

APOPKA PLANNING COMMISSION AGENDA
SEPTEMBER 08, 2020 5:30 PM
City Council Chamber

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 August 11, 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: Agriculture
To: Industrial (Max. 0.60 FAR)
Owner: Randall Real Estate Investments Inc.
Applicant: Sidney L. Vihlen, III – Vihlen and Associates, P.A.
Location: East of Clarcona Road and north of Stone Road
Project: 0.99 +/- acres; 25,874 non-residential sq. ft. (IND Future Land Use, 0.6 FAR)
Project Manager: Phil Martinez
2. Change of Zoning
From: AG (Agriculture District)
To: I-L (Light Industrial District)
Owner: Randall Real Estate Investments Inc.
Applicant: Sidney L. Vihlen, III – Vihlen and Associates, P.A.
Location: East of Clarcona Road and north of Stone Road
Project: 0.99 +/- acres; 25,874 non-residential sq. ft. (IND Future Land Use, 0.6 FAR)
Project Manager: Phil Martinez
3. Comprehensive Plan – Text Amendment – Policy 3.1 Public Schools Facilities Element
Project Manager: Bobby Howell

QUASI-JUDICIAL

1. Variance – To reduce the required minimum rear yard setback from 25 Feet to 20 Feet
Owners/Applicants: Michael and Laura Bogle
Location: 2936 Ponkan Meadow Drive
Project: 0.39 +/- acre; single-family residence
Project Manager: Phil Martinez

2. Variance – To allow a maximum building height for property zoned O (Office District) of 53-Feet.
Owner: Florida Conference Association of Seventh Day Adventists
Applicant: Frank Campbell
Location: 340 Votaw Road
Project: 4.31 +/- acres; Place of Worship
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 AUGUST 11, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Mary Norwood, Robert Ryan, 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: Judy Skiles, Larry Poliner, James Bataman, Harry Godwin, Katie Peck, Dallas Austin, Jim Hall, Frank Porter, James Hoffman, Todd Watson, Frank Terpilowski, Donna Terpilowski, and Teresa Sargeant

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of July 21, 2020, at 5:30 p.m.

Motion: Butch Stanley made a motion to approve the Planning Commission minutes from the regular meeting held on July 21, 2020, at 5:30 p.m. and seconded by William Gusler. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Butch Stanley, and Howard Washington (5/0)

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

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – FAIRCLOTH FAMILY LTD. - 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 Faircloth Family LTD and located north of Keene Road, west of Clarcona 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 Faircloth Family LTD and located north of Keene Road, west of Clarcona Road. The applicant is Jose L. Perez. The existing use is vacant land. The proposed use is 58,544 +/- non-residential sq. ft. The tract size is 2.24 +/- acres.

The subject property was annexed into the city on December 30, 1991 by Ordinance Number 687. The proposed “Industrial” Future Land Use is compatible with the property due to the “Industrial” Future Land Use being found in the vicinity. This application is being processed simultaneously with an application to rezone the subject property from T (Transitional District) to I-L (Light Industrial District).

The proposed Future Land Use of 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 3.1.1 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 JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 9, 2020.

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 Faircloth Family LTD. and located North of E. Keene Road and West of Clarcona 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 Faircloth Family LTD and located north of Keene Road, west of Clarcona Road. Motion Seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Butch Stanley, and Howard Washington (5/0)

LEGISLATIVE – CHANGE OF ZONING – FAIRCLOTH FAMILY LTD. - 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 Faircloth Family LTD and located north of Keene Road, west of Clarcona 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 Faircloth Family LTD and located north of Keene Road, west of Clarcona Road. The applicant is Jose L. Perez. The existing use is vacant land. The proposed use is 58,544 +/- non-residential sq. ft. The tract size is 2.24 +/- acres.

The subject property was annexed into the city on December 30, 1991 by Ordinance Number 687. 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 Agriculture to Industrial.

The proposed I-L (Light Industrial District) 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 JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 9, 2020.

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 Faircloth Family LTD. and located north of E. Keene Road and west 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 Faircloth Family LTD. and located north of E. Keene Road and west of Clarcona Road.

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 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 Faircloth Family LTD and located north of Keene Road, west of Clarcona Road. Motion seconded by Butch Stanley. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Butch Stanley, and Howard Washington (5/0)

LEGISLATIVE – CHANGE OF ZONING; ASSIGNMENT OF THE KPI TRANSITION AND NEIGHBORHOOD CHARACTER ZONES; AND MASTER PLAN – ORLANDO BELTWAY EAST SUBDIVISION – Chairperson Greene stated this is a request to find the proposed Rezoning and

Master Plan consistent with the Comprehensive Plan and Land Development Code and Transition and Neighborhood character zones; and recommend approval of the rezoning of the subject parcels from T (Transitional) to MU-KPI (Mixed-Use Kelly Park Interchange); assignment of the Transition and Neighborhood character zones; and approval of the Master Plan based on the findings and facts presented in the staff report and exhibits and subject to the applicant providing a Traffic Impact Analysis (TIA) that is reviewed and accepted by the City prior to this item being scheduled for First Reading before the City Council on September 16, 2020, for the property owned by Orlando Beltway Associates and located on the west side of Plymouth-Sorrento Road, approximately ¼ mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road.

Staff Presentation: Bobby Howell, AICP, Planning Manager, stated this is a request to find the proposed Rezoning and Master Plan consistent with the Comprehensive Plan and Land Development Code and Transition and Neighborhood character zones; and recommend approval of the rezoning of the subject parcels from T (Transitional) to MU-KPI (Mixed-Use Kelly Park Interchange); assignment of the Transition and Neighborhood character zones; and approval of the Master Plan based on the findings and facts presented in the staff report and exhibits and subject to the applicant providing a Traffic Impact Analysis (TIA) that is reviewed and accepted by the City prior to this item being scheduled for First Reading before the City Council on September 16, 2020, for the property owned by Orlando Beltway Associates and located on the west side of Plymouth-Sorrento Road, approximately ¼ mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road. The applicant is Hall Development Services, Inc., c/o Jim Hall. The future land use is Mixed Use Interchange. The existing use is vacant land and the proposed use is 202 residential units - 143 single-family and 59 townhomes. The tract size is 56.51 +/- acres.

The applicant is requesting a rezoning of 56.51 acres of property from Transitional (T) to Mixed-Use Kelly Park Interchange (MU-KPI), with a Transition and Neighborhood character zone overlay to develop a subdivision consisting of a 282-unit single-family residential subdivision and a 2.4 acre parcel that is reserved for future development subject to the requirements of the Kelly Park Interchange Form Based Code. The subject property is located on the west side of Plymouth-Sorrento Road, approximately one-quarter mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road. The owner of the property is Orlando Beltway Associates.

In accordance with the requirements of the Kelly Park Interchange Form Based Code, the owner has submitted a Master Plan detailing the development of the property. The proposed development is located within the one-mile radius from the SR 429/Kelly Park Road interchange.

Master Plan Profile

Number of residential lots:	202 single family homes (143 single-family, 59 townhomes), one non-residential lot totaling 2.4 acres in size
Proposed Density:	4.4 du/ac – Neighborhood character zone 5.7 du/ac – Transition character zone
Maximum Density Allowed:	5 du/ac – Neighborhood character zone 10 du/ac – Transition character zone
Lot width:	20-feet Transition character zone 40-feet Neighborhood character zone
Minimum lot size:	4,400 square feet (Neighborhood character zone), 2,200 square feet (Transition character zone)
Minimum house livable area:	1,600 square feet (Neighborhood character zone), 1,200 square feet (Transition character zone)
Setbacks:	

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Front:	10-feet (Transition character zone), 15-feet (Neighborhood character zone)
Rear:	
Side:	5-feet
Garage:	Front loaded recessed 4-feet from primary façade
Parking:	Two spaces per unit located on the lot (enclosed or exterior; FBC does not require enclosed parking), on-street parking provided in the Transition character zone
Amenities:	Community swimming pool, internal trail system providing connection within the Form-Based Code area, bike trail along Plymouth-Sorrento Road frontage

The Master Plan proposes development of the property with a total of 202 residential units consisting of single-family homes and townhomes divided between the Transition and Neighborhood character zones. 143 of the 202 units are single-family units on 40-foot wide lots with a minimum living area of 1,600 square feet. 59 are townhome units with a minimum living area of 1,200 square feet. There are no minimum and maximum lot size and living area requirements in the Form-Based Code. Notes provided on the Master Plan indicate the project will be developed in multiple phases, with each phase being determined at the submittal of a Major Development Plan. In addition, a non-residential parcel totaling 2.4 acres in size is reserved in the southeast corner of the site for future development and is located within the Transition character zone as noted in the Kelly Park Interchange Form-Based Code. Any proposed uses for this parcel must be consistent with the list of permitted uses in the Transition character zone. This parcel will be interconnected via vehicular and pedestrian connections to the residential portion of the site. A vehicular access point leading to the non-residential portion of the site is located along Plymouth-Sorrento Road. The Master Plan proposes the single-family lots which are located in the interior of the site, and the townhome units to be accessed via alleyways.

The Master Plan details design of the proposed subdivision in accordance with the requirements of the Kelly Park Interchange Form-Based Code, and the Transition and Neighborhood character zone criteria. The Transition character zone is intended to provide a buffer between the high-density/intensity Village Center zone and the low-density/intensity areas outside the form-based code area. The zone shall respect pedestrian function and scale and shall mainly be comprised of single or multi-use office/medium-density residential buildings and urban single-family homes. The Neighborhood character zone primarily allows single-family homes as permitted uses. The area of the development that is concentrated in the Transition character zone is located on the southern portion of the site and consists of townhomes and the future non-residential parcel. The area in the Neighborhood character zone is located on the remaining portions of the site and consists of single-family units. The surrounding properties consist of residential uses.

