




Interoffice Memorandum

October 2, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services
Department 

**CONTACT PERSON: Taylor Jones, AICP
Chief Planner, Zoning Division
(407) 836-5944**

SUBJECT: October 29, 2024 Board-Called Public Hearing
Applicant: Joseph Kovecses for NOCIA
BZA Case # SE-24-08-070, September 05, 2024; District 2

Board of Zoning Adjustment (BZA) Case # SE-24-08-070, located at 4253 W. Ponkan Road, Apopka, FL 32712, in District 2, is a Board-Called public hearing. The applicant is requesting a special exception and variance in the A-1 zoning district as follows:

- 1) Special exception to allow for a community/civic center, outdoor recreation uses (dog training area, RC car track, and tractor pull) and special events (turkey shoot, annual Zellwood Corn Festival), and
- 2) Variance to allow for unimproved parking spaces and unimproved drive aisles in lieu of improved drive aisles.

On Wednesday, August 14, 2024, a Community Meeting was held at Zellwood Elementary School to allow for input. The meeting was attended by the applicant team, County staff, and 95 attendees. The attendees mostly spoke positively about the proposal, with representatives from the RC racetrack operation, Elks Club, and tractor pull operation all speaking in favor. There were some who spoke in opposition, specifically about the noise and to the nighttime hours of operation for the RC racetrack and community center.

At the September 5, 2024, BZA hearing, staff recommended approval of the special exception and variance requests. There were five people who spoke in favor of the request. They were supportive of the various uses and the goals of Northwest Orange

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Board-Called Public Hearing – Sorenson Construction, Inc

Special Exception and Variance

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County Improvement Association (NOCIA). There was one person who spoke in opposition to the request stating that some of the uses were not objectionable, but others were including the RC racetrack and tractor pull. They also felt that the hours of operation for many of the uses are conducted too late in the evening. It was also noted that prior to the BZA hearing six comments were received in support of the requests and no comments were received in opposition. The BZA recommended approval by a 3-2 vote of the special exception and variance requests, subject to 18 conditions as modified, with the modification of Conditions 4, 6, and 17 to amend the hours of operation for the RC racetrack and tractor pull, and to clarify the requirements for special events.

At the September 24, 2024, Board meeting, this item was pulled for a separate public hearing at the request of District 2 Commissioner Christine Moore.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the Board. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Taylor Jones at (407) 836-5944 or Taylor.Jones@ocfl.net.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 2

BD/ag

Attachment: Zoning Division Public Hearing Report and BZA Staff Report

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT**

October 29, 2024

The following is a public hearing before the Board of County Commissioners on October 29, 2024, at 2:00 p.m.

APPLICANT: JOSEPH KOVECSES FOR NOCIA

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:
1) Special Exception to allow for a community/civic center, outdoor recreation uses (dog training area, RC car track, and tractor pull) and special events (turkey shoot, annual Zellwood Corn Festival).
2) Variance to allow for unimproved parking spaces and unimproved drive aisles in lieu of improved.

LOCATION: 4253 W. Ponkan Road, Apopka, FL 32712, north side of W. Ponkan Rd., west of Golden Gem Rd., east of Round Lake Rd.

LOT SIZE: +/- 103.93 acres

ZONING: A-1

DISTRICT: #2

PROPERTIES NOTIFIED: 173

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff described the proposal, including the location of the property, the site plan, location of the proposed uses, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation of approval of Special Exception and the Variance. Staff noted that as of the date of the meeting, six (6) comments were received in favor and no comments were received in opposition to the request.

The applicant discussed the staff recommendation for approval, and presented the proposed project, and uses.

There were 5 people who spoke in favor of the request. They were supportive of the various uses and the goals of NOCIA.

There was 1 person who spoke in opposition to the request. They felt that some of the uses were not objectionable, but others were, and the hours of many uses are conducted too late and are too late, and was mainly objectionable to the RC track and the Tractor Pull.

The BZA discussed the requested, and the outcome of the community meeting. One BZA member had concerns about the Tractor Pull and RC Race Tract noise levels and suggested a continuance to further address how to mitigate those or reduce the hours. However, the other BZA members suggested modified hours in the conditions of approval. A motion was made to recommend approval, subject to modified conditions for the Tractor Pull, RC Race Track, and Special Events. The BZA recommended approval of the Special Exception and Variance, by a 3-2 vote, with one absent and one seat vacant, subject to the modification of Conditions 4, 6, and 17 as follows: Condition 4 "The RC Race Track shall be limited to operating on Wednesdays between 6:45 p.m. and 9:45 p.m., and Saturdays between 10 a.m. and 5 p.m., and during 2 weekend events per year on Fridays between 3 p.m. and 9 p.m. and Saturdays between 7 a.m. and 9 p.m. Gas powered RC Cars shall be prohibited." Condition 6 "The Tractor Pull shall be limited to operating 1 weekend per month (Friday and Saturday from 2 p.m. to 8 p.m.), with 1 large special event held annually (Friday and Saturday from 12 p.m. to 8 p.m.)" Condition 17 "Each type of activity conducted on the property that exceeds 100 people shall be subject to compliance with the special event requirements of Chapter 38 of the Orange County Code and shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event."

BZA HEARING DECISION:

A motion was made by Deborah Moskowitz, seconded by Roberta Walton Johnson and carried to recommend APPROVAL of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, APPROVAL of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (3 in favor: Deborah Moskowitz; Roberta Walton Johnson, Sonya Shakespeare; 2 opposed: John Drago, Juan Velez; 1 absent: Thomas Moses; 1 vacant)

1. Development shall be in accordance with the site plan and elevations dated June 9, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development. Any deviation

from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The RC Race Track shall be limited to operating on Wednesdays between 6:45 p.m. and 9:45 p.m., and Saturdays between 10 a.m. and 5 p.m., and during 2 weekend events per year on Fridays between 3 p.m. and 9 p.m. and Saturdays between 7 a.m. and 9 p.m. Gas powered RC Cars shall be prohibited.
5. The Dog Training use shall be permitted on a daily basis between 7 a.m. and 10 p.m., but shall be limited to a maximum of 10 people. The Dog Training use may be permitted 7 events per year on weekends (Friday, Saturday, and Sunday) from 7 a.m. to 10 p.m. with up to 75 people.
6. The Tractor Pull shall be limited to operating 1 weekend per month (Friday and Saturday from 2 p.m. to 8 p.m.), with 1 large special event held annually (Friday and Saturday from 12 p.m. to 8 p.m.)
7. The Civic/Community Center shall be limited to operating on Saturdays from 8 a.m. to midnight, and on Sundays from 8 a.m. to 8 p.m.
8. The Turkey Shoot shall be limited 3 events per year, all occurring in December and November. The events shall be limited to Saturday and Sundays from 8 a.m. to 7 p.m.
9. The Zellwood Corn Festival shall be limited to 1 event per year, occurring on Friday, Saturday, and Sunday between 7 a.m. and 10 p.m.
10. A hedge, as shown on landscape plan shall be installed on the west and south property lines where the RC race track and the driveway used for access abuts residences.
11. A hedge, and 5 canopy trees, as shown on the landscape plan, shall be planted on the east and south property lines where the proposed tractor pull parking areas and driveway used for access abuts residences.
12. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards.
13. Permits for the installation of landscaping, and for any unpermitted structures, shall be pulled within 3 years of the final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

14. The allowed uses shall only be those uses and areas shown on the site plan dated June 7, 2024. Any expansion of those uses, or other site work or proposed buildings, would require an amendment to the special exception.
15. Amplified music shall be prohibited for all uses except for the annual Zellwood Corn Festival. The use of a PA system is permitted in conjunction with the RC Race Track, Dog Training, Tractor Pull, and Zellwood Corn Festival uses. All amplified sound shall comply with the County Noise Ordinance.
16. At any time during the operation of the facility, the County may require additional noise abatement measures be implemented to address noise complaints for which County staff determines the facility is a probable contributing source.
17. Each type of activity conducted on the property that exceeds 100 people shall be subject to compliance with the special event requirements of Chapter 38 of the Orange County Code and shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
18. No overnight stay, camping, or RV Parking shall be permitted on site.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEPT 05, 2024**

Commission District: **#2**

Case #: **SE-24-08-070**

Case Planner: **Taylor Jones, AICP**

(407) 836-5944

Taylor.Jones@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOSEPH KOVECSES FOR NOCIA

OWNER(s): NORTHWEST ORANGE COUNTY IMPROVEMENT ASSN INC (NOCIA)

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:

- 1) Special Exception to allow for a community/civic center, outdoor recreation uses (dog training area, RC car track, and tractor pull) and special events (turkey shoot, annual Zellwood Corn Festival).
- 2) Variance to allow for unimproved parking spaces and unimproved drive aisles in lieu of improved.

PROPERTY LOCATION: 4253 W. Ponkan Road, Apopka, FL 32712, north side of W. Ponkan Rd., west of Golden Gem Rd., east of Round Lake Rd.

