract size is 4.31 +/- acres. The applicable code is the 2019 Land Development Code.

The applicant is requesting a variance from Land Development Code Article 3: Section 3.4.6.C. Maximum Building Height, to allow a maximum allowable height of 53-feet in the O (Office) zoning district in lieu of the required 35-foot maximum to allow for an addition to existing church building located at 340 Votaw Road. The proposed building addition will be approximately 48 feet in height with a steeple of an additional five feet tall.

- *Applicant Request* - Allow a maximum building height of 53-feet in the O (Office) zoning district in lieu of the required 35-foot maximum building height to allow for an addition of 17,473 square feet to existing church building.

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

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

APPLICABLE CITY CODES:

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

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

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

Applicant's Response: The site is almost 20' higher on the west side of the existing building versus the east side of the building. This makes it very difficult to comply with minimum height requirements on both sides of the building without exceeding the maximum height allowed. The existing building was designed to accommodate the site terrain/extreme grade difference and currently exceeds the height requirements.

Staff's Response: No objection. The O (Office) zoning district permits a maximum building height of 35-feet. An increase in the maximum building height of 53-feet on the subject parcel allows for the height of the additional building on the east elevation to be approximately 48 feet with a 5-foot tall steeple.

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

Applicant's Response: The variance request does not seek to reduce the cost of development but is based on existing site features such as:

- A) Existing building
- B) Existing terrain/extreme grade difference
- C) Existing restrictive water table

Staff's Response: No objection. An increase in the building height is not anticipated to reduce construction cost on the building.

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

Applicant's Response: The site and its parking lot were designed for a church of 750 seats. However, the new building only proposes to maintain the existing 450 seat capacity. No new traffic is proposed.

Staff's Response: No objection.

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

Applicant's Response: The site is very remote and surrounded by wetlands, a bike trail, and green areas. The current use will remain the same at the same capacity with no new impacts.

Staff's Response: No objection. An increase in the maximum building height does not appear to cause property values in the area surrounding the site to substantially decrease.

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

Applicant's Response: As noted above, the site is very remote and surrounded by wetlands, a bike trail, and green areas. Additionally, the site currently consists of a large number of trees that provide screening not only to the existing site and existing building but to the new building. Again, the use is the same and of the same capacity.

Staff Response: No objection. A maximum building height of 53-feet on the subject property does not appear to alter the essential character of the area surrounding the area, which includes undeveloped parcels. The project site has existing mature trees and a wide landscape buffer along Votaw Road which obscures the building and shows it to not be largely visible from Votaw Road and the surrounding properties. The closest surrounding buildings are approximately 1,000 feet away.

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

Applicant's Response: The existing site and use was permitted by the existing zoning. The existing building currently exceeds the height restrictions. Due to the sites terrain, other than the steeple, the new addition is only 5' greater than the existing building. Given the site conditions, existing screening, and terrain, the change in height will be noticeable.

Staff Response: No objection. The variance request is in harmony with the general intent of the LDC and the specific standards for which the variance is granted.

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

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

Staff Response: No objection.

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

Applicant's Response: There are no airports nearby and there are no overhead cables running through the property. Plus the site is very remote, adjacent to wetlands, and relatively low compare to neighboring sites. Additionally, existing trees on site are already taller than the existing and new building being proposed. The use will also be the same with a well-established infrastructure in place.

Staff Response: No objection. There appears to be no correlation between an increase in the maximum building height and safety hazards and other detriments to the public. This request was reviewed and approved by the Development Review Committee (DRC) which includes the Police and Fire Departments.

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

Applicant's Response: Because of the existing terrain, existing building, and the proximity of the new building to the water table elevation, the final design of the building exceeds the maximum height allowed on one side of the building but complies with it on the other side. The variance will allow the church to obtain the functionality desired with minimum impact. With the existing remote and naturally screened site, the height request will not be a noticeable change.

Staff Response: No objection.

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

4. Approval of the variance;
5. Approval of the variance subject to modification and/or condition; or
6. Denial of the variance.

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

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

Motion: Howard Washington made a motion to find that sufficient information indicates a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property owned by the Florida Conference Association of Seventh Day Adventists and located at 340 Votaw Road. Motion seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

Motion: Mary Norwood made a motion to find that sufficient information occurs to accept each of the nine variance criteria and to approve a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.4.6.C, maximum building height standards, to allow a maximum building height for property zoned O (Office District) of 53-feet for property owned by the Florida Conference Association of Seventh Day Adventists and located at 340 Votaw Road. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Mary Norwood, Robert Ryan, and Howard Washington (6/0)

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 6:18 p.m.

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 13, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOKA, FLORIDA.

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

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

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

OTHERS PRESENT: Charles Richardson, Mattie Stephens, David Evans, Shakenya Jackson, Rogers Beckett, Rodney Gadd, Todd Watson, Mohammed Abdallah, Teresa Sargeant and Sam Sebaali

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

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

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – FUTURE LAND USE - BECKWOOD REAL ESTATE DEVELOPMENT LLC - Chairperson Greene stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the change of Future Land Use Designation from “County” Low Density Residential (0-4 du/ac) to “City” Low Density Residential (0-5 du/ac), subject to the findings of the Staff Report for the property owned by Beckwood Real Estate Development LLC and located north of West 12th Street and east of South Hawthorne Avenue.

Staff Presentation – Phil Martinez, Planner II, stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the change of Future Land Use Designation from “County” Low Density Residential (0-4 du/ac) to “City” Low Density Residential (0-5 du/ac), subject to the findings of the Staff Report for the property owned by Beckwood Real Estate Development LLC and located north of West 12th Street and east of South Hawthorne Avenue. The existing use is a single-family home. The current zoning is “County” R-3 (Multiple-Family Dwelling District. The maximum allowable development is 2 dwelling units. The tract size is 0.41 +/- acre.

The subject property was annexed into the City on September 16, 2020 by Ordinance Number 2785. The proposed “Low Density Residential” Future Land Use is compatible with the property due to the “Low Density Residential” Future Land Use being found in the vicinity. This application is being processed simultaneously with an application to rezone the subject property from “County” R-3 (Multiple-Family Dwelling District) to “City” RSF-1B (Residential Single-Family District – Large Lot).

The proposed Future Land Use designation, “Low Density Residential”, is consistent with the proposed zoning designation, (RSF-1B, Residential Single-Family District – Large Lot). Site development cannot exceed the density allowed by the Future Land Use policies. Planning & Zoning staff determines that

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 13, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

the below Comprehensive Plan policies support a “Low Density Residential” designation at the subject site:

Future Land Use Element - Policy 3.1.e - Low Density Residential - The primary use shall be residential dwelling units up to 5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- 1) Institutional uses of five acres or less
- 2) Supporting infrastructure and public facilities of five acres or more
- 3) Horticultural nurseries as a primary use; Planned Development uses may include:
 - (1) All primary uses
 - (2) All special exception uses
 - (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
 - (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

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

The 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 9, 2020.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of “Low Density Residential” for the property owned by Beckwood Real Estate Development LLC and located north of W. 12th Street and east of S. Hawthorne Avenue.

Staff recommended the Planning Commission find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the change of Future Land Use Designation from “County” Low Density Residential to “City” Low Density Residential, subject to the findings of the Staff Report for the property owned by Beckwood Real Estate Development LLC and located north of West 12th Street and east of South Hawthorne Avenue.

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

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

MOTION: Howard Washington made a motion to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the change of Future Land Use Designation from “County” Low Density Residential (0-4 du/ac) to “City” Low Density Residential (0-5 du/ac), subject to the findings of the Staff Report for the property owned by Beckwood Real Estate Development LLC and located north of West 12th Street and east of South Hawthorne Avenue. Motion seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).

LEGISLATIVE – CHANGE OF ZONING - BECKWOOD REAL ESTATE DEVELOPMENT LLC - Chairperson Greene stated this is a request to find the proposed Change of Zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the proposed Change of Zoning from “County” R-3 (Multiple-Family Dwelling District) to “City” RSF-1B (Residential Single-Family District – Large Lot) for the property owned by Beckwood Real Estate Development LLC and located north of W. 12th Street and east of S. Hawthorne Avenue.

Staff Presentation – Phil Martinez, Planner II, stated this is a request to find the proposed Change of Zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the proposed Change of Zoning from “County” R-3 (Multiple-Family Dwelling District) to “City” RSF-1B (Residential Single-Family District – Large Lot) for the property owned by Beckwood Real Estate Development LLC and located north of W. 12th Street and east of S. Hawthorne Avenue. The existing use is a single-family home. The current zoning is “County” R-3 (Multiple-Family Dwelling District). The maximum allowable development is 2 dwelling units. The tract size is 0.41 +/- acre.

The subject property was annexed into the City on September 16, 2020 by Ordinance Number 2785. The proposed RSF-1B zoning is compatible with the property due to the RSF-1B zoning being found in the vicinity. This application is being processed simultaneously with an application for a Small-Scale Future Land Use Amendment from “County” Low Density Residential to “City” Low Density Residential.

The proposed RSF-1B (Single Family Residential District – Large Lot) zoning is consistent with the proposed Low Density Residential (0-5 Dwelling Units per Acre) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from “County” R-3 (Multiple-Family Dwelling District) to “City” RSF-1B (Residential Single-Family District – Large Lot) for the property owned by Beckwood Real Estate Development LLC and located north of W. 12th Street and east of S. Hawthorne Avenue.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from “County” R-3 (Multiple-Family Dwelling District) to “City” RSF-1B (Residential Single-Family District – Large Lot) for the property owned by Beckwood Real Estate Development LLC and located north of W. 12th Street and east of S. Hawthorne Avenue.

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

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

MOTION: William Gusler made a motion to find the proposed Change of Zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and recommend approval of the proposed Change of Zoning from “County” R-3 (Multiple-Family Dwelling District) to “City” RSF-1B (Residential Single-Family District – Large Lot) for the property owned by Beckwood Real Estate Development LLC and located north of West 12th Street and east of South Hawthorne Avenue. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).

LEGISLATIVE - FIVE-YEAR CAPITAL IMPROVEMENTS PLAN – AMENDMENT – Chairperson Greene stated this was a request to find the proposed amendment of the Apopka Five-Year Capital Improvements to add recreation improvement, and incorporating it into the City of Apopka Comprehensive Plan Capital Improvements Element.

Staff Presentation: Brian Forman, Parks and Recreation Director, stated this was a request to find the proposed amendment of the Apopka Five-Year Capital Improvements to add recreation improvement, and incorporating it into the City of Apopka Comprehensive Plan Capital Improvements Element.

The City desires to add recreational facilities at the city-owned vacant property off of Harmon Road (proposed name) to accommodate the addition of a new park on the south side of the city. To fund these recreation improvements, the City proposes to apply for available grant funds sponsored by the Florida Department of Environmental Protection. Eligibility requirements for the grant program require that the proposed recreation improvement must be recognized within the City’s capital improvement program (CIP) established in the Comprehensive Plan. Further, the City must proceed expeditiously at this time to meet grant application deadlines. Hence, the proposed update to the five-year CIP of the Comprehensive Plan at this time only addresses the new recreation improvements at Kit Land Nelson Park and at Northwest Recreation Complex. After the Fiscal year 2020-2021 budget has been approved by City Council, staff will conduct an annual update of the five-year CIP to address necessary levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development. Typically, the five-year CIP within the Comprehensive Plan addresses the infrastructure needs related to transportation, water, sewer, reclaimed water, stormwater management, and recreation. Exhibit ‘A’ of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element. The proposed CIP

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changes (additions) are included in the ‘General Fund’ and ‘FDEP Grant Fund’ sections of the Recreation CIP (shown in Exhibit ‘A’). Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP by ordinance, and is not considered a comprehensive plan policy amendment. Therefore, incorporation of the updated CIP into the Capital Improvements Element does not require transmittal to the Florida Department of Economic Opportunity for state agency review.

Staff recommends the Planning Commission find the proposed amendment of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan, recommend approval of the Five-Year Capital Improvements Plan amendment and the incorporation into the Capital Improvements Element of the Comprehensive Plan.

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

MOTION: Butch Stanley made a motion to find the proposed amendment of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan, recommend approval of the Five-Year Capital Improvements Plan amendment and the incorporation into the Capital Improvements Element of the Comprehensive Plan. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).

LEGISLATIVE – LAND DEVELOPMENT CODE – GLITCH AMENDMENTS – Chairperson Greene stated this was a request to recommend approval of the Glitch Amendments to the Land Development Code.

Staff Presentation: James Hitt, FRA-RA – Community Development Director - stated this was a request to recommend approval of the Glitch Amendments to the Land Development Code.

On December 11, 2018, the Planning Commission recommended adoption to the City Council of the update to the Land Development Code. On March 6, 2019, the Apopka City Council formally adopted Ordinance No. 2700 approving the update for the Land Development Code (LDC). The Planning Commission recommended approval of two previous “Glitch” amendments to update, clarify and amend the content of the LDC. On January 15, 2020, the City Council adopted Ord. No. 2745 for the first set of amendments, and on July 15, 2020, the City Council adopted Ord. No. 2775 for the second set of amendments. This request is for the third set of amendments that staff has identified to help with those clarifications. The amendments effects five of the 10 Articles and Appendix A – Kelly Park Interchange Form-Based Code, and about 12 Sections within those Articles and Appendix A. Because of the length of each section and sub-section being recommended for amendments, staff provided a Glitch Amendment #3 Summary List and the full Ordinance No. 2805 for reference.

The approval process timeline:

- Planning Commission ~ October 13, 2020 at 5:30 PM
- City Council ~ 1st Reading, November 4, 2020 at 1:30 PM
- City Council ~ 2nd Reading/Adoption, November 18, 2020 at 7:00 PM

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

MOTION: Linda Laurendeau made a motion to recommend approval of the Glitch Amendments to the Land Development Code. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).

LEGISLATIVE – PLAT – AVIAN POINTE - Chairperson Greene stated this is a request to find the Avian Pointe Plat consistent with the Land Development Code and PD Master Plan; and recommend approval of the Avian Pointe Plat for the property owned by Apopka Clear Lake Investments, LLC, and located east of SR 429, south of Peterson Road, and west of South Binion Road.

Staff Presentation – Bobby Howell, AICP, Planning Manager, stated this is a request to find the Avian Pointe Plat consistent with the Land Development Code and PD Master Plan; and recommend approval of the Avian Pointe Plat for the property owned by Apopka Clear Lake Investments, LLC, and located east of SR 429, south of Peterson Road, and west of South Binion Road. The applicant is NV5, Inc., c/o John Herbert, P.E. The existing use is vacant land. The proposed development is 56 single family homes and 118 townhome units. The Future Land Use is Residential Low (0-5 du/ac) and Residential Medium (0-10 du/ac). The current zoning is PD (Planned Development). The tract size is 128.09 acres +/-.

The Avian Pointe PD, which is located south of Peterson Road and west of SR 429 allows for the development of 758 residential units consisting of single-family, townhomes, and apartment units. Additional uses within the PD includes a shared use recreation area, and a flex use parcel consisting of either a school or daycare facility, senior housing facility, or a 100-room boutique hotel. Consistent with the approved PD Master Plan, two story townhomes in six- and eight-unit buildings with a minimum living area of 1,350 square feet, and one car garages are provided in the development.

The applicant has submitted a Plat for consideration which plats 56 single-family units and 118 townhome units on an estimated 128.09 acres. The remainder of the PD, with the exception of the recreation tract are platted as future development tracts. Additionally, the plat dedicates the right-of-way of Grand Avian Parkway, the north-south spine road which connects Lust Road to Peterson Road, to the public, and internal alleyways and streets as private roadways to the master homeowner's association. Development is subject to the standards and conditions set forth in PD Ordinance No. 2671 which was adopted on September 19, 2018.

The subdivision will be accessed via Grand Avian Parkway. Grand Avian Parkway is the spine road that is detailed within the Avian Pointe PD that connects Lust Road to Peterson Road and will allow road access to all proposed developments within the PD.

Stormwater is proposed to be discharged into Tracts SW-1, SW-2, SW-3, SW-4, SW-5, and SW-6 which will be owned and maintained by the homeowner's association.

Consistent with the approved PD Master Plan, a community park and recreation area will be provided on Tract B4 that will be owned and maintained by the master Avian Pointe homeowner's association. Included within the recreation facility is a tot lot, restrooms, basketball courts, multi-purpose sports field, and parking area. This facility is accessible to all residents within the PD and will be accessed via Grand

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Avian Parkway. A pool and clubhouse are proposed to be constructed on Tract R-1 that is owned and maintained by the homeowner's association.

The applicant has obtained a Capacity Encumbrance Letter (CEL) from Orange County Public Schools (OCPS) which indicates there is school capacity for the development. The property is zoned for the following schools: Zellwood Elementary, Wolf Lake Middle, and Wekiva High.

Orange County was notified at the time of the subdivision plan and plat submittal for this property through the DRC agenda distribution.

The Development Review Committee finds the plat to be consistent with the PD Master Plan and recommends approval of the Avian Pointe Plat.

Staff recommended the Planning Commission find the Plat consistent with the Land Development Code and PD Master Plan and recommend approval of the Avian Pointe Plat.

The role of the Planning Commission is to advise the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code and PD Master Plan.

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 the Avian Pointe Plat consistent with the Land Development Code and PD Master Plan; and recommend approval of the Avian Pointe Plat for the property owned by Apopka Clear Lake Investments, LLC, and located east of SR 429, south of Peterson Road, and west of South Binion Road. Motion seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – LIST INDUSTRIES - Chairperson Greene stated this is a request to find the List Industries Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by List Apopka II, LLC c/o Herbert A. List, Jr., and located at 2983 West Orange Avenue.

Staff Presentation – Jean Sanchez, Planner II, stated this is a request to find the List Industries Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by List Apopka II, LLC, c/o Herbert A. List, Jr., and located at 2983 West Orange Avenue. The engineer is Gadd & Associates, LLC, c/o Rodney A. Gadd, P.E. The Future Land Use is Industrial (Maximum of 0.60 Floor Area Ratio) and the zoning is I-L (Light Industrial) Zoning District. The existing and proposed use is a Warehouse. The tract size is 6.77 +/- and a proposed FAR of 0.31.

The List Industries Major Development Plan proposes a development of 82,735 square feet of warehouse to replace existing buildings onsite. The warehouse use and user will remain the same. The minimum

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setbacks applicable to this project are as follows: Setback Min. Standard Front 10' Side 10' Rear 10' Corner 15'

Ingress/egress access points for the development will be via full access onto Orange Avenue. The City has requested and it is the applicant's intent to pursue a realignment to General Electric Road to achieve a better approach angle at the Orange Avenue and General Electric Road intersection.

A mixture of Crepe Myrtle, Japanese Privet and Wax Myrtles are proposed on the western and southern boundaries, along Orange Avenue. Little Gem Magnolia and understory trees embellish the landscaped parking islands.

The County was notified through the DRC agenda distribution.

The Development Review Committee recommends approval of the List Industries Major Development Plan subject to the findings of the staff report. Recommended Motion: Find the List Industries Major Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Major Development Plan, subject to the findings of the staff report.

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

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

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

MOTION: **Howard Washington made a motion to find the List Industries Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by List Apopka II, LLC c/o Herbert A. List, Jr., and located at 2983 West Orange Avenue. Motion seconded by Butch Stanley. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).**

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – OAK POINTE NORTH APARTMENTS
- Chairperson Greene stated this is a request to find the Oak Pointe North Apartments Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by Thompson Hills Estates, LLC, and located at 2901 Ocoee Apopka Road (a.k.a. Tract “A” Oak Pointe North).

Staff Presentation – Bobby Howell, AICP, Planning Manager, stated this is a request to find the Oak Pointe North Apartments Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by Thompson Hills Estates, LLC, and located at 2901 Ocoee Apopka Road (a.k.a. Tract “A” Oak Pointe North). The applicant is Evans Engineering Inc., c/o David Evans, P.E. The Future Land Use is Mixed Use and the current zoning is MU-ES-GT (Mixed Use-East Shore-Gateway). The existing use is Vacant

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land. The proposed development is 240 apartment units. The tract size is 16 acres +/- . The applicable code is the 2019 Land Development Code.

The applicant has submitted a Major Development Plan for a 240-unit apartment complex in 8, 3-story buildings that will be developed in one phase. The subject property is located on Tract “A” of the Oak Pointe North subdivision and is approximately 16 acres in size. The subject property is zoned Mixed-Use East Shore Gateway (MU-ES-GT). The intent of the MU-ES-GT zoning district is to provide uses that are more suburban in character but are developed in a more walkable and pedestrian friendly form. Sub district streets are well connected and support multiple modes of mobility. A range of uses are permitted within the MU-ES-GT including multi-family, retail, light industrial, gas stations and large-scale retail development when outparcels frame the street.

One access point that is located on the northern portion of the site and one exit only gate that is located on the southern portion of the site leading into the site are located along Tract “G” of the Oak Pointe North subdivision. Tract “G” is a right-of-way section ranging between 60-feet and 80-feet in width which is the future road connection to the Oak Pointe residential subdivision located to the south. A 12-foot bicycle trail will be constructed on the east side of the spine road that is proposed to connect to the planned trail network in the surrounding area. The entrance to the main parking area of the apartment units is gated.

A total of 423 parking spaces are provided on site, while 306 are required to be provided for the apartment use. Of the 423 parking spaces, 10 are accessible parking spaces. Pursuant to Policy 16.2 of the Future Land Use Element of the Comprehensive Plan, 20-percent of the parking spaces, or 61 parking spaces consist of pervious material. In addition, 12 short term and 60 long term bicycle parking spaces are provided on site. Per the requirements of the Land Development Code, the long-term bicycle parking spaces will be provided in garage spaces located on the southern and northeastern corners of the site. Stormwater will be discharged into Tract F, the master stormwater retention pond for the Oak Pointe North subdivision.

Landscaping will be provided around the perimeter of the site, within the site, and adjacent to the front and sides of the buildings. Landscape materials including Magnolia, Live Oak, Red Maple, Crepe Myrtle and Viburnum are proposed. These materials are consistent with the requirements of the Land Development Code. Per the requirements of the Land Development Code, 10-percent of the site is required to be reserved as open space. The applicant is reserving 15.9-percent of the site as open space. A clubhouse and pool will be provided in Building 1, which is located adjacent to the main point of access along the road noted as Tract “G”. The remaining open space areas will be located within the required landscaping areas that are provided on site.

A traffic impact analysis (TIA) was submitted to support this project. The project trip generation is estimated to be 2,244 daily and 159 P.M. peak hour net new trips. The addition of the project traffic to the roadway network is not expected to cause any roadways or intersections to fall below their adopted levels of service.

