

Orange County Board of County Commissioners

SE-23-08-070

APPLICANT:

JOSEPH KOVECSES FOR NOCIA

October 29, 2024



Background

APPLICANT:	JOSEPH KOVECSES FOR NOCIA
CASE:	SE-24-08-070
ZONING:	A-1 (Agricultural District)
FUTURE LAND USE:	Rural
ADDRESS:	4253 W Ponkan Road, Apopka, FL 32712
LOCATION:	North of W Ponkan Rd., west of Golden Gem Rd., east of Round Lake Rd.
TRACT SIZE:	103.93 acres
DISTRICT:	2



Background

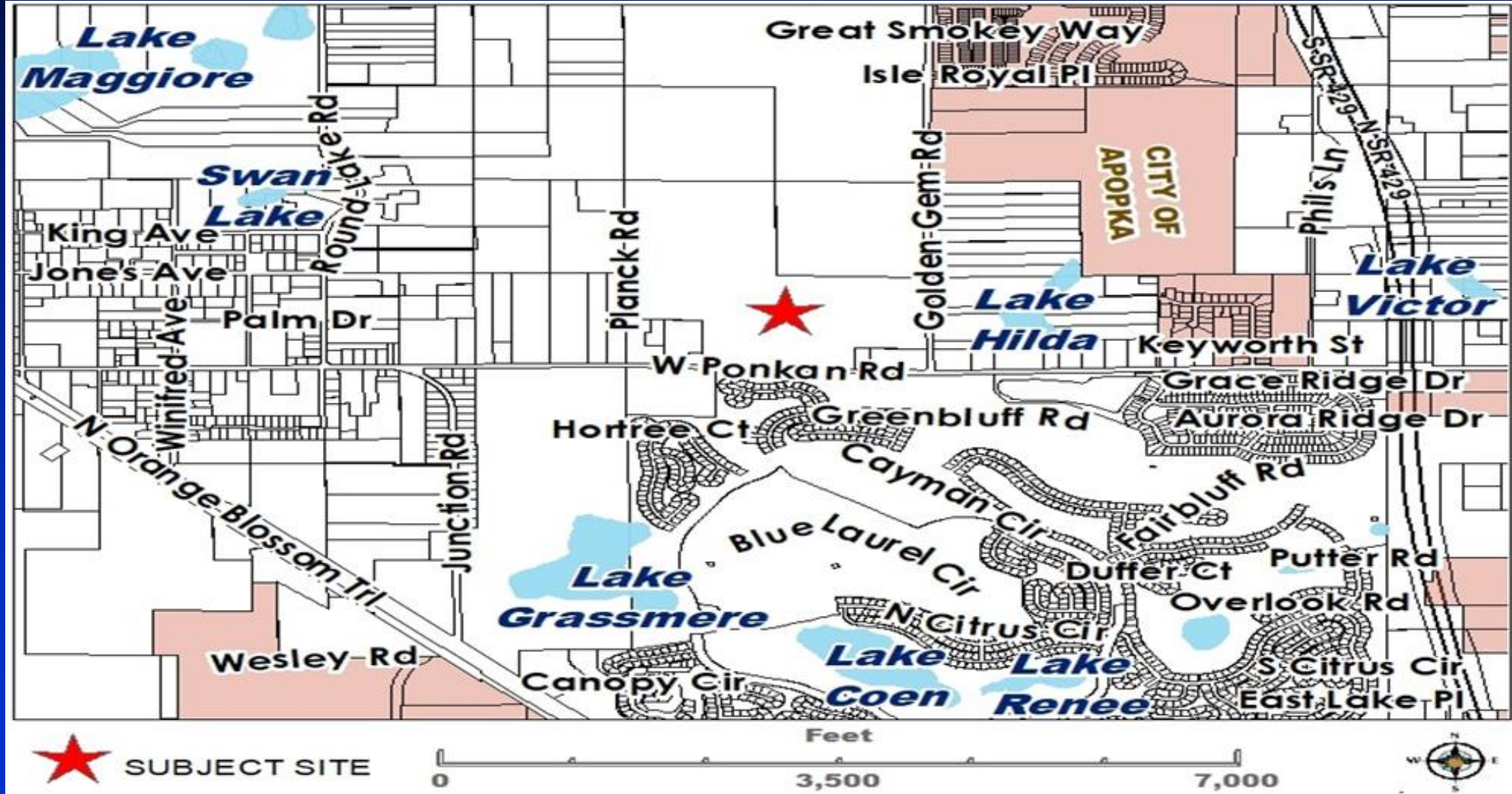
REQUEST:

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.**

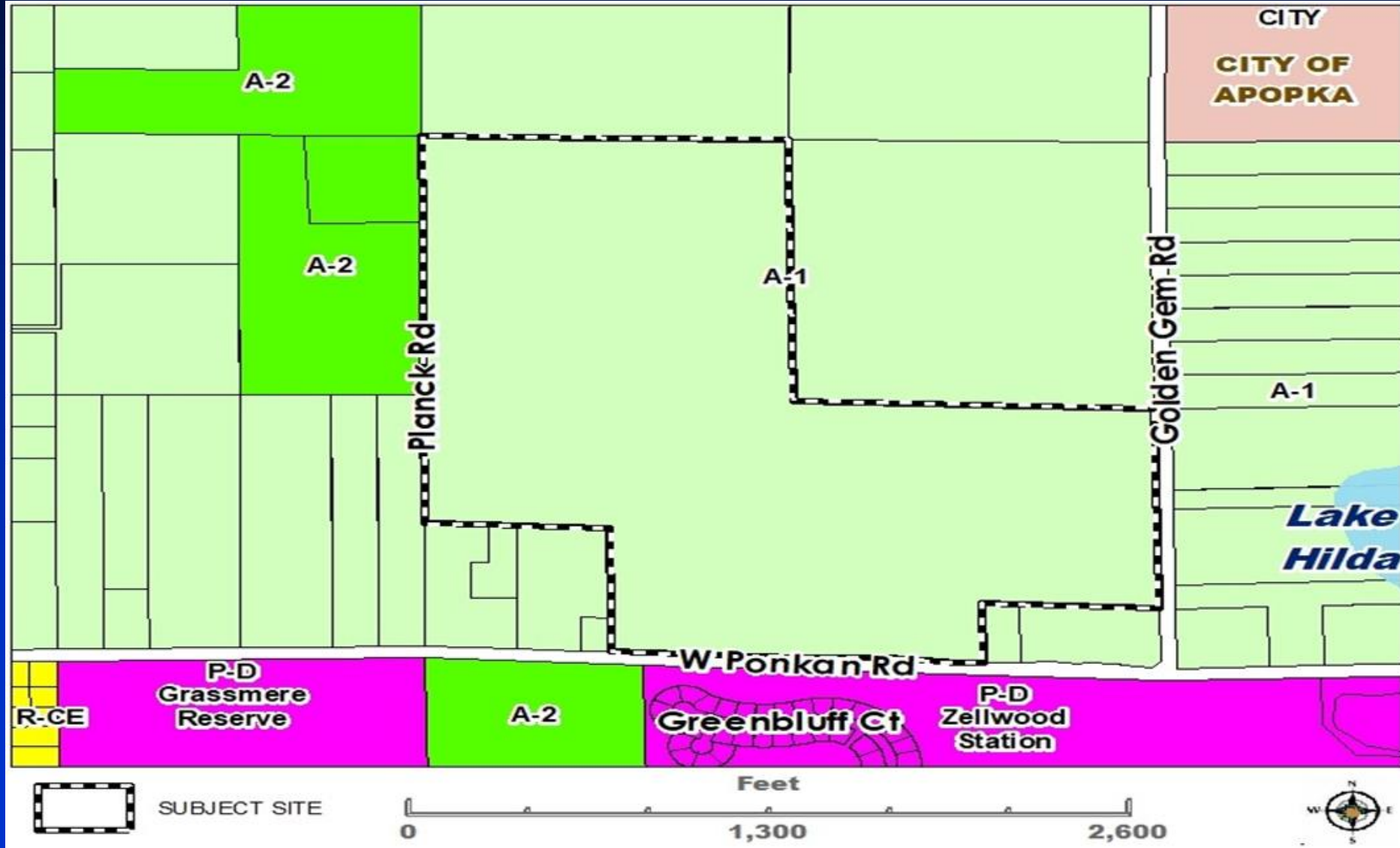