Access to the site is proposed via Plymouth-Sorrento Road. A dedication of a 30-foot wide strip for future right-of-way needs for Plymouth-Sorrento Road is detailed on the Master Plan. Within this strip, a 12-foot wide bicycle trail will be constructed by the developer. Behind this strip, a landscape buffer will be provided. The master stormwater pond is located in the central portion of the site. In accordance with the requirements of the Form-Based Code, 20-percent of the total site area is required to remain as open space. The Master Plan reserves 20-percent of the site as open space. Common recreation elements include a community swimming pool, internal trail system, passive open space/recreation areas, and the dedication of the bike trail along Plymouth-Sorrento Road.

The Master Plan designs the internal street system with public streets utilizing a walkable street design with pedestrian and vehicular connections to the north and south via a proposed street connections and through the proposed internal trail system provided within the development. The developer will provide a 12-foot

wide multi-purpose trail along the portion of the development abutting Plymouth-Sorrento Road to help facilitate the construction of the regional trail system that is conceptually proposed within the Kelly Park Form-Based Code area.

The development and zoning conditions of approval for the zoning classification of the following described property shall be designated as Mixed-Use Kelly Park Interchange (MU-KPI), Transition and Neighborhood character zones, as defined in the Kelly Park Interchange Form Based Code, and with the following provisions:

1. Development of the property is subject to the requirements of the Kelly Park Interchange Form Based Code, Transition and Neighborhood character zones.
2. The architectural design of the buildings shall be consistent with Section K.2.g, and Appendix A of the Kelly Park Interchange Form Based Code.
3. A 12-foot wide multi-purpose trail shall be constructed along the portion of the development abutting Golden Gem Road to facilitate the construction of a regional trail system. (Policy 20.19, FLUE; Sec. Q, FBC). The trail shall be placed in a tract that is dedicated to the City of Apopka.
4. A Development Agreement may be required to address any necessary off-site improvements.

The proposed use of the property, as depicted on the Master Plan, is consistent with the Mixed-Use Interchange Future Land Use designation as detailed within the Future Land Use Element of the Comprehensive Plan.

A School Capacity Enhancement Agreement (CEA) has been approved by Orange County Public Schools (OCPS). The location is served by the following schools: Zellwood Elementary, Wolf Lake Middle, and Apopka High School. Additionally, no development activity shall occur on the subject property until the developer has obtained a school concurrency mitigation agreement or approval letter from OCPS.

Pursuant to Section 7 of the Joint Planning Area agreement, Orange County was notified on July 2, 2020.

The Development Review Committee finds the proposed rezoning to Mixed-Use Kelly Park Interchange (MU-KPI) and assignment of a Transition and Neighborhood character zone consistent with the Comprehensive Plan and Kelly Park Interchange Form-Based Code, and recommends approval of the Orlando Beltway East – Master Plan.

Staff recommended the Planning Commission find the proposed Rezoning and Master Plan consistent with the Comprehensive Plan and Land Development Code and Transition and Neighborhood character zones; and recommend approval of the rezoning of the subject parcels from Transitional (T) to Mixed-Use Kelly Park Interchange (MU-KPI), assignment of the Transition and Neighborhood character zones, and approval of the Master Plan, based on the findings and facts presented in the staff report and exhibits, subject to the applicant providing a Traffic Impact Analysis (TIA) that is reviewed and accepted by the City prior to this item being scheduled for First Reading before the City Council on September 16, 2020.

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.

Jim Hall, HDSi, 1303 Osprey Avenue, Orlando, briefly reviewed the project and stated he was available to answer any questions.

Commissioner Gusler expressed his concern that the Commission was being asked to make a recommendation without all of the information being provided, ergo the Traffic Impact Analysis (TIA).

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 Rezoning and Master Plan consistent with the Comprehensive Plan and Land Development Code and Transition and Neighborhood character zones; and recommend approval of the rezoning of the subject parcels from T (Transitional) to MU-KPI (Mixed-Use Kelly Park Interchange); assignment of the Transition and Neighborhood character zones; and approval of the Master Plan based on the findings and facts presented in the staff report and exhibits and subject to the applicant providing a Traffic Impact Analysis (TIA) that is reviewed and accepted by the City prior to this item being scheduled for First Reading before the City Council on September 16, 2020, for the property owned by Orlando Beltway Associates and located on the west side of Plymouth-Sorrento Road, approximately ¼ mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road. Motion Seconded by Linda Laurendeau. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Butch Stanley, and Howard Washington (5/0)

LEGISLATIVE – CHANGE OF ZONING/PLANNED DEVELOPMENT MASTER PLAN – CLONTS FARM, INC. – Item withdrawn by Staff.

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – RESIDENCES AT EMERSON PARK - Chairperson Greene stated this is a request to find the Residences at Emerson Park 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 for property owned by Residences at Emerson Park, LLC, c/o Charles Whittal and located at 1601 Alston Bay Boulevard.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the Residences at Emerson Park 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 for property owned by Residences at Emerson Park, LLC, c/o Charles Whittal and located at 1601 Alston Bay Boulevard. The applicant is Park Square Homes, LLC, c/o Tom Spence, and the engineer is Vanasse Hangen Brustlin, Inc. (VHB), c/o Leah Fitzpatrick, P.E. The future land use is Mixed-Use (up to 15 dwelling units/acre) and the zoning is MU-ES-GT (Mixed-Use East Shore-Gateway Subdistrict). The existing use is vacant land and the proposed use is 103 Townhome units. The tract size is 14.23 +/- acres and the proposed density is 7.17 du/ac.

The Residences at Emerson Park – Major Development Plan proposes a development of 103 townhome units with private roadways. The applicant reserves a total of 3.07 acres as open space/recreation. Amenities include a pool, cabana and dog park. The minimum typical lot width is 20 feet and a lot depth of 110 feet. The typical living area is 1000 square feet, as required by the MU-ES-GT (Mixed-Use East Shore-Gateway Zoning Subdistrict). The minimum setbacks applicable to this project are as follows:

Setback	Min. Standard
Front	15'
Side	7.5'
Rear	20'
Corner	7.5'

Ingress/egress access points for the development will be via full access onto Alston Bay Boulevard. A 20-foot wide emergency access is provided along the northwest boundary of the project site, leading to Street C and Seburn Road.

Per the Land Development Code, a transportation impact analysis (TIA) was not required for this development as it generates under 400 daily trips.

A mixture of Southern Magnolia and Live Oak are proposed on the northern boundary and embellish the northern side of the central roadway and landscape islands. An array of Dwarf Yaupon Hollies, Southern Magnolias and Live Oaks decorate the amenity areas on the southern boundary.

A Capacity Encumbrance Letter (CEL) on has been obtained and a copy of the letter from Orange County Public Schools (OCPS) has been supplied to Staff. The three affected schools are Wheatley Elementary School, Wolf Lake Middle School and Wekiva High School.

Pursuant to the Joint Planning Agreement, Orange County was notified through the DRC agenda distribution.

The Development Review Committee recommends approval of the Residences at Emerson Park - Major Development Plan subject to the findings of this staff report.

Staff recommended the Planning Commission find the Residences at Emerson Park 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 this 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 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 Residences at Emerson Park 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 for property owned by Residences at Emerson Park, LLC, c/o Charles Whittal and located at 1601 Alston Bay Boulevard. Motion seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, and Howard Washington Butch Stanley abstained from voting as he is the President of the Emerson Park Homeowners' Association and will file a Form 8-B. (4/0)

LEGISLATIVE – PRELIMINARY DEVELOPMENT PLAN – SOUTH MEWS AT AVIAN POINTE - Chairperson Greene stated this is a request to find the South Mews at Avian Pointe Preliminary Development Plan consistent with the Avian Pointe PD Master Plan and the Land Development Code; and to recommend approval of the South Mews at Avian Pointe Preliminary Development Plan for the property owned by Apopka Clear Lake Investments, LLC, and located at Parcel B3, Avian Pointe PD south of Peterson Road, east of SR 429.

Staff Presentation: Bobby Howell, AICP, Planning Manager, stated this is a request to find the South Mews at Avian Pointe Preliminary Development Plan consistent with the Avian Pointe PD Master Plan and the

Land Development Code; and to recommend approval of the South Mews at Avian Pointe Preliminary Development Plan for the property owned by Apopka Clear Lake Investments, LLC, and located at Parcel B3, Avian Pointe PD south of Peterson Road, east of SR 429. The applicant is NV5, Inc., c/o Jason P. Mahoney, P.E. The future land use is Residential Medium Density and the zoning is PD (Planned Development). The existing use is vacant land and the proposed use is 102 townhomes. The tract size is 13.9 +/- acres. The applicable codes are the 1993 Land Development Code and Ordinance No. 2671 – Avian Pointe Planned Development Master Plan.

The applicant has submitted a Preliminary Development Plan detailing the development of 102 townhome units on 13.9 acres. The subject property is located on Parcel B3 within the Avian Pointe PD, which is located south of Peterson Road and west of SR 429. The Avian Pointe PD 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.

Two ingress/egress access points for the development are located along Grand Avian Parkway that will lead into the development. 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. Consistent with the approved PD Master Plan, the internal roadway network of the proposed subdivision is comprised of private rights-of-way that consist of 32-foot and 38-foot wide alleys, and 45-foot and 54-foot wide streets. All proposed alleys and streets are located in tracts that are owned and maintained by a homeowners association. On-street parking is proposed on the 45-foot and 54-foot wide streets. All townhome units are proposed as rear loaded, with garages located in the rear of the units. The townhome units located on lots 1-16 will have frontage on Grand Avian Parkway and will be accessed via Ardea Court. The remaining units will have frontage on a mews, which is an internal common area that is owned and maintained by the homeowners association, and will be accessed via Ardea Court, Egret Drive, and Peregrine Way. On street parking will be provided on Egret Drive. Vehicular and pedestrian connections are provided to the remainder of the PD via Grand Avian Parkway.

The western portion of the project area discharges into a stormwater pond located on Parcel B-4, the recreation tract. The center portion of the site discharges into the pond located on the south side of the site. The eastern portion of the project area discharges into a stormwater pond which is located on the east side of the Grand Avian Parkway.

Consistent with the approved PD Master Plan, a community park and recreation area will be provided on Parcel B4 that will be owned and maintained by the master Avian Pointe homeowners 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 Avian Parkway. A pool and clubhouse are proposed to be constructed on Parcel B1. These amenities will be located in a tract that is owned and maintained by the homeowners association.