A right and left turn lane is required at the entrance on Ocoee Apopka Road per the City’s Land Development Code and included as a condition of approval. The left turn lane overlaps with the left turn lane required for the Western Beltway project located on the west side of Ocoee Apopka Road adjacent

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to the northern property line of Oak Point North. The developer has agreed to coordinate turn lane design plans with the Western Beltway project to ensure these left turn lanes adequately serve both projects.

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

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

Staff recommended the Planning Commission recommend approval of the Major Development Plan for the Oak Pointe North Apartments.

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

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

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

MOTION: Linda Laurendeau made a motion to find the Oak Pointe North Apartments Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by Thompson Hills Estates, LLC, and located at 2901 Ocoee Apopka Road (a.k.a. Tract "A" Oak Pointe North). Motion seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – WESTERN BELTWAY PARK - Chairperson Greene stated this is a request to find the Western Beltway Park Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by Daryl M. Carter Trustee and located at 2550 Ocoee Apopka Road.

Staff Presentation – Bobby Howell, AICP, Planning Manager, stated this is a request to find the Western Beltway Park Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by Daryl M. Carter Trustee and located at 2550 Ocoee Apopka Road. The applicant is Florida Engineering Group, c/o Sam Sebaali, P.E. The Future Land Use is Industrial and the zoning is I-L (Light Industrial). The existing use is vacant land and the proposed development is 2 warehouse buildings totaling 189,000 square feet. The tract size is 18.08 acres +/- . The applicable code is the 2019 Land Development Code.

The applicant has submitted a Major Development Plan for two warehouse buildings totaling 189,000 square feet in area that will be developed in one phase. The subject property is located at 2550 Ocoee-Apopka Road and is approximately 18.08 acres in size. The site is designed in accordance with the requirements of the Land Development Code, except for the maximum allowable building height of

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 13, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

which is 40-feet. A variance was obtained by the applicant from the Planning Commission on August 11, 2020 to allow a maximum allowable building height of 40-feet on the subject property.

The site will be accessed via Ocoee-Apopka Road via two full access points which are located adjacent to the northern property line and approximately in the center of the site. Right and left turn lanes will be constructed leading into the site at both access points. Both access points will lead into the main parking area which is located in front of the proposed buildings, and a truck loading/parking area that is located in the rear of the site. A total of 255 parking spaces are provided on site. Of the 255 parking spaces, 10 are accessible parking spaces. Pursuant to Policy 16.2 of the Future Land Use Element of the Comprehensive Plan, 22-percent of the parking spaces provided consist of pervious material. The applicant has reserved an area ranging in width between 14-feet and 30-feet along the portion of the property abutting Ocoee-Apopka Road for future right-of-way needs at such time Orange County deems it necessary to acquire right-of-way for the future widening of Ocoee-Apopka Road. Stormwater retention ponds are proposed to be located on the northwestern and southern portion of the site.

The site is heavily wooded. A tree mitigation payment will be required to be paid for trees that are removed as part of development of the site. A 0.09-acre wetland area that is located in the southwest corner of Building 1 is proposed for removal. Policy 3.6 of the Conservation Element of the Comprehensive Plan requires St. Johns River Water Management District authorization of any proposed encroachment into a wetland. According to the applicant, mitigation will be provided through the purchase of mitigation banking credits at an approved mitigation bank in accordance with the conditions of the St. Johns River Water Management District Environmental Resource Permit. 8.4-percent of the site is reserved as open space, while the Land Development Code requires a minimum of 5-percent open space for properties zoned I-L (Light Industrial). Gopher Tortoise burrows have been located on site. The applicant will be required to provide copies of the necessary permits from the Florida Fish and Wildlife Commission (FFWC) prior to the approval of a Site Construction Permit. The Gopher Tortoises will be relocated to an approved FFWC recipient site.

The applicant is provided a 15-foot wide landscape buffer along Ocoee-Apopka Road and along the northern property line. Landscaping will be provided around the perimeter of the site, within the site, and adjacent to the front and sides of the buildings. Landscape materials including Magnolia, Live Oak, Elm, Crepe Myrtle and Viburnum are proposed. These materials are consistent with the requirements of the Land Development Code.

A traffic impact analysis (TIA) was submitted to support this project. The project trip generation is estimated to be 344 daily and 36 P.M. peak hour net new trips. The addition of the project traffic to the roadway network is not expected to cause any roadways or intersections to fall below their adopted levels of service. Two full access point will serve the development and right and left turn lanes are required at each entrance per the City's Land Development Code and included as a condition of approval. The left turn lane for the southern entrance overlaps with the left turn lane required for Oak Point North located on the east side of Ocoee Apopka Road adjacent to the southern property line of the Western Beltway project. The developer has agreed to coordinate turn lane design plans with the Oak Point North project to ensure these left turn lanes adequately serve both projects.

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

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 13, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

The Development Review Committee finds the Major Development Plan consistent with the Land Development Code. Recommended Motion: Recommend approval of the Major Development Plan for Western Beltway Park.

The role of the Planning Commission advises the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code.

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

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

MOTION: William Gusler made a motion to find the Western Beltway Park Major Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Major Development Plan for the property owned by Daryl M. Carter Trustee and located at 2550 Ocoee Apopka Road. Motion seconded by Butch Stanley. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Robert Ryan, Butch Stanley, and Howard Washington (6-0).

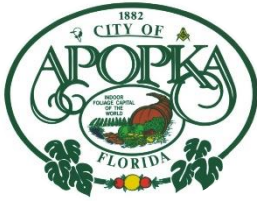
OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting adjourned at 6:20 p.m.

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director



CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE
AMENDMENT – SANDRONI

REQUEST: COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE
AMENDMENT – SANDRONI
FROM: “COUNTY” RURAL (1 DU/10AC)
TO: “CITY” INDUSTRIAL (Max. 0.6 FAR)

SUMMARY:

OWNER: Sandroni Joseph L Estate
APPLICANT: Cadence Partners LLC
LOCATION: North of Ocoee Apopka Road and East of S.R. 451
PARCEL ID NUMBER: 16-21-28-0000-00-238
EXISTING USE: Vacant
CURRENT ZONING: T (Transitional District)
TRACT SIZE: 8.76 +/- acres
MAXIMUM ALLOWABLE
DEVELOPMENT: EXISTING: 1 Dwelling Unit
PROPOSED: 228,951 non-residential sq. ft. +/-

RECOMMENDED ACTION:

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

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

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

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

Future Land Use Element

Policy 3.1.e

Industrial

The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be .60.

Planned Unit Development uses may include:

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

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 17, 2020.

PUBLIC HEARING SCHEDULE:

November 10, 2020 – Planning Commission (5:30 pm)

December 2, 2020 – City Council (1:30 pm) – 1st Reading

December 16, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

October 30, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

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

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

PLANNING COMMISSION – NOVEMBER 10, 2020
SANDRONI – FUTURE LAND USE AMENDMENT
PAGE 3

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-L	Vacant
East (City)	Industrial	I-L	Warehousing/Storage
South (City)	Industrial	I-L	Farm
West (City)	Industrial	I-L	Vacant

II. LAND USE ANALYSIS

The subject property is currently vacant, future development must comply with the Industrial future land use designation & be consistent with the Comprehensive Plan policy listed above.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Rural to “City” Industrial (Maximum 0.6 Floor Area Ratio) is consistent with the terms of the JPA (Second Amendment). Sandroni Joseph L Estate is the property owner, and has been notified of the hearing schedule.

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

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

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

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

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Industrial (Maximum 0.6 Floor Area Ratio) Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:

ADOPTED: 1 Unit(s) x 2.659 p/h = 2 persons

PLANNING COMMISSION – NOVEMBER 10, 2020
SANDRONI – FUTURE LAND USE AMENDMENT
PAGE 5

PROPOSED: 228,951 non-residential sq. ft. +/-

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 162 GPD
3. Projected total demand under proposed designation: 20,606 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 90 GPD/1,000sf
7. Improvement/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; 174 GPD/Capita; 200 GPD/1,000sf

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

2. Projected total demand under existing designation: 348 GPD
3. Projected total demand under proposed designation: 45,790 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 174 GPD/Capita
6. Projected LOS under proposed designation: 200 GPD/1,000sf
7. Improvement/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area.

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

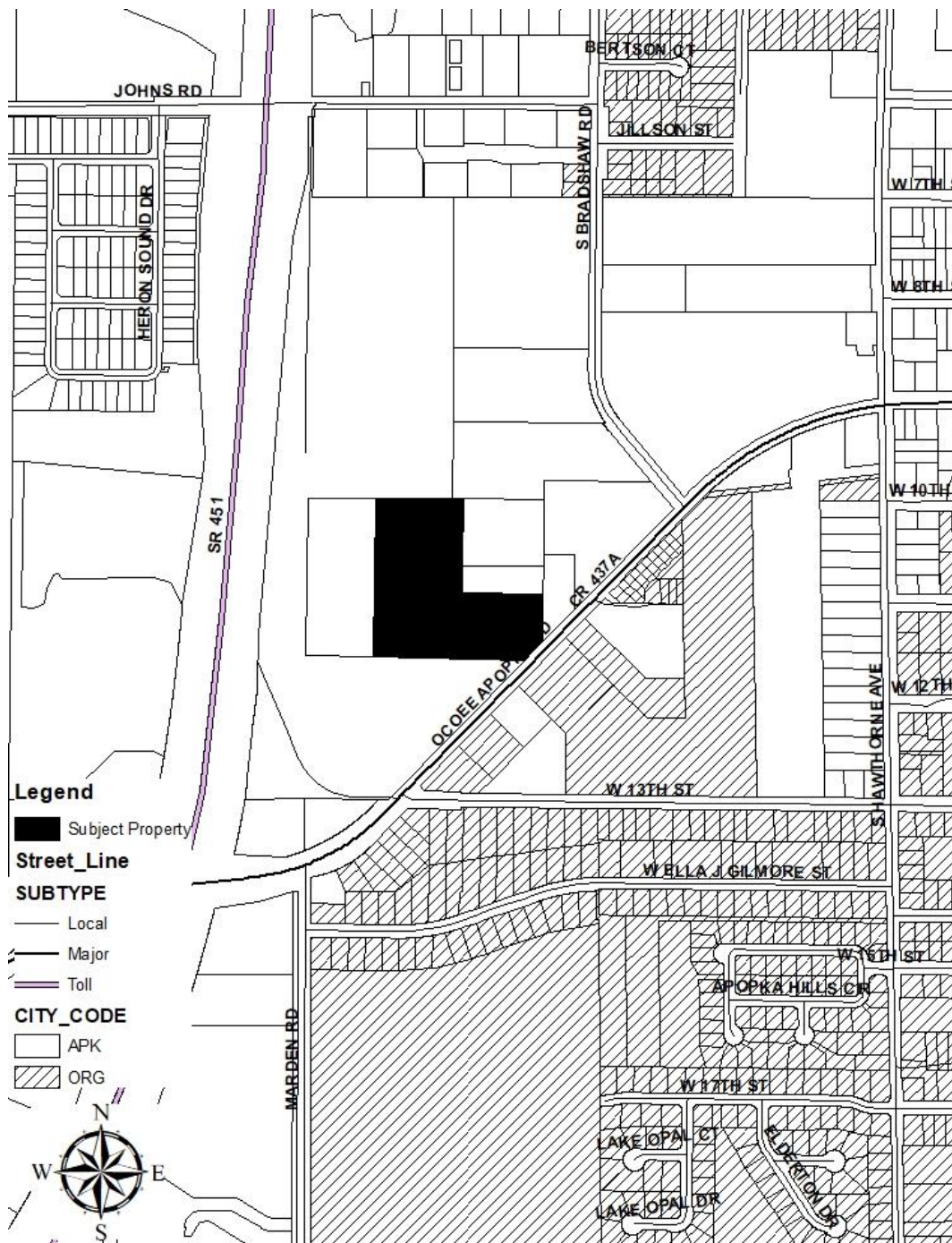
Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 0.015 acre / 1000 capita
2. Projected facility under existing designation: 0 acres
3. Projected facility under proposed designation: 0 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

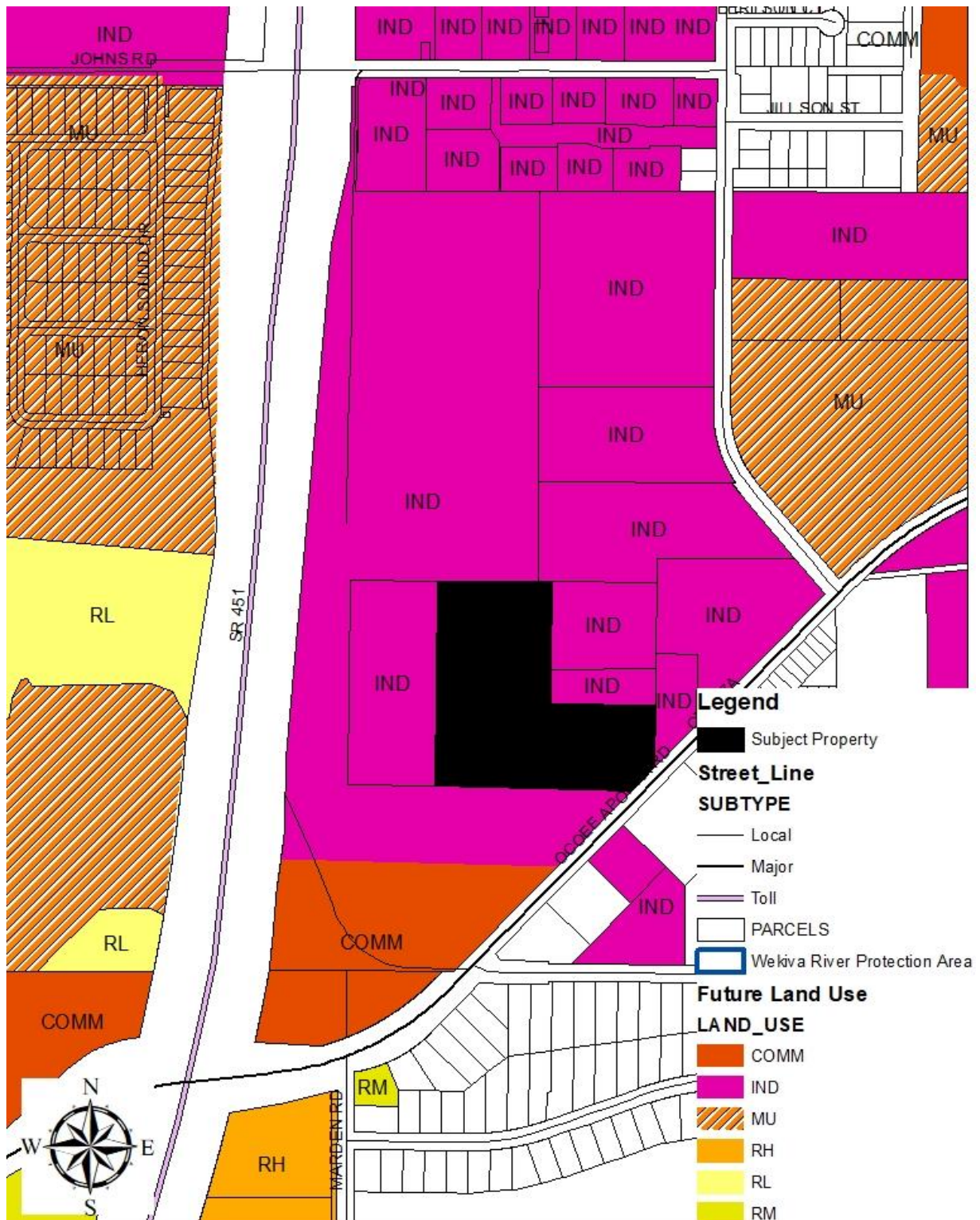


Sandroni Joseph L Estate
8.75 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: "County" Rural
To: "City" Industrial
Parcel ID #: 16-21-28-0000-00-238

VICINITY MAP



FUTURE LAND USE MAP



Legend

Subject Property

Street_Line

SUBTYPE

Local

Major

Toll

CITY_CODE

APK

ORG

Zoning

Zoning

C-C

I-L

MU-D

MU-ES-GT

PD

RMF

RSF-1B

RTF

Map Labels:

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HERON SOUND DR

SR 451

BERTSON CT

JILLSON ST

S BRADSHAW RD

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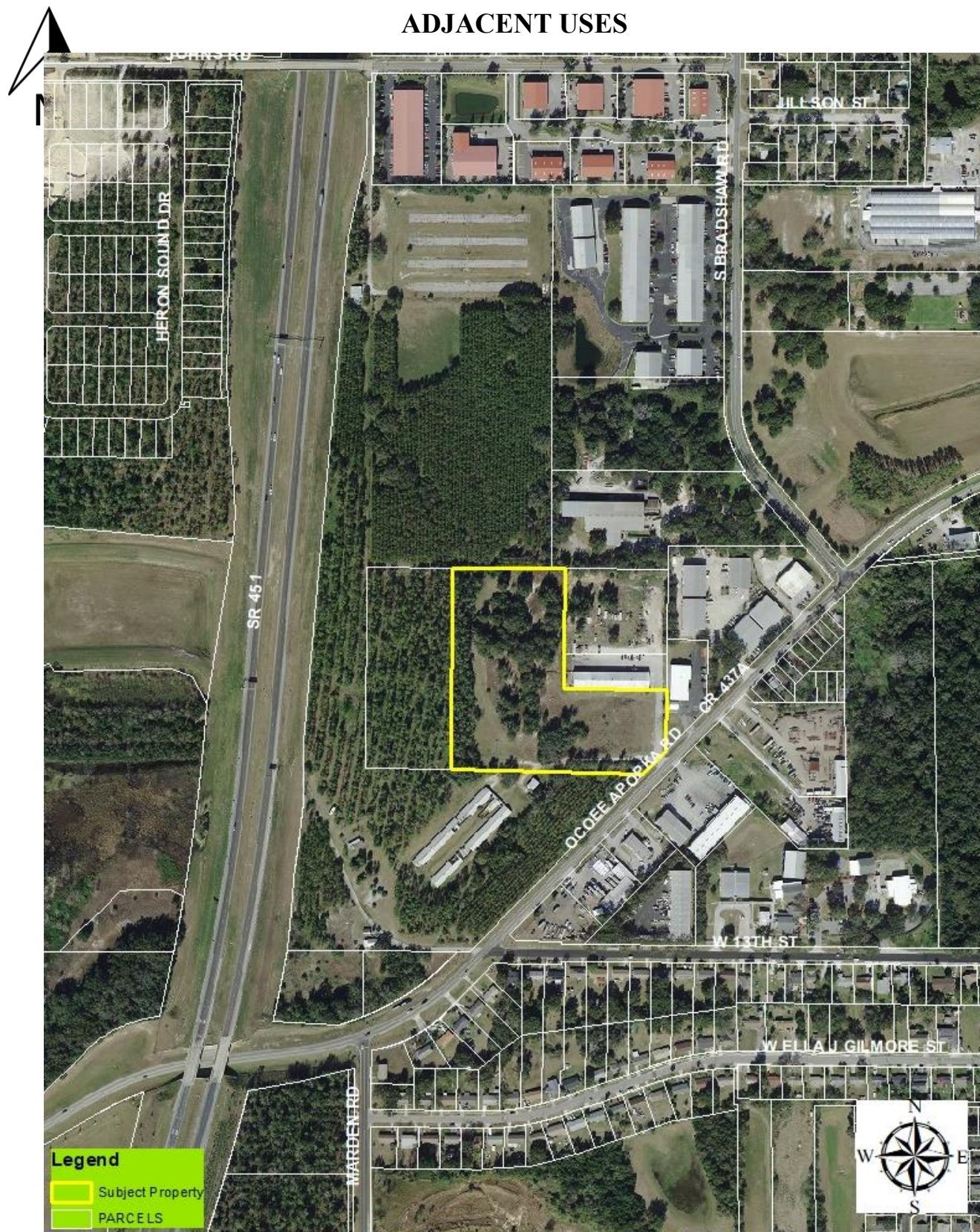
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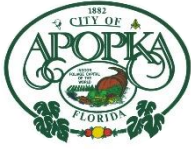
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ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – SANDRONI

REQUEST: CHANGE OF ZONING – SANDRONI
FROM: T (TRANSITIONAL DISTRICT)
TO: I-L (LIGHT INDUSTRIAL DISTRICT)

SUMMARY:

OWNER/APPLICANT: Sandroni Joseph L Estate
PARCEL ID NUMBER: 16-21-28-0000-00-238
LOCATION: North of Ocoee Apopka Road and East of S.R. 451
FUTURE LAND USE: “County” Rural (“City” Industrial is proposed)
EXISTING USE: Vacant
CURRENT ZONING: T (Transitional District)
PROPOSED ZONING: I-L (Light Industrial District)
TRACT SIZE: 8.76 +/- acres
MAXIMUM ALLOWABLE
DEVELOPMENT: EXISTING: 1 Dwelling Unit
PROPOSED: 228,951 non-residential sq. ft. +/-

RECOMMENDED ACTION:

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

DISTRIBUTION

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

PROJECT SUMMARY: The subject property was annexed into the City on October 7, 2020 by Ordinance No. 2788. The proposed I-L zoning is compatible with the property due to the I-L zoning being found in the vicinity. This application is being processed simultaneously with an application for a Small-Scale Future Land Use Amendment from “County” Low Density Rural to “City” Industrial.

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

PUBLIC HEARING SCHEDULE:

November 10, 2020 – Planning Commission (5:30 pm)

December 2, 2020 – City Council (1:30 pm) – 1st Reading

December 16, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

October 30, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

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

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-L	Vacant
East (City)	Industrial	I-L	Warehousing/Storage
South (City)	Industrial	I-L	Farm
West (City)	Industrial	I-L	Vacant

**LAND USE & TRAFFIC
COMPATIBILITY:**

The property is currently accessed from Ocoee Apopka Road.