PARCEL ID: 23-20-27-0000-00-039

LOT SIZE: +/- 103.93 acres

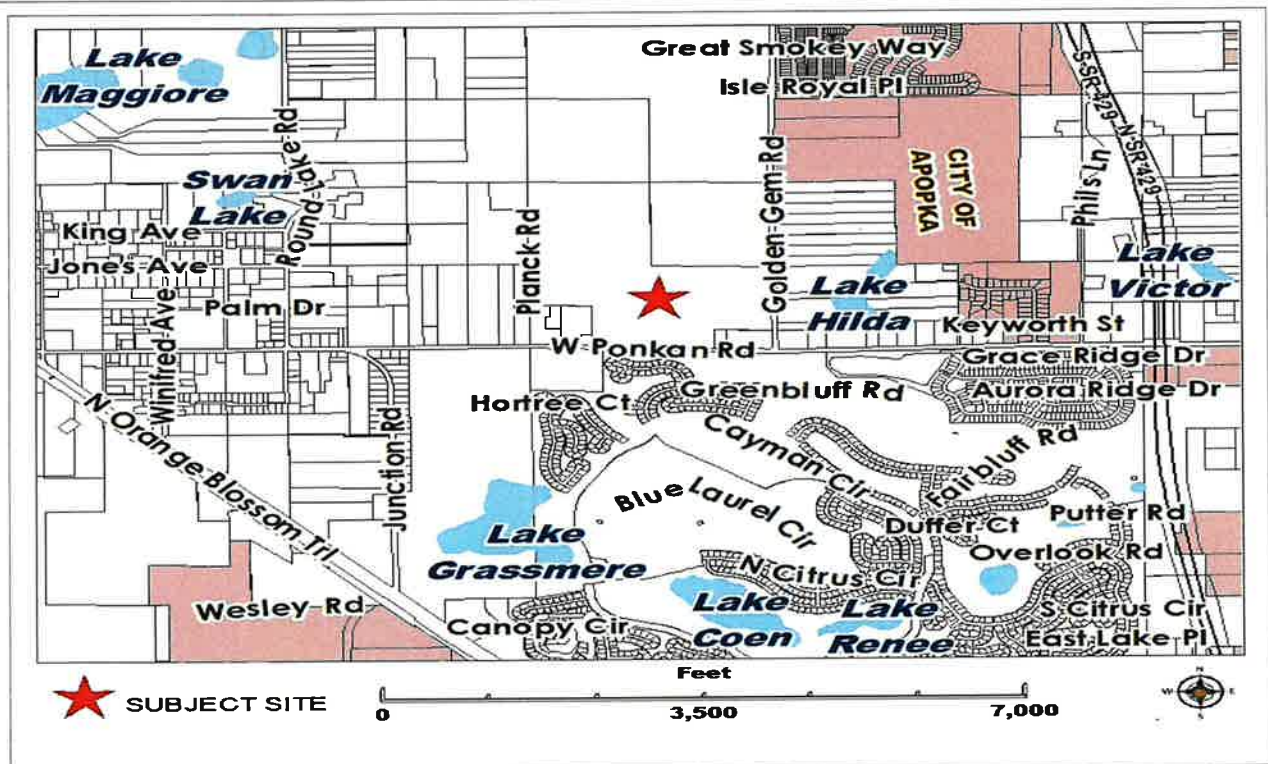
NOTICE AREA: 800

NUMBER OF NOTICES: 173

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	Zellwood Station Planned Development (PD) & A-1	A-1	A-1 & A-2
Future Land Use	R	R	PR-OS, LDR & R	R	R
Current Use	Borrow Pit, Civic Center, outdoor recreation, cell tower	Landfill	Golf course, mobile homes, single family residential	Single Family residential	Single Family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural district, which primarily allows agricultural uses, nurseries, and greenhouses, as well as mobile homes and single-family homes on larger lots. Certain non-agricultural, non-residential uses, such as religious institutions, schools, community centers, outdoor recreation, and special events are permitted through the Special Exception process. The Future Land Use is Rural (R), which is consistent with the zoning district.

The area consists of agriculturally zoned properties and uses, single family homes, and mobile homes. The Zellwood Station Golf Course and Mobile Home Park are to the south, and a county owned Landfill is directly to the north. There are single family homes abutting portions of the property to the south, east, and west.

The subject property is a 103.93 acre parcel and is considered a conforming lot. The parcel has been owned by the Northwest Orange County Improvement Association since the 1960s. The site contains an existing community center building erected in 1975, as well as a baseball diamond (currently utilized for the dog training use) and tennis court also existing since the 1970s, a maintenance building/stage that has existed since the early 1980s, a communication tower approved with a Special Exception (SE-00-02-004), and a borrow pit, which is a permitted use in the A-1 zoning district, and is not part of this request. The site also contains a dirt RC race car tract, that was erected between 2020 and 2021 based on aerial photographs, and a dirt tractor pull area built between 2007 and 2008. Both the RC car track and tractor pull area are unpermitted.

The applicant received a code enforcement violation in 2022 (CE# 615981) for the operation of the RC car track without Special Exception, necessitating this request. The applicant is attempting to recognize all the uses that occur on the property currently with the Special Exception, to be able to operate as they have been and to come into compliance with code. A Special Exception is also required to conduct the tractor pulls, and outdoor dog training on site.

The current request is for a Special Exception for the outdoor recreation uses of an RC car track, a tractor pull, and dog training area, the special event uses of a turkey shoot and the annual Zellwood Corn Festival, as well as the recognition of the existing community/civic center building. As part of the special exception request, the applicant is also requesting to allow grass parking and drive aisles. The applicant is proposing to not make any improvements of paved parking to the existing site, but rather to use the existing driveways and grass areas for parking.

The property has had the following BZA history:

SE-00-02-004	Special Exception and variance to allow a 250 ft. monopole tower. This request was approved.
SE-03-08-050	Special Exception and variance to allow the outdoor recreation use of a quarter midget race track facility and to utilize grass parking. In the northwest portion of the site. This request was denied.
SE-09-10-007	Special Exception and variance to allow the outdoor recreation use of a quarter midget race track facility and to utilize grass parking. In the Southeast portion of the site. This request was also denied.

The proposed uses occur at different times, and during different days of the week, and in a different portion of the property. Each use has a distinct entrance and parking area that it will utilize, as indicated on the site plan prepared for each use.

The civic/community center has existed on site since 1975. It was originally permitted in conjunction with a lease agreement with the county in the 1970s, that approved it as a community center. The applicant is proposing to recognize the existing use with this Special Exception, and to allow additional conditions to be placed on its use. The civic/community center will be utilized on Saturdays and Sundays, by reservation. On Saturdays, the center will be available from 8 a.m. to Midnight, and on Sundays from 8 a.m. to 8 p.m. The civic center can accommodate up to 300 people (when utilizing both inside and outside areas). The required parking for the use is 1 space per every 3 attendees plus 1 per employee. This use would require 134 spaces at full capacity, the applicant is providing space for 150 parking spaces. Access to the community center is provided from a driveway on Ponkan Rd.

The RC race car track is a dirt track, located in the northwest corner of the property. The operation consists of the racing of remote-control cars. The County is proposing a condition on limiting the use to electric RC cars only, and prohibiting gas powered RC cars, to limit the impacts of noise. The RC Track will operate every Wednesday from 6:45 p.m. to 9:45 p.m., and every Saturday from 10 a.m. to 5 p.m. These hours differ from those listed in the cover letter, and are proposed in response to the community meeting that was held on August 14, 2024. The anticipated attendance of these events is 25 people per event. The proposal also includes two (2) larger events per year, that will operate on Fridays and Saturdays. One event will occur in January and the other in March. The hours proposed for these events are 3 p.m. to 9 p.m. on Friday, and 7 a.m. to 10 p.m. on Saturdays. These events would have an estimated 100 people in attendance. The required parking for this use is 1 space per 3 patrons, plus 1 space for employee. The required number of spaces would be 39, the applicant is proposing to provide space for 45 parking spaces. Access to the RC Car Track is from Ponkan Rd, on a driveway that abuts the west property boundary.

The dog training area consists of various apparatuses located on the existing baseball field, used to train dogs. The dog training use is proposed to occur daily between 7 a.m. and 10 p.m., and during this time the estimated amount of attendees would be less than 10 people. While available for use most of the day, the anticipated use is during the hours when it is not as hot. The dog training use is also proposed to be utilized 7

weekends per year, where there will be an estimated 75 people in attendance. The required parking for the use is 1 space per every 3 attendees plus 1 per employee. With 75 attendees, this use would require 35 spaces at full capacity, the applicant is providing space for 100 parking spaces. Access to the dog training area is provided from a driveway on Ponkan Rd., between the community center and dog training area.

The tractor pull area consists of a dirt area where the tractor pulls occur, as well as bleachers for viewing. The parking for contestants is south of the pull area, and accessed from Golden Gem Rd. while the parking for the spectators is to the east of the pull area, and accessed from Ponkan Rd. The tractor pulls are proposed to occur 1 weekend per month, on Friday and Saturday nights from 4 p.m. to 10 p.m., with between 100 to 200 people in attendance. The applicant is also proposing to have one (1) large event per year with up to 500 attendees, and occurring on Friday and Saturday from 1 p.m. to 10 p.m. While there have been no approvals from the County, the tractor pull area has existed on site since at least 2008. There are existing, unpermitted structures in the tractor pull area that will need to be permitted. The required parking for the use is 1 space per every 3 attendees plus 1 per employee. With 500 attendees, this use would require 217 spaces at full capacity, the applicant is providing space for 350 parking spaces for monthly events, and 450 for annual .