As detailed in the PD, residents will have joint access to the pool/clubhouse with the residents of Parcel A, the single-family detached subdivision, and Parcel B1, and additional townhome subdivision that was previously approved.

Consistent with the approved PD Master Plan street and lot trees are provided within the development. Additionally, landscaping is provided within each of the mews that are proposed. Landscape materials such as Live Oak, Magnolia, Crepe Myrtle, Japanese Blueberry, and Queen Palm are provided.

A Capacity Enhancement Agreement was obtained from OCPS at the time of the rezoning application. Pursuant to Florida Statute, School Concurrency must be satisfied prior to City Council approval of the Final Development Plan and Plat. The property is zoned for the following schools: Zellwood Elementary, Wolf Lake Middle, and Wekiva High.

Pursuant to the Joint Planning Agreement, Orange County was notified at the time of the subdivision plan for this property through the DRC agenda distribution.

The Development Review Committee finds the Preliminary Development Plan consistent with the Avian Pointe PD Master Plan and recommends approval of the South Mews at Avian Pointe Preliminary Development Plan.

Staff recommended the Planning Commission find the Preliminary Development Plan consistent with the Avian Pointe PD Master Plan and the Land Development Code, and recommend approval of the South Mews at Avian Pointe Preliminary Development Plan.

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 and PD Master Plan.

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

In response to a question by Commissioner Laurendeau, Mr. Howell stated the garages would be rear loaded.

In response to a question by Commissioner Washington, Mr. Howell stated access would be from Peterson and King Roads to Lust Road.

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 South Mews at Avian Pointe Preliminary Development Plan consistent with the Avian Pointe PD Master Plan and the Land Development Code; and to recommend approval of the South Mews at Avian Pointe Preliminary Development Plan for the property owned by Apopka Clear Lake Investments, LLC, and located at Parcel B3, Avian Pointe PD south of Peterson Road, east of SR 429. Motion seconded by Butch Stanley. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Butch Stanley, and Howard Washington (5/0)

QUASI-JUDICIAL - VARIANCE – M.L. CARTER SERVICES, INC., TRUSTEE OF CARTER-KEENE ROAD LAND TRUST – 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 3.5.3.C, Maximum Building Height Standards, to allow a maximum allowable height of 40-feet in the I-L (Light Industrial) zoning district in lieu of the required 35-foot maximum for the construction of two proposed warehouse/distribution buildings on the property owned by M.L. Carter Services Inc., Trustee, of Carter-Keene Road Land Trust and located at 2550 Ocoee-Apopka 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 3.5.3.C, Maximum Building Height Standards, to allow a maximum allowable height of 40-feet in the I-L (Light Industrial) zoning district in lieu of the required 35-foot maximum for the construction of two proposed warehouse/distribution buildings on the property owned by M.L. Carter Services Inc., Trustee, of Carter-Keene Road Land Trust and located at 2550 Ocoee-Apopka Road. The applicant is Cadence Partners, LLC, c/o Adrian Galliano. The future land use is Industrial and the change of zoning is I-L (Light Industrial). The existing use is vacant land. The tract size is 18.07 +/- acres. The applicable code is the 2019 Land Development Code.

The applicant is requesting a variance from Land Development Code Article 3: Section 3.5.3.C. Maximum Building Height, to allow a maximum allowable height of 40-feet in the I-L zoning district in lieu of the required 35-foot maximum to allow for the construction of two proposed warehouse/distribution buildings located at 2550 Ocoee-Apopka Road.

- *Applicant Request* - Allow a maximum building height of 40-feet in the I-L (Light Industrial) zoning district in lieu of the required 35-foot maximum building height to allow for the construction of two warehouse/distribution buildings totaling 189,000 square feet in area.

Pursuant to Land Development Code, Section 2.5.5(A)(5), the Planning Commission shall make initial determination of the following to approve a variance:

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.

The applicable City Code is:

- 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.

If the Planning Commission makes a positive determination of each item in Section 2.5.5(A)(5) referenced above the next 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: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

Staff's Response: No objection. The I-L (Light Industrial) zoning district permits a maximum building height of 35-feet, which has been proven to be lower than building heights in newer industrial buildings constructed in the City. An increase in the maximum building height of 5-feet to a maximum building height of 40-feet on the subject parcel is not excessive. In 2018, the City Council approved an increase to allow a maximum building height of 55-feet in the Mid-Florida Logistics Park based on that applicant's assertion that modern warehouses require 36-feet to 45-feet of clear space under roof to accommodate automated materials handling equipment and maximize storage.

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

Applicant's Response: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

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: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

Staff's Response: No objection. There is no apparent relation between building height and congestion on surrounding public streets.

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

Applicant's Response: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

Staff's Response: No objection. An increase in the maximum building height of 5-feet does not appear to cause property values in the area surrounding the site to substantially decrease. The development of a Class A facility is anticipated to bring an increase to the City's tax rolls.

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

Applicant's Response: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

Staff Response: No objection. Surrounding properties, which are undeveloped have zoning designations of Office, which allows a maximum building height of 35-feet and Mixed-Use-East Shore-Gateway, which allows a maximum building height of 45-feet for apartment and commercial uses. A maximum building height of 40-feet on the subject property does not appear to alter the essential character of the area surrounding the site.

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: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

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: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide

cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

Staff Response: No objection. This request results in the applicant proposing to construct buildings that satisfy industry standards for warehouse/distribution buildings.

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

Applicant's Response: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

Staff Response: No objection. There appears to be no correlation between an increase in the maximum building height of 5-feet 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: Granting the variance to the 40' height maximum is requested to meet industry standards for warehouse buildings. Increasing the height will not provide cost savings and will not result in additional traffic or congestion. The higher building will not diminish values of nearby properties and will provide a Class A distribution facility, fitting with the underlying zoning. Further, the resulting warehouse building will not create special circumstances or conditions, so that no safety hazards or other detriments to the public will not be created.

Staff Response: No objection. The request is minimal and just outside of the 10-percent maximum adjustment ratio that is granted to the Community Development Director in the Administrative Adjustment section of the Land Development Code.

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: Butch Stanley 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 M.L. Carter Services Inc., Trustee, of Carter–Keene Road Land Trust and located at 2550 Ocoee-Apopka Road. Motion seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Butch Stanley, and Howard Washington (5/0)

Motion: William Gusler 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 3.5.3.C, Maximum Building Height Standards, to allow a maximum allowable height of 40-feet in the I-L (Light Industrial) zoning district in lieu of the required 35-foot maximum for the construction of two proposed warehouse/distribution buildings on the property owned by M.L. Carter Services Inc., Trustee, of Carter–Keene Road Land Trust and located at 2550 Ocoee-Apopka Road. Motion seconded by Howard Washington. Aye votes were cast by James Greene, William Gusler, Linda Laurendeau, Butch Stanley, and Howard Washington (5/0)

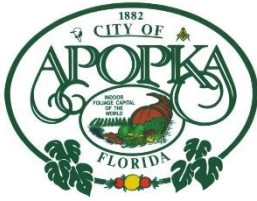
OLD BUSINESS: None

NEW BUSINESS: None

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

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director



CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: September 8, 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 – RANDALL REAL ESTATE INVESTMENTS INC

REQUEST: RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN – SMALL
SCALE – FUTURE LAND USE AMENDMENT – RANDALL REAL ESTATE
INVESTMENTS INC.

FROM: AGRICULTURE

TO: INDUSTRIAL (MAX. 0.6 FAR)

SUMMARY:

OWNER: Randall Real Estate Investments Inc.

APPLICANT: Sidney L. Vihlen, III – Vihlen and Associates, P.A.

LOCATION: East of Clarcona Road and North of Stone Road

PARCEL ID NUMBER: 27-21-28-0000-00-055

EXISTING USE: Warehouse/Industrial

CURRENT ZONING: AG (Agriculture District)

TRACT SIZE: 0.99 +/- acres

MAXIMUM ALLOWABLE
DEVELOPMENT:

EXISTING: 1 Dwelling Unit (AG Future Land Use, 1 du/5 ac)

PROPOSED: 25,874 non-residential sq. ft. (IND Future Land Use, 0.6
FAR)

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject property was annexed into the City 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).

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 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.

SCHOOL CAPACITY REPORT: 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.

PUBLIC HEARING SCHEDULE:

September 8, 2020 - Planning Commission (5:30 pm)

October 7, 2020 - City Council (1:30 pm) - 1st Reading

October 21, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

August 28, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of Industrial for the property owned by Randall Real Estate Investment Inc. and located East of Clarcona Road and North of Stone Road.

Planning Commission 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 Agriculture to Industrial, subject to the findings of the Staff Report.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Agriculture	AG	Retention Pond
East (City)	Agriculture	AG	Lake Charlotte
South (City)	Agriculture	AG	Lake Charlotte
West (City)	Agriculture	AG	Nursery

II. LAND USE ANALYSIS

The subject property is currently used for an industrial activity, future development must comply with the Industrial future land use designation and be consistent with the Comprehensive Plan policies 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 Agriculture to Industrial (Max. 0.60 FAR) is consistent with the terms of the JPA (Second Amendment). Randall Real Estate Investments Inc. is the property owner, and has been notified of the hearing schedule.

Transportation: Road access to the site is from Clarcona 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 (Max. 0.60 FAR) Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

PLANNING COMMISSION – SEPTEMBER 8, 2020
RANDALL REAL ESTATE INVESTMENTS INC – FUTURE LAND USE AMENDMENT
PAGE 4

CALCULATIONS:

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

PROPOSED: 0 Unit(s) x 2.659 p/h = 0 persons (25,874 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.

Sanitary Sewer Analysis: The property is located within the County's Utility Service area and must meet its requirements at the time it connects to the County's utilities.

Potable Water Analysis: The property is located within the County's Utility Service area and must meet its requirements at the time it connects to the County's utilities.