**COMPREHENSIVE PLAN
COMPLIANCE:**

The proposed I-L zoning is consistent with the proposed Future Land Use designation, Industrial (Max. 0.6 Floor Area Ratio) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



Sandroni
8.76 +/- acres

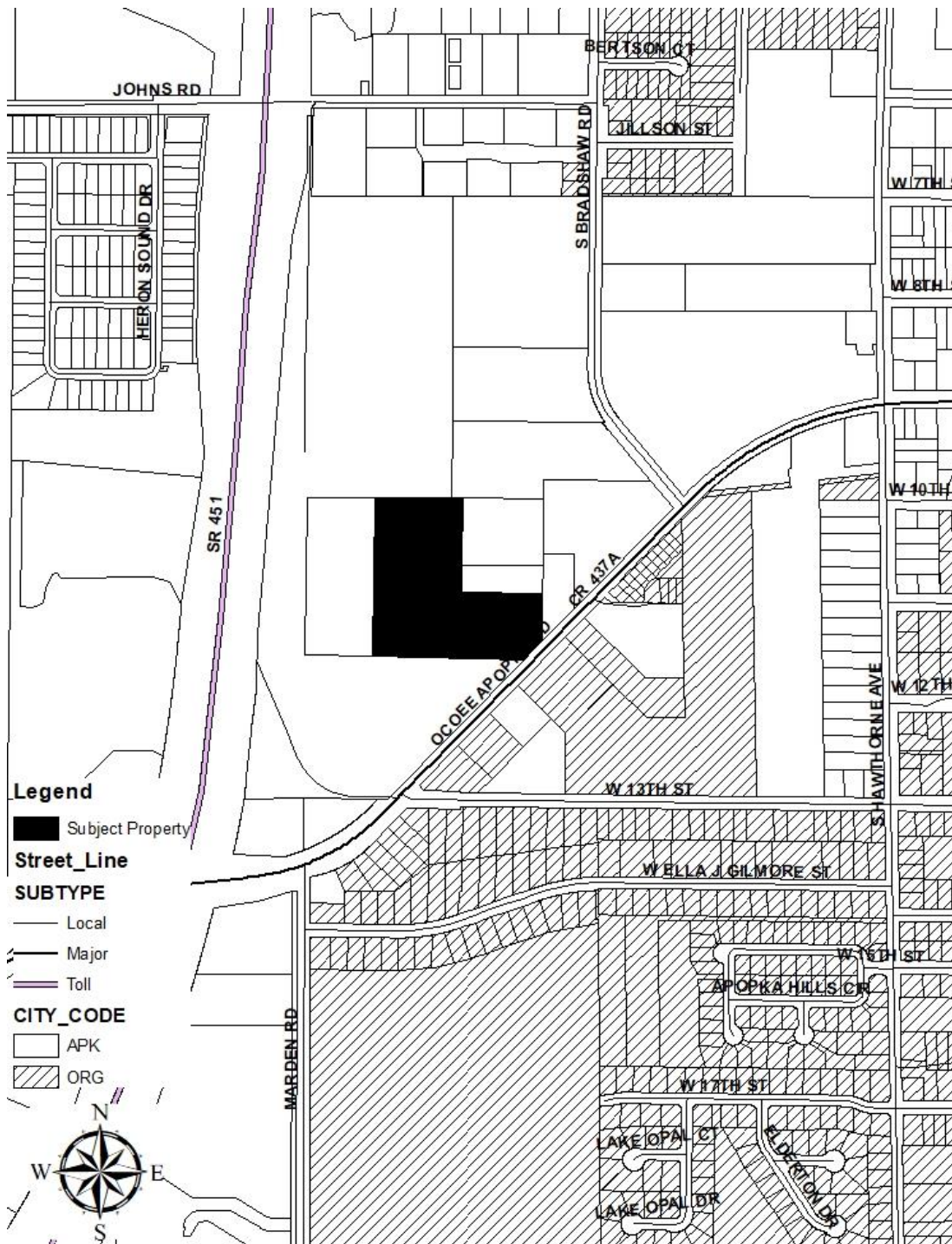
Rezoning:

From: T, Transitional District

To: I-L, Light Industrial District

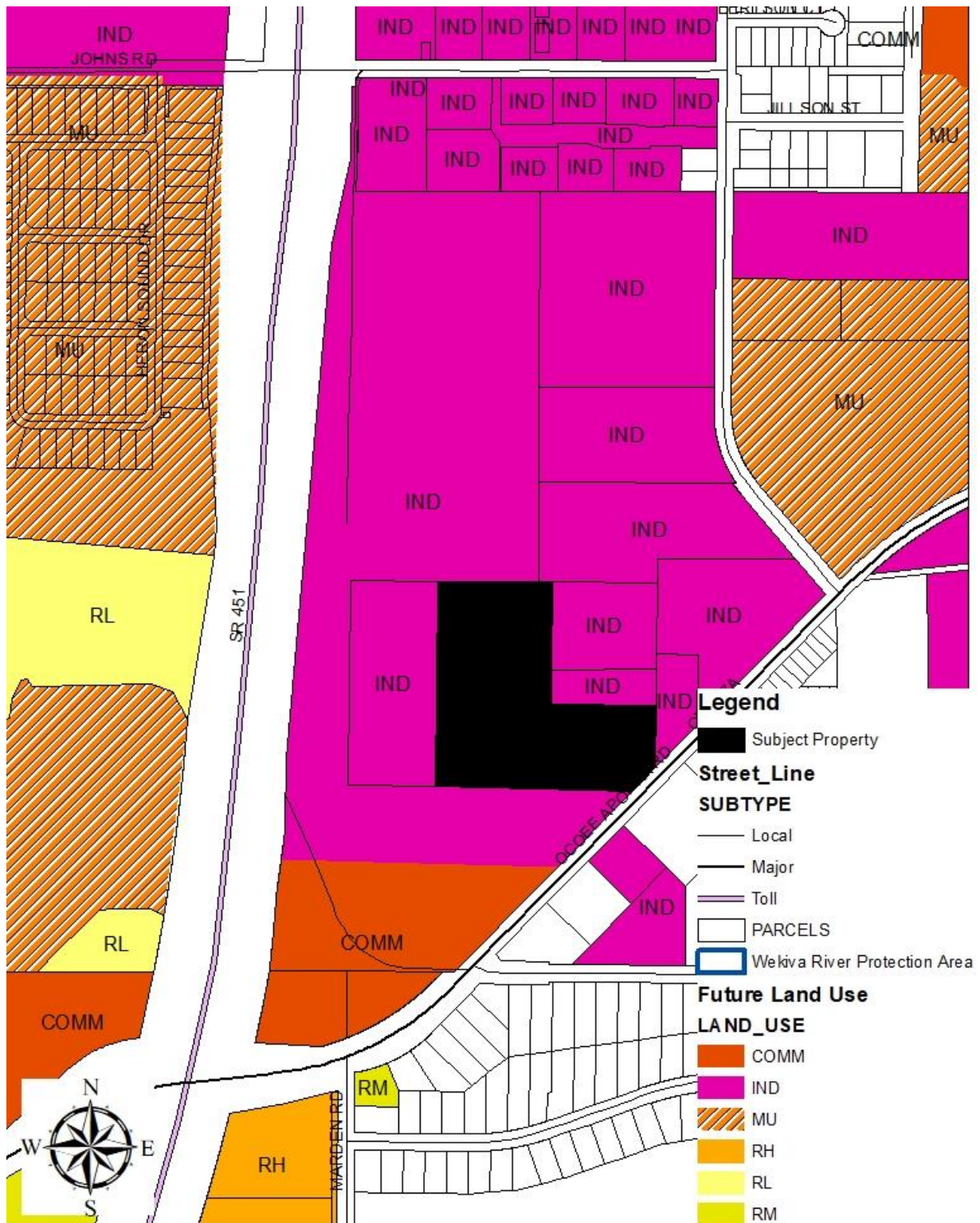
Parcel ID #: 16-21-28-0000-00-238

VICINITY MAP



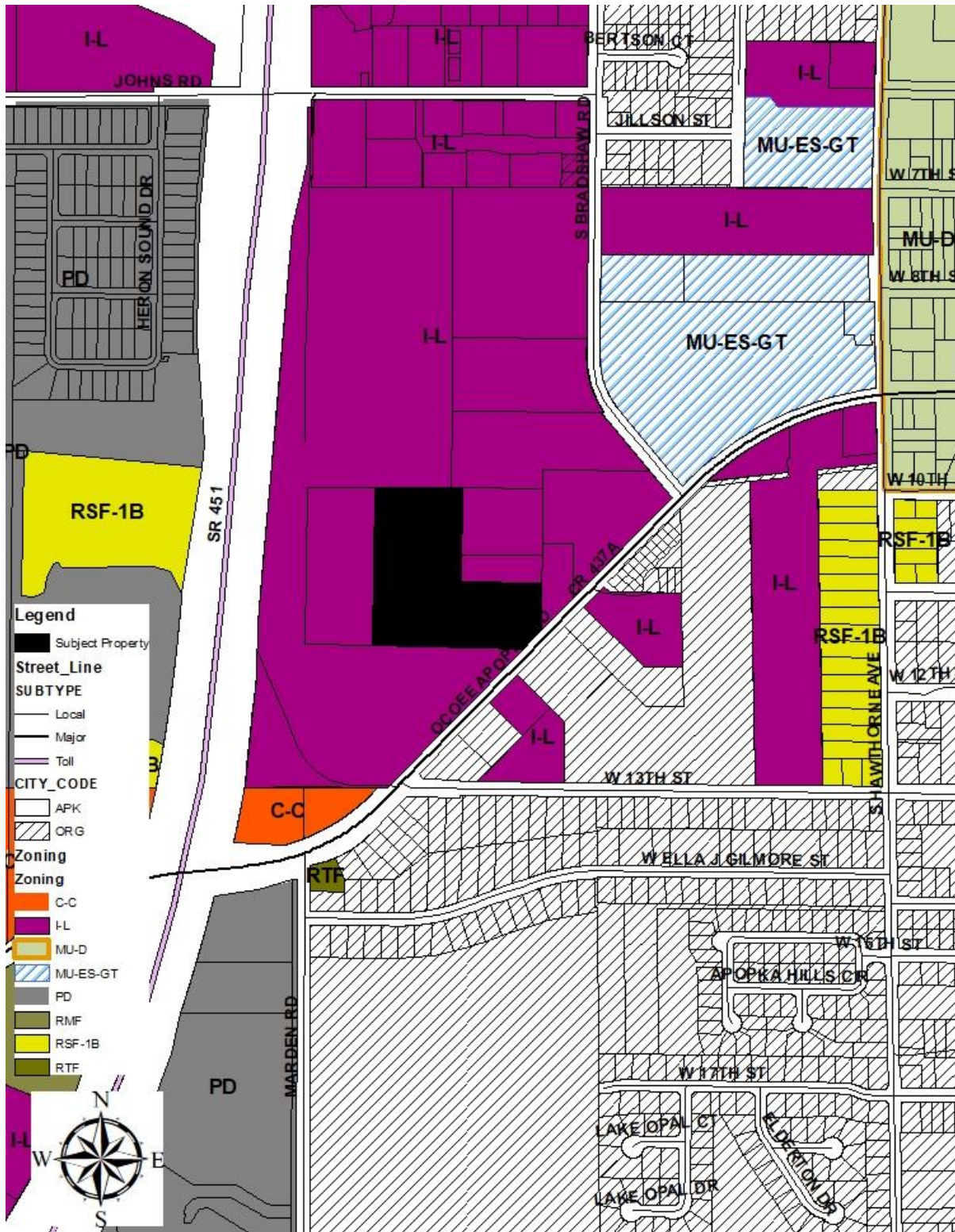


FUTURE LAND USE MAP



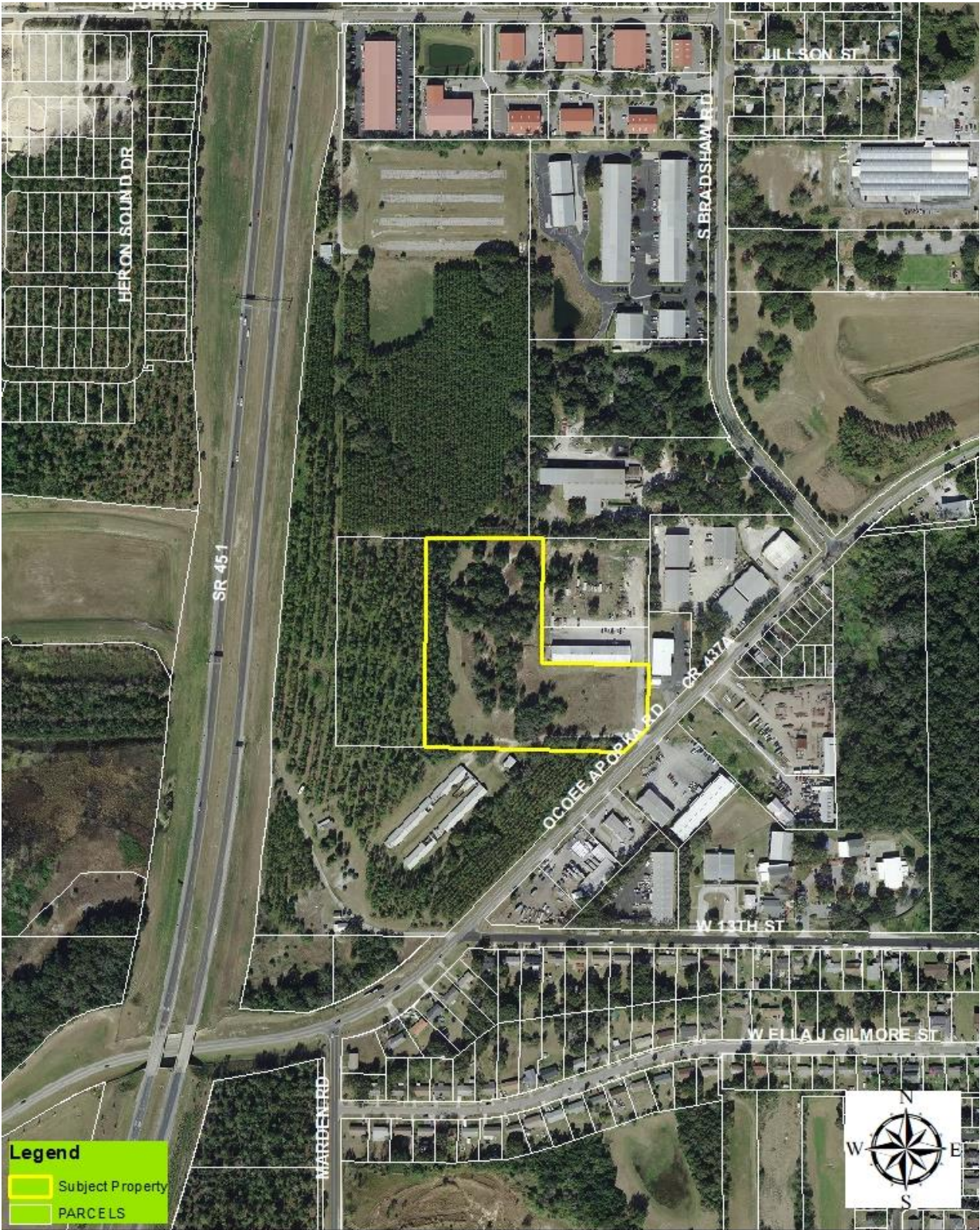


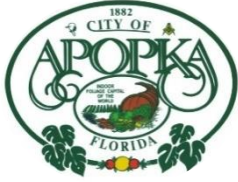
ADJACENT ZONING





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – MID-FLORIDA FREEZER PROPERTIES, LLC

REQUEST: RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – MID-FLORIDA FREEZER PROPERTIES LLC

FROM: “COUNTY” INDUSTRIAL AND “CITY” INDUSTRIAL
TO: “CITY” COMMERCIAL (MAX. 0.25 FAR)

SUMMARY:

OWNER: Mid-Florida Freezer Properties LLC

APPLICANT: Tara Tedrow

LOCATION: South of W. Orange Blossom Trail and West of Lake View Drive

PARCEL ID NUMBERS: 06-21-28-7180-07-031, 06-21-28-7180-07-010, 06-21-28-7180-07-100

EXISTING USE: Retail Store and Warehouse

CURRENT ZONING: “City” I-L and “County” IND-1/IND-5

TRACT SIZE: 4.88 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 65,078 non-residential sq. ft.
PROPOSED: 127,544 non-residential sq. ft.

RECOMMENDED ACTION:

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

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

PLANNING COMMISSION – NOVEMBER 10, 2020
MID-FLORIDA FREEZER – FUTURE LAND USE AMENDMENT
PAGE 2

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

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

Future Land Use Element

Policy 3.1.i Commercial

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

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

Special exception uses shall include:

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

Planned Unit Development uses may include:

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

PUBLIC HEARING SCHEDULE:

November 10, 2020 - Planning Commission (5:30 pm)

December 2, 2020 - City Council (1:30 pm) - 1st Reading

December 16, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

October 30, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

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

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

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Commercial	C-1	Service Station and Car Dealership
East (County)	Commercial and Medium Low Density Residential	C-1 and R-1	Commercial Store and Single-Family Homes
South (City)	Industrial	I-L	Vacant
West (City)	Industrial	I-L	Mid-Florida Freezer Warehouses

II. LAND USE ANALYSIS

The subject property is currently used for an industrial activity, future development must comply with the Commercial future land use designation and be consistent with the Comprehensive Plan policies listed above.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Industrial and “City” Industrial to “City” Commercial (Max. 0.25 FAR) is consistent with the terms of the JPA (Second Amendment). Mid-Florida Freezer Properties LLC is the property owner, and has been notified of the hearing schedule.

Transportation: Road access to the site is from W. Orange Blossom Trail and Lake View Drive.

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

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

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

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

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MID-FLORIDA FREEZER – FUTURE LAND USE AMENDMENT
PAGE 5

CALCULATIONS:

ADOPTED: 1 Unit(s) x 2.659 p/h = 2 persons

PROPOSED: 0 Unit(s) x 2.659 p/h = 0 persons (25,700 non-residential sq. ft.)

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

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. As the property is less than 10 acres, this study is not required.

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 162 GPD
3. Projected total demand under proposed designation: 2,313 GPD
4. Capacity available: TBD
5. Projected LOS under existing designation: 81 GPD / Capita
6. Projected LOS under proposed designation: 90 GPD/1,000 sf
7. Improved/expansions already programmed or needed as a result if proposed amendment: TBD

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 348 GPD
3. Projected total demand under proposed designation: 5,140 GPD

PLANNING COMMISSION – NOVEMBER 10, 2020
MID-FLORIDA FREEZER – FUTURE LAND USE AMENDMENT
PAGE 6

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

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

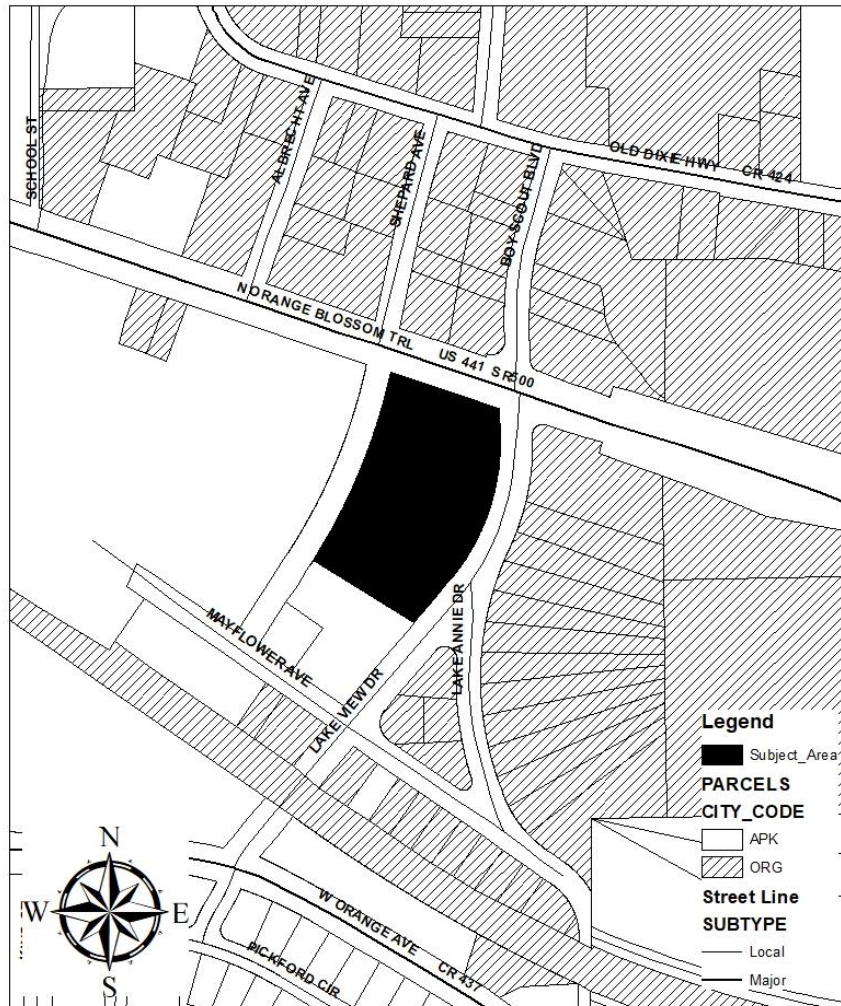
1. Facilities serving the site:
2. Projected LOS under existing designation:
3. Projected LOS under proposed designation:
4. Improvement/expansion: On site retention / detention ponds

Recreation – Not applicable

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

Mid-Florida Freezer Properties LLC
2.36 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: “County” Industrial and “City” Industrial
To: “City” Commercial
Parcel ID #: 06-21-28-7180-07-031 and 06-21-28-7180-07-010

