



City of Apopka

CITY COUNCIL STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: May 3, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3004 – Small-Scale Future Land Use Amendment from Residential Very Low Suburban to Mixed-Use – Plymouth Sorrento Road Residential

REQUEST:

Accept the first reading of Ordinance Number 3004 and hold it over for second reading and adoption.

SUMMARY:

Owner(s):	Kager Family Trust
Applicant(s):	KPM Franklin c/o Alex Goetz
Parcel Identification Number(s):	18-20-28-0000-00-020
Location:	4225 Plymouth Sorrento Road
Existing Future Land Use:	Residential Very Low Suburban (max. 2 du/ac)
Proposed Future Land Use:	Mixed-Use (min. 1 du/ac; max. 5 du/ac)
Existing Use(s):	Vacant Land
Tract Size:	5.56 +/- Acres

FUNDING SOURCE:

Not applicable.

PROJECT SUMMARY:

The parcel is located east of Plymouth Sorrento Road, north of Sand Oak Loop and within the Wekiva Parkway Interchange Vision Plan Area. The City's Comprehensive Plan, Future Land Use Element Policy 20.9 and the Kelly Park Interchange (KPI) Form-Based Code require the subject property to have a Mixed-Use future a land use designation.

Because the subject parcels are located within the Wekiva Parkway Interchange Vision Plan Area and the one-mile radius of the intersection of SR 429 and Kelly Park Road, it is required to adhere to the KPI Form-Based Code. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the KPI Form-Based Code. The applicant's request is consistent with the Mixed-Use future land use designation and the Overlay District covering the property within the Vision Plan.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Mixed-Use future land use designation of the property is compatible with the character of the surrounding area. City Planning Staff supports the Future Land Use Map (FLUM) amendment given the

consistency with the Comprehensive Plan policies listed below. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT:

Orange County Public Schools (OCPS) has issued a Capacity Determination based on 16 single-family units. Capacity for this development is would be available at Kelly Park Elementary and Middle Schools. However, it is deficient by 1.862 students at Apopka High School. Applicant is required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement with OCPS.

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 February 17, 2023.

PUBLIC HEARING SCHEDULE:

April 11, 2023 – Planning Commission (5:30 P.M.)

May 3, 2023 – City Council (1:30 P.M.), First Reading

May 17, 2023 – City Council (7:00 P.M.), Second Reading and Adoption

DULY ADVERTISED:

March 17, 2023 – Apopka Chief

March 22, 2023 – Mailed notices to adjacent property owners; Posters placed on property

RECOMMENDED MOTION:

Development Review Committee (DRC):

Recommends approval of the change in Future Land Use from Residential Very Low Suburban to Mixed-Use 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 April 11, 2023, Planning Commission, on a vote of 2-2, did not reach a majority vote to issue a recommendation for the proposed change in Future Land Use from Residential Very Low Suburban to Mixed-Use.

Recommended Motion – City Council:

Accept the first reading of Ordinance Number 3004 and hold it over for second reading and adoption.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES

Direction	Future Land Use	Zoning	Present Use
North	Residential Very Low Suburban	T (Transitional)RSF-1A (Residential Single-Family Estate)	Single Family Residence
East	Residential Very Low Suburban	RSF-1A (Residential Single-Family Estate)	Oak Ridge Residential Subdivision Phase 1
South	Residential Very Low Suburban	RSF-1A	Single Family Residences
West	Residential Very Low Suburban	RSF-1A	Single Family Residence and Agricultural Facility

II. LAND USE ANALYSIS

The subject property is in the northern portion of the Joint Planning Area. Oak Ridge single-family subdivision is located to the east. Single-family and agricultural uses are located west and single-family uses to the south of the subject property. Development must comply with the Mixed-Use future land use designation and be consistent with the Comprehensive Plan policies, specifically regarding the Wekiva Vision Plan, Kelly Park Interchange – Form-Based Code and Development Design Guidelines found in the Land Development Code. The property is approximately 5.56 acres in size. The property is currently vacant. The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there is no karst feature on the subject property. The parcel has no wetlands and is not located in a flood zone. 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:

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

The designation of a mixed-use category may occur only in certain areas of the city, including “Areas within the Expressway, Plymouth, West, and Northwest small area plans as shown on their respective master plans...”.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides

the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

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

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

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

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

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

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

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

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.

Objective 19 and 20, and their associated policies. See objectives and policies within the supporting information.

Transportation Element:

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

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

2. **Policy 3.1.r** The primary intent of the Mixed-Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses...This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses.
3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

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 just over ten acres in size, a habitat study will not be required.

Land Use Calculations:

CURRENT: Residential Very Low Suburban (2 du/ac)
2 DU X 5.56 ac = 11 dwelling units

PROPOSED: Mixed-Use (5 du/ac)
5 DU X 5.56 ac = 27 dwelling units – Maximum permitted; Applicant proposes 16 dwelling units per proposed Master Plan

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 3004
- OCPS Capacity Determination (PDF)