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: ____lbs/ day /Capita
4. Projected LOS under proposed designation: ____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

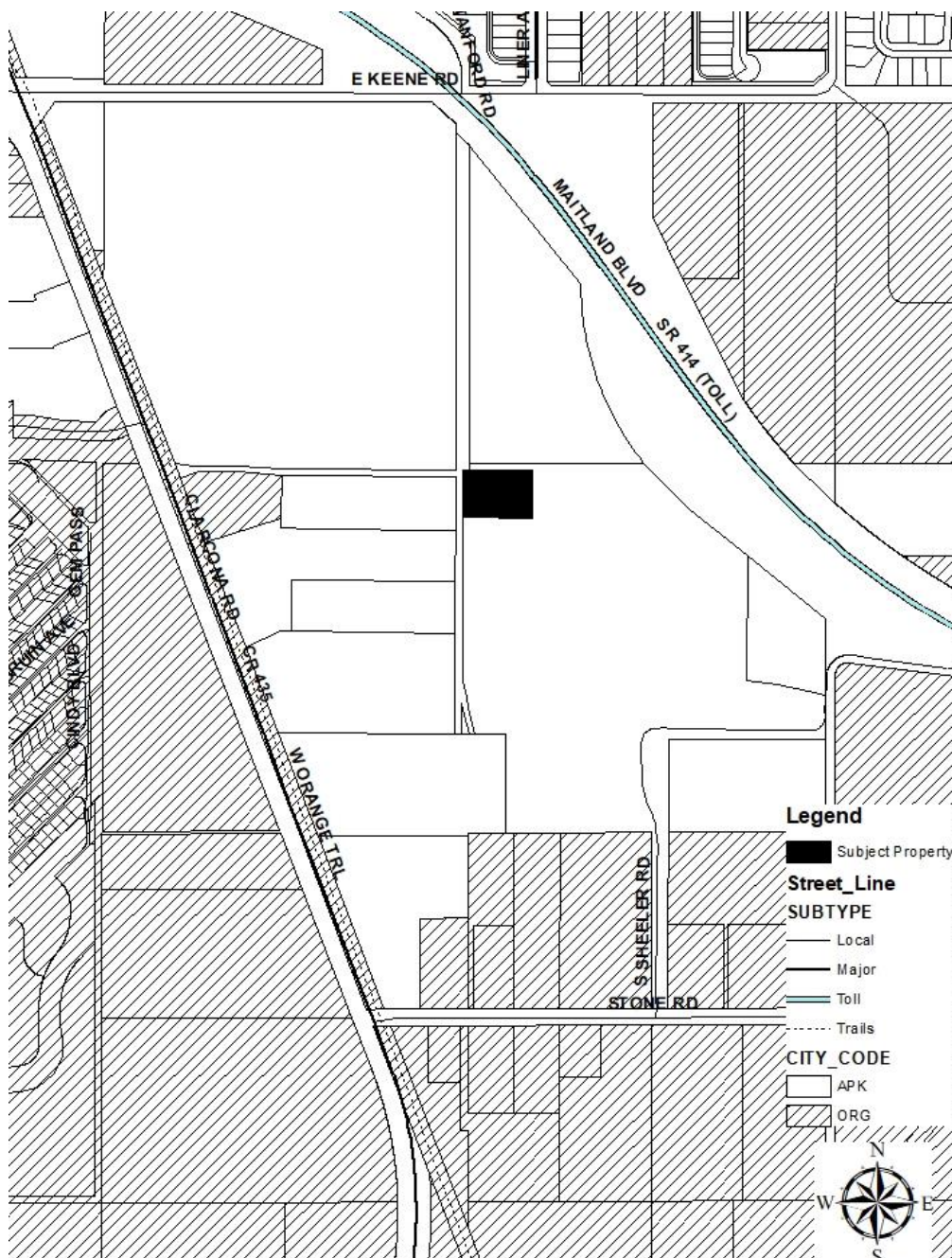
Recreation – Not applicable

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



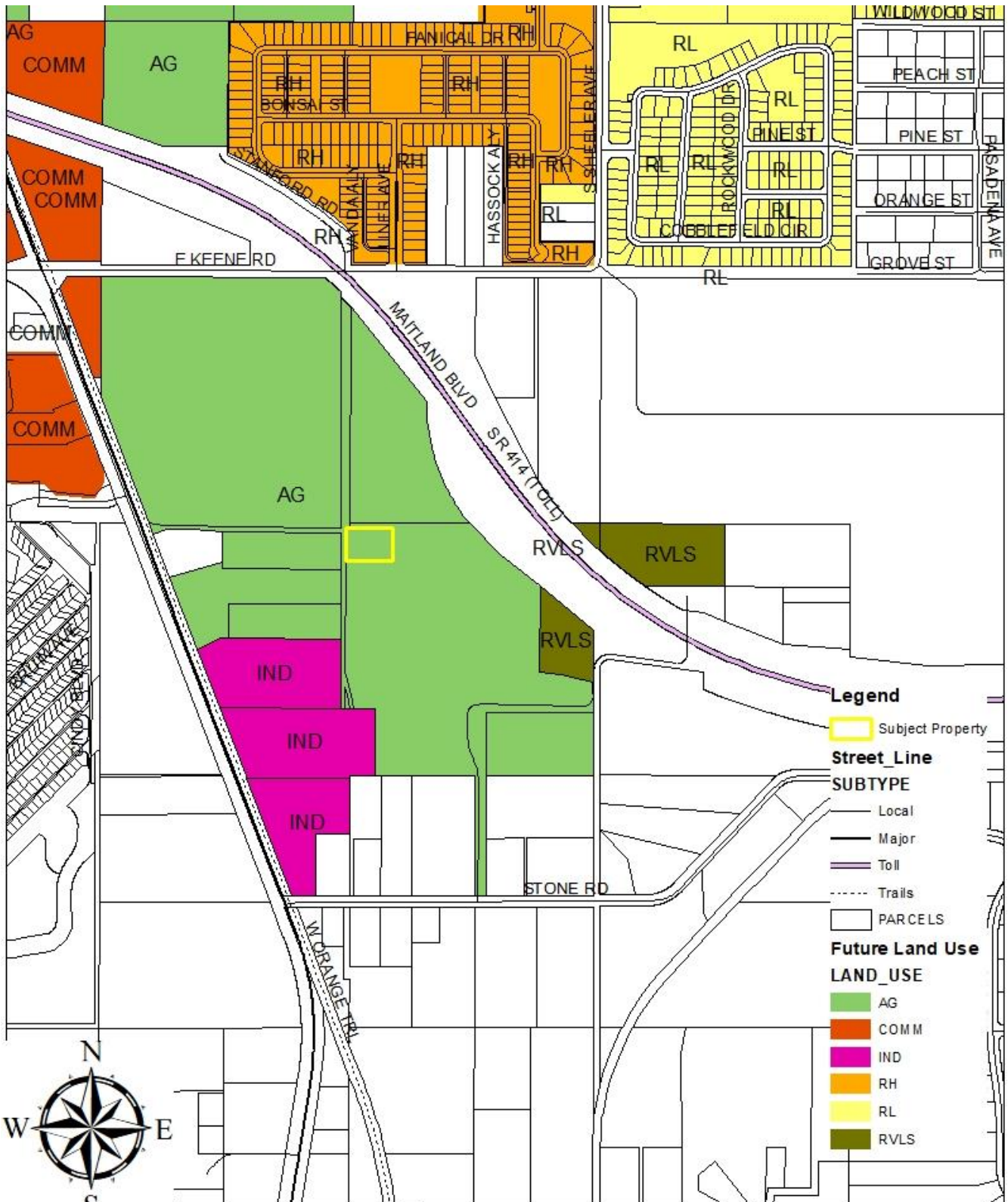
Randall Real Estate Investments Inc
0.99 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: Agriculture
To: Industrial
Parcel ID #: 27-21-28-0000-00-055