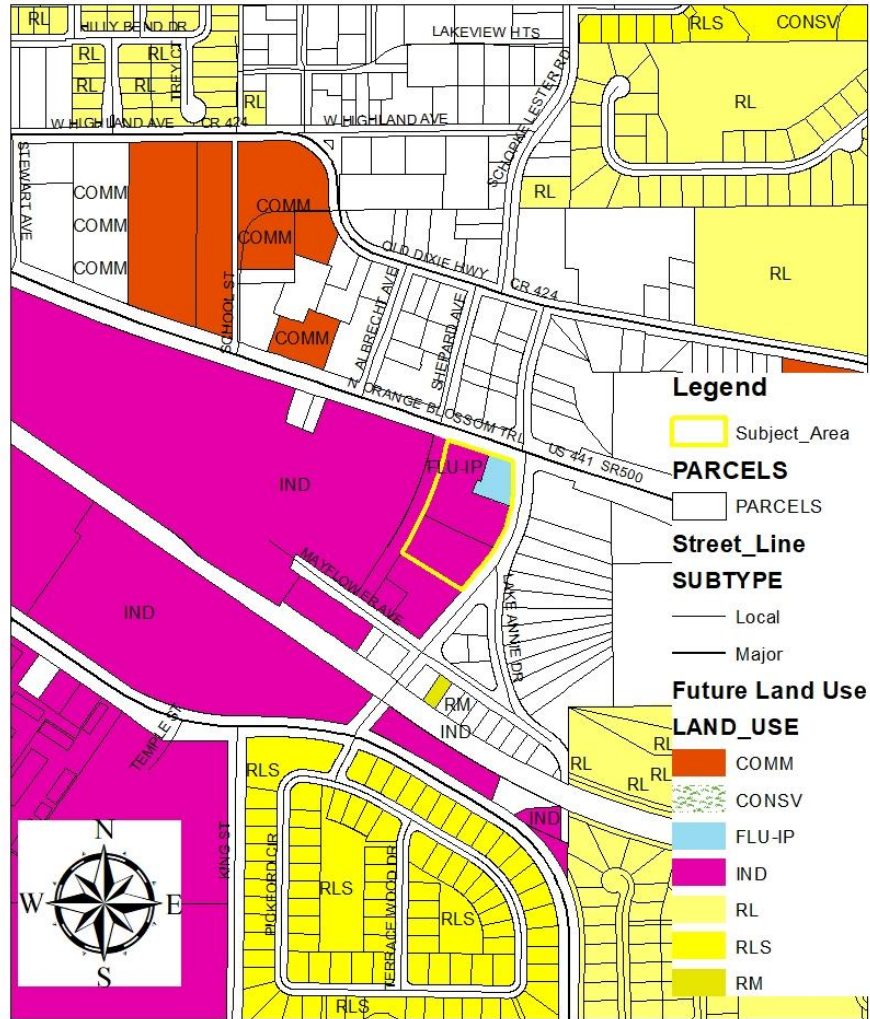
VICINITY MAP



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



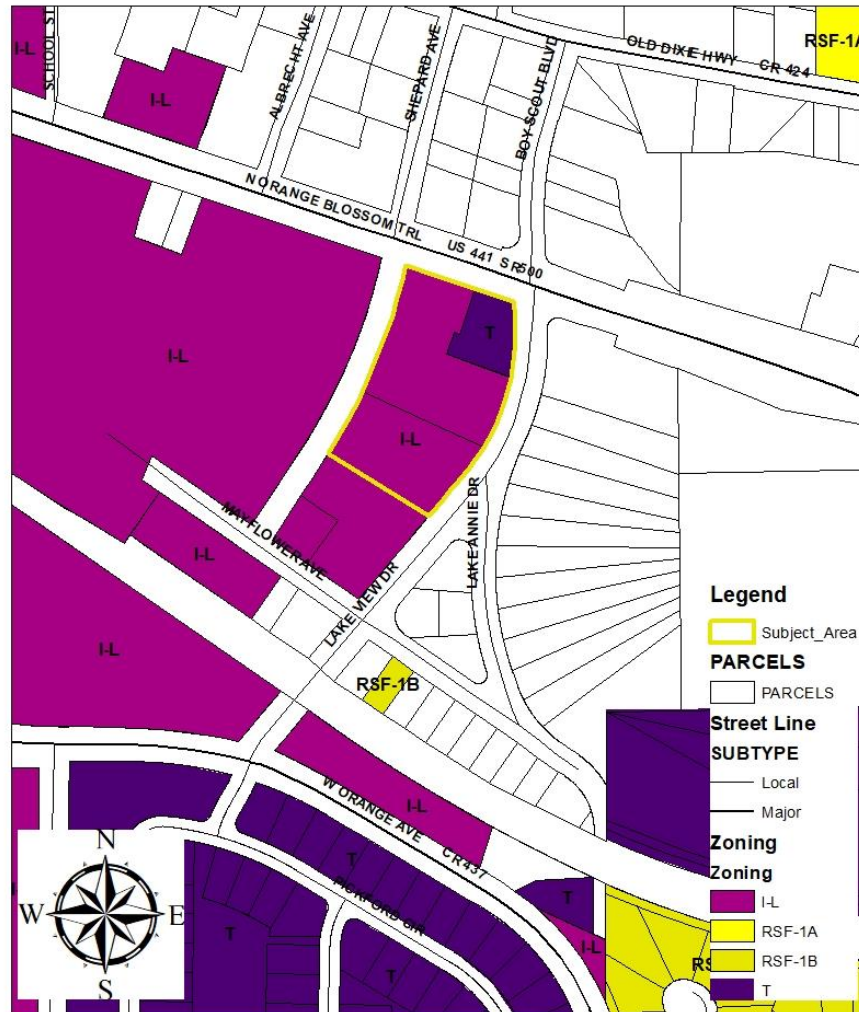
FUTURE LAND USE MAP



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



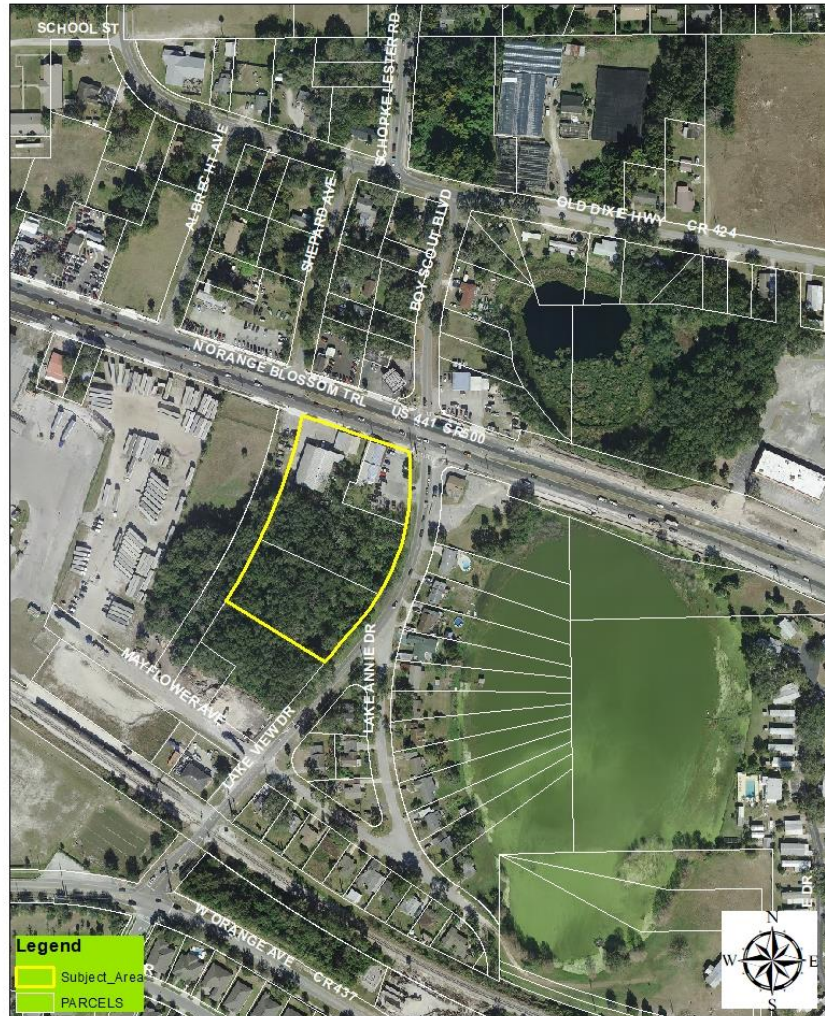
ADJACENT ZONING



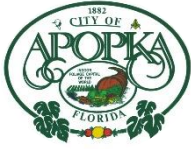
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)



ADJACENT USES



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



CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – MID-FLORIDA FREEZER

REQUEST: CHANGE OF ZONING – MID-FLORIDA FREEZER
FROM: T (TRANSITIONAL DISTRICT), AND I-L (LIGHT INDUSTRIAL)
TO: C-COR (CORRIDOR COMMERCIAL DISTRICT)

SUMMARY:

OWNER: Mid-Florida Freezer Properties, LLC
APPLICANT: Tara Tedrow
PARCEL ID NUMBERS: 06-21-28-7180-07-031, 06-21-28-7180-07-010, 06-21-28-7180-07-100
LOCATION: South of W. Orange Blossom Trail and west of Lake View Drive
FUTURE LAND USE: “County” Industrial and “City” Industrial (“City” Commercial is proposed)
EXISTING USE: Retail store, warehouse
CURRENT ZONING: T (Transitional District), and I-L (Light Industrial)
PROPOSED ZONING: C-COR (Corridor Commercial District)
TRACT SIZE: 4.88 +/- acres

RECOMMENDED ACTION:

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

DISTRIBUTION

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

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

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

PUBLIC HEARING SCHEDULE:

November 10, 2020 - Planning Commission (5:30 pm)

December 2, 2020 - City Council (1:30 pm) - 1st Reading

December 16, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

October 30, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

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

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Commercial	C-1	Service Station and Car Dealership
East (County)	Commercial and Medium Low Density Residential	C-1 and R-1	Commercial Store and Single-Family Homes
South (City)	Industrial	I-L	Vacant
West (City)	Industrial	I-L	Mid-Florida Freezer Warehouses

LAND USE & TRAFFIC COMPATIBILITY:

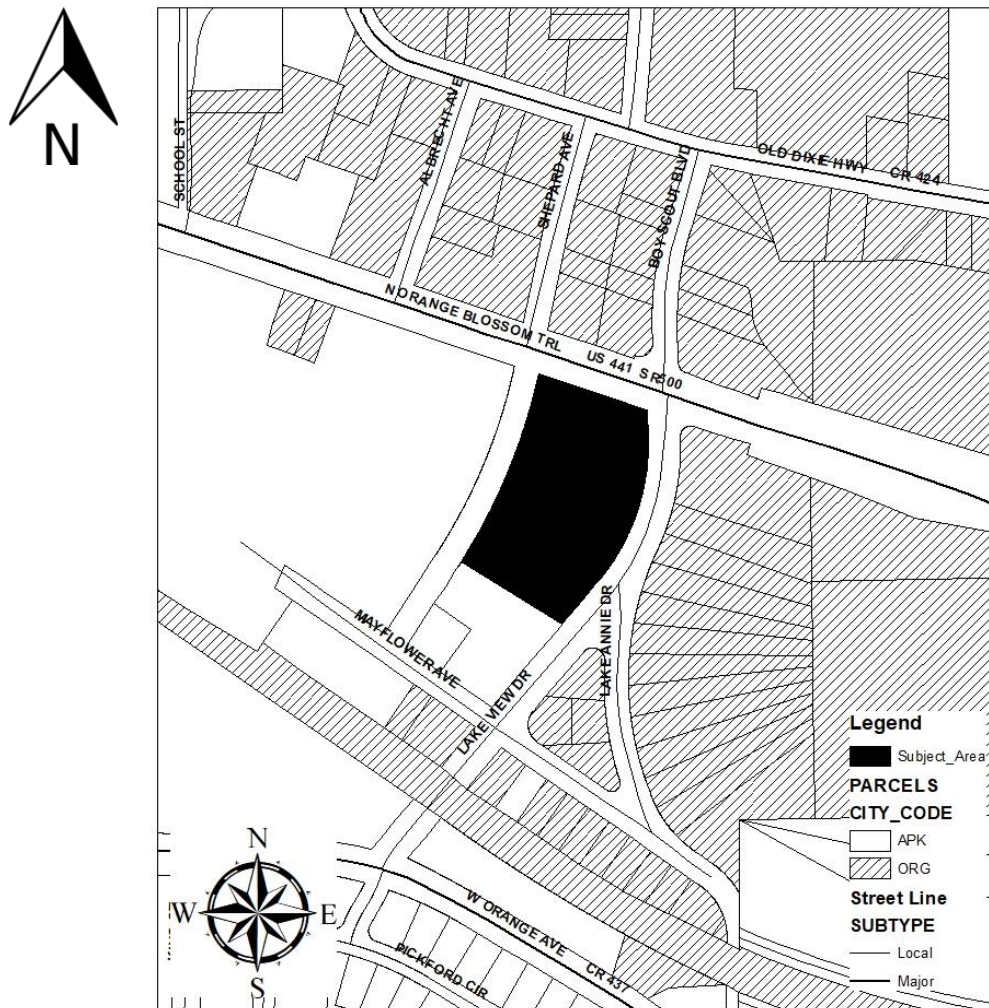
The property is currently accessed from W. Orange Blossom Trail and Lake View Drive.

COMPREHENSIVE PLAN COMPLIANCE:

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

Mid-Florida Freezer Properties, LLC.
4.88 +/- acres
Rezoning:
From: T (Transitional District) and I-L (Light Industrial)
To: C-COR (Corridor Commercial)
Parcel ID: 06-21-28-7180-07-031, 06-21-28-7180-07-010, 06-21-28-7180-07-100

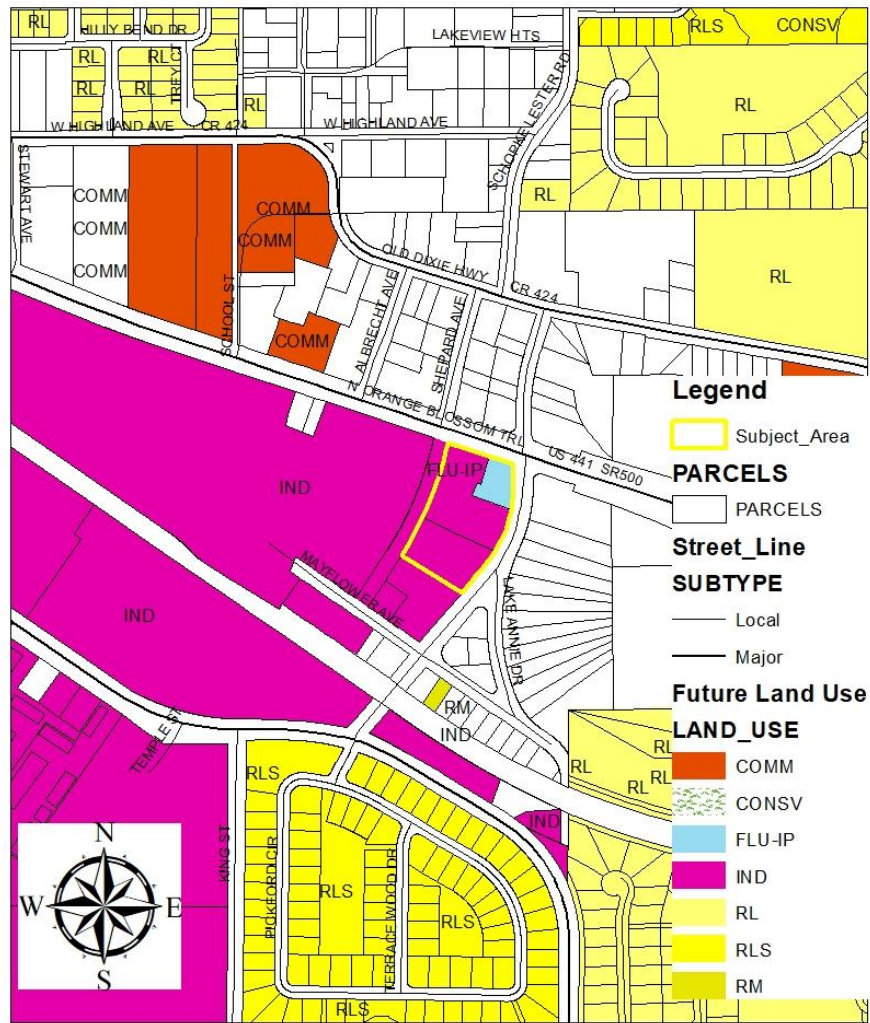
VICINITY MAP



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



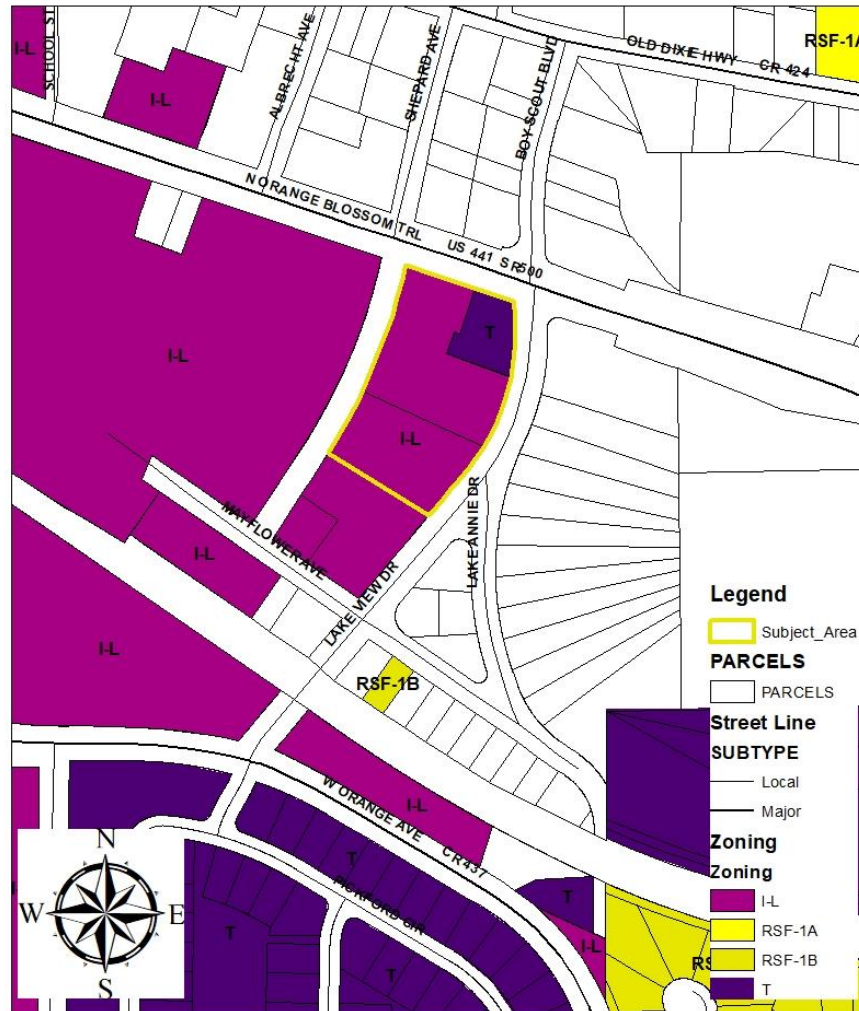
FUTURE LAND USE MAP



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



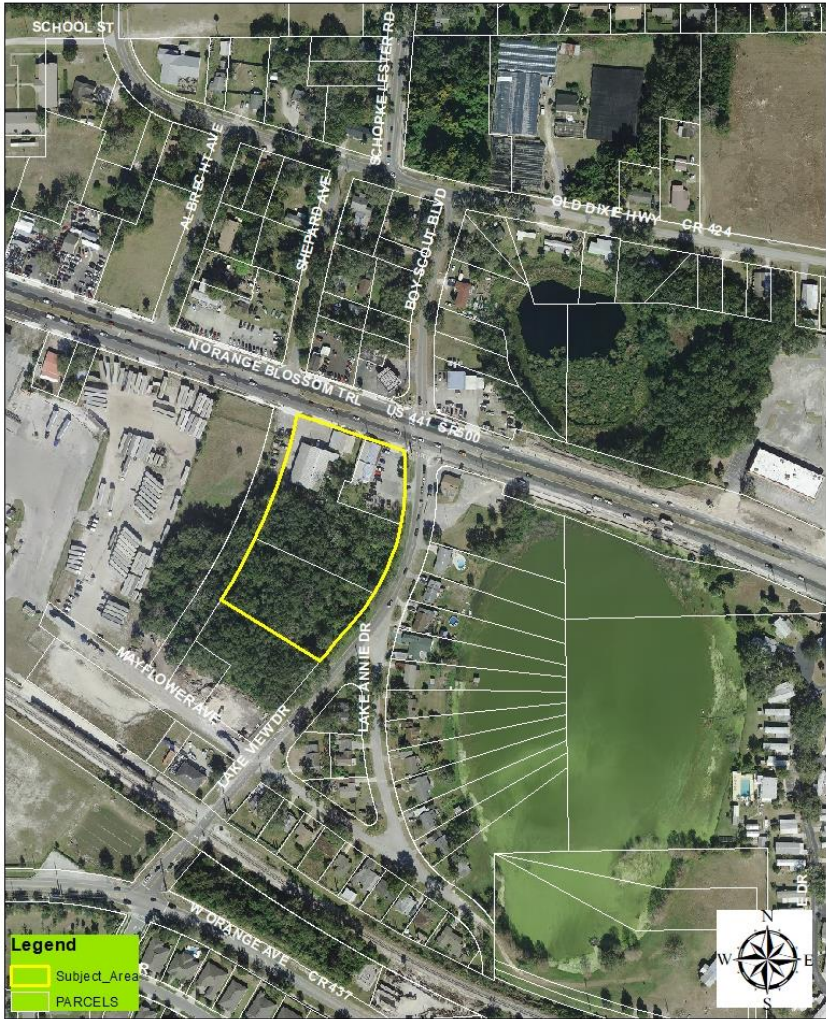
ADJACENT ZONING



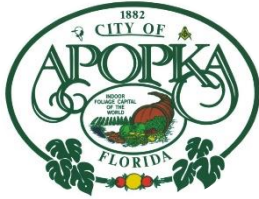
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)



ADJACENT USES



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



CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE
AMENDMENT – CHORY HOLDINGS I, LLC.

REQUEST: COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE
AMENDMENT – CHORY HOLDINGS I, LLC:
FROM: MIXED USE (MAX. 1.0 FAR, MAX. 15 DU/AC)
TO: INDUSTRIAL (MAX. 0.6 FAR)

SUMMARY:

OWNER: Chory Holdings I, LLC.

APPLICANT: Tara Tedrow

LOCATION: South of W. Orange Blossom Trail and West of Hermit Smith Road

PARCEL ID #s: 01-21-27-0000-00-004 and 01-21-27-0000-00-072

EXISTING USE: Warehouse/Office

DEVELOPMENT
POTENTIAL: 312,063 non-residential square feet

CURRENT ZONING: MU-ES-GT (Mixed Use East Shore Gateway)

MAXIMUM ALLOWABLE
DEVELOPMENT UNDER
FLUM: EXISTING FLU: 520,106 sq. ft. or 179 dwelling units, or a combination thereof
PROPOSED FLU: 312,063 non-residential sq. ft.

TRACT SIZE: 11.94 +/- acres

RECOMMENDED ACTION: Find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map amendment from Mixed Use to Industrial to the Florida Department of Economic Opportunity.

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

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

Policy 3.1.1 Industrial

The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be 0.6.

Planned Unit Development uses may include:

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

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 17, 2020.

PUBLIC HEARING SCHEDULE:

November 10, 2020 - Planning Commission (5:30 pm)

December 2, 2020 - City Council (1:30 pm) - 1st Reading and Transmittal

DULY ADVERTISED:

October 30, 2020 – Public Notice (Apopka Chief) and Notification (letters and posting)

RECOMMENDATION ACTION:

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

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

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City and County)	“County” Rural	“City” T and “County” A-1	Railroad, W. Orange Blossom Trail and Single-Family Homes
East (County)	“County” Rural	“County” C-1 and R-3	Single-Family Homes
South (County)	“County” Rural	“County” R-3	Single-Family Homes
West (City)	“City” Industrial	“City” T and “City” I-L	Vacant and Warehousing

II. LAND USE ANALYSIS

North: Abutting the subject property to the north is the CSX railroad and W. Orange Blossom Trail. Across from U.S. 441 are single-family homes and the RaceTrac service station.