Location Map



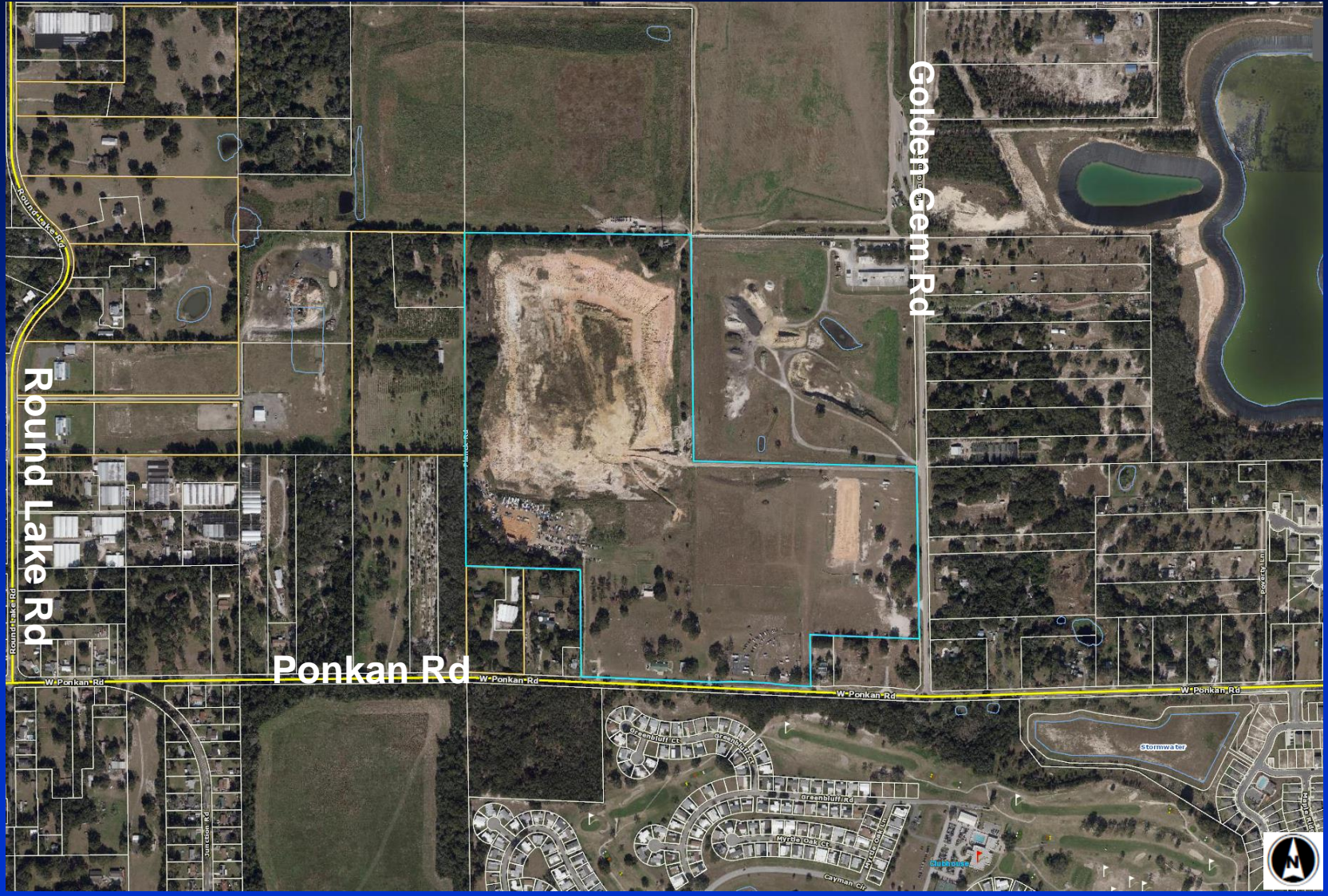


Zoning Map