The turkey shoot special event is a shooting event operated by the local Elks Club. The event involves target shooting, and occurs three (3) times per year, with two (2) events in November, and one in December. These are 2-day events, occurring on Saturday and Sunday, from 8 a.m. to 7 p.m., with a maximum of 100 people in attendance each day. The required parking for the use is 1 space per every 3 attendees plus 1 per employee. This use would require 49 spaces at full capacity, the applicant is providing 75 parking spaces. Access to the turkey shoot area is provided from a driveway on Ponkan Rd.

The Annual Zellwood Corn Festival previously occurred on site annually from the 1960s until 2014. Prior to 2024, there was no specific code on special events. The County adopted code on special events that went into effect this year, which requires that annual special events that are located in agriculture or residential zoning districts to obtain a special exception if not in conjunction with an approved church or similar use, necessitating this request. The festival would occur one (1) weekend per year on Friday, Saturday, and Sunday, from 7 a.m. to 10 p.m., with anticipated attendance of up to 5,000 people. The proposed use would be in the center of the property, with access provided from Ponkan Rd. The required parking for the use is 1 space per every 3 attendees plus 1 per employee. This use would require 1,817 spaces at full capacity, the applicant is providing space for 2,500 parking spaces. Access to the festival area is provided from a driveway on Ponkan Rd. Any special event that will have more than 100 attendees will require a permit to be obtained from the Office of the Fire Marshall.

County Transportation Planning has reviewed the request and has provided comments that the number of trips generated by all of the uses is minimal.

On Wednesday, August 14, 2024, a Community Meeting was held at Zellwood Elementary School to allow for input. The meeting was attended by the applicant team, County staff, and 95 attendees. The attendees mostly spoke positively about the proposal, with representatives from the RC race track operation, Elks Club, and tractor pull operation all speaking in favor. There were some who spoke in opposition, specifically to noise and to the nighttime hours of operation of the RC race track and community center.

As of the date of this report, 6 comments have been received in favor of the request and no comments have been received in opposition to the request. There were 2 comments received who were opposed to the existing borrow pit use, however that use is a permitted use, and not part of this request.

As part of the request, the applicant is proposing to install enhanced landscaping where the uses abut single family residences. They will be installing a hedge, and additional trees to satisfy the requirements for buffering.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	100	1,338 ft.
Min. Lot Size:	0.5 acres	103.93 acres

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	35 ft.	109.3 ft. (East)
Rear:	50 ft.	154.63 ft. (West)
Side:	10 ft.	96.81 ft. (North)
		141.71 ft. (South)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Community centers, outdoor recreation, and special event uses are permitted in the A-1 zoning district through the Special Exception process. As such, with the approval of a Special Exception, the proposed use will be consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The proposed uses are compatible with other existing uses such as a golf course, landfill, and larger agricultural parcels. The uses proposed are infrequent and are on a large parcel. The applicant is also not proposing any paved improvements, so the property will remain as it exists today.

Shall not act as a detrimental intrusion into a surrounding area

The proposed operation on the subject property will not negatively impact the surrounding area. The uses have existed on site for many years and take place on a large parcel. The applicant is proposing to enhance the landscaping and uses will be infrequent as opposed to daily.

Meet the performance standards of the district

With proposed variance for grass parking and drive aisles, the uses will meet the performance standards of the district.

Similar in noise, vibration, dust, odor, glare, heat production

There are no proposed activities on the property that would generate vibration, dust, odor, glare, or heat that is not similar to the uses permitted in the zoning district, and adjacent and nearby uses. Any additional noise generated by the use will be infrequent, and still subject to County's Noise Ordinance. All uses will be conditioned to end at a certain time as well.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

The applicant is proposing to add additional landscaping where the proposed uses abut single family residences. Existing canopy trees will be used to satisfy portions of the required plantings in the Type C buffer, but the applicant will be installing a hedge, as required by code, and additional trees as code requires. Code compliant buffers will be provided.

VARIANCE CRITERIA

Special Conditions and Circumstances

The proposed infrequency of the uses on the site is the special circumstance. The proposed uses have either weekly or monthly use schedules, as opposed to daily traffic and parking. And while the dog training may occur daily, it has under 10 daily users. Additionally, the existing rural character of the site and surrounding area is better supported by not having large areas of pavement.

Not Self-Created

The request is not self-created, as the site has existed and been used in some capacity for more than 45 years with no improved parking or drive aisles. The infrequent use of the area for parking, and overall size for the site would make improving all parking areas and drive aisles impractical.

No Special Privilege Conferred

It is common to allow unpaved parking for uses that have less frequent use patterns, such as religious institutions. Granting the variance would not confer a special privilege.

Deprivation of Rights

Without the variance, the applicant would be required to pave parking and drive aisles for large areas of the property that will not be used on a daily basis.

Minimum Possible Variance

Allowing the grass parking areas and drive aisles would be the minimum possible variance and would allow the property to continue to be used as it has been for many years.

Purpose and Intent

The purpose and intent of the code is to ensure that adequate improvements and features are provided to support the use of a site. Given the rural nature of this site and area, and the infrequency of the uses, allowing grass parking and drive aisles will be in harmony with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated June 9, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The RC Race Track shall be limited to operating on Wednesdays between 6:45 p.m. and 9:45 p.m., and Saturdays between 10 a.m. and 5 p.m., and during 2 weekend events per year on Fridays between 3 p.m. and 9 p.m. and Saturdays between 7 a.m. and 10 p.m. Gas powered RC Cars shall be prohibited.
5. The Dog Training use shall be permitted on a daily basis between 7 a.m. and 10 p.m., but shall be limited to a maximum of 10 people. The Dog Training use may be permitted 7 events per year on weekends (Friday, Saturday, and Sunday) from 7 a.m. to 10 p.m. with up to 75 people.
6. The Tractor Pull shall be limited to operating 1 weekend per month (Friday and Saturday from 4 p.m. to 10 p.m.), with 1 large special event held annually (Friday and Saturday from 1 p.m. to 10 p.m.
7. The Civic/Community Center shall be limited to operating on Saturdays from 8 a.m. to midnight, and on Sundays from 8 a.m. to 8 p.m.
8. The Turkey Shoot shall be limited 3 events per year, all occurring in December and November. The events shall be limited to Saturday and Sundays from 8 a.m. to 7 p.m.
9. The Zellwood Corn Festival shall be limited to 1 event per year, occurring on Friday, Saturday, and Sunday between 7 a.m. and 10 p.m.
10. A hedge, as shown on landscape plan shall be installed on the west and south property lines where the RC race track and the driveway used for access abuts residences.
11. A hedge, and 5 canopy trees, as shown on the landscape plan, shall be planted on the east and south property lines where the proposed tractor pull parking areas and driveway used for access abuts residences.
12. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards.
13. Permits for the installation of landscaping, and for any unpermitted structures, shall be pulled within 3 years of the final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

14. The allowed uses shall only be those uses and areas shown on the site plan dated June 7, 2024. Any expansion of those uses, or other site work or proposed buildings, would require an amendment to the special exception.
15. Amplified music shall be prohibited for all uses except for the annual Zellwood Corn Festival. The use of a PA system is permitted in conjunction with the RC Race Track, Dog Training, Tractor Pull, and Zellwood Corn Festival uses. All amplified sound shall comply with the County Noise Ordinance.
16. At any time during the operation of the facility, the County may require additional noise abatement measures be implemented to address noise complaints for which County staff determines the facility is a probable contributing source.
17. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
18. No overnight stay, camping, or RV Parking shall be permitted on site.

C: Joseph Kovecses
215 N. Eola Drive
Orlando, FL 32801



JOSEPH A. KOVECSES, JR.

Of Counsel

joseph.kovecses@lowndes-law.com

215 North Eola Drive, Orlando, Florida 32801-2028

T: 407-418-6704 | F: 407-843-4444

MAIN NUMBER: 407-843-4600



May 28, 2024

Orange County Zoning Division
201 South Rosalind Ave.,
1st Floor
Orlando, Florida 32801

BZA@ocfl.net

**Re: Special Exception and Variance Application
4253 W. Ponkan Rd., Apopka, FL 32712**

To Orange County Board of Zoning Adjustment:

Please allow this letter to serve as our cover letter and justification statement for the Special Exception and Variance Application submitted for 4253 W. Ponkan Rd., Apopka, FL 32712. Applicant held a virtual pre-application meeting with BZA staff member Ted Kozak on February 5, 2024, to discuss the scope of the request and application requirements.

1. Requests

Applicant is seeking a Special Exception to operate six proposed uses as "Outdoor Recreation" on the site. Those uses, explained in more detail below, include (1) a community/Civic Center; (2) a dog training area; (3) a remote control car track; (4) a tractor pull; (5) a turkey shoot event, i.e. target shooting; and (6) the Zellwood Sweet Corn Festival. The area of operation of each specific use is indicated on the attached Site Plan. The Applicant is also seeking a variance from the requirements of Chapter 38, Article XI, regarding off-street parking, including Sec. 38-1479, to allow vehicles to park on unimproved surfaces on the subject property as shown on the site plan. The applicant is also seeking a variance from the requirements of Chapter 24, including Sec. 25, to allow the existing mature landscaping and landscape buffers to remain in place with supplemental Type C buffers along the areas



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indicated on the site plan.