VICINITY MAP



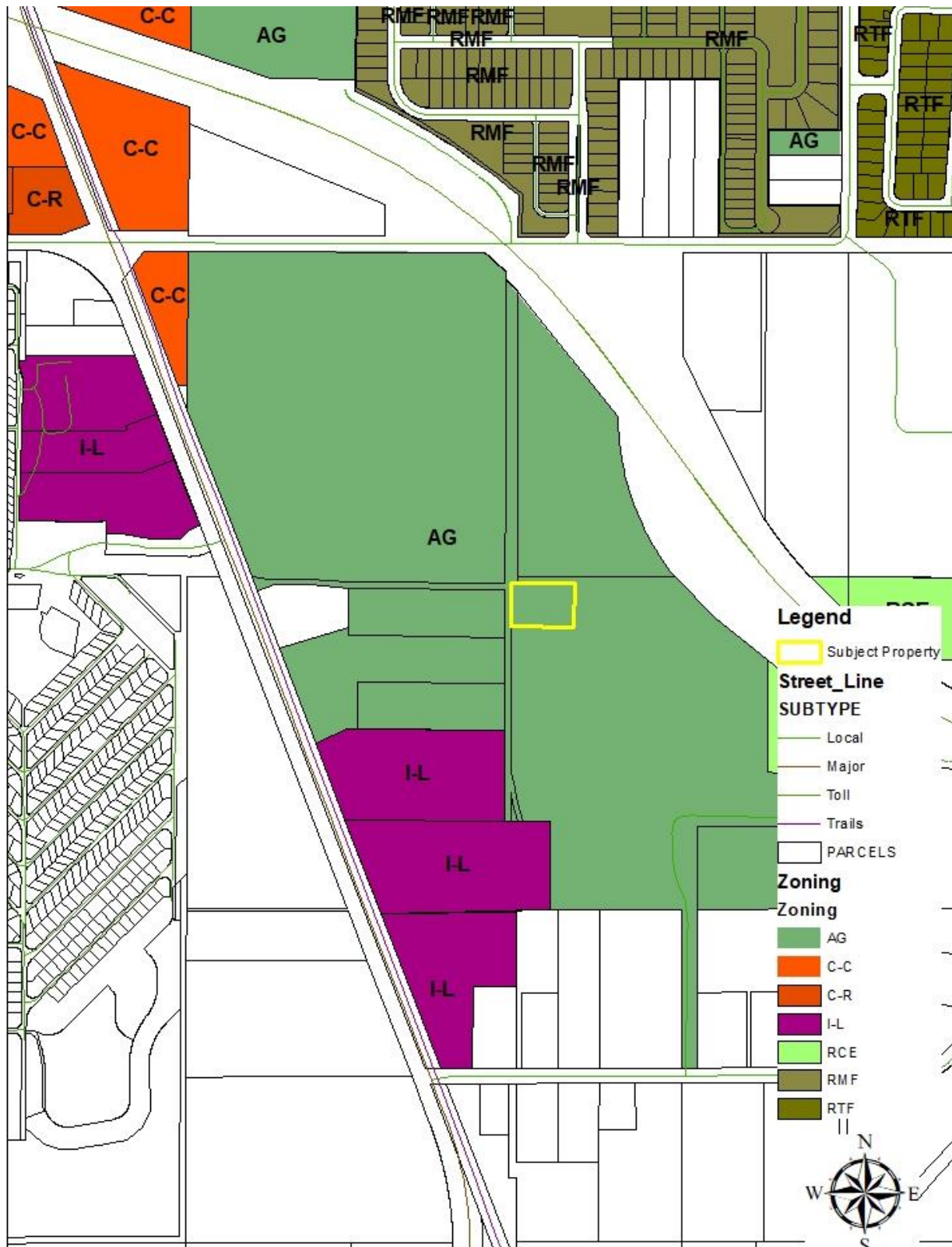


FUTURE LAND USE MAP





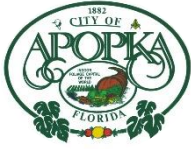
ADJACENT ZONING





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: September 8, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – RANDALL REAL ESTATE INVESTMENTS INC.

REQUEST: CHANGE OF ZONING – RANDALL REAL ESTATE INVESTMENTS INC.
FROM: AG (AGRICULTURE DISTRICT)
TO: I-L (LIGHT INDUSTRIAL DISTRICT)

SUMMARY:

OWNER: Randall Real Estate Investments Inc.

APPLICANT: Sidney L. Vihlen, III – Vihlen and Associates, P.A.

PARCEL ID NUMBER: 22-21-28-0000-00-055

LOCATION: North of E. Keene Road and West of Clarcona Road

FUTURE LAND USE: Agriculture (Industrial Proposed)

EXISTING USE: Vacant

CURRENT ZONING: AG (Agriculture District)

PROPOSED ZONING: I-L (Light Industrial District)

TRACT SIZE: 0.99 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Dwelling Unit
PROPOSED: 25,874 non-residential sq. ft. - Industrial FLU

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 – SEPTEMBER 8, 2020
CHANGE OF ZONING – RANDALL REAL ESTATE INVESTMENTS INC.
PAGE 2

ADDITIONAL COMMENTS: 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.

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:

September 8, 2020 - Planning Commission (5:30 pm)

October 7, 2020 - City Council (1:30 pm) - 1st Reading

October 21, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

August 28, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from 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.

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 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.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Agriculture	AG	Retention Pond
East (City)	Agriculture	AG	Lake Charlotte
South (City)	Agriculture	AG	Lake Charlotte
West (City)	Agriculture	AG	Nursery

**LAND USE & TRAFFIC
COMPATIBILITY:**

The property is currently accessed from Clarcona Road.

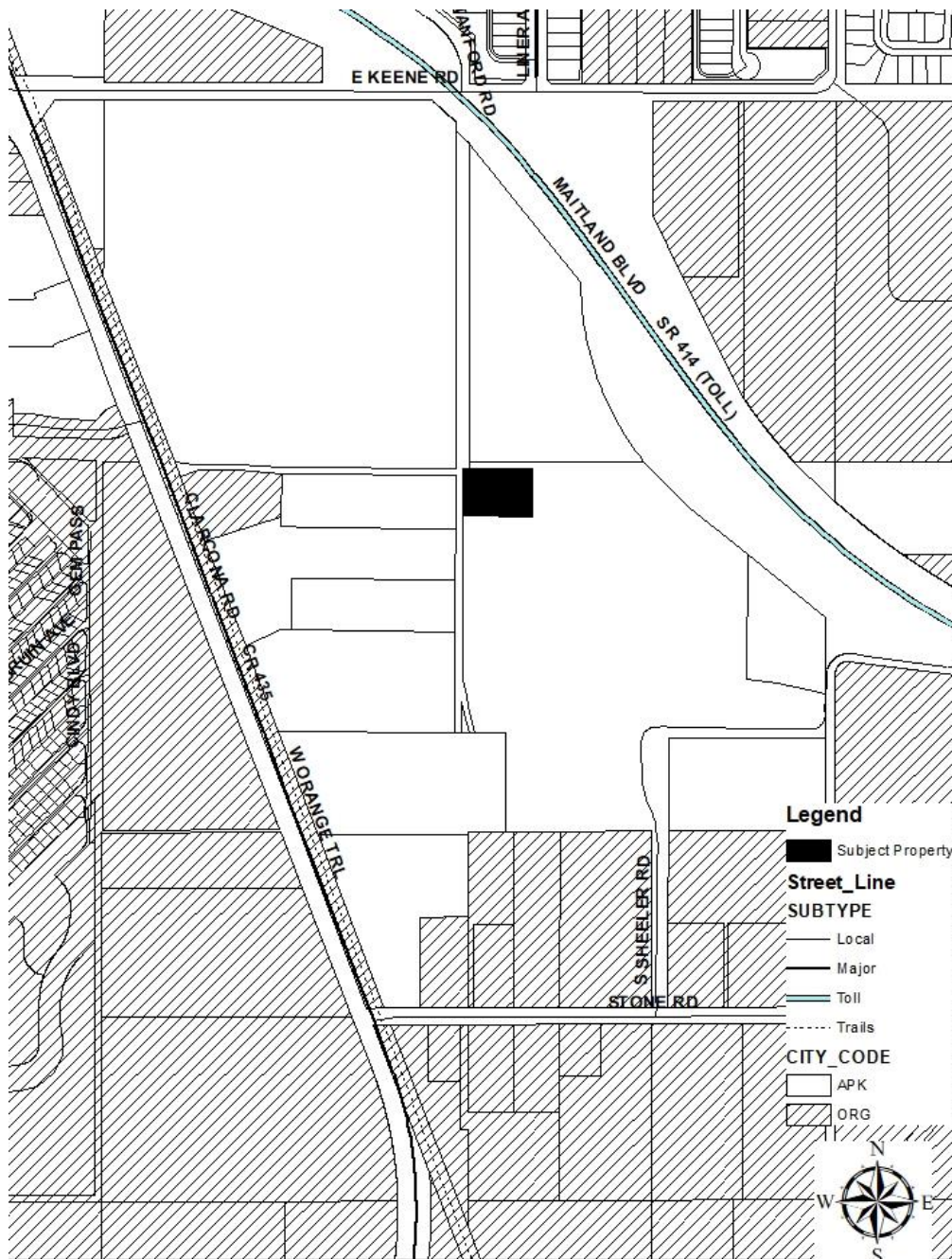
**COMPREHENSIVE PLAN
COMPLIANCE:**

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.



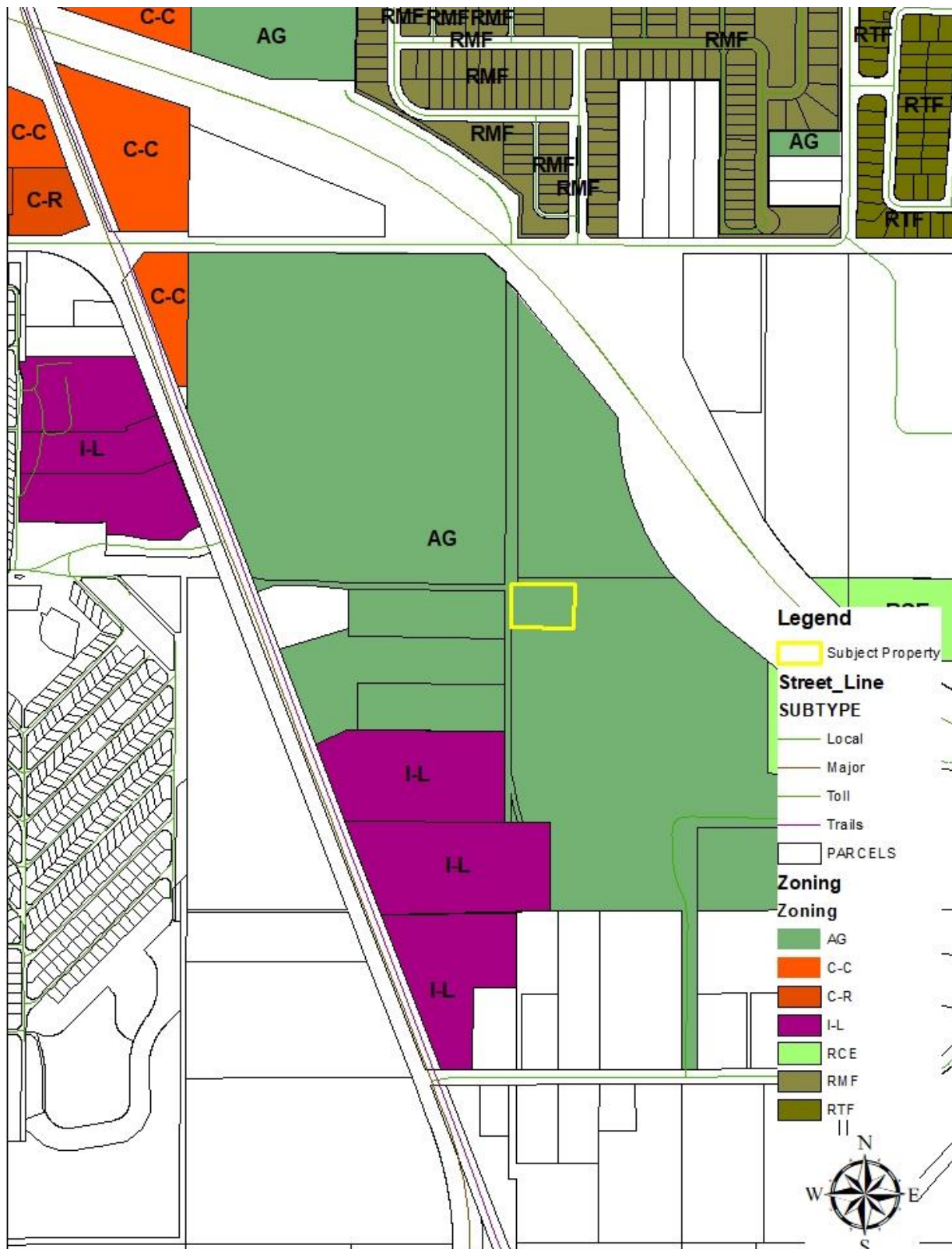
Randall Real Estate Investments Inc
0.99 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: Agriculture
To: Industrial
Parcel ID #: 27-21-28-0000-00-055