West: Industrial and agricultural facilities abut the property to the west.

South: South-adjacent are single-family homes, Hogshead Road, and Agricultural properties.

East: To the east are single-family homes, and Hermit Smith Road.

Other Information:

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

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

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

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

Analysis of the character of the Property: The northernmost property is vacant and the southern parcel contains warehouse/office structures.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is Industrial (Max. 0.6 FAR). A change to the Industrial Future Land Use will generate an estimated population increase up to 0 persons and up to 312,063 non-residential square feet.

CALCULATIONS:

EXISTING: Mixed Use (Max. 1.0 FAR/Max 15 DU per Acre): 520,106 sq. ft. or 179 dwelling units, or a combination thereof

PROPOSED: Industrial (Max. 0.6 FAR): 312,063 non-residential square feet.

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

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 46,800 GPD
3. Projected total demand under proposed designation: 28,080 GPD
4. Capacity available: TBD
5. Projected LOS under existing designation: 90 GPD/1,000 sf
6. Projected LOS under proposed designation: 90 GPD/1,000 sf
7. Improved/expansions already programmed or needed as a result if proposed amendment: TBD

Potable Water Analysis

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

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

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

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

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

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



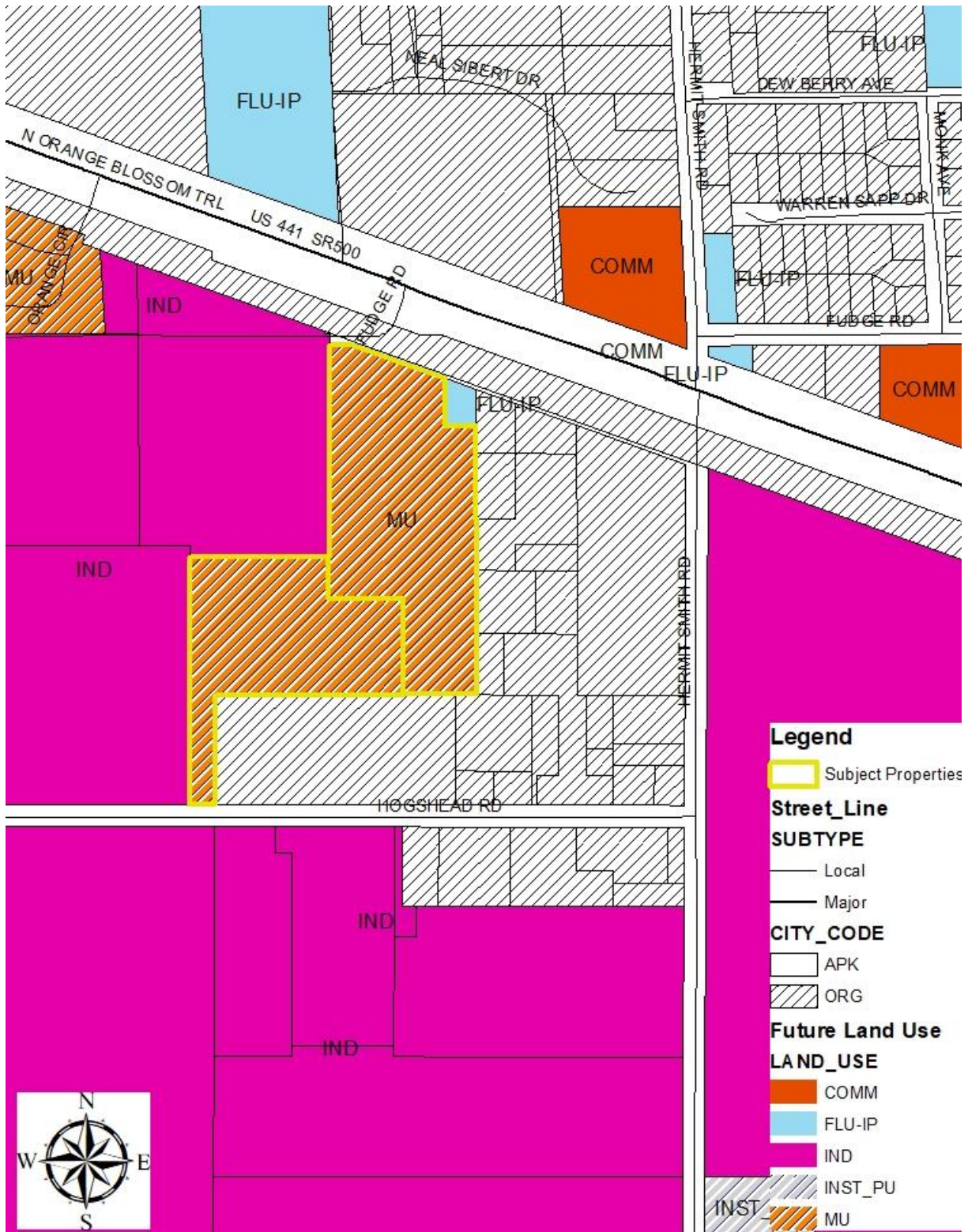
Chory Holdings I, LLC.
Proposed Large Scale Future Land Use Amendment:
From: Mixed Use
To: Industrial (Max. 0.6 FAR)
Parcel ID #s: 01-21-27-0000-00-004 and 01-21-27-0000-00-072

VICINITY MAP



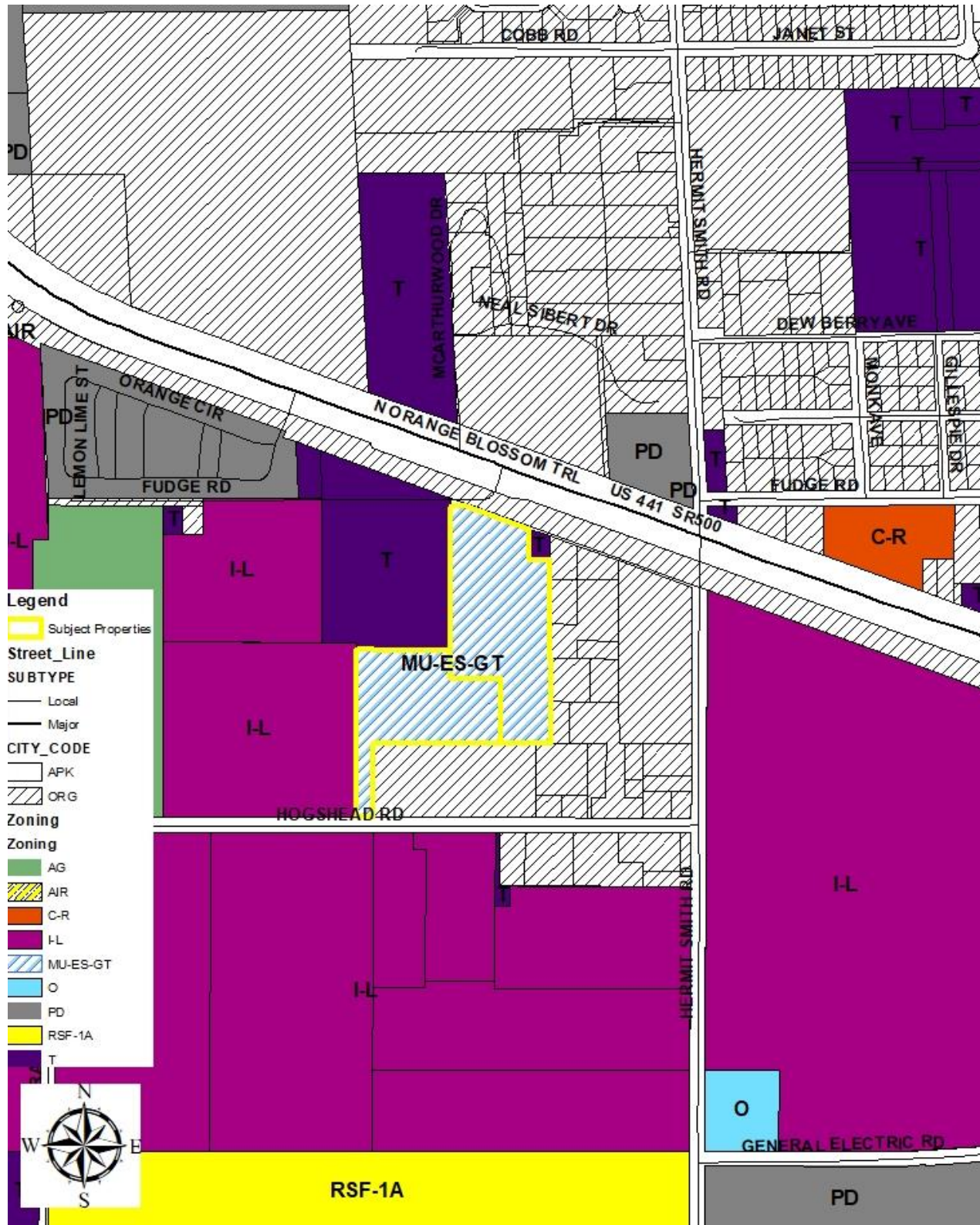


FUTURE LAND USE MAP





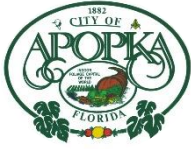
ADJACENT ZONING





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – CHORY HOLDINGS I, LLC.

REQUEST: CHANGE OF ZONING – CHORY HOLDINGS I, LLC.
FROM: MU-ES-GT (MIXED-USE EAST SHORE-GATEWAY DISTRICT)
TO: I-L (LIGHT INDUSTRIAL DISTRICT)

SUMMARY:

OWNER: Chory Holdings I, LLC
APPLICANT: Tara Tedrow
PARCEL ID NUMBERS: 01-21-27-0000-00-004 and 01-21-27-0000-00-072
LOCATION: South of W. Orange Blossom Trail and West of Hermit Smith Road
FUTURE LAND USE: Mixed Use (Industrial Proposed)
EXISTING USE: Warehouse/Office
CURRENT ZONING: MU-ES-GT (Mixed Use East Shore Gateway District)
PROPOSED ZONING: I-L (Light Industrial District)
TRACT SIZE: 11.94 +/- acres
MAXIMUM ALLOWABLE
DEVELOPMENT: EXISTING: 520,106 sq. ft. or 179 dwelling units, or a combination thereof
PROPOSED: 312,063 non-residential sq. ft.

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

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

PLANNING COMMISSION – NOVEMBER 10, 2020
CHANGE OF ZONING – CHORY HOLDINGS I, LLC
PAGE 2

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

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

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

PUBLIC HEARING SCHEDULE:

November 10, 2020 - Planning Commission (5:30 pm)

December 2, 2020 - City Council (1:30 pm) - 1st Reading

DULY ADVERTISED:

October 30, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

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

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City and County)	“County” Rural	“City” T and “County” A-1	Railroad, W. Orange Blossom Trail and Single-Family Homes
East (County)	“County” Rural	“County” C-1 and R-3	Single-Family Homes
South (County)	“County” Rural	“County” R-3	Single-Family Homes
West (City)	“City” Industrial	“City” T and “City” I-L	Vacant and Warehousing

**LAND USE & TRAFFIC
COMPATIBILITY:**

The properties are currently accessed from Hogshead Road.

**COMPREHENSIVE PLAN
COMPLIANCE:**

The proposed I-L zoning is consistent with the proposed Future Land Use designation, Industrial (Max. 0.6 FAR) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



Chory Holdings I, LLC

11.94 +/- acres

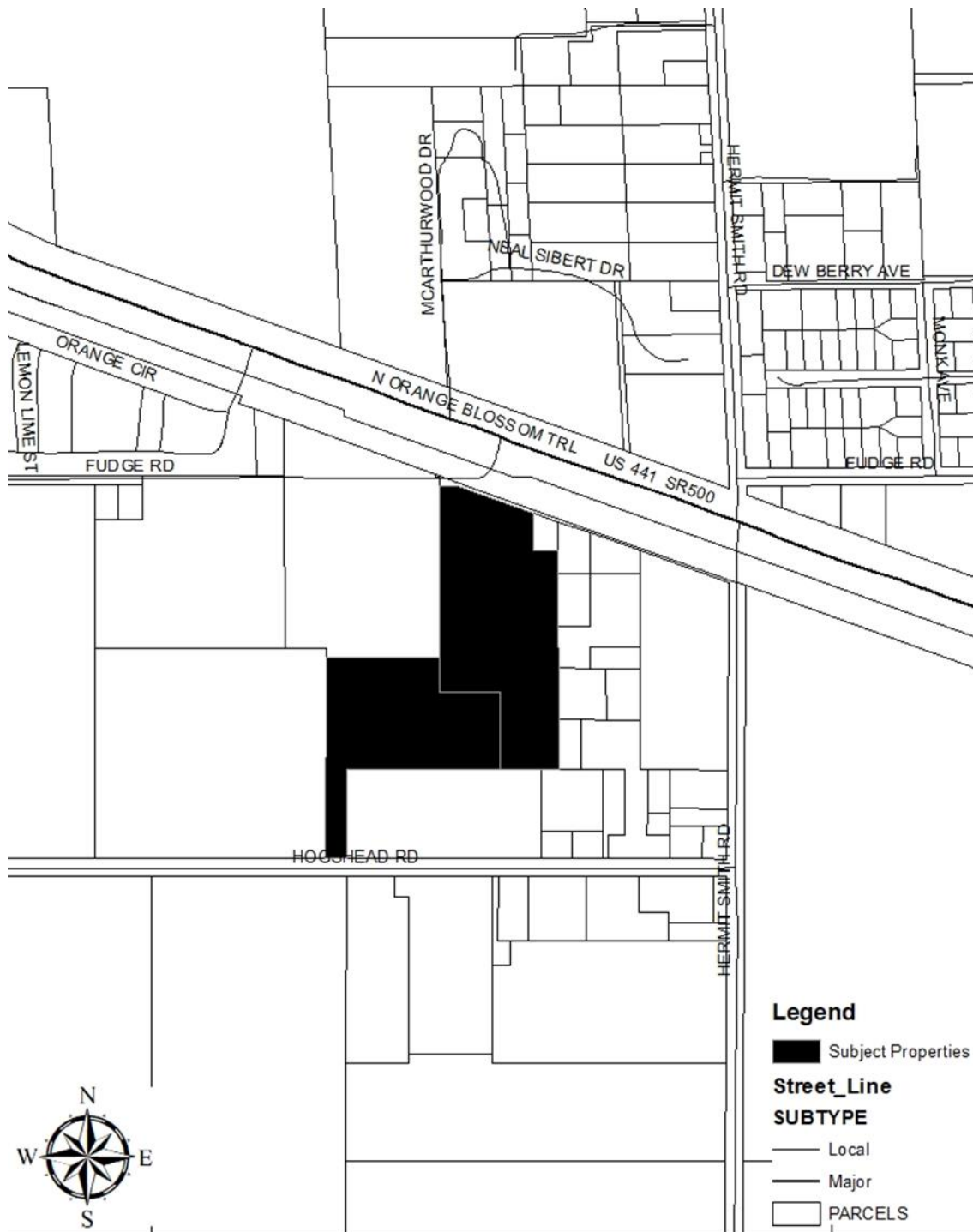
Rezoning:

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

To: I-L (Light Industrial District)

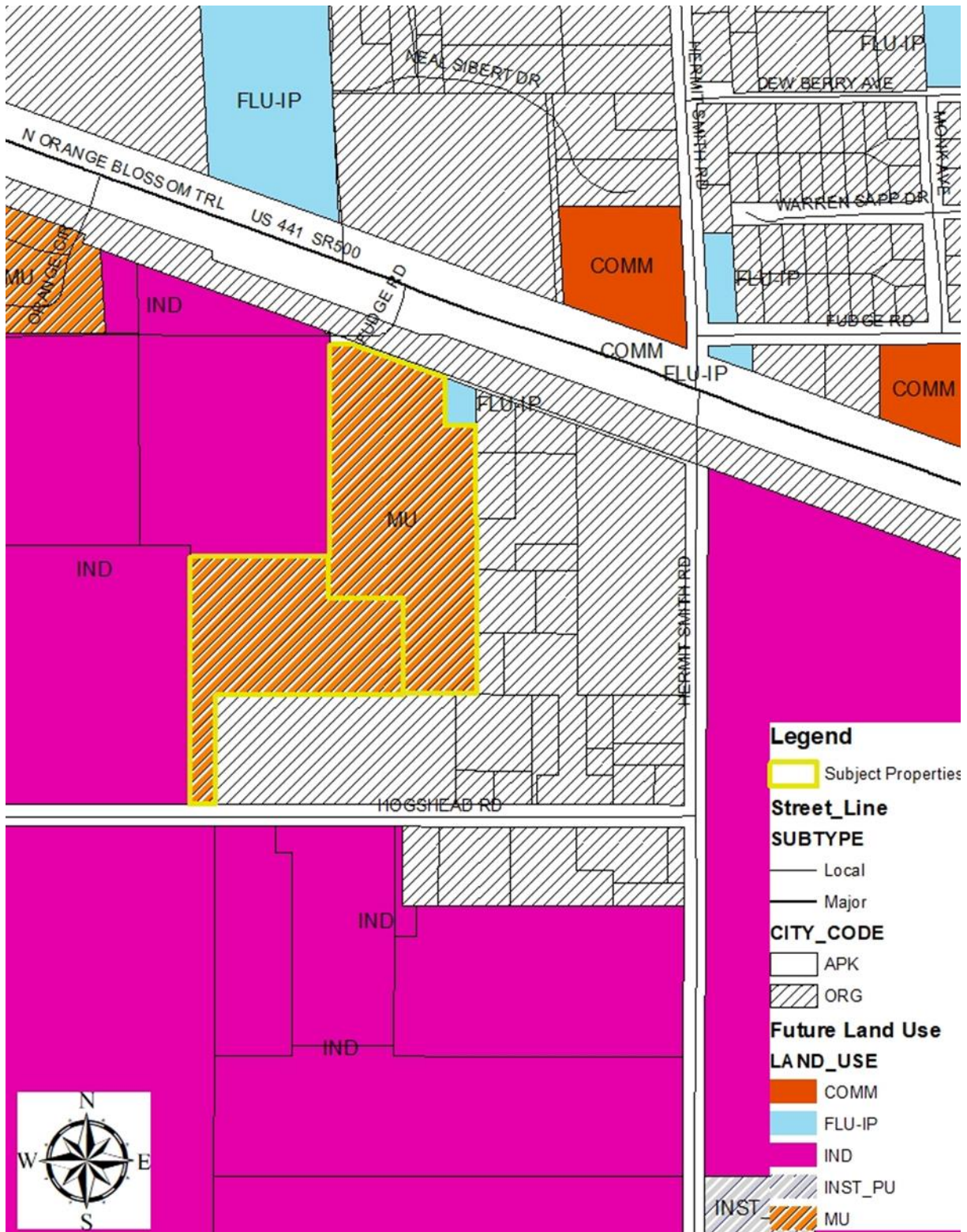
Parcel ID #s: 01-21-27-0000-00-004 and 01-21-27-0000-00-072

VICINITY MAP



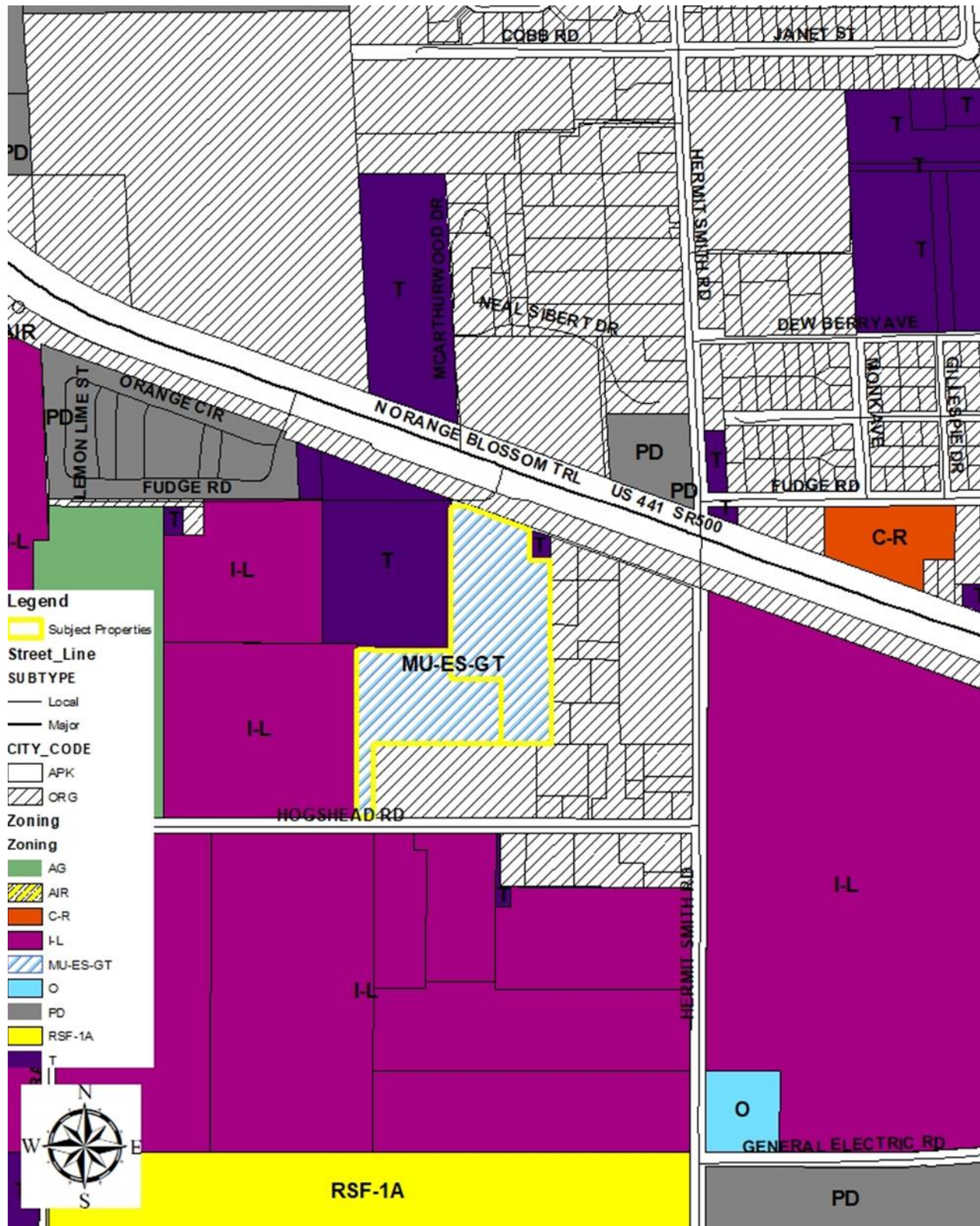


FUTURE LAND USE MAP





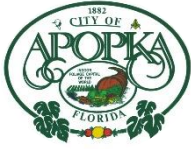
ADJACENT ZONING





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – 1701 HERMIT SMITH ROAD

REQUEST: CHANGE OF ZONING – HERMIT SMITH ROAD
FROM: T (TRANSITION DISTRICT)
TO: RCE (RESIDENTIAL COUNTRY ESTATE)

SUMMARY:

OWNER/APPLICANT: John and Grace Johnson
PARCEL ID NUMBER: 36-20-27-0000-00-051
LOCATION: 1701 Hermit Smith Road
FUTURE LAND USE: Low Density Suburban Residential (0-3.5 dwelling units/acre)
EXISTING USE: Single Family Home
CURRENT ZONING: T (Transition District)
PROPOSED ZONING: RCE (Residential Country Estate)
TRACT SIZE: 2.52 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING: 1 Dwelling Unit
PROPOSED: 2 Dwelling Units (applicant intends to divide the property into two lots)

RECOMMENDED ACTION:

Recommend approval of the change of Zoning from T (Transition District) to RCE (Residential Country Estate) for property located at 1701 Hermit Smith Road.