2. Property

The subject property is comprised of 103.93 acres of A-1 agriculturally zoned property near Zellwood, Florida in the County's Rural Service Area. The property lies within Commission District 2 with a Rural (R) future land use designation. The property has historically hosted the Zellwood Sweet Corn Festival.

3. History & Goals

The property is owned by the Northwest Orange County Improvement Association Inc. (NOCIA). NOCIA was originally chartered in 1968 with the expressed goal of improving the lives of the local citizens and the beautification of the area. NOCIA is a Florida registered Not-For-Profit Corporation, (EIN 59-2022527) with a board of directors that meets throughout the year.

The current board consists of:

Denny Shiver- President
Tim Heeke- VP
Jodi Heeke- Treasurer
Janice Ferguson- Secretary
David Birko- Director
Miranda Strong- Director
Rob Waller- Director
Marvin Barrett- Director

NOCIA's primary goal is and has always been to continue to work to improve and enrich the lives of the citizens of Orange County by continuing to use the property as a place to gather, celebrate, and build community. NOCIA is dedicated to ensuring its operations and property are in compliance with all County rules and regulations and NOCIA strives to be a good neighbor and community partner. NOCIA would like to continue to provide opportunities for area residents to have a place to sponsor recreational activities, outdoor events, shows, festivals and also to provide a facility to have indoor meetings, birthdays, quinceañeras, educational programs, receptions, and other gatherings that will enrich the lives of the citizens of Orange County. NOCIA continues to donate space, money, and time to local families and groups including Zellwood Elementary School, Zellwood Community Center, Eustis FFA, and local scout troops for the pinewood derby. In addition, it has donated building space for several local families to have their funeral receptions or celebrations of life. The ability to continue providing these

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opportunities will allow NOCIA to continue to maintain and improve the property and achieve its goal of strengthening the community.

4. Special Exception Uses

SE Use #1 – Civic Center

The Civic Center is located on the southern end of the property and is featured on page 5 of 10 of the Site Plan. It has been in continuous use since it was built in 1975. The Civic Center is used for meetings, educational activities, as an official election polling place, and is rented out for various celebrations, such as wedding receptions, class reunions, quinceañeras, and birthday parties. The Civic Center has also been donated for the Boy Scout pinewood derby and several funeral receptions/celebrations of life. During the Zellwood Sweet Corn Festival, the Civic Center has historically been used for corn preparation and serving. NOCIA has not received any complaints about the Civic Center.

As indicated on page 5 of 10 of the Site Plan, the use encompasses about 3.3 acres of the property. Access is provided by a driveway entrance east of the Civic Center off West Ponkan Road. The Civic Center operates Saturdays by reservation 8:00 am to 11:30 am and occasionally Sundays by reservation 8:00 am to 6:00 pm. The Civic Center can host 100 people in the dining hall and 200 people outside. Guests park adjacent to the Civic Center building. The Civic Center has restroom facilities for guests. Please see the Site Plan for additional information.

SE Use #2 – Dog Training Area

The dog training area is used exclusively by Dog-On-It Agility Club of Central Florida, Inc., which is a Florida not for profit corporation that has been in existence for over 33 years. Dog-On-It has operated at the NOCIA property since 2015. Its goals are to promote the sport of agility for all dogs, sponsor competitions, and to conduct classes and seminars for the training of dogs and their handlers. The dog training area incorporates the baseball diamond at the property, but there are no plans to use the baseball diamond for organized baseball games. NOCIA has not received any complaints about the dog training operations.

The dog training area is adjacent to the Civic Center area at the southern end of the property. It comprises 7.15 acres of the property. Access is provided by the driveway entrance adjacent to the Civic Center off of West Ponkan Road. The use operates 3:00 pm to 9:00 pm on Fridays and 7:00 am to 10:00 pm on Saturdays. The use typically includes 50 to 75 people per day of operation. Parking is captured on site. Restroom portalets are provided for guests. Please see page 6 of 10 of the Site Plan for more

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information.

SE Use #3 – Remote Control Car Track

The western portion of the property below the borrow pit has historically been used for remote control car racing. All Out RC, Inc. is a local Florida corporation that has used the site for approximately 5 years. The goals of All Out RC, Inc. are to provide outdoor recreational opportunities for its members through practice, racing, and pit type experiences, with remote controlled cars, based around a family friendly atmosphere.

Due to the recent Code Enforcement case, the race track and all nonconforming structures were removed from the property. Applicant included an Affidavit of Compliance with the application materials. NOCIA's goal is to obtain a Special Exception for the use so that All Out RC, Inc. can rebuild and reopen its operation, based on all of the requirements of the County's Code.

The RC Car Track is included on page 6 of 10 of the Site Plan. The use includes 6.7 acres of the property. The hours of operation are Wednesdays from 6:45 pm to 9:45 pm and every other Sunday from 9:00 am to 4:00 pm. Special events are held twice per year, Friday 3:00 pm to 9:00 pm and Saturday, 7:00 am to 10:00 pm. Attendance varies from under a dozen for weekday events to up to 100 for the special events. Parking is captured on site. Access is provided by a driveway off of Planck Road. Restroom portalets are provided at all times for events. Please see the Site Plan for additional information.

SE Use #4 – Tractor Pull

The Florida Antique Tractor Club, Inc., a Florida not-for-profit corporation, has operated a tractor pull on the property since 2000. The Club allows members and guests to participate in tractor pull events and competitions that it hosts at the property. The Club also works with the local FFA on various activities and has also supported local charities including Camp Challenge (Easter Seals Florida) and the Marion County Therapeutic Riding Association.

The tractor pull area is located in the eastern section of the property and is featured on page 7 of 10 of the Site Plan. The use area comprises 19.03 acres of the property. Access is provided by a driveway off of Golden Gem Road for vendors and West Ponkan Road adjacent to the baseball field for members and guests. There is one event held each month generally Friday and Saturday from 6:00 pm to 10:00 pm. Monthly events typically draw 100 to 200 spectators. Special events can draw 300 to 800 spectators. Parking is provided in the grass area adjacent to the tractor pull area. Portalets are provided onsite for restrooms. Please see page 7 of 10 of the Site Plan for more information.

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SE Use #5 – “Turkey Shoot”

The Apopka Elks Club uses a southern section of the property to hold “Turkey Shoot” events. This event is a primary fundraiser for the Elks Club. The Turkey Shoot has been running yearly on the property for at least 10-15 years, with no complaints. The Turkey Shoot events do not involve or include the shooting of actual turkeys. It is a target shooting competition using shotguns due to their limited range. Historically, the winners receive a frozen turkey.

The Turkey Shoot area is the focus of page 8 of 10 of the Site Plan. The use comprises 7.16 acres of the property. Access is provided by a driveway off of West Ponkan Road. The event is held three times per year for 2 days each time (six days total), over two weekends in November and one weekend in December. The events are held 12:00 pm to 5:00 pm Saturday and Sunday. There are typically 75 to 100 participants on each day. Portalets are provided for each event. Parking is captured on site.

SE Use #6 – Zellwood Sweet Corn Festival

The Zellwood Sweet Corn Festival was started as a fundraising tool for NOCIA in the 1960s. The Festival grew in scope and popularity over the years to include the eponymous fresh sweet corn, as well as arts, crafts, entertainment, and carnival rides. The Festival operated for about 40 years from the late 1960s to 2013. Unfortunately, financial difficulties caused NOCIA to close the festival for the time being. Obtaining Special Exception approval for the Festival is a required first step in bringing the Festival back to the community.

As depicted on page 9 of 10 of the Site Plan, the Festival site comprises 18.93 acres. Access is provided by a driveway off of West Ponkan Road. Attendance was historically 3,000 to 7,000 people. Parking was captured on site. Portalets were provided onsite for restrooms. Please see the Site Plan for more information.

Other Use – Borrow Pit

The property also includes a borrow pit that is permitted under the A-1 zoning and not subject to this request.

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5. Special Exception Criteria

(1) The use shall be consistent with the Comprehensive Plan.

The proposed Special Exception approvals are consistent with the County's Comprehensive Plan due to the property's location within the Rural Service Area and based on its Rural/Agricultural Future Land Use designation. The proposed Special Exception approvals are consistent with "agricultural-related activities" appropriate for the property. Policy FLU1.1.4(H), on page FLU-10 of the Comprehensive Plan. The proposed Special Exception approvals are consistent with Goal 6 of the Future Land Use Element of the County's Comprehensive Plan to protect and preserve rural land within the County. FLU6.1.8 on Page FLU-112 specifically contemplates approvals for gun ranges and kennels in the Rural Service Area. Here, among other things, Applicant is simply seeking approval for a limited target shooting event and dog draining operation. Applicant is not seeking to develop the property with any more intense use than has historically existed on the property. The other proposed uses are also entirely consistent with the Comprehensive Plan.

(2) The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

The proposed Special Exception uses are consistent with the surrounding area. The proposed uses are or will be sufficiently screened and distanced from any nearby residential property.

(3) The use shall not act as a detrimental intrusion into a surrounding area.

The proposed uses are not a detrimental intrusion into the surrounding area. In most instances, the proposed uses have existed on the property for years with no complaints from neighboring properties.

(4) The use shall meet the performance standards of the district in which the use is permitted.

