



City of Apopka

CITY COUNCIL STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: June 7, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3008 – First Reading – Small-Scale Future Land Use Amendment from Commercial to Industrial – Mid-Florida Freezer Properties

REQUEST:

Accept the first reading of Ordinance Number 3008 and hold it over for second reading and adoption.

SUMMARY:

Owner(s):	Mid-Florida Freezer Properties, LLC
Applicant(s):	Lowndes Law Firm c/o Logan Opsahl, Esq.
Parcel Identification Number(s):	06-21-28-7180-07-010, 06-21-28-7180-07-031 and (portion of) 06-21-28-7180-07-100
Location:	Southwest corner of U.S. 441 and Lake View Drive
Existing Future Land Use:	Commercial (0.25 floor area ratio maximum)
Proposed Future Land Use:	Industrial (0.60 floor area ratio maximum)
Existing Zoning District:	C-COR (Corridor Commercial)
Proposed Zoning District:	I-L (Light Industrial)
Existing Use(s):	Vacant
Tract Size:	4.88 +/- Acres

FUNDING SOURCE:

Not applicable.

PROJECT SUMMARY:

The proposed Future Land Use designation of Industrial is compatible with the area because parcels on the south and west of the subject properties have a future land use designation of the same. The applicant intends to construct a building for wholesale use on the subject properties. This application is being processed simultaneously with an application to rezone the property from C-COR (Corridor Commercial) to I-L (Light Industrial) zoning district.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on April 10, 2023.

PUBLIC HEARING SCHEDULE:

May 9, 2023 – Planning Commission (5:30 P.M.)

June 7, 2023 – City Council (1:30 P.M.), First Reading
June 21, 2023 – City Council (7:00 P.M.), Second Reading and Adoption

DULY ADVERTISED:

April 21, 2023 – Apopka Chief
April 25, 2023 – Mailed notices to adjacent property owners; Posters placed on property
April 28, 2023 – Apopka Chief

RECOMMENDED MOTION:

Development Review Committee (DRC):

Recommends approval of the change in Future Land Use from Commercial to Industrial and finds the proposed amendment consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, recommending approval of the future land use amendment, based on the findings and facts presented in the staff report and exhibits.

Planning Commission:

At its meeting on May 9, 2023, the Planning Commission found the proposed change in Future Land Use from Commercial to Industrial consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, unanimously recommending approval of the future land use amendment, based on the findings and facts presented in the staff report and exhibits.

Recommended Motion – City Council

Accept the first reading of Ordinance Number 3008 and hold it over for second reading and adoption on June 21, 2023 or soon thereafter.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES

Direction	Future Land Use	Zoning	Present Use
North	County Commercial	County C-1 (Retail Commercial)	Automobile service station
East	County Commercial and County Low Medium Density	County C-1, County R-1	Vacant and Plymouth Heights Residential Subdivision
South	County Industrial	County Ind-2 (Industrial)	Industrial Warehouse
West	Industrial	I-L (Light Industrial)	Industrial Warehouse

II. LAND USE ANALYSIS

The subject property is in the southern portion of the Joint Planning Area. Single-family residences are located to the east, commercial use is located to the north and industrial uses are south of the subject properties. Development must comply with the Industrial future land use designation and be consistent with the Comprehensive Plan policies and Development Design Guidelines found in the Land Development Code. The properties are approximately 4.88 acres in size. The parcel is not located in the following areas:

Wekiva Parkway Interchange Vision Plan Area: No

Wekiva River Protection Area: No

Area of Critical State Concern: No

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

City of Apopka Comprehensive Plan Policies:

Future Land Use Element:

Industrial Future Land Use Category - Based upon the current workforce and community needs, it is projected that the demand for industrial uses will increase at a ratio of about 17 acres per 1,000 residents. Applying the 2009 ratio to the 2030 population projection of 125,538, the City would need a total of almost 2,122 acres for industrial uses.

The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be 0.60.

Transportation Element:

Policies 1.1 and 1.2 state that the City of Apopka is a Transportation Concurrency Exception Area. The property has existing access to U.S. 441 and Lake View Drive.

Infrastructure Element:

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

Conservation Element:

Policy 4.1 states that a habitat study is required for developments ten (10) acres or more in size. As this property is less than ten acres in size, a habitat study will not be required for development.

Land Use Calculations:

CURRENT: Commercial (0.25 floor area ratio maximum)
 $0.25 \times 4.88 \text{ acres} = 53,143 \text{ square feet of industrial uses}$

PROPOSED: Industrial (0.60 floor area ratio maximum))
 $0.60 \times 4.88 \text{ acres} = 127,543 \text{ square feet of industrial uses}$

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

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

ATTACHMENTS:

- Maps (PDF)
- Ordinance Number 3008