VICINITY MAP





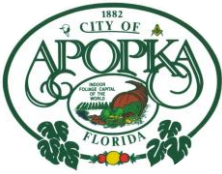
ADJACENT ZONING





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: September 8, 2020
FROM: Community Development
EXHIBIT: Text Amendment

SUBJECT: COMPREHENSIVE PLAN – ADMINISTRATIVE TEXT AMENDMENT – POLICY 3.1;
PUBLIC SCHOOLS FACILITIES ELEMENT – TRANSMITTAL HEARING

REQUEST: RECOMMEND APPROVAL OF AN AMENDMENT TO POLICY 3.1 OF THE PUBLIC
SCHOOLS FACILITIES ELEMENT, APOPKA COMPREHENSIVE PLAN

SUMMARY:

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.

Exhibit "A" provides the proposed amendment to Policy 3.1. of the Public Schools Facilities Element.

RECOMMENDATION ACTION:

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.

DISTRIBUTION

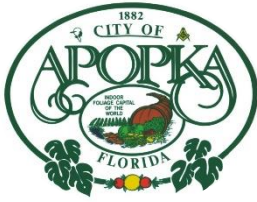
Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

Objective 3 The City and Orange County Public Schools shall develop and maintain, throughout the planning period, a joint process for the implementation of school concurrency as provided for in the adopted Interlocal Agreement.

Policy 3.1 ~~The City shall not approve~~ When reviewing a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density, the City of Apopka shall seek input from on property that is not otherwise vested until such time as Orange County Public Schools has determined as to whether sufficient school capacity will exist at the time of the proposed change, or a capacity enhancement agreement is executed that provides for If Orange County Public Schools indicates there is insufficient capacity in the affected schools, the City of Apopka may take into consideration the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development when deciding whether to approve or deny the requested Comprehensive Plan amendment or rezoning.



CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: September 8, 2020
FROM: Community Development
EXHIBITS: Vicinity Map
Aerial Map
Survey

SUBJECT: VARIANCE – BOGLE – 2936 PONKAN MEADOW DRIVE

REQUEST: 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.

SUMMARY:

OWNERS/APPLICANTS: Michael and Laura Bogle
LOCATION: 2936 Ponkan Meadow Drive
PARCEL ID #: 30-20-28-9139-00-260
FUTURE LAND USE: Residential Low Suburban
ZONING: RSF-1A
EXISTING USE: Single Family Home
TRACT SIZE: 0.39 +/- acres
LDC: 2019 Land Development Code

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

VARIANCE REQUEST SUMMARY: 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.

RECOMMENDATION ACTION:

Planning Commission Role: The Planning Commission shall 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.

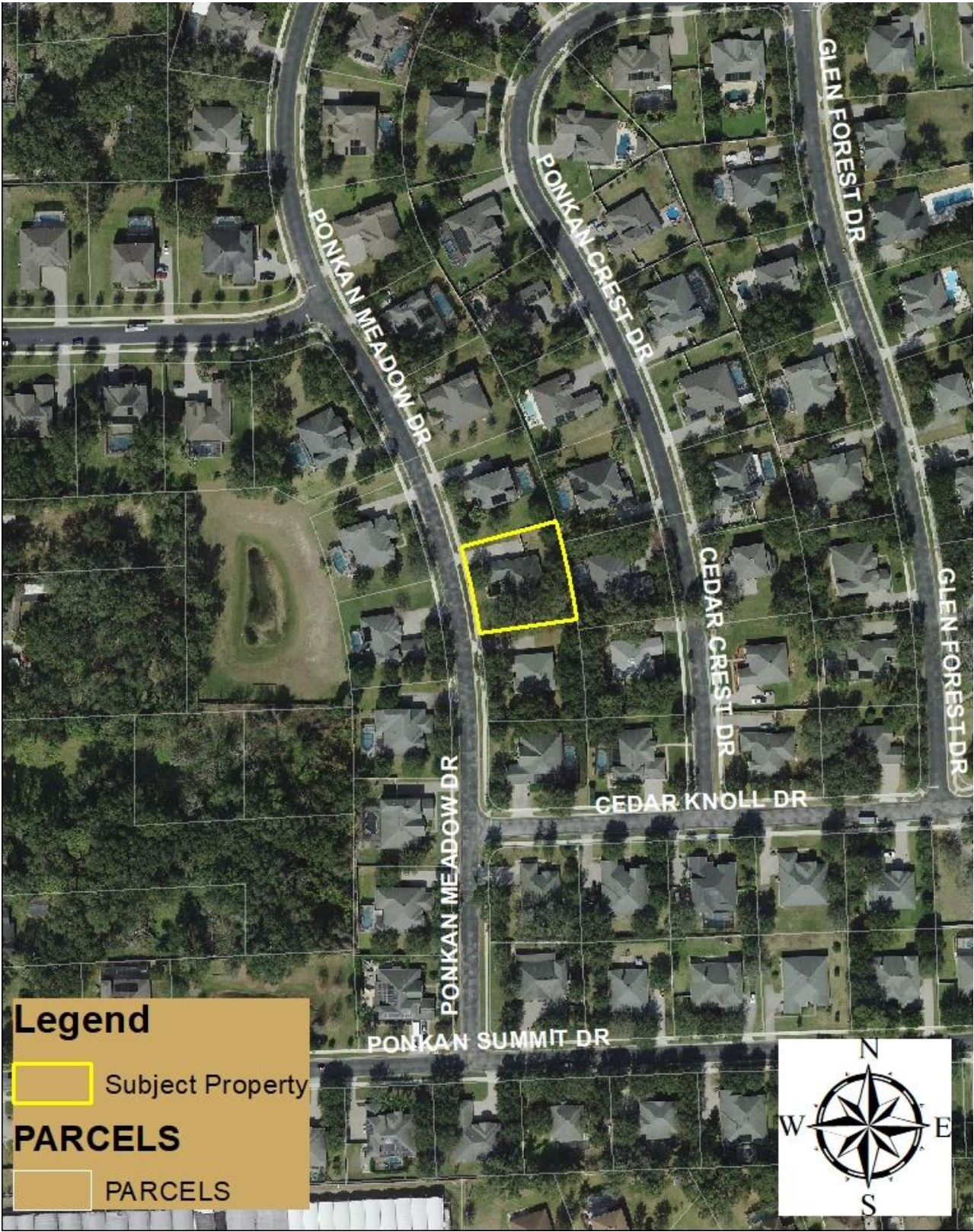
Note: This item is considered Quasi-Judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting

Owner: Michael and Laura Bogle
Applicant: Michael and Laura Bogle
Parcel ID No: 30-20-28-9139-00-260
Address: 2936 Ponkan Meadow Drive
Total area: 0.39 acre(s) +/-