Applicant proposes to meet all performance standards in the County's Code, including set-backs and landscape buffering. Based on the historic locations of existing structures and the fact that many of the uses are independent of buildings, Applicant will work with the County to limit and define the appropriate areas of use.

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(5) The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The proposed Special Exception uses are similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with agriculturally zoned property within the Rural Service Area. The tractor pull, dog training, turkey shoot, and Zellwood Sweet Corn Festival are examples of uses and events common to agricultural communities. The Civic Center and RC RaceTrack are additional uses compatible with a rural community and other permitted uses.

(6) Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

Applicant is proposing the landscape buffer yards depicted on the site plan and is otherwise requesting a variance from Section 24-5 of the Orange County Code regarding landscape buffer yard requirements.

6. Variance Criteria

(1) Special Conditions and Circumstances – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or conformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

The status of the subject property within the community, including its ownership by a non-profit specifically intended to better the community and the property's long history of hosting community wide events, is itself a special condition and circumstance not applicable to other agriculturally zoned lands that make it appropriate to receive the requested variances. Applicant is not seeking a zoning change or approval for residential development or more intense non-residential development than has historically existed on the property. Parking for all uses has always been captured and contained on unpaved and unimproved surfaces on the property. There is more than sufficient space for vehicles, but applicant wishes to leave the parking areas unpaved. This allows the property to host its uses while maintaining the property's rural characteristics. Similarly, the existing landscaping and landscape buffers are largely appropriate for the intended uses and for preserving the historic and rural character of the property. Applicant proposes to use Type C buffers along the areas indicated on the site plan.

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(2) Not Self-Created – The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

The property owner has operated on this site for well over 50 years, before the current parking and landscape code provisions went into effect. The rural and agricultural nature of the property and area are not compatible with extensive paved parking surfaces and/or extensive landscape buffers, fences, or walls. Applicant simply requests variances to preserve the property in its existing rural condition.

(3) No Special Privilege Conferred – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

Approval will not confer a special privilege on the Applicant. Agriculturally zoned property generally does not need paved parking surfaces or extensive landscape buffers to operate in rural areas of the County. Approving the variance requests will maintain the rural nature of the property.

(4) Deprivation of Rights – Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Literal interpretation of the relevant code provisions will effectively prevent the property owner from hosting its community wide event programming and unduly burden the owner's historic use of the property. The County has historically approved special event permits for the site to host large events without requiring paved parking surfaces or additional landscape buffers. The variance requests here simply memorialize and standardize the prior approvals.

(5) Minimum Possible Variance – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variances are the minimum variances required to use the property for the uses requested herein.

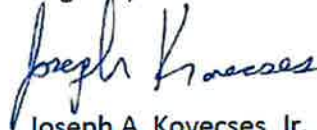
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(6) Purpose and Intent – Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

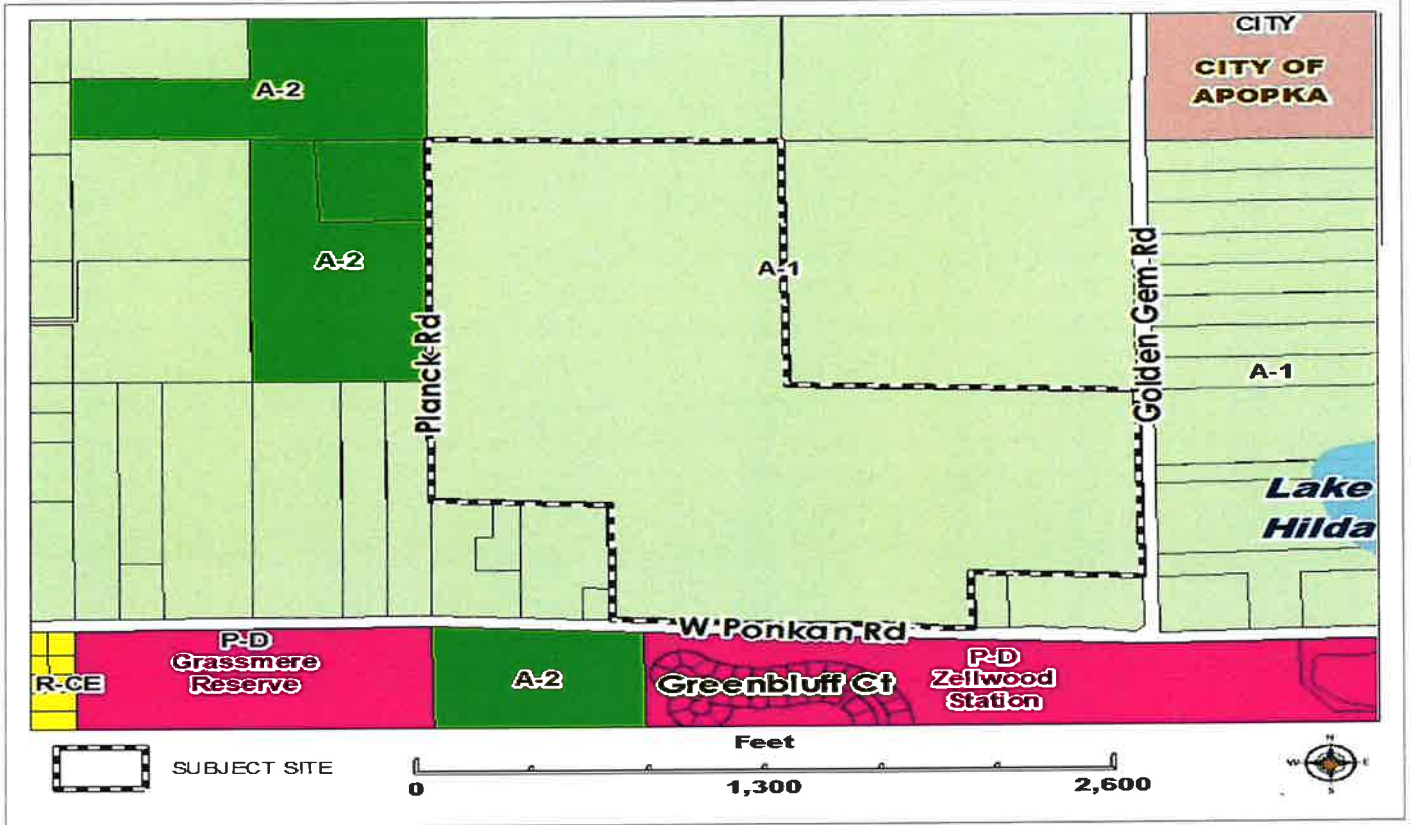
Approval of the requested variances are consistent with Goal 6 of the Future Land Use Element of the County's Comprehensive Plan to protect and preserve rural land within the County. The parking variance will allow the owner to maintain the property without extensive paved parking surfaces and to continue the historic uses for benefit of the public welfare. The landscaping variance will allow the owner to preserve the natural and historic condition of the property and will not be detrimental to the public welfare.

