



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 3007 – First Reading – Small-Scale Future Land Use Amendment from Commercial and Agriculture to HDR-25 – 750 and 922 Plymouth Sorrento Road

REQUEST:

Accept the first reading of Ordinance Number 3007 and hold over for second reading and adoption.

SUMMARY:

Owner(s):	Peggy G Charlton Living Trust 1/2 Int, Gary D Charlton Living Trust 1/2 Int, and Gary D Charlton Living Trust
Applicant(s):	Lowndes Law Firm c/o Jonathan Huels, Esq.
Parcel Identification Number(s):	06-21-28-7172-08-050 and 06-21-28-7172-08-040
Location:	750 and 922 Plymouth Sorrento Road
Existing Future Land Use:	Commercial (0.25 floor area ratio maximum) and Agriculture (1 dwelling unit per 5 acres)
Proposed Future Land Use:	HDR-25 (25 dwelling units per acre maximum)
Zoning District:	C-C (Community Commercial) and T (Transitional)
Existing Use(s):	Vacant and warehouse
Tract Size:	13.05 +/- Acres

FUNDING SOURCE:

Not applicable.

PROJECT SUMMARY:

The proposed Future Land Use designation of HDR-25 is compatible with the area because parcels on the north of the subject properties are within the with the delineated area eligible to have a future land use designation of HDR-25. The subject properties are within the area that includes the Floridian Town Center on the northwest that comprises of a mix of commercial and high-density residential uses. On the northeast of the subject properties, an approved high-density residential development is slated to have 516 units within Unincorporated Orange County. This application is being processed simultaneously with an application amend the City's Comprehensive Plan to extend the geographical areas to be eligible for future land use designation of HDR-25. The applicant intends to construct a multi-family development with a proposed density of 19 dwelling units per acre.

SCHOOL CAPACITY REPORT:

Orange County Public Schools (OCPS) has indicated that capacity for the proposed development is not

available at the elementary, middle and high schools with deficiency of 34.968, 16.120 and 19.840 students, respectively. The property is zoned for the following schools: Wolf Lake Elementary, Wolf Lake Middle, and Apopka High School.

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

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:

Recommends approval of the change in future land use designation from Commercial and Agricultural to HDR-25 and finds the proposed amendment compatible with the character of the surrounding areas, recommending approval of the future land use amendment, subject to the adoption of the Comprehensive Plan Text Amendment to Map 1-1.a and Policy 3.1.h.ii, as well as, the findings and facts presented in the staff report and exhibits.

Planning Commission:

At its meeting on May 9, 2023, Planning Commission, on a vote of 6-1, recommended to deny this future land use amendment request, finding it incompatible with the character of the surrounding area.

Recommended Motion – City Council:

Accept the first reading of Ordinance Number 3007 and hold over for second reading and adoption, subject to the adoption of Ordinance Number 3006.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES

Direction	Future Land Use	Zoning	Present Use
North	Commercial and County Rural	C-N (Neighborhood Commercial) and County A-1 (Citrus Rural)	Single Family Residence and Vacant (Floridian Town Center Parcel)
East	Residential Low	RTF (Residential Two-Family)	Single Family Residence and Plymouth Landing Residential Subdivision
South	Industrial and County Commercial	I-L (Light Industrial, County C-2 (General Commercial District and County PD (Planned Development)	Automobile Service Station and Repair Facility
West	Commercial and Mixed Use	MU-ES-GT (Mixed-Use – East Shore – Gateway)	SR 429 and Retention Pond

II. LAND USE ANALYSIS

The subject properties are in the western portion of the Joint Planning Area. Single-family residences are located to the east, commercial uses are located to the north, west and south, while industrial uses are further south of the subject properties. Development must comply with the HDR-25 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 13.05 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 Commercial and Agriculture to High Density Residential-25 (HDR-25) is consistent with the terms of the JPA.

City of Apopka Comprehensive Plan Policies:

Future Land Use Element:

Policy 3.1.h.ii - The primary use shall be residential dwelling units with a minimum of 15 units per acre up to a maximum of 25 dwelling units per acre; elementary schools; middle schools, high schools; supporting infrastructure of less than five acres. The HDR-25 Designation may only be assigned to properties located within the geographical areas delineated within Maps 1- 1. a to 1- 1. d. through a Future Land Use Map Amendment.

Properties assigned the HDR - 25 Designation must have access to a collector or arterial road, or planned as a component of a pedestrian -oriented, mixed- use master plan with internal complete street" connectivity. Only properties located inside an HDR - 25 edibility area, as delineated in Maps 1- 1. A to 1- 1. d, are

eligible to be assigned this designation through a Future Land Use Map amendment.

Special exception uses shall include:

- 1) Institutional uses of ten acres or less,
- 2) Supporting infrastructure and public facilities of five acres or more.

Planned Development uses may include:

- 1) All primary uses
- 2) All special exception uses
- 3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PD. Commercial uses must be completely internalized within the PD.
- 4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

Transportation Element:

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

Infrastructure Element:

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

Conservation Element:

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

Land Use Calculations:

CURRENT: Commercial (0.25 floor area ratio maximum) and Agricultural (1 dwelling unit per 5 acres)
 $0.25 \times 9.16 \text{ acres} = 99,752 \text{ square feet of commercial uses}$
 $1 \text{ du}/5 \text{ acres} \times 3.89 \text{ acres} = 0 \text{ residential unit}$

PROPOSED: HDR-25 (0.60 floor area ratio maximum)
 $25 \text{ du/acre} \times 13.05 \text{ acres} = 325 \text{ residential units}$

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 3007
- 750 & 922 Plymouth Sorrento Road - OCPS School Capacity