VICINITY MAP



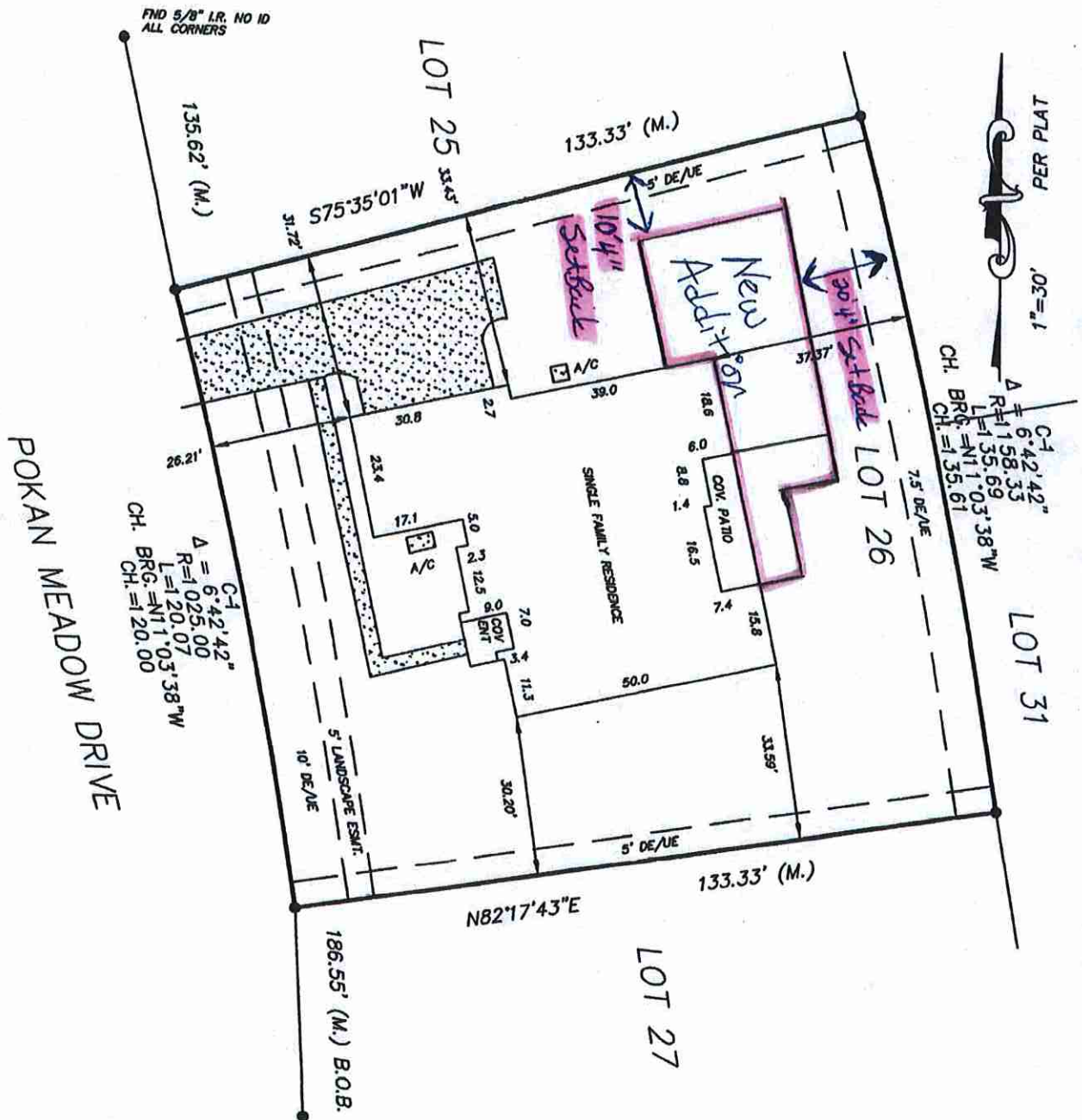
AERIAL MAP



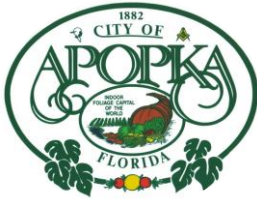
BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 26, WEKIVA RUN PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 61, PAGE 30, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12095C0110 F, ORANGE COUNTY, FLORIDA. MAP DATED SEPTEMBER 25, 2009.



CERTIFIED TO: GRACE TITLE, INCORPORATED
 WESTCOR LAND TITLE INSURANCE COMPANY
 RP FUNDING
 MICHAEL & LAURA BOGLE



CITY OF APOPKA PLANNING COMMISSION

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

MEETING OF: September 8, 2020
FROM: Community Development
EXHIBITS: Vicinity Map
Aerial Map
Application
Architectural Elevations

SUBJECT: VARIANCE – FLORIDA CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS – 340 VOTAW ROAD

REQUEST: 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.

SUMMARY:

OWNER: Florida Conference Association of Seventh Day Adventists
APPLICANT: Frank Campbell
LOCATION: 340 Votaw Road
PARCEL ID #: 10-21-28-0000-00-099
FUTURE LAND USE: Institutional/Public Use
ZONING: O (Office)
EXISTING USE: Place of Worship
TRACT SIZE: 4.31 +/- acres
LDC: 2019 Land Development Code

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

VARIANCE REQUEST SUMMARY: 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.

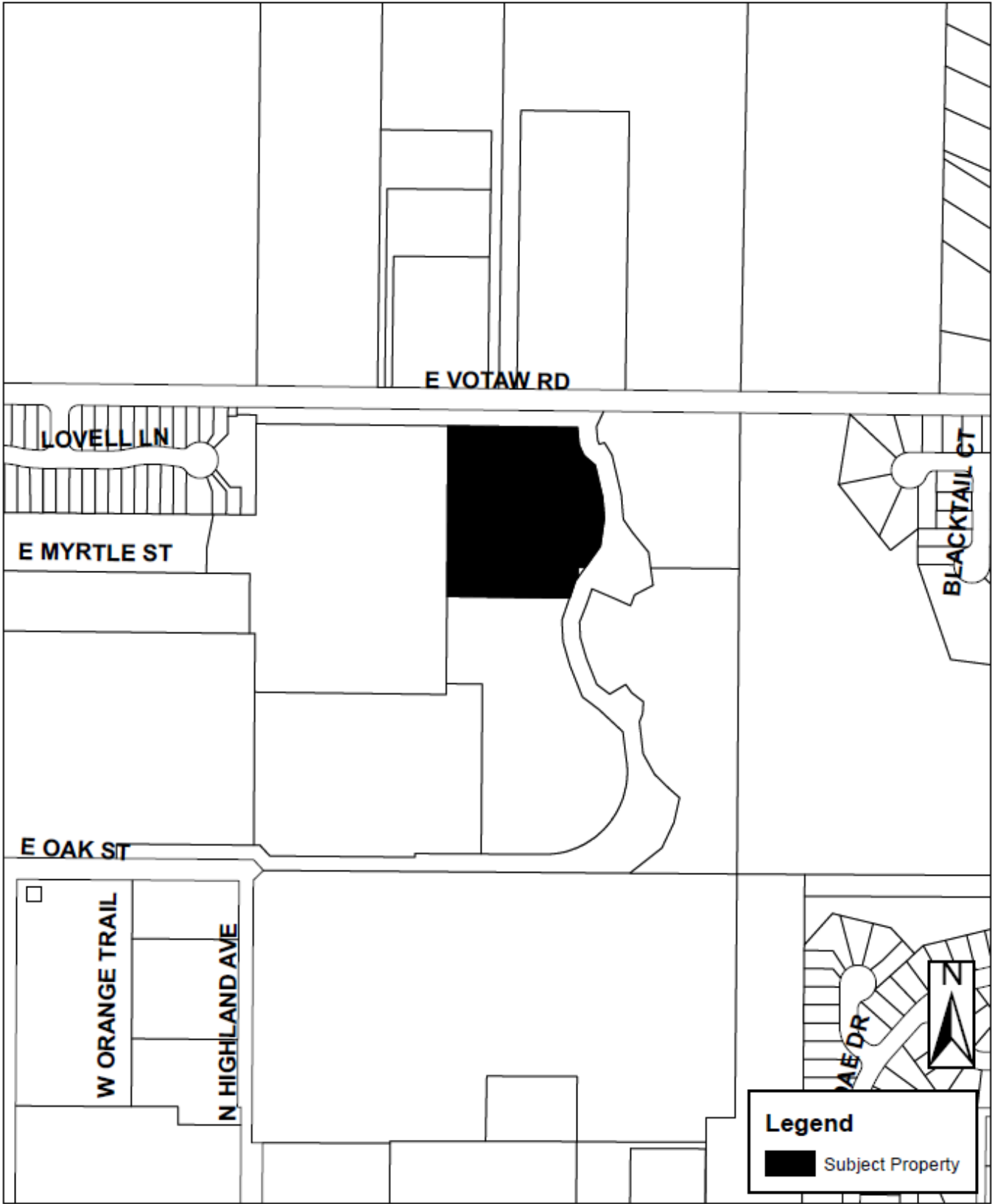
RECOMMENDATION ACTION:

Planning Commission Role: The Planning Commission shall 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.

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

Vicinity



Aerial





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

APPLICATION FOR ZONING VARIANCE

PUBLIC HEARING Check Applicable Request	
☒	Variance
☐	Appeal
☐	Other

- FOR OFFICE USE ONLY -	
DATE SUBMITTED:	
FEE PAID:	
CHECK #:	
RECEIPT #:	

Owner(s) Information

Name: Florida Conference Assn Of Seventh Day Adventist			
Street Address: 351 S State Road 434			
City: Altamonte Springs		State: FL	Zip: 32714
Phone:	Fax:	E-mail:	

Petitioner Information

Name: Frank Campbell			
Street Address: 255 S Orange Ave#1240			
City: Orlando		State:	Zip:
Phone: 407-930-6016	Fax:	E-mail: frank@campvandesignstudio.com	

Property Information

Parcel I.D. #(s): 10-21-28-0000-00-099	
Existing Land Use: Institutional	Existing Zoning: Office
Existing Use: Religious	Proposed Use: Religious
Legal Description:	
Identify Abutting Roads: Votaw Road	
Size (acres): 4.31 AC	Number of Lots: 1

ADJACENT PROPERTY					
Direction	Jurisdiction		Land Use	Zoning	Present Use
	Circle One				
North	City	County	INST PU	O	RECREATIONAL TRACTS
	City	County			
East	City	County	INST PU	O	RECREATIONAL TRACTS
	City	County			
South	City	County	INST PU	O	VACANT COMMERCIAL
	City	County			
West	City	County	RM	RTF	NON-AG
	City	County			

VARIANCE OR REQUEST**Request:**

Variance to the maximum building height required of 35' to 47.8

As set forth in the Land Development Code (LDC), Section(s):

3.4.6.C. Intensity and dimensional standard table.

Provide written response to the criteria outline in LDC Section 2.5.5(A)(5)(b).

Please, see attached written response.

Additional Information:

Please, see attached rendering.

Applicant's Demonstration of a Hardship

Zoning Variance Application

Pursuant to Section 2.5.5(A)(5)(b). of the City of Apopka Land Development Code, an applicant requesting a variance SHALL address in writing the nine criteria listed below.

Required findings. A zoning variance shall be approved only on a finding the applicant demonstrates there is competent substantial evidence in the record that:

1. 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;
2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
3. The proposed variance will not substantially increase congestion on surrounding public streets;
4. The proposed variance will not substantially diminish property values in the area surrounding the site;
5. The proposed variance will not substantially alter the essential character of, the area surrounding the site;
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;
7. Special conditions and circumstances do not result from the actions of the applicant;
8. The proposed variance will not create safety hazards and other detriments to the public; and
9. The variance is the minimum variance which will make possible the reasonable use of the land, building or structure.

CERTIFICATION AND SIGNATURE

The owner(s) of the property **SHALL** 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 property owner.

**OWNER'S AUTHORIZATION IS REQUIRED AT THE TIME APPLICATION IS SUBMITTED.
THIS IS A REQUIREMENT BY THE PLANNING COMMISSION.**

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 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: Deanna M. Hawley, V.P.
Owner(s) of Record (Signature)

By: _____
Owner(s) of Record (Signature)

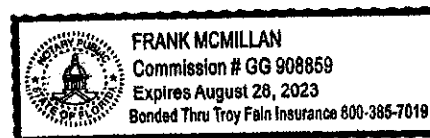
STATE OF FLORIDA
COUNTY OF ORANGE San. nola

The foregoing instrument was acknowledged before me on this 30th day of April, 2020, by Deanna M. Hawley - VP of Planning who is personally known to me or has produced _____ as Identification and who did / did not (circle one) take an oath.