Regards,

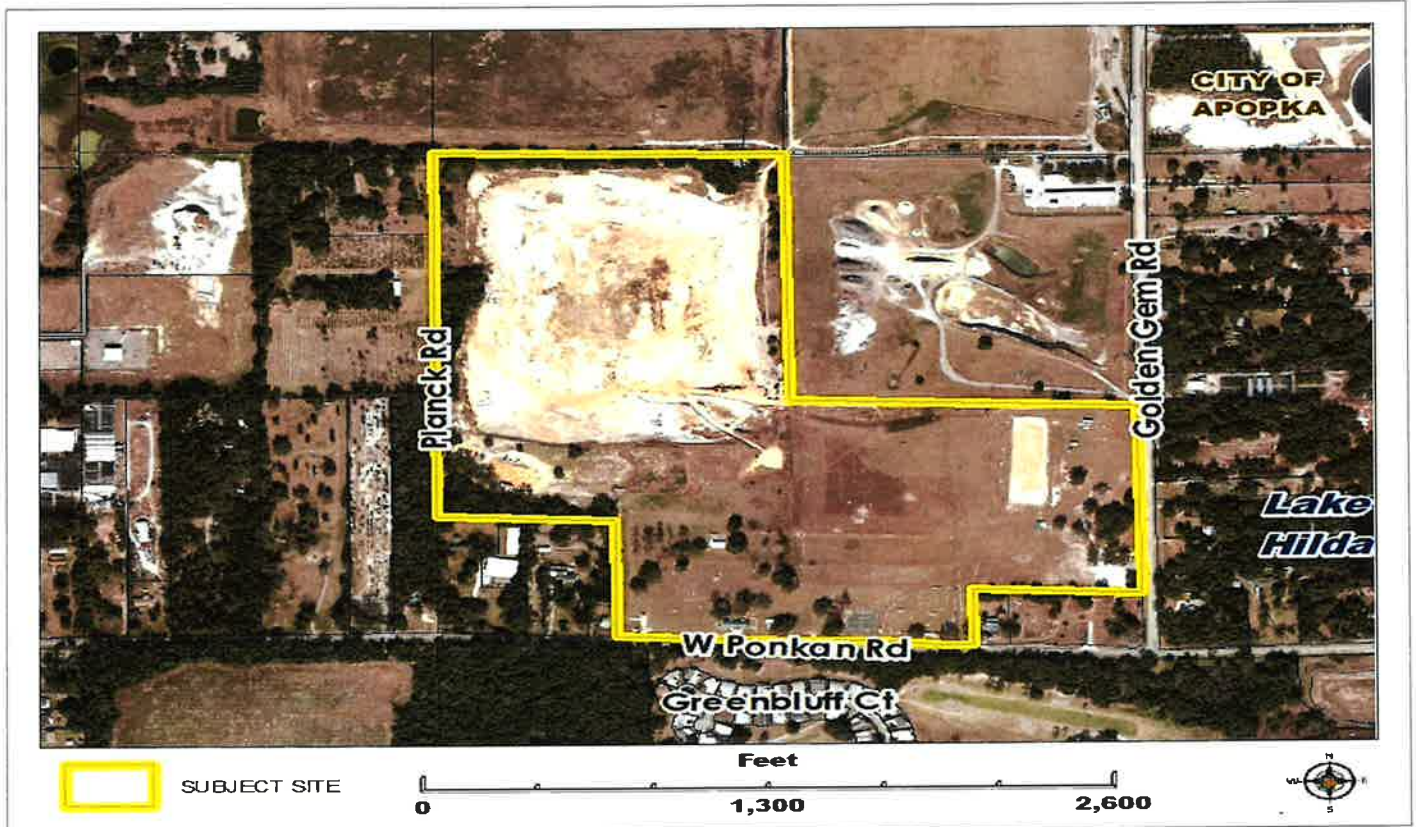


Joseph A. Kovecses, Jr.
Of Counsel

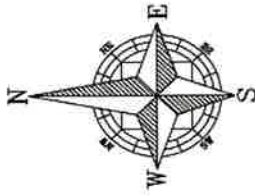
ZONING MAP



AERIAL MAP



SITE PLAN











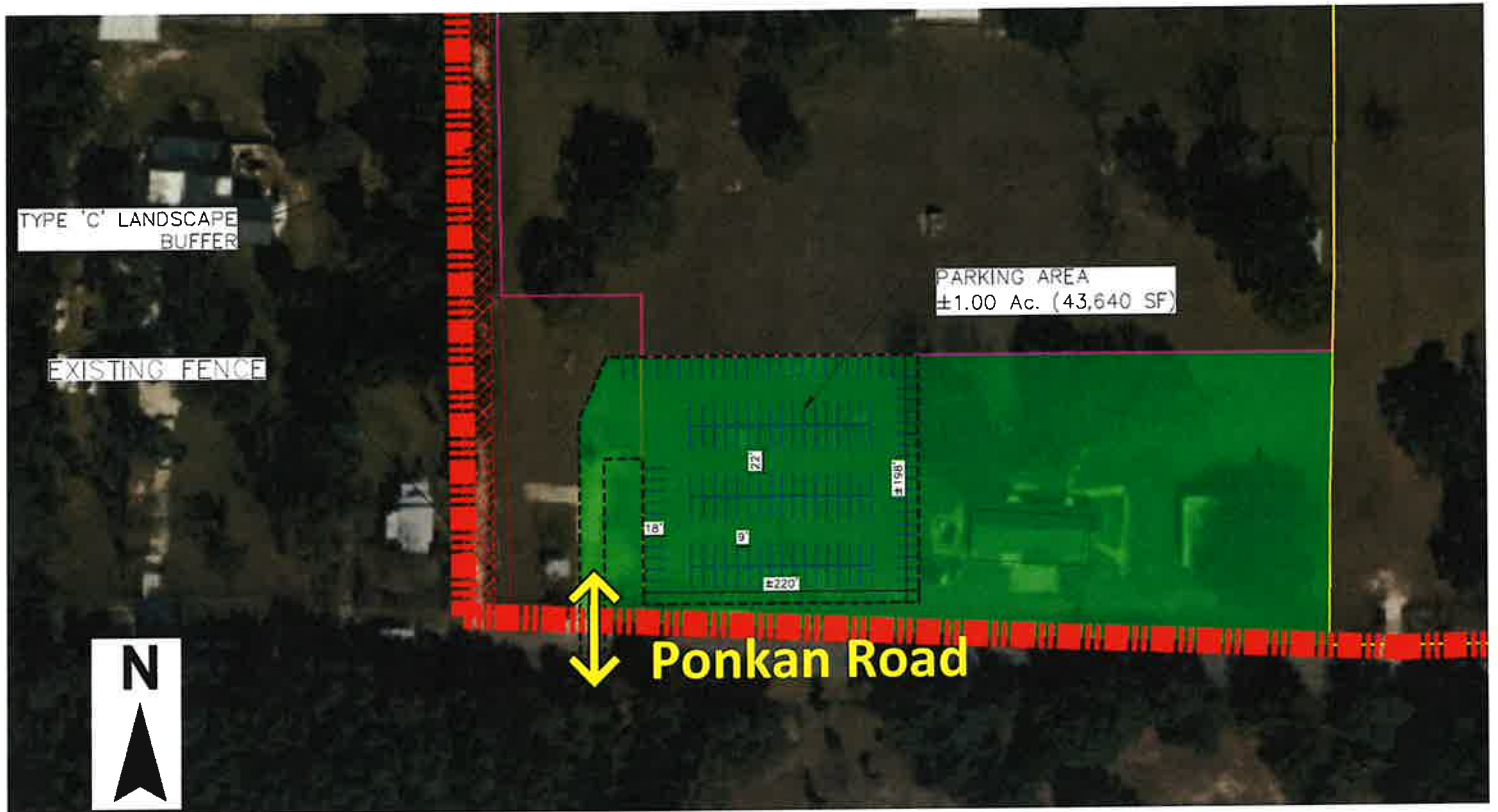
GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

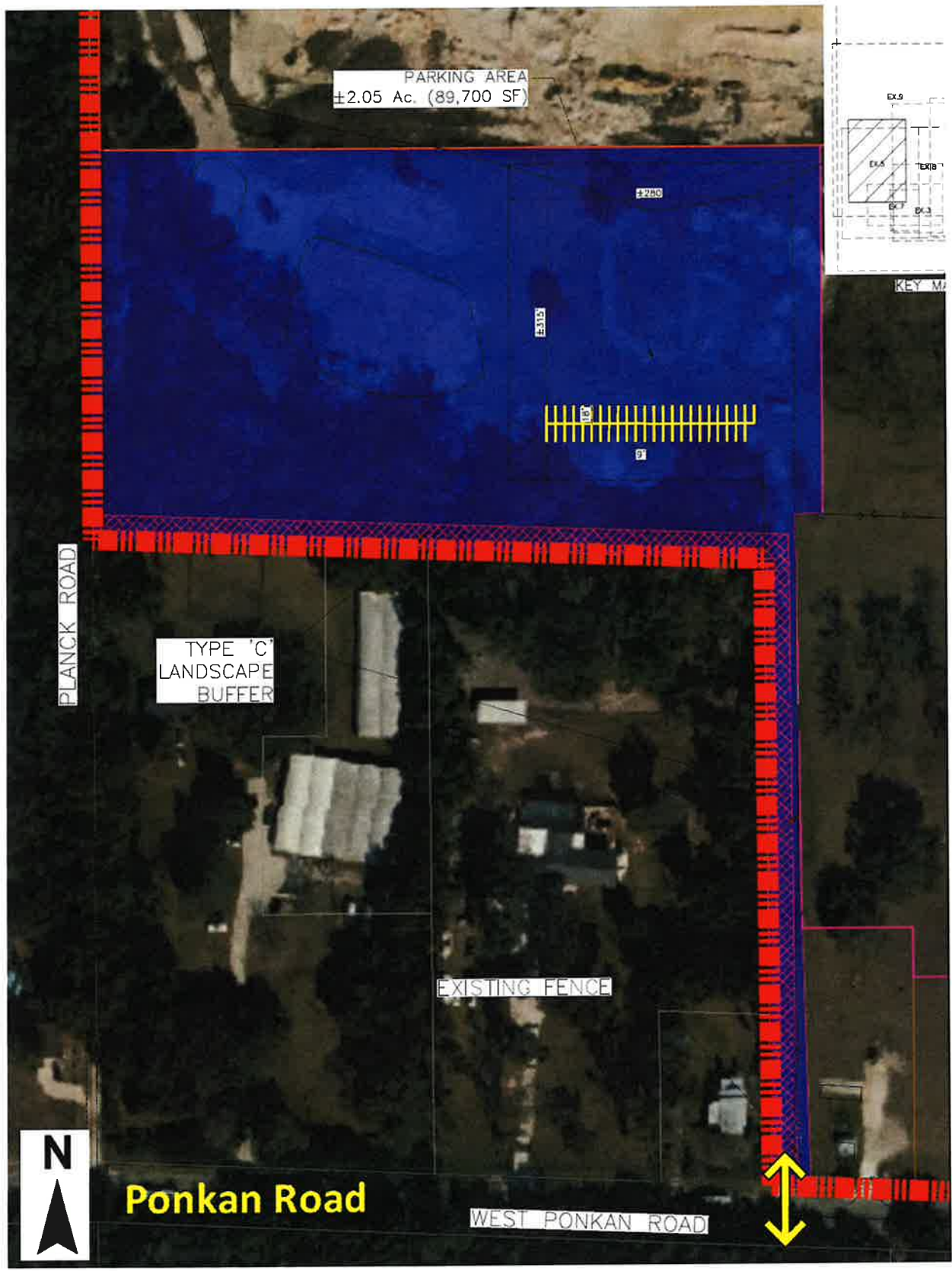
-  PROPERTY BOUNDARY
-  BASEBALL FIELD/DOG TRAINING & PARKING AREA
-  CIVIC CENTER
-  RC CAR TRACK
-  BORROW PIT
-  ZELLWOOD FESTIVAL
-  TRACTOR PULL
-  TURKEY SHOOT