DISTRIBUTION

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

PLANNING COMMISSION – NOVEMBER 10, 2020
CHANGE OF ZONING – 1701 HERMIT SMITH ROAD REZONING
PAGE 2

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

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

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

PUBLIC HEARING SCHEDULE:

November 10, 2020 – Planning Commission (5:30 pm)
December 2, 2020 – City Council (1:30 pm) – 1st Reading
December 16, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

October 30, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

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

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	“County” Rural	R-1	Single-family residence
East (City)	“City”	R-3	Vacant property owned by CFX (Central Florida Expressway Authority)
South (County)	“County” Rural	R-1	Single-family residences
West (County)	“County” Rural	R-1	Single-family residence

**LAND USE & TRAFFIC
COMPATIBILITY:**

The property is currently accessed via an established access easement located on the property to the north that is located along Hermit Smith Road.

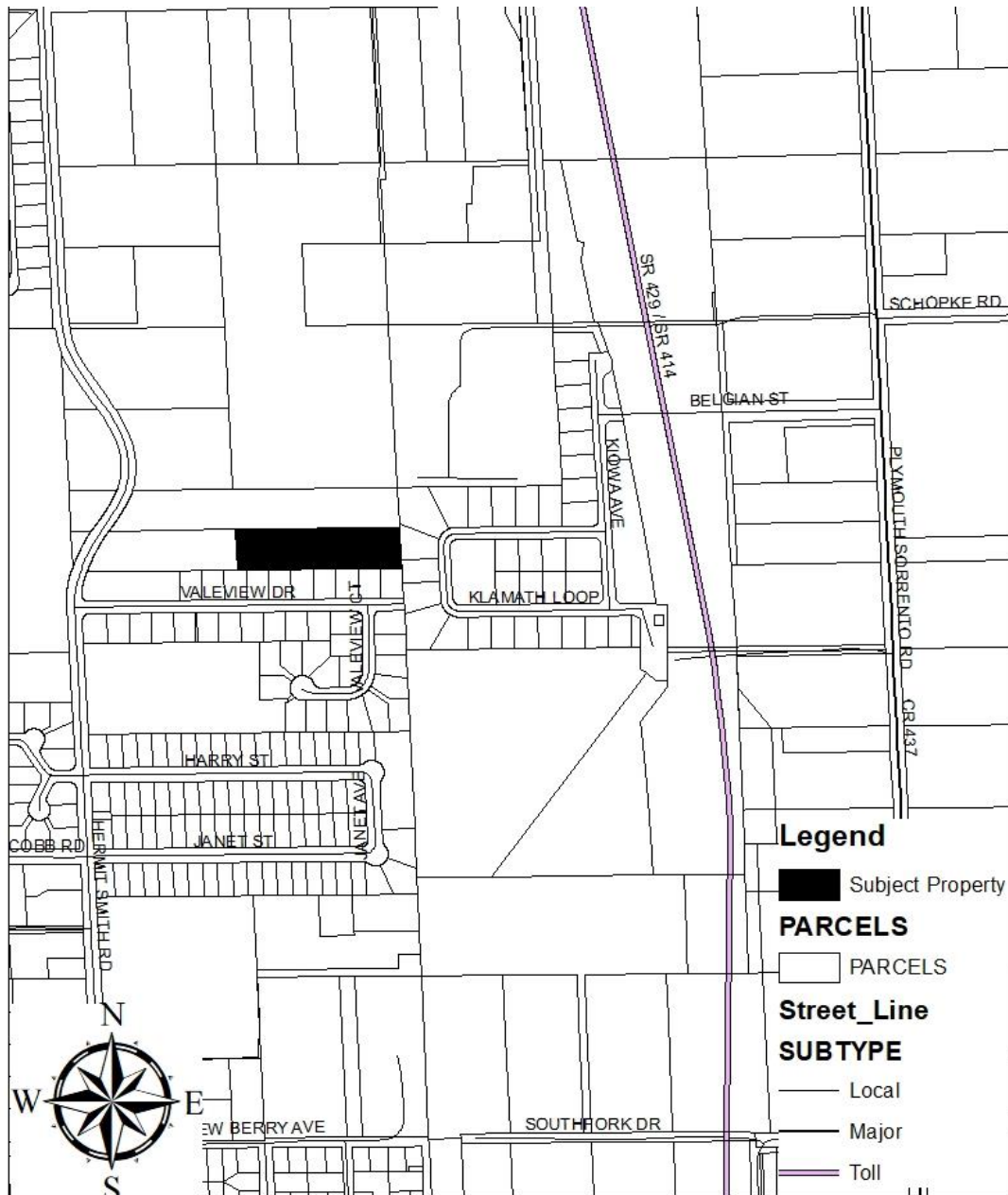
**COMPREHENSIVE PLAN
COMPLIANCE:**

The proposed RCE zoning is consistent with the existing Future Land Use designation, Low Density Suburban Residential (0-3.5 du/ac) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



1701 Hermit Smith Road
2.52 +/- acres
Proposed Rezoning
From: T (Transitional)
To: RCE (Residential Country Estate)
Parcel ID #: 36-20-27-0000-00-051

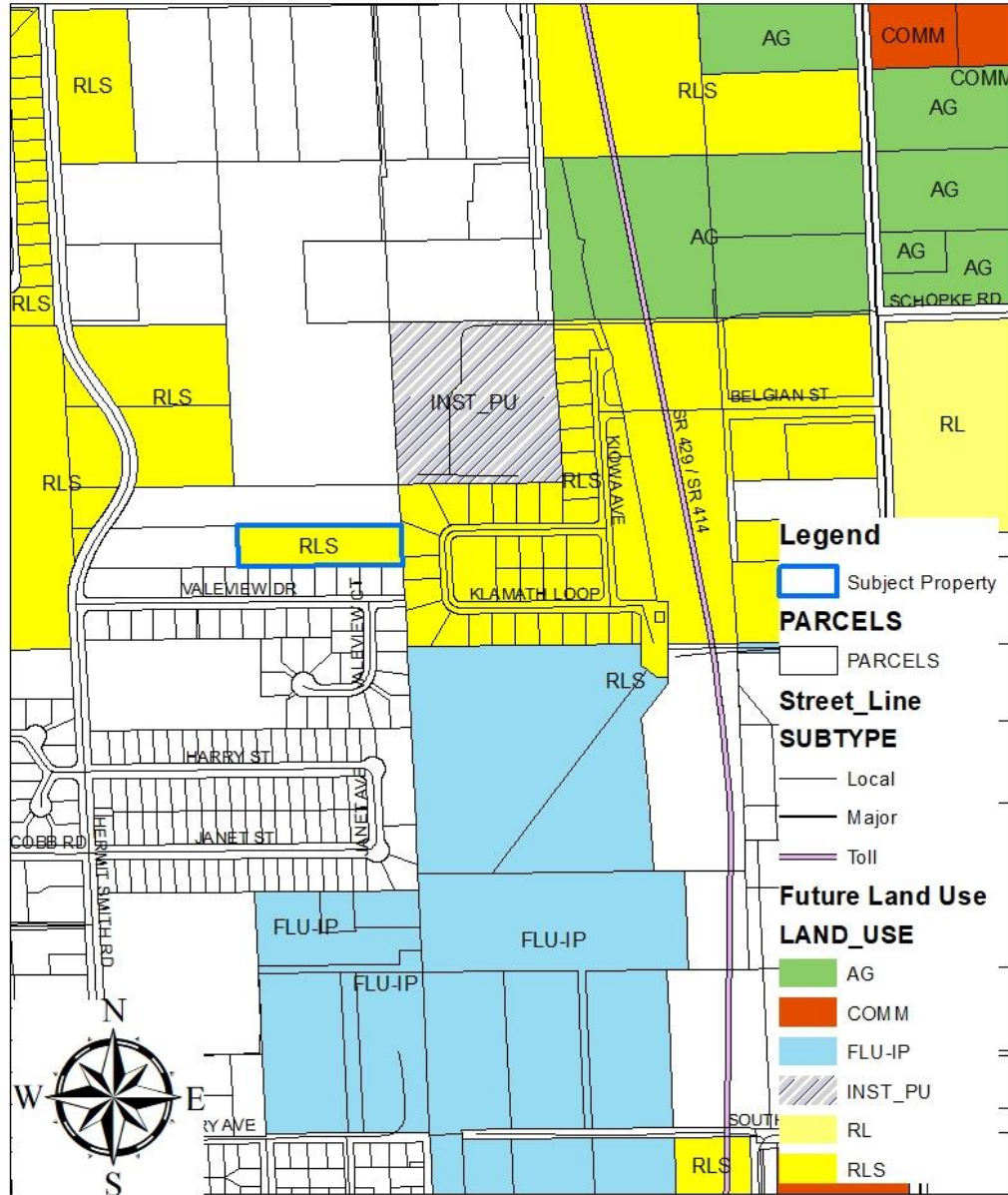
VICINITY MAP



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



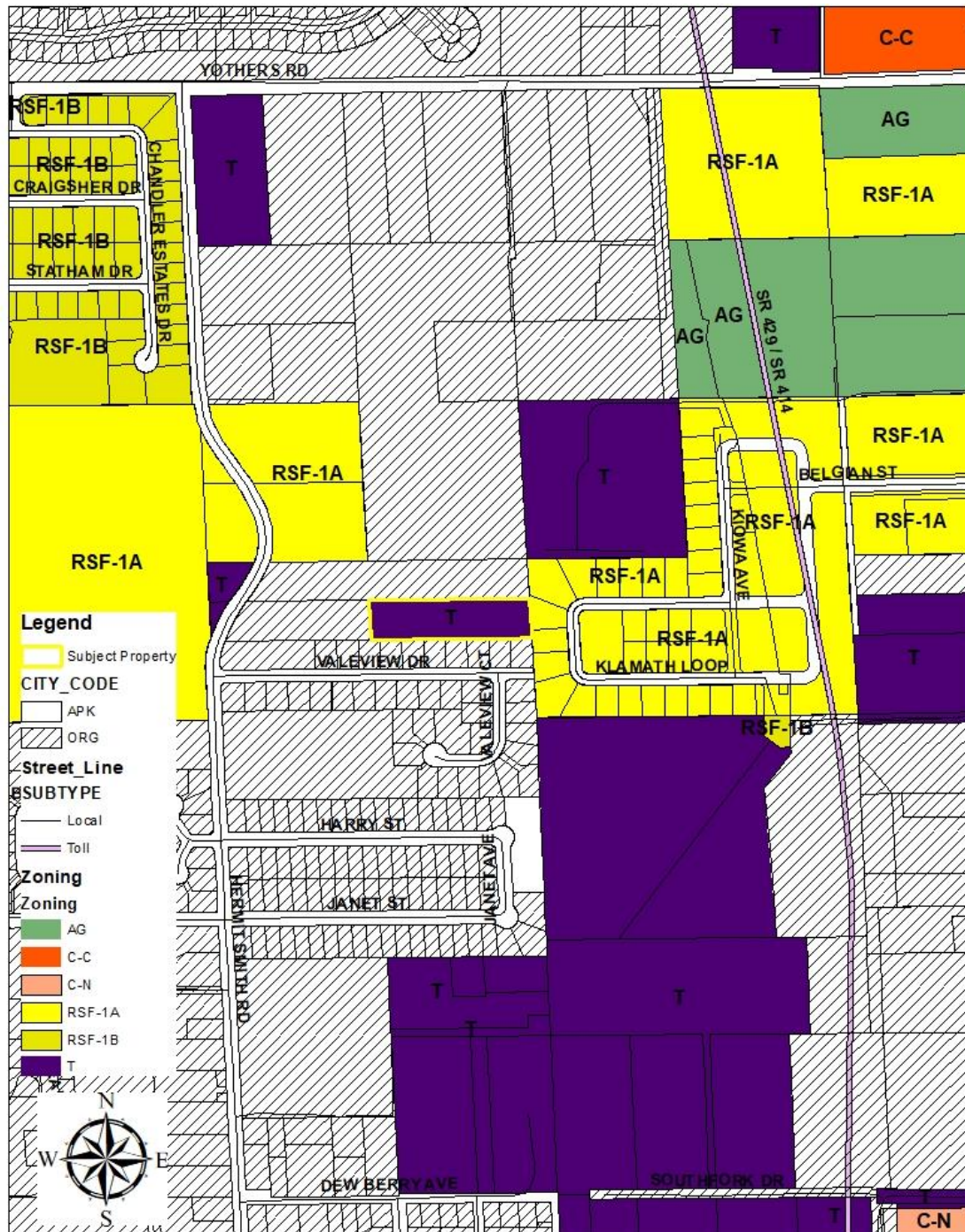
FUTURE LAND USE MAP



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

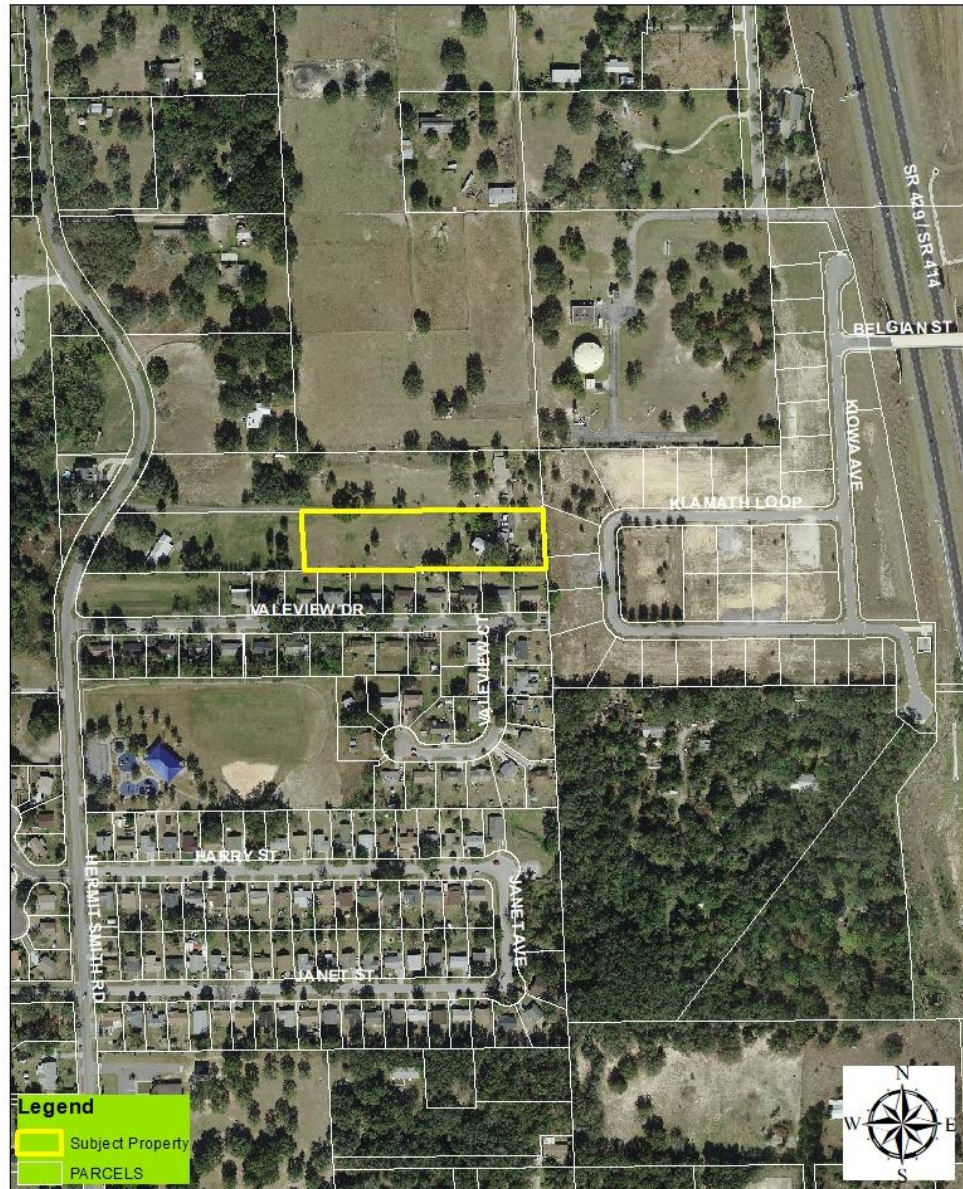


ADJACENT ZONING

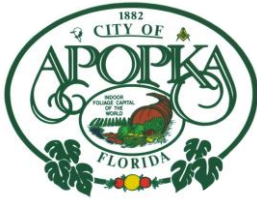




ADJACENT USES



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



CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: November 10, 2020
FROM: Community Development
EXHIBITS: Vicinity Map
Zoning Map
Aerial Map
Application
Site Plan

SUBJECT: LITTLE BROWNIE PROPERTIES – SPECIAL EXCEPTION

REQUEST: APPROVE A SPECIAL EXCEPTION FOR LITTLE BROWNIE PROPERTIES TO ALLOW HEAVY EQUIPMENT RETAIL, REPAIR, SERVICING AND STORAGE IN THE LIGHT INDUSTRIAL (I-L) ZONING DISTRICT AT 1350 SHEELER AVENUE.

SUMMARY:

OWNER/APPLICANT: Little Brownie Properties, Inc. c/o Linda Roche
LOCATION: 1350 Sheeler Avenue
PARCEL ID NUMBER: 15-21-28-3960-00-010
FUTURE LAND USE: Industrial
ZONING: Light Industrial (I-L)
EXISTING USE: Warehouse, trucking and equipment service center and rental facility
PROPOSED USE: Heavy equipment retail, repair, servicing and storage
TRACT SIZE: 21.15 +/- acres

RECOMMENDED ACTION:

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

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

PLANNING COMMISSION – NOVEMBER 10, 2020
LITTLE BROWNIE PROPERTIES – SPECIAL EXCEPTION
PAGE 2

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

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

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

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

- Will be consistent with the goals, objectives, and policies of the comprehensive plan;
- Will comply with all applicable zoning district standards;
- Will comply with all standards in Sec. 4.2.3, Standards Specific to Principal Uses, Standards for Specific Principal Uses;
- Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;
- Will be located a minimum of 1,000 feet from any other existing like use in nonresidential districts, and 1,500 feet in residential districts. This distance requirement shall apply whether the existing like use is a permitted "use by right" or a special exception use;
- Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
- Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;

- j. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
- k. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
- l. Will not overburden existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection facilities; and
- m. Will comply with all other relevant City, State, and federal laws and regulations.

FINDINGS:

- A. *Special Exception Distance Separation Standard.* “Will be located a minimum of 1,000 feet from any other existing like use in nonresidential districts...” (LDC Section 2.5.1.G.4.e Special Exception Permit Review Standards).
 - The proposed use is more than 1,000 feet from other like use.
- B. *Special Exception Development Standards.* Article II of the Land Development Code establishes development standards specific to special exceptions. These standards are intended to reduce any impacts from the proposed special exception use on adjacent properties. After review of the Development Plan for the Special Exception, staff finds that the applicant has met the intent of the regulations stated in Article II, Section 2.5.1.G Special Exception Permit by the following:
 - 1. The parking requirement for the proposed special exception use is two spaces for each 1,000 square feet of heavy equipment sales, rental, repair, servicing, or storage use.
 - 2. The landscape plan, including screening and landscape buffers as part of the approved site plan for the Apopka Business Complex Addition – Final Development Plan, shall be maintained.
- C. *Special Exception Conditions of Approval:*
 - 1. The proposed special exception use shall be consistent with the goals, objectives, and policies of the Comprehensive Plan.
 - 2. The proposed special exception use shall comply with all applicable zoning district standards.
 - 3. The proposed special exception use will comply with all standards in Sec. 4.2.3, Standards Specific to Principal Uses, Standards for Specific Principal Uses.
 - 4. The proposed special exception use will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district.
 - 5. The service area, outdoor storage of trucks and equipment shall be located in a way that minimizes adverse visual impacts on adjacent lands and/or behind building(s) or screened from the public right-of-way.
 - 6. Safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site shall be maintained.
 - 7. Significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements shall be avoided.
 - 8. Adverse impacts on land values and the ability of neighboring lands to develop uses permitted in the zoning district shall be avoided.

9. Significant deterioration of water and air resources, scenic resources, and other natural resources shall be avoided.
10. Existing public facilities and services, including, but not limited to, streets and other transportation facilities, potable water facilities, sewage disposal, stormwater management, and police and fire protection facilities shall not be overburdened by the proposed special exception use.
11. The proposed special exception use shall comply with all other relevant City, State, and federal laws and regulations.
12. This Special Exception authorization expires if a Business Tax Receipt within five years from the date of the Special Exception approval and the Special Exception Use has vacated the parcel for more than 180 consecutive days.

DULY ADVERTISED:

October 30, 2020 – Public Notice and Notification (Apopka Chief); Notification is posted on the property; Adjacent property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

PUBLIC OUTREACH:

In accordance with LDC Section 2.5.1.G.3.b, a required community meeting was held on September 25, 2020. A summary of the meeting is attached as an exhibit to this staff report.