[Signature]
Notary Public (Signature)

My Commission Expires: 08/28/2023

Frank McMillan
Notary Public (Print Name)



Application for Variance

OWNER(S) NAME: _____

Page 4

APPLICATION FEES	
Variance:	
Single Family Lot	\$150.00
All other	\$300.00
Appeal to the City Council:	\$150.00

GENERAL INFORMATION

1. Submittal deadline is first working day of each month.
2. This application requires a Public Hearing.
3. Public Hearing procedures as set forth in the City of Apopka Land Development Code shall be followed.
4. No portion of the submittal fee will be refunded after application has been submitted.
5. The applicant or a representative shall be present at the public hearing. The Planning Commission, at its discretion, may defer action or take decisive action on any application.
6. No permit shall be issued on the request until thirty (30) days after approval by the Planning Commission, and *only* if no appeal has been made to the City Council.
7. 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.
8. Costs incurred in addition to established fees for advertising, City Attorney, postage or consultant expenses shall be paid to the City.

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. Current Survey of subject property with Legal Description and Vicinity Map.
5. 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).
6. Written response to hardship criteria listed in Land Development Code Section 2.5.5(B)(b).
7. If Applicant is not the owner of record of the subject property, a Power of Attorney shall be submitted with application.
8. Any additional information which may be useful to or required by the City.

CITY OF APOPKA**SURROUNDING OWNERS NAME AND ADDRESS
INSTRUCTIONS**

THE FOLLOWING INSTRUCTIONS ARE PROVIDED TO HELP APPLICANTS COMPLETE THE ATTACHED 300 FOOT TABLE AND OBTAIN THE SURROUNDING PROPERTY OWNERS NAMES AND ADDRESSES.

INSTRUCTIONS

1. Go to the Orange County Property Appraiser's Office and tell them you need to obtain owners information within the surrounding 300 feet* for which is change in zoning, a variance, a special exception, etc. is being requested.
2. OR Visit them online at www.ocpafl.org to obtain the information yourself.
3. Provide OCPA the legal description, tax ID numbers, and/or boundary survey of the subject property to assist them in locating the appropriate tax map(s).
4. OCPA provides a computer so that you can access lot/parcel owner information as shown on their tax map(s).
5. Complete the attached 300 Foot Table form with the surrounding property owner information obtained from OCPA. Include: NAME, ADDRESS, SUBDIVISION, LOT, AND TRACT/BLOCK (or parcel).

NOTE: For the purpose of this requirement, "surrounding property owners" means all owners within 300 feet of the subject property lines of the land for which a proposed change is being sought; an further, owners land which lies outside the City limits only if those lands abut the applicant's parcel.

ITEMS TO BRING TO THE PROPERTY APPARISER'S OFFICE

1. Legal description (boundary survey if available).
2. Property tax receipts.
3. Several copies of the 300 Foot Table (attached)
4. Ruler - May assist in measuring the 300 foot area.
5. Applicable printing fees required by the tax office.

ORANGE COUNTY PROPERTY APPRAISER'S OFFICE LOCATION

200 S. Orange Avenue
(At the Corner of Church Street and Orange Avenue)
SunTrust Building, 17th Floor
Orlando, Florida 32801-3438
407-836-5044 (P)
www.ocpafl.org

VERIFICATION OF NAMES AND ADDRESSES

1. The Applicant, or designated representative, shall be responsible for obtaining the correct names and addresses of all surrounding property owners and notifying them. The names and addresses shall be those appearing on the most current tax rolls of Orange County, Florida. Complete notification requirements shall be in accordance with the City's Land Development Code, Article XII, Section 12.04.04.
2. Prior to notifying surrounding owners, please obtain a Public Hearing Schedule from the City's Community Development Department, which will provide further information and mailing instructions.

**IF YOU HAVE ANY QUESTIONS REGARDING THESE INSTRUCTIONS, PLEASE CONTACT THE
COMMUNITY DEVELOPMENT DEPARTMENT AT 407-703-1739.**

CONTACT PERSON: David B. Moon, Planning Manager

AFFIDAVIT INSTRUCTIONS

The applicant is responsible for mailing a public hearing notice via certified mail and posting the property within 14 days of the scheduled Planning Commission meeting.

This Affidavit must be completed by the Applicant to verify the notice was mailed to the surrounding property owners (i.e. 300 foot list) and that the subject property was posted. The notice and poster are provided by the City after the request is filed.

RETURN THE COMPLETED ORIGINAL AFFIDAVIT TO THE COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE/POSTER AFFIDAVIT OWNER AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ORANGE
CITY OF APOPKA

BEFORE ME, the undersigned authority, this day personally appeared Deann M Hawley
who being by me first duly sworn, deposes and says: as VP.

1. That he/she is the owner or agent of the owner of said property in his/her effort to request:

☐
☐
☐

Annexation

Rezoning

Future Land Use Change

☐
☒
☐

Special Exception

Zoning Variance (Height Variance)

Other: _____

For that certain parcel of property as more particularly described in the Notice of Public Hearing attached hereto as Exhibit "A."

2. That notices were sent by certified mail return receipt to all property owners within 300 feet of the subject property on:

8/24/2020
(Date)

A list of all property owners so notified, by certified mail return receipt requested, with their mailing addresses, return receipt card, and property identification is attached hereto as Exhibit "B."

3. That the subject property was POSTED, visible from a normally traveled public right-of-way on:

8/24/2020
(Date)

By: Deann M. Hawley, V.P.
Owner(s) of Record (Signature)

Deann M. Hawley, V.P.
(Print Name)

By: _____
Owner(s) of Record (Signature)

(Print Name)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 25th day of August, 2020, by Deann M. Hawley as VP who is personally known to me or has produced as Identification and who did / did not (circle one) take an oath. 21 September 2020

Frank McMillan
Notary Public (Signature)

My Commission Expires: 8/28/23

Frank McMillan
Notary Public (Print Name)



Rev. 03-07-17

Warranty Deed

This instrument prepared by
 Beardall and Blankner, P.A.
 William H. Beardall
 ATTORNEYS AT LAW
 60 NORTH COURT AVENUE, ORLANDO, FLORIDA

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

This Indenture Made this 19th day of December 1989, **Between**

MARGE STEPHENS, AS Personal Representative of the estate of
 LOUISE H. CHAMPNEYS, deceased.

of the County of Orange, State of Florida, grantor, and

FLORIDA CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS
 A Florida Corporation not for profit.

whose post-office address is P.O. Box 1313
 of the County of Orange, State of Florida, grantee,

Witnesseth: That said grantor, for and in consideration of the sum of -----TEN----- Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in Orange County, Florida, to-wit:

The North 461.00 feet and the South 86.00 feet
 of the North 547.00 feet of the West 892.00 feet
 of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (less the West 530.00 feet
 thereof) Section 10, Township 21 South, Range
 28 East, subject to easement over the North 30.00
 feet thereof for road right of way.

Subject to all taxes and assessments levied or assessed
 subsequent to the date hereof.

Subject to easements of record.

3411358 ORANGE CO. FL.
 02:38:40PM 12/20/89

OR4143PS0017

Rec Fee \$ 5.00 MARTHA O. HAYNIE,
 Add Fee \$ 1.00 Orange County
 Doc Tax \$ 684.20 Comptroller
 Int Tax \$ By CWT
 Total \$ 790.20 Deputy Clerk

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
 Signed, sealed and delivered in our presence:

Joe Stephens
William H. Beardall

Marge Stephens (Seal)

(Seal)

(Seal)

(Seal)

RECORDED & RECORD VERIFIED

STATE OF FLORIDA
 COUNTY OF ORANGE
 Martha O. Haynie
 County Comptroller, Orange Co. FL

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

MARGE STEPHENS, as Personal Representative of the estate of
 LOUISE H. CHAMPNEYS, deceased

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me the execution of same.

WITNESS my hand and official seal in the County and State last aforesaid, this 19th day of December 1989

William H. Beardall
 Notary Public, State of Florida at large
 My commission expires: 6/24/90

H & T CONSULTANTS, INC.

Civil Engineering

9310 Old Kings Road S, Suite 1001

Jacksonville, FL 32257

(904) 419-1001 Phone • (904) 419-1004 Fax

April 15, 2020

City of Apopka
Community Development Department
120 East Main Street, 2nd Floor
Apopka, FL 32703
407-703-1739

RE: Apopka 7th Day Adventist Expansion Concept Plan

Applicant's Demonstration of a Hardship for Zoning Variance Application

1. 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;

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.

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

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

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

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

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

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.

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

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 amount 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.

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;

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.

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

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.

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

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.

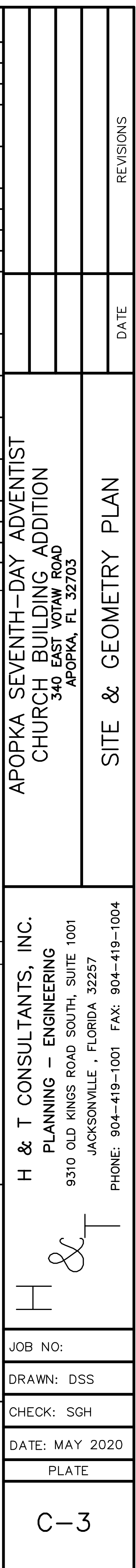
9. The variance is the minimum variance which will make possible the reasonable use of the land, building or structure.

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.

If you have any questions or require additional information, please contact me at (904) 419-1001, or fax (904) 419-1004

Sincerely,

Stanley Hill, PE
President
H & T Consultants, Inc

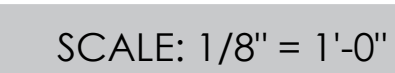




ARCHITECT OF RECORD
FRANK W. CAMPBELL AIA
FL LIC NO. AR0016053

COPY OF THIS PLAN IS NOT VALID UNLESS SIGNED,
SEALED AND DATED BY THE ARCHITECT ON RECORD

SCALE: 1/8" = 1'-0"



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