SITE PLAN (DOG TRAINING)



SITE PLAN (RC CAR TRACK)



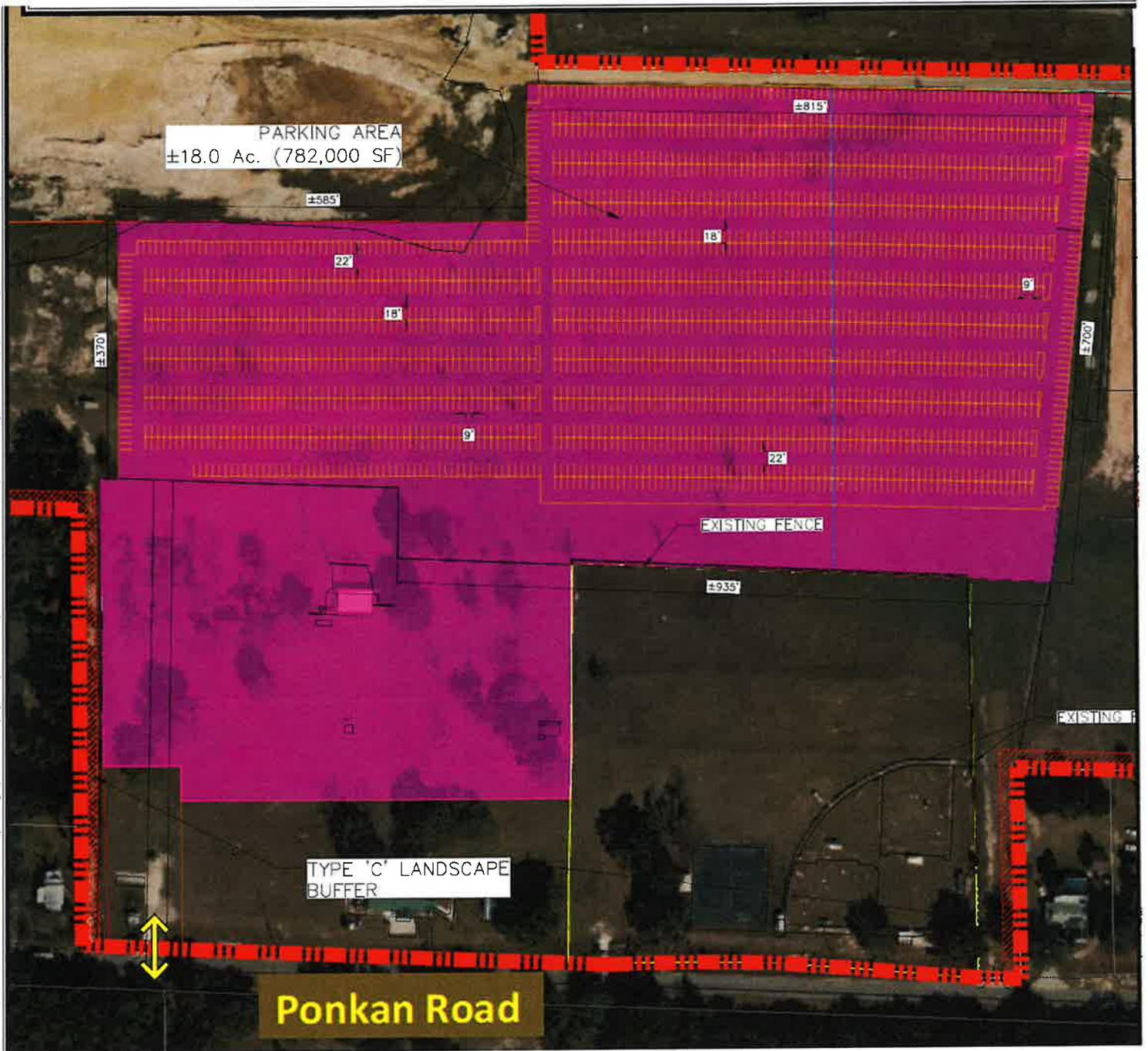
SITE PLAN (TRACTOR PULL)



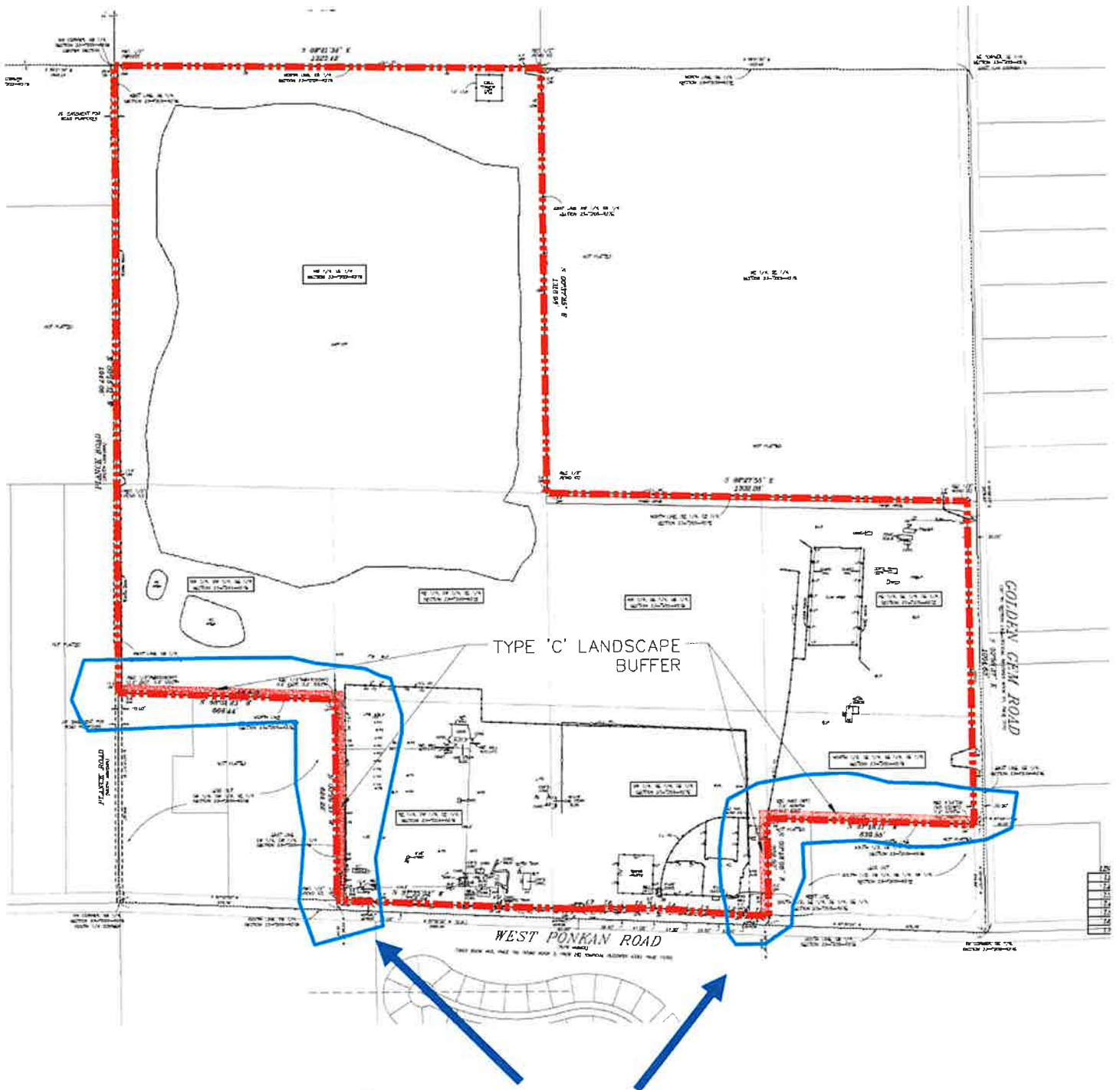
SITE PLAN (TURKEY SHOOT)



SITE PLAN (ZELLWOOD CORN FESTIVAL)