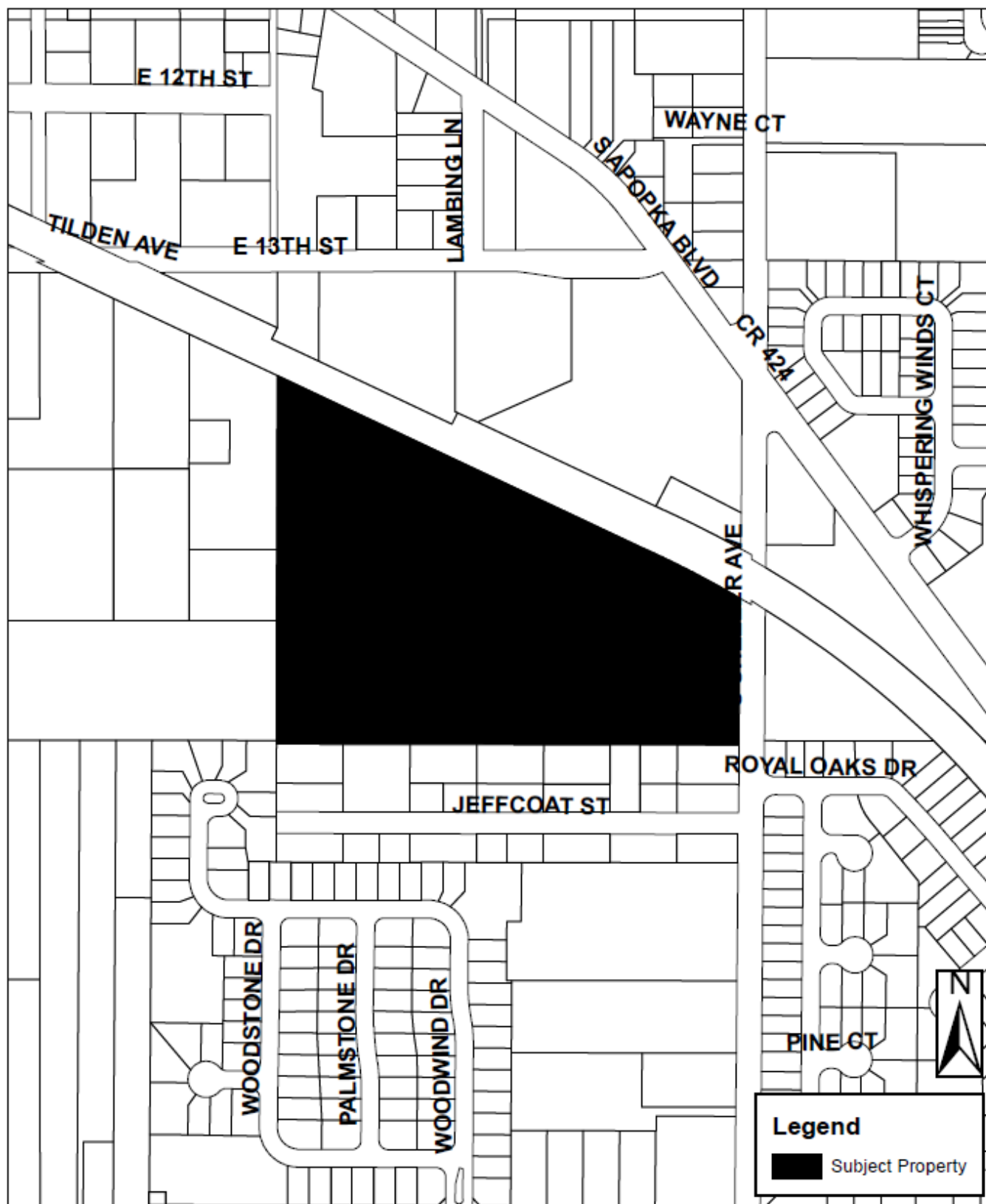
RECOMMENDED ACTION:

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

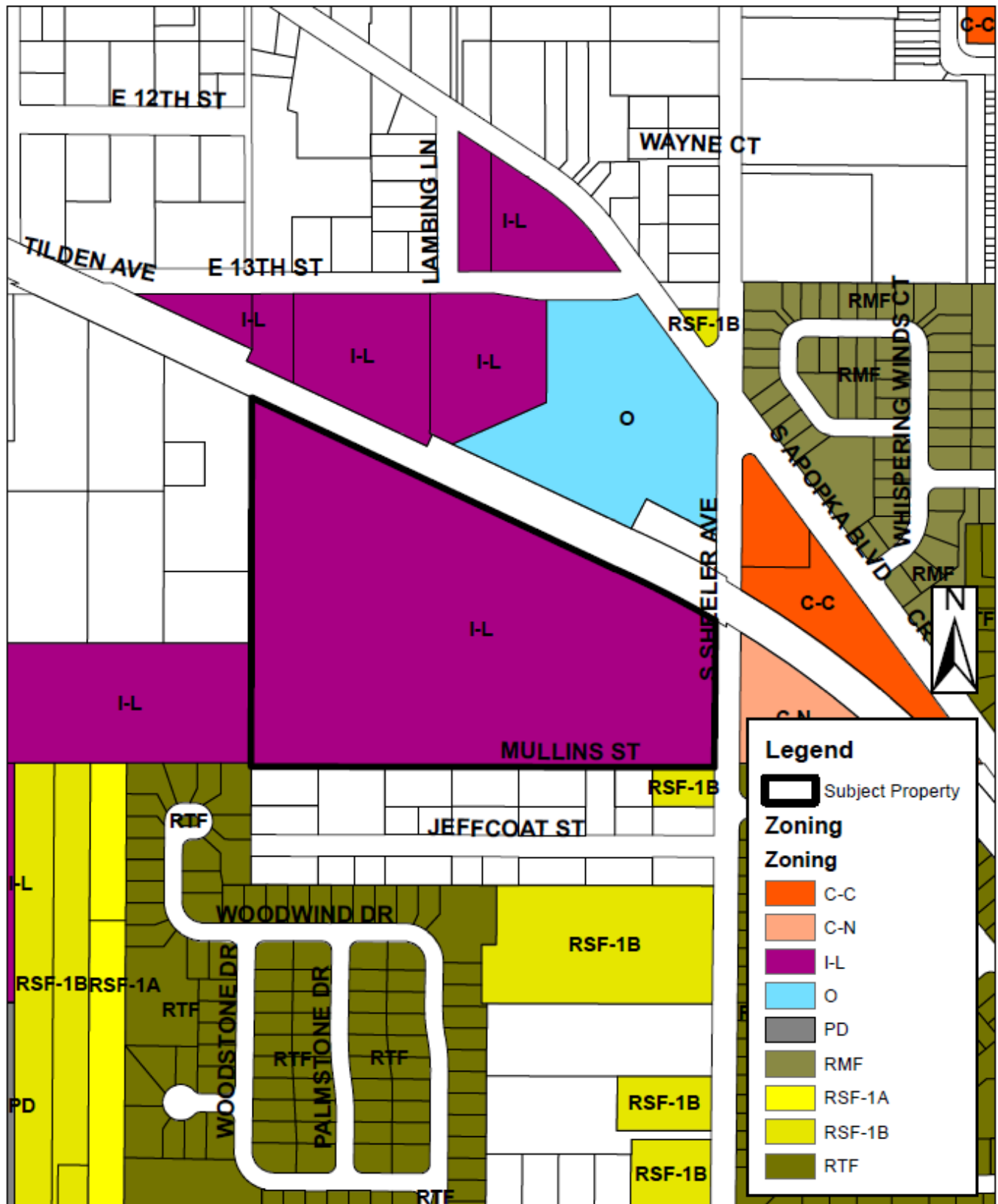
Recommended Motion: Approve a Special Exception to allow heavy equipment retail, repair, servicing and storage at 1350 Sheeler Avenue, subject to the Special Exception Conditions of Approval and findings of the staff report.

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

Vicinity

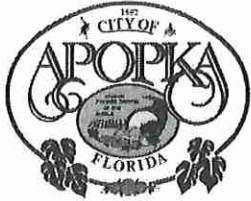


Zoning



Aerial





City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	9/28/2020
FEE PAID: \$	250.00
CHECK #:	2347
RECEIPT #:	246007

APPLICATION FOR SPECIAL EXCEPTION

Application Fee: \$250.00

PUBLIC HEARING	
Check Applicable Request	
☐	Special Exception
☐	Appeal
☒	Other Conditional Use



Project Name: Jet Vac Conditional Use			
Address: 1350 Sheeler Ave, Bld 12, Apopka FL 32703			
Owner(s) Information:			
Owner Name(s): Little Brownie Properties Inc.			
Street Address: 1350 Sheeler Ave			
City: Apopka		State: FL	Zip: 32703
Phone: 407-814-4809	Fax:	E-mail: Littlebrownieproperties1@gmail.com	
Petitioner Information:			
Name: Linda Roche			
Company Name: Little Brownie Properties Inc			
Street Address: 1350 Sheeler Ave			
City: Apopka		State: FL	Zip: 32703
Phone: 407-814-4809	Fax:	E-mail: Littlebrownieproperties1@gmail.com	
Property Information:			
Parcel I.D. #(s): 15-21-28-3960-00-010		I-1	
Future Land Use:		Zoning:	Industrial
Existing Use: Industrial	Proposed Use:		
Legal Description: Jeffcoat Heights R/129 Lots 1 through 4.			
Identify Abutting Roads: Sheeler Ave - Mullins			
Size (acres): 21.15	Number of Lots: 4		

Rev. 03-08-17

ADJACENT PROPERTY:				
Direction	Jurisdiction Circle One		Zoning	Land Use
North	City	County	Industrial	construction company
East	City	County	residential	housing
South	City	County	residential	housing
West	City	County	Industrial	vacant land.

Date of last request for Public Hearing before the Planning Commission:			
Action Requested:	Erection of a new building		
Action Taken:	Building 12 completed	Date:	2019

TYPE OF SPECIAL EXCEPTION:	
This is a request for:	Jet Vac, a potential tenant, requesting a business license to put a sales office and a service department, that handles all of the computerized parts on the equipment.
As set forth in the Land Development Code, Section:	
Additional Information:	The property at 1350 Sheeler has been used for a trucking company, equipment service center and rental facility since 1978. A new building was erected and completed in 2020.

GENERAL INFORMATION:	
1.	Submittal deadline, first working day of each month.
2.	This Petition requires a Public Hearing.
3.	Public Hearing procedures shall be followed as set forth in the Apopka Municipal Code and Land Development Code.
4.	No portion of the submittal fee will be refunded after petition has been submitted.
5.	The applicant, or a representative, must be present at the public hearing. The Planning Commission, at its discretion, may defer action or take decisive action on any application. If you are not present, the Planning Commission MAY deny your request.
6.	Appeals from the decision of the Planning Commission may be made to the City Council within thirty (30) days from the date of that decision. Any aggrieved party may appeal.

ITEMS REQUIRED FOR SUBMITTAL:

1. An application for public hearing must be accompanied by the filing fee.
2. Completed typed hold harmless agreement and notarized signature of all owners of record.
3. Legal Title opinion or certification as to Fee Simple Title Owner(s).
4. Seven ~~8~~ complete sets of the Development Site Plan in accordance with the City's Land Development Code. CD
5. Current Survey of subject property with Legal Description and Vicinity Map.
6. One typed list of property owners who own property within 300' of the subject property. Include their name, address, and property identification number from the latest County tax assessment roll, with County tax map identifying property (format provided by City).
7. Any additional information which may be useful to or required by the City.
8. If Applicant is not the owner of record of the subject property, a Power of Attorney shall be submitted with application.

IMPORTANT NOTE

The owner of the property MUST provide proof of ownership by deed or by submitting a letter of authorization (power of attorney) with deed attached, if the application is submitted by any applicant other than the owner.

I (We) hereby certify that, to the best of my (our) knowledge and belief, all information contained herein and all information supplied with this application is true and accurate.

(We), the undersigned owner(s) for the Planning Commission action on the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By:

Linda Lee Roche

Owner(s) of Record (Signature)

By:

Owner(s) of Record (Signature)

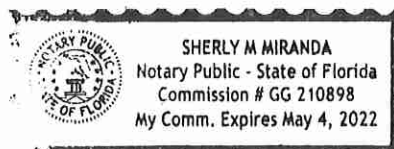
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 28th day of September, 2020, by Linda Lee Roche who is personally known to me or has produced FL Driver License as Identification and who did / did not (circle one) take an oath.

Sherly M. Miranda
(Notary Public (Signature))

My Commission Expires: May 4, 2022

Sherly M. Miranda
Notary Public (Print Name)



Rev. 03-08-17

Hold Harmless the City of Apopka

I (We) hereby certify that, to the best of my (our) knowledge and belief, all information contained herein and all information supplied with this application is true and accurate.

I (We) the undersigned owner (s) for the Planning Commission action on the above described property in the City of Apopka, Florida, do hereby agree to indemnify and Hold Harless the City of Apopka, Florida, its elected officials, officers, agents and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and /or defend its decisions regarding the granting of the above referenced application.

By: Linda Roche

Owner (s) of Record (Signature)

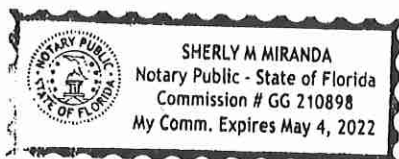
By: _____

Owner (s) of Record (Signature)

State of Florida

County of Orange

The foregoing instrument was acknowledged before me on this 28th day of September 2020, by Linda Lee Roche who is personally known to me or has produced FL Driver License as identification and who did/ did not (Circle one) take an oath.



Sherly M Miranda

Notary Public (Signature)

My Commission Expires: May 4, 2022 Sherly M. Miranda

Notary Public (Print Name)

CAUTION: This Email originated from a source outside the City of Apopka. Do not click on links or open attachments unless you recognize the sender and you know the content is safe.

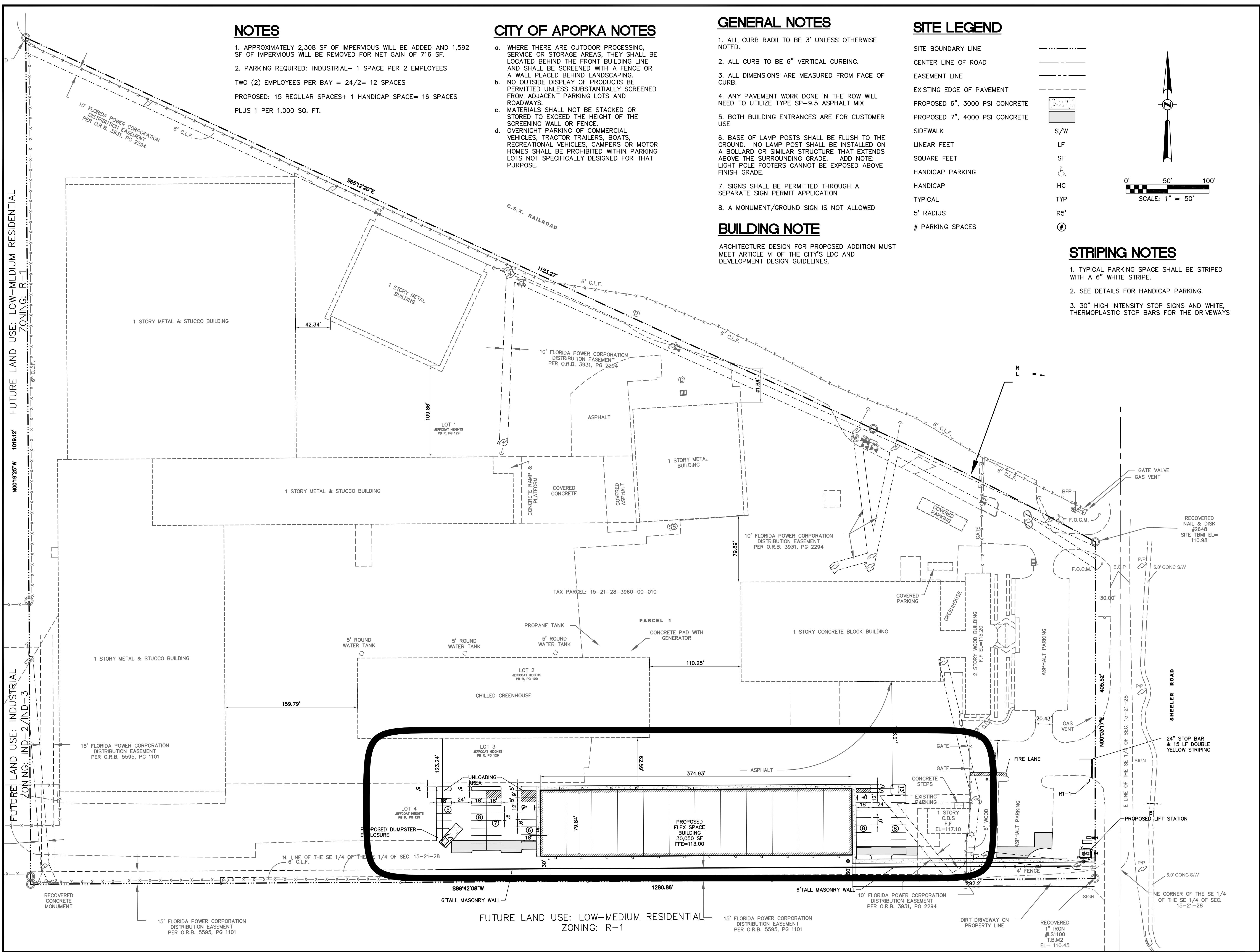
Bobby

I represent Little Brownie Properties on their Apopka Business Complex at 1350 Sheeler Ave in Apopka and I have cc'd the owner, Linda Roche. Flyer attached for reference purposes. The owners have owned the property since 1978 and it has been used for their family trucking business, Tropical Plant Carriers. I believe the property is zoned I-1, city of Apopka

I am writing because we have come to terms with a prospective Tenant called Jet Vac <https://www.jet-vac.com/> and <https://www.facebook.com/JetVacCarolinas/>

The Tenant sells and rent street sweeping sweepers, equipment used to pump out sewers, jet series trailers for cleaning inside of pipes, Camera Trucks - basically they would sell and service the equipment on top of the trucks. This is all computer diagnostic based repairs. Computer tells them what is wrong and they replace a part on the equipment. They do not do engine work or automotive work. They would be dealing with pump parts, camera repairs, nozzle repairs, electrical parts, etc as I understand it. They have some pieces of equipment that are \$600,000 ++ rigs that would be used by municipalities such as yours for the maintenance and servicing of sewer lines and maintenance of roads.

These are some photographs of some of their equipment:



NOTES

- 1. APPROXIMATELY 2,308 SF OF IMPERVIOUS WILL BE ADDED AND 1,592 SF OF IMPERVIOUS WILL BE REMOVED FOR NET GAIN OF 716 SF.
- 2. PARKING REQUIRED: INDUSTRIAL- 1 SPACE PER 2 EMPLOYEES
TWO (2) EMPLOYEES PER BAY = 24/2= 12 SPACES
PROPOSED: 15 REGULAR SPACES+ 1 HANDICAP SPACE= 16 SPACES
PLUS 1 PER 1,000 SQ. FT.

CITY OF APOPKA NOTES

- a. WHERE THERE ARE OUTDOOR PROCESSING, SERVICE OR STORAGE AREAS, THEY SHALL BE LOCATED BEHIND THE FRONT BUILDING LINE AND SHALL BE SCREENED WITH A FENCE OR A WALL PLACED BEHIND LANDSCAPING.
- b. NO OUTSIDE DISPLAY OF PRODUCTS BE PERMITTED UNLESS SUBSTANTIALLY SCREENED FROM ADJACENT PARKING LOTS AND ROADWAYS.
- c. MATERIALS SHALL NOT BE STACKED OR STORED TO EXCEED THE HEIGHT OF THE SCREENING WALL OR FENCE.
- d. OVERNIGHT PARKING OF COMMERCIAL VEHICLES, TRACTOR TRAILERS, BOATS, RECREATIONAL VEHICLES, CAMPERS OR MOTOR HOMES SHALL BE PROHIBITED WITHIN PARKING LOTS NOT SPECIFICALLY DESIGNED FOR THAT PURPOSE.

GENERAL NOTES

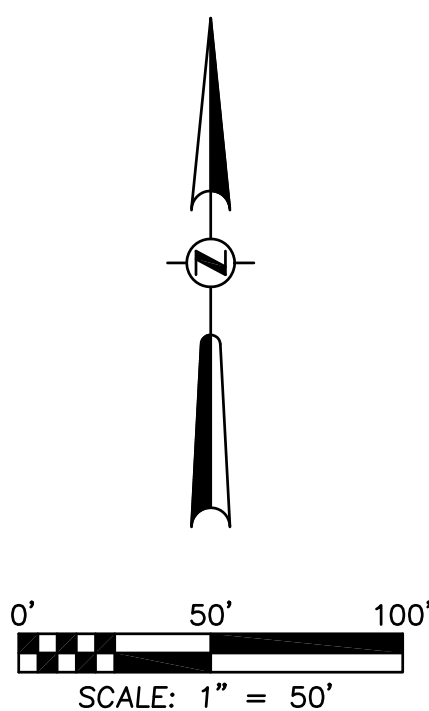
- 1. ALL CURB RADII TO BE 3' UNLESS OTHERWISE NOTED.
- 2. ALL CURB TO BE 6" VERTICAL CURBING.
- 3. ALL DIMENSIONS ARE MEASURED FROM FACE OF CURB.
- 4. ANY PAVEMENT WORK DONE IN THE ROW WILL NEED TO UTILIZE TYPE SP-9.5 ASPHALT MIX
- 5. BOTH BUILDING ENTRANCES ARE FOR CUSTOMER USE
- 6. BASE OF LAMP POSTS SHALL BE FLUSH TO THE GROUND. NO LAMP POST SHALL BE INSTALLED ON A BOLLARD OR SIMILAR STRUCTURE THAT EXTENDS ABOVE THE SURROUNDING GRADE. ADD NOTE: LIGHT POLE FOOTERS CANNOT BE EXPOSED ABOVE FINISH GRADE.
- 7. SIGNS SHALL BE PERMITTED THROUGH A SEPARATE SIGN PERMIT APPLICATION
- 8. A MONUMENT/GROUND SIGN IS NOT ALLOWED

BUILDING NOTE

ARCHITECTURE DESIGN FOR PROPOSED ADDITION MUST MEET ARTICLE VI OF THE CITY'S LDC AND DEVELOPMENT DESIGN GUIDELINES.

SITE LEGEND

- SITE BOUNDARY LINE
- CENTER LINE OF ROAD
- EASEMENT LINE
- EXISTING EDGE OF PAVEMENT
- PROPOSED 6", 3000 PSI CONCRETE
- PROPOSED 7", 4000 PSI CONCRETE
- SIDEWALK
- LINEAR FEET
- SQUARE FEET
- HANDICAP PARKING
- HANDICAP
- TYPICAL
- 5' RADIUS
- # PARKING SPACES



STRIPING NOTES

- 1. TYPICAL PARKING SPACE SHALL BE STRIPED WITH A 6" WHITE STRIPE.
- 2. SEE DETAILS FOR HANDICAP PARKING.
- 3. 30" HIGH INTENSITY STOP SIGNS AND WHITE, THERMOPLASTIC STOP BARS FOR THE DRIVEWAYS

PROJECT NAME

APOPKA BUSINESS COMPLEX
1350 SHEELER AVE. APOPKA FL

SHEET NAME

SITE PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1	02/29/17	STA
2	02/27/18	REVISION PER CITY COMMENTS
3	07/24/18	REVISION PER CITY COMMENTS
4	08/28/18	REVISION PER CITY COMMENTS

Drawn By

CEP

Project No.