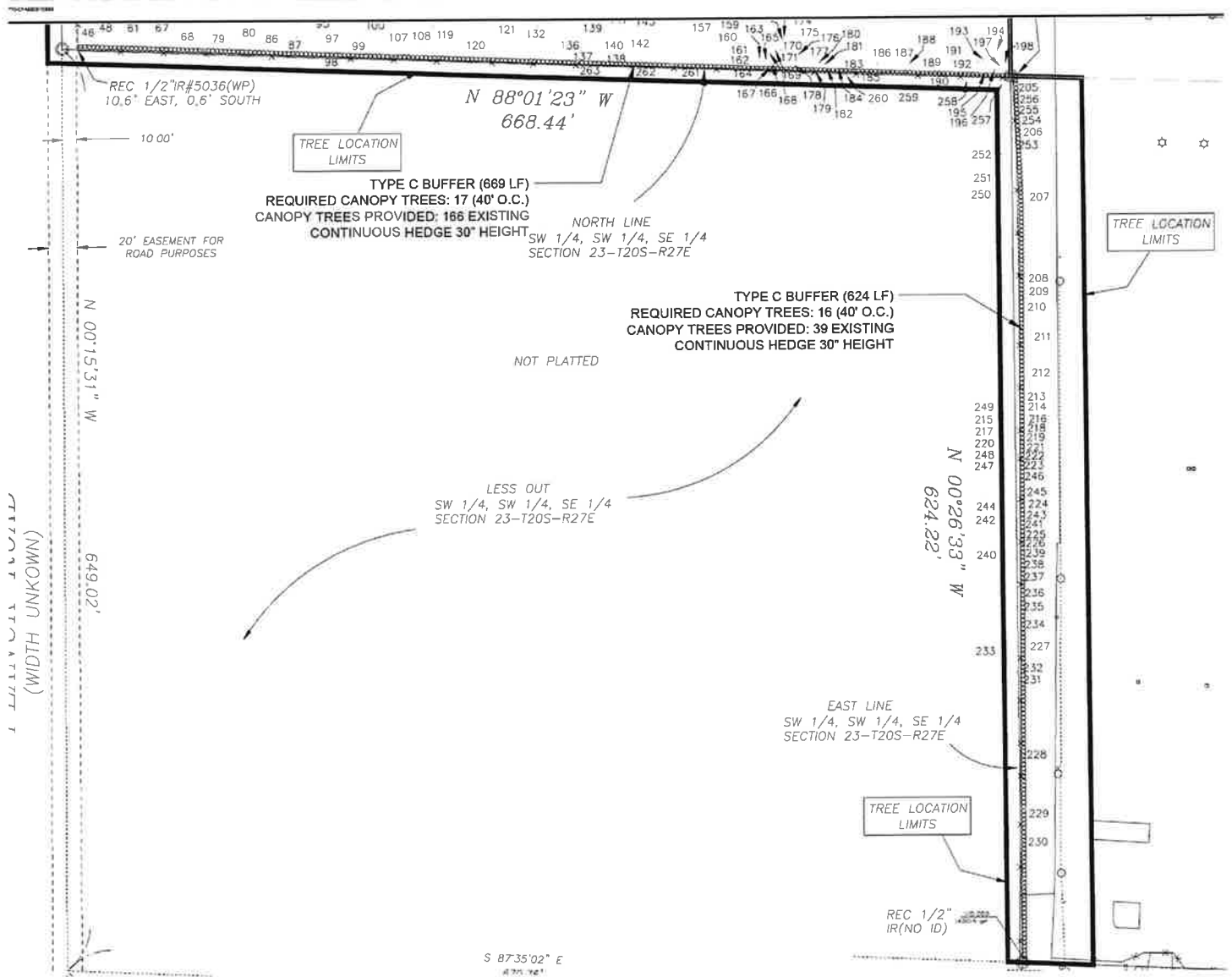
LANDSCAPE PLAN (OVERALL MAP)



Landscape Buffer Areas



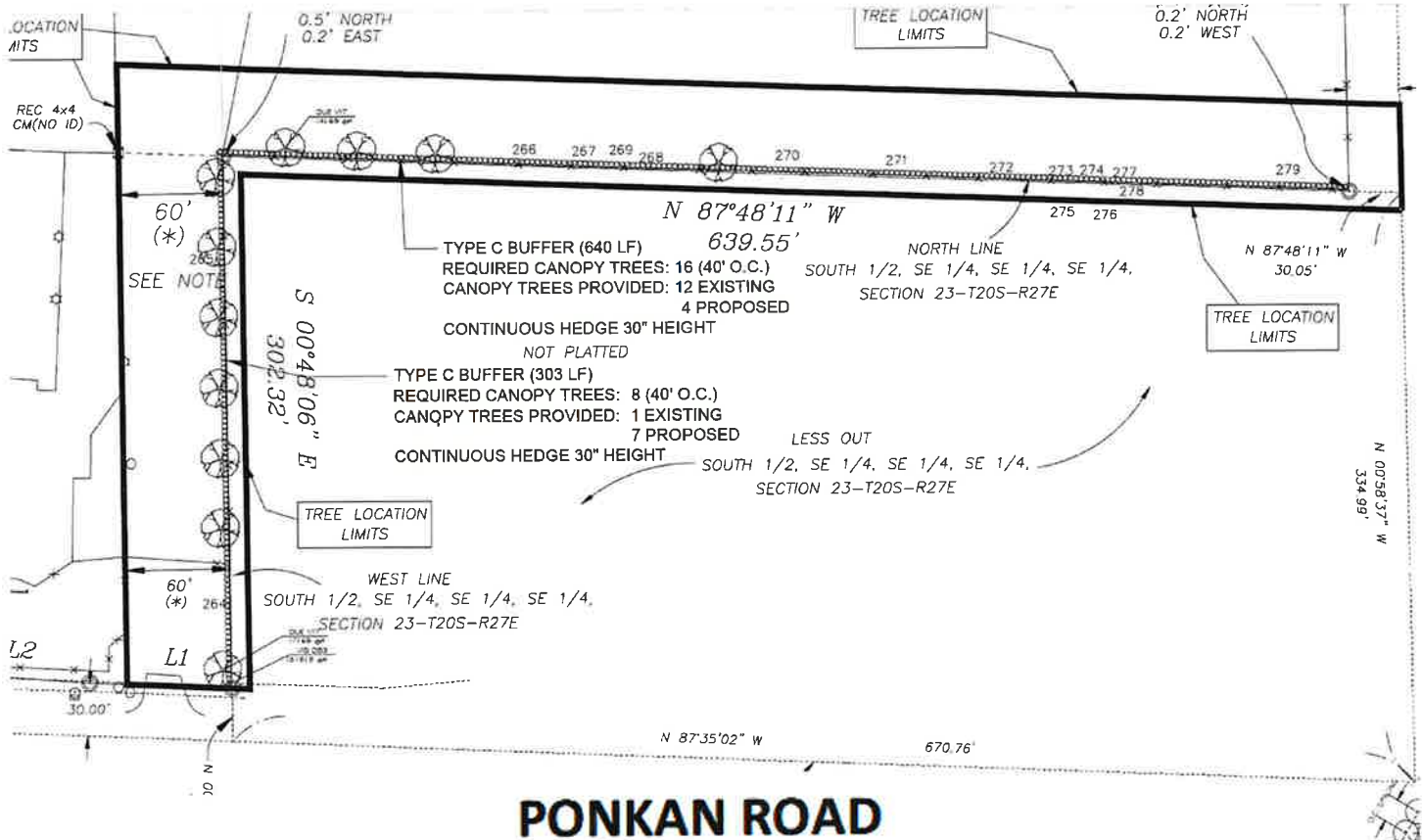
LANDSCAPE PLAN (WEST PORTION ABUTTING RC TRACK)



PONKAN ROAD



LANDSCAPE PLAN (EAST HALF – ABUTTING DOG TRAINING AND TRACTOR PULL)



PONKAN ROAD

ORANGE COUNTY NOTES

- The applicant shall provide 15 additional 2 1/2 inch (6.35 cm) diameter trees (15 trees) planted at 10' intervals along the utility line.
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PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	COBT	CAL	SIZE	REMARKS
EVERGREEN TREES								
	QLE V17	11	Quercus agrifolia	High Flac Live Oak	06 gal	3' Cal	12 ft	at 10' Int
SHRUBS								
	V18 Q23	148	Yucca filamentosa	Yucca	1 gallon	0.5 gal		50' H x 24' 00' W x 50' O.C.
SOO & MUCKI LAMINOUS ITEMS								
	MUCKI		Malva sylvestris	Malva	1 gallon	1 gallon		
	SOOS		Prunella vulgaris	Prunella	1 gallon	1 gallon		

NOTE:
TREES CAN NOT BE PROPOSED ON THE TOP OF THE UTILITY
MANS. PROVIDE A MINIMUM OF 5 FT HORIZONTAL
SEPARATION BETWEEN TREES AND OCC MANS.



SITE PHOTOS



Existing civic/community center building, facing east. Ponkan Road is right of fence



Parking area for civic/community center parking area, facing west

SITE PHOTOS



RC car race track, facing north



RC car race track, facing west, toward abutting residential property

SITE PHOTOS



RC car race track, facing south, toward abutting residential property



Driveway used for RC car race track, facing south. Existing trees and residential property on right.

SITE PHOTOS



Tractor pull area, facing south



Tractor pull area, facing north

SITE PHOTOS



Tractor pull parking area, facing south toward abutting residential area, facing south



Tractor pull parking area, facing south

SITE PHOTOS



Existing trees abutting tractor pull area at south lot line



Driveway used to enter tractor pull parking, facing north. Dog training on the left.

SITE PHOTOS



Dog training arena area, facing west



Dog training arena area, facing south

SITE PHOTOS



Zellwood Corn Festival area, facing east



Zellwood Corn Festival parking area, facing west

SITE PHOTOS



Turkey shoot area, facing north



Turkey shoot parking area, facing south

SITE PHOTOS



Front of property, from Ponkan Rd., facing northeast



Front of property, from Ponkan Rd., facing northwest

SITE PHOTOS



Side of property, from Golden Gem Rd., facing west



Side of property, from eastern boundary along Golden Gem Rd., facing north