127-002

Date

08/15/2017

Scale

1"=50'

William Edward Construction LLC

CivilCorp Engineering, Inc.
630 N Wynore Rd, Ste 310
Maitland, FL 32751
Phone 407-516-4437
Certificate of Authorization No. 29390

Professional Engineer

Stephen Allen, PE # 59994

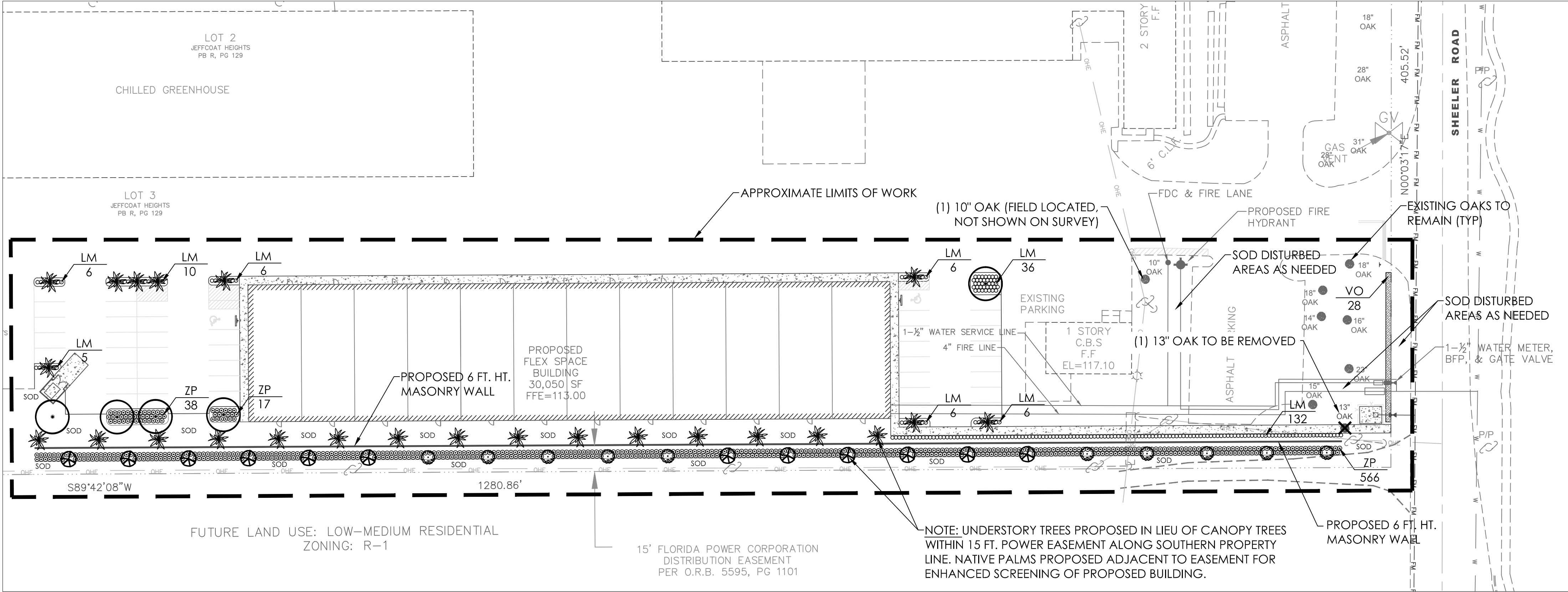
FL Reg No

59994

SHEET NO.

C-4

All ideas, designs, arrangements and plans indicated or represented by this drawing are owned by and the property of SCHWEIZER BOJACK LANDSCAPE ARCHITECTURE LLC and were created, evolved and developed for the use on and connection with this specific project.



LANDSCAPE GENERAL NOTES

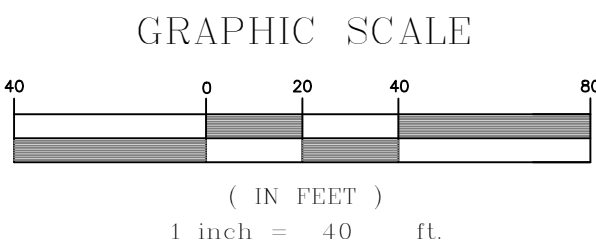
- 1. The Landscape Contractor shall insure that this work does not interrupt established or projected drainage patterns. The Landscape Contractor shall insure adequate vertical drainage in all plant beds and planters. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage.
- 2. The Landscape Contractor shall be responsible for all materials and all work as called for on the landscape plans and in the landscape specifications. The list of plant quantities accompanying the plans shall be sued as a guide only. Contractor shall verify all quantities and report any discrepancies at the time of bidding.
- 3. All plant materials shall be graded Florida No. 1 or better, as outlined under Grades and Standards for Nursery Plants, Division of Plant Industry, State of Florida, unless otherwise noted.
- 4. All plant beds and tree rings shall be top dressed with a 3" minimum depth of pine bark nuggets.
- 5. The Landscape Contractor shall be wholly responsible for stability and plumb condition of all trees and shrubs. Staking of trees or shrubs, if desired or requested by the Landscape Architect or owner, shall be done utilizing a method agreed upon by the Landscape Architect.
- 6. No fill material or use of heavy equipment around existing trees is allowed. Existing trees are to be protected by a wood barricade erected in compliance with local codes.
- 7. The Landscape Contractor is responsible for testing project soils. The Landscape Contractor is to provide a certified soils report to the Owner and Landscape Architect. The Landscape Contractor shall verify that the soils on site are acceptable for proper growth of the proposed plant material. Should the Landscape Contractor find poor soil conditions, the Owner and Landscape Architect must be consulted prior to planting.
- 8. All grades, dimensions and existing conditions shall be verified by the Contractor on site before construction begins. Any discrepancies shall be brought to the attention of the Landscape Architect.
- 9. The Landscape Contractor shall review architectural/engineering plans to become thoroughly familiar with surface and subsurface utilities.
- 10. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of his negligence in the execution of work.

PLANT MATERIALS LEGEND

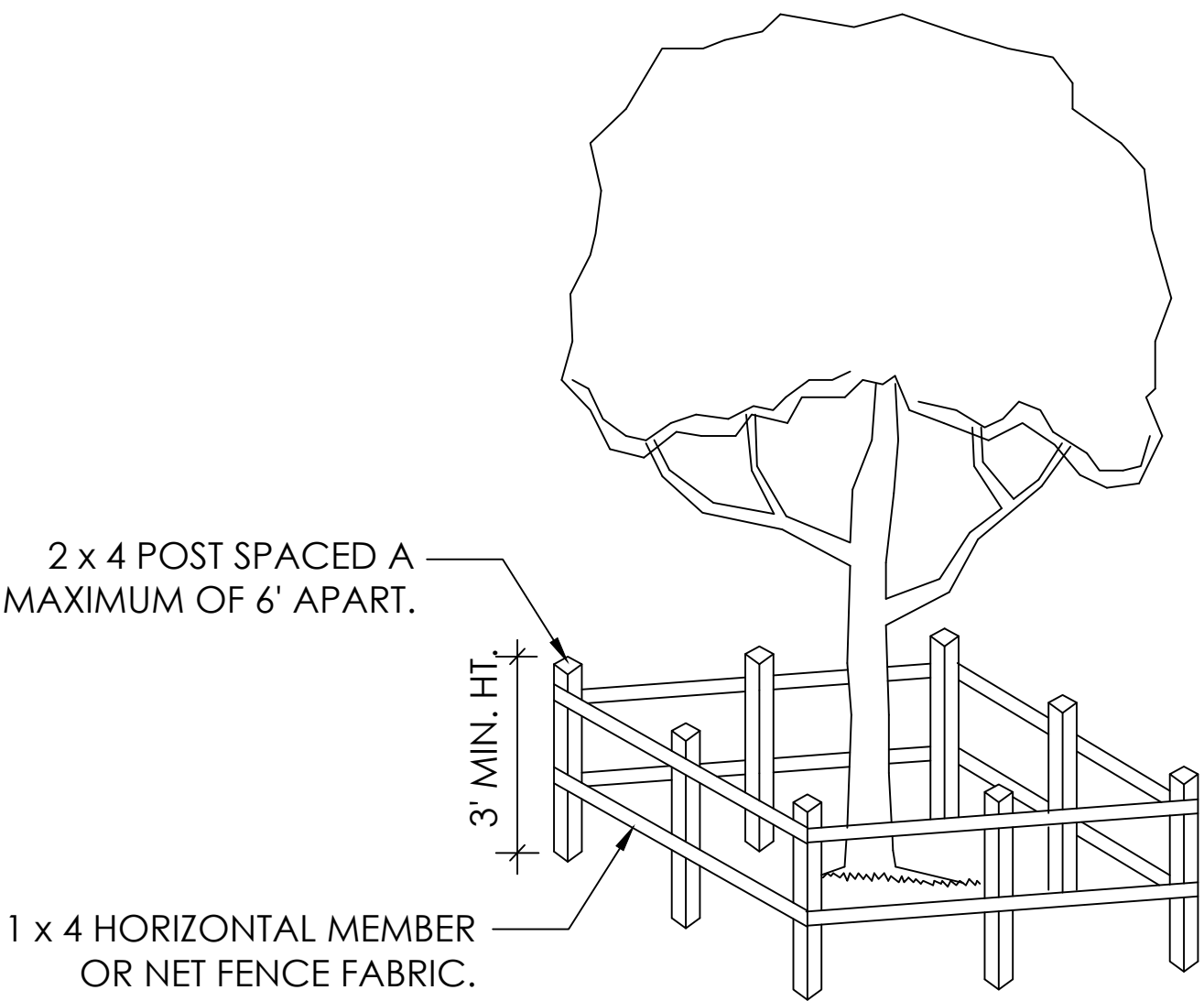
SYMBOL	KEY	QNTY.	COMMON/BOTANICAL NAME	SPECIFICATIONS/DESCRIPTION
	QV	5	Live Oak <i>Quercus virginiana</i>	3 1/2" DBH, 10' - 12' Ht., 100 Gal. or B&B
	IV	12	Upright Yaupon Holly <i>Ilex vomitoria</i>	3 1/2" Total DBH, Multi Trunk, 8'- 10' Ht., B&B
	LJ	10	Ligustrum Tree <i>Ligustrum japonicum</i>	3 1/2" Total DBH, Multi Trunk, 8'- 10' Ht., 100 Gal. or B&B
	SP	24	Sabal Palms <i>Sabal palmetto</i>	14' Height, Matching
	VO	28	Sweet Viburnum <i>Viburnum odoratissimum</i>	7 Gal., 36" Min. Ht., 36" O.C.
	ZP	621	Coontie <i>Zamia pumila</i>	1 Gal., Full, 30" O.C.
	LM	213	Green Liriope <i>Liriope muscara 'Evergreen Giant'</i>	1 Gal., Full, 24" O.C.
	SOD	TBD	Bahia Sod <i>Paspalum notatum</i>	Solid Sod, As Indicated On Plans & All Disturbed Areas
	MULCH	TBD	Pine Bark Mulch	3" Minimum Depth, All Planting Areas

LANDSCAPE INSTALLATION NOTES

- 1. All proposed/installed plant materials to be "Florida Friendly"
- 2. All proposed landscaping adjacent to building foundations to be installed a minimum of 2.5 ft. away from foundation.
- 3. All proposed trees to be installed a minimum of 5 feet away from proposed walls (masonry and/or retaining) and underground utilities.
- 4. All disturbed areas in the right-of-way to be repaired with sod.
- 5. All dead/decaying trees, groundcover or other landscaping materials shall be removed and/or replaced according to the City's landscaping standards.



TREE PROTECTION DETAIL



PROTECTIVE BARRIERS SHALL BE PLACED AT POINTS NOT CLOSER THAN SIX (6) FEET FROM THE BASE OF THE TREE. EACH SECTION OF THE BARRIER SHALL BE CLEARLY VISIBLE (FLAGGED WITH BRIGHTLY COLORED PLASTIC TAPES OR OTHER MARKERS). NO ATTACHMENTS OR WIRES OTHER THAN THOSE OF A PROTECTIVE OR NON-DAMAGING NATURE SHALL BE ATTACHED TO ANY TREE.

TREE CALCULATIONS

TREE REQUIREMENTS: 1 TREE PER 8,000 SQ. FT. OF SITE AREA

TOTAL "LIMITS OF CONSTRUCTION" AREA:	78,165 SQ. FT.
TOTAL TREES REQUIRED (1 TREE/8,000 SQ. FT.):	10 TREES
TOTAL TREES EXISTING & PROPOSED:	*58 TREES & PALMS
* 7 LIVE OAKS EXISTING	
* 5 LIVE OAKS PROPOSED	
* 12 HOLLY TREES PROPOSED	
* 10 LIGUSTRUM TREES PROPOSED	
* 24 SABAL PALMS PROPOSED	

TREE DATA (BASED ON "LIMITS OF CONSTRUCTION" AREA):

TOTAL INCHES WITHIN "LIMITS OF CONSTRUCTION":	127 INCHES
TOTAL SPECIMEN INCHES REMOVED:	0 INCHES
TOTAL NON-SPECIMEN INCHES REMOVED:	13 INCHES
TOTAL INCHES RETAINED:	114 INCHES
TOTAL INCHES ADDED (NOT INCLUDING PALMS):	94.5 INCHES
TOTAL INCHES POST-DEVELOPMENT:	208.5 INCHES

PROPOSED TREE PLANTINGS ON SITE:

(5) LIVE OAKS x 3.5" DBH
(12) YAUPON HOLLIES x 3.5" DBH
(10) LIGUSTRUM TREES x 3.5" DBH

TOTAL INCHES PROPOSED TO BE PLANTED ON SITE: 94.5"

LANDSCAPE PLAN

LANDSCAPE & IRRIGATION DESIGN

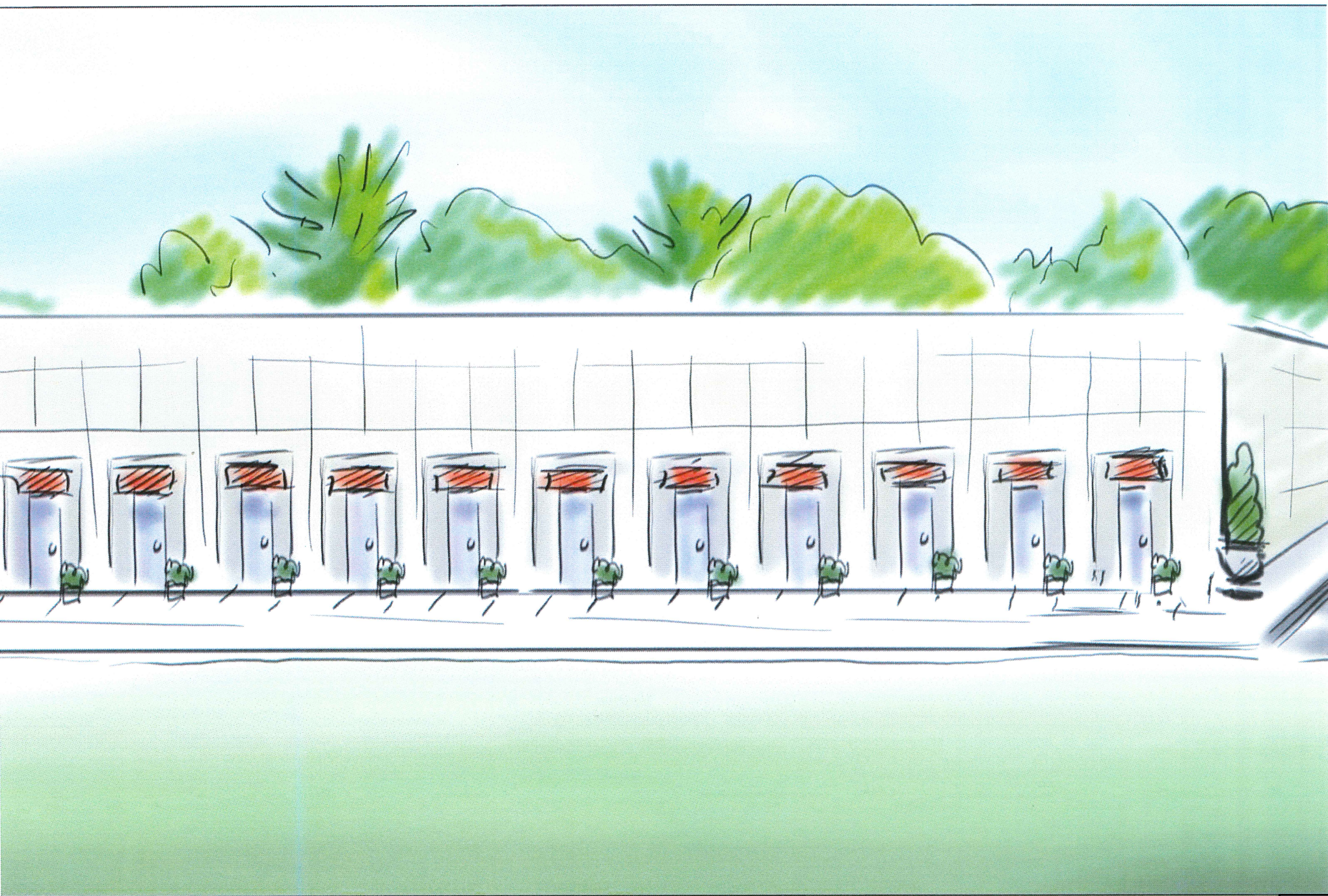
I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE

REG. NO.

DATE



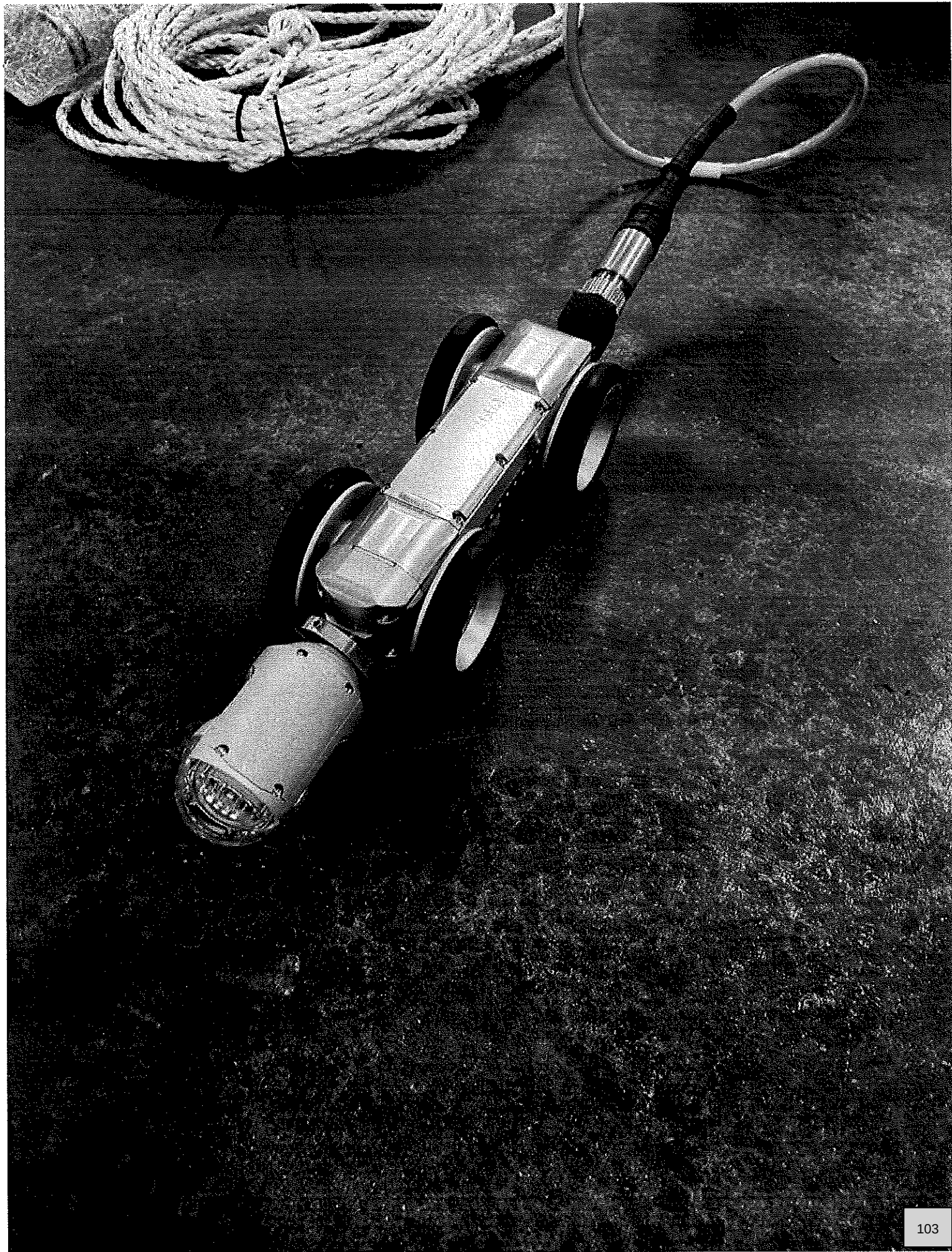




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COMMERCIAL REAL ESTATE SERVICES

9/25/2020

Memorandum to File

Re: Conf Call / Zoom Call for Public Comment

Date: September 25, 2020

From: William "Bo" Bradford

This morning at 10:00am, I hosted both the zoom call and conference call listed below in accordance with the letter that was sent out via certified mail to all of the property owners within 300' of the property.

The calls and Zoom Meeting both lasted for 15 minutes. There were no participants who called into the open conference line and no participants logged into the zoom call. The call-in number and zoom invite below were provided to the property owners:

Should you wish to ask any questions about this particular Tenant or have any concerns, please join us in an informal neighborhood meeting via ZOOM at the below address or you may participate by dialing into our conference call line at 321.281.8514, pin number is 1234#.

Zoom Meeting Call

Time: Sep 25, 2020 10:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86209283285?pwd=eWZsRVN4Yk1iQmM2NHA4OTdJWtZBdz09>

Meeting ID: 862 0928 3285

Passcode: w5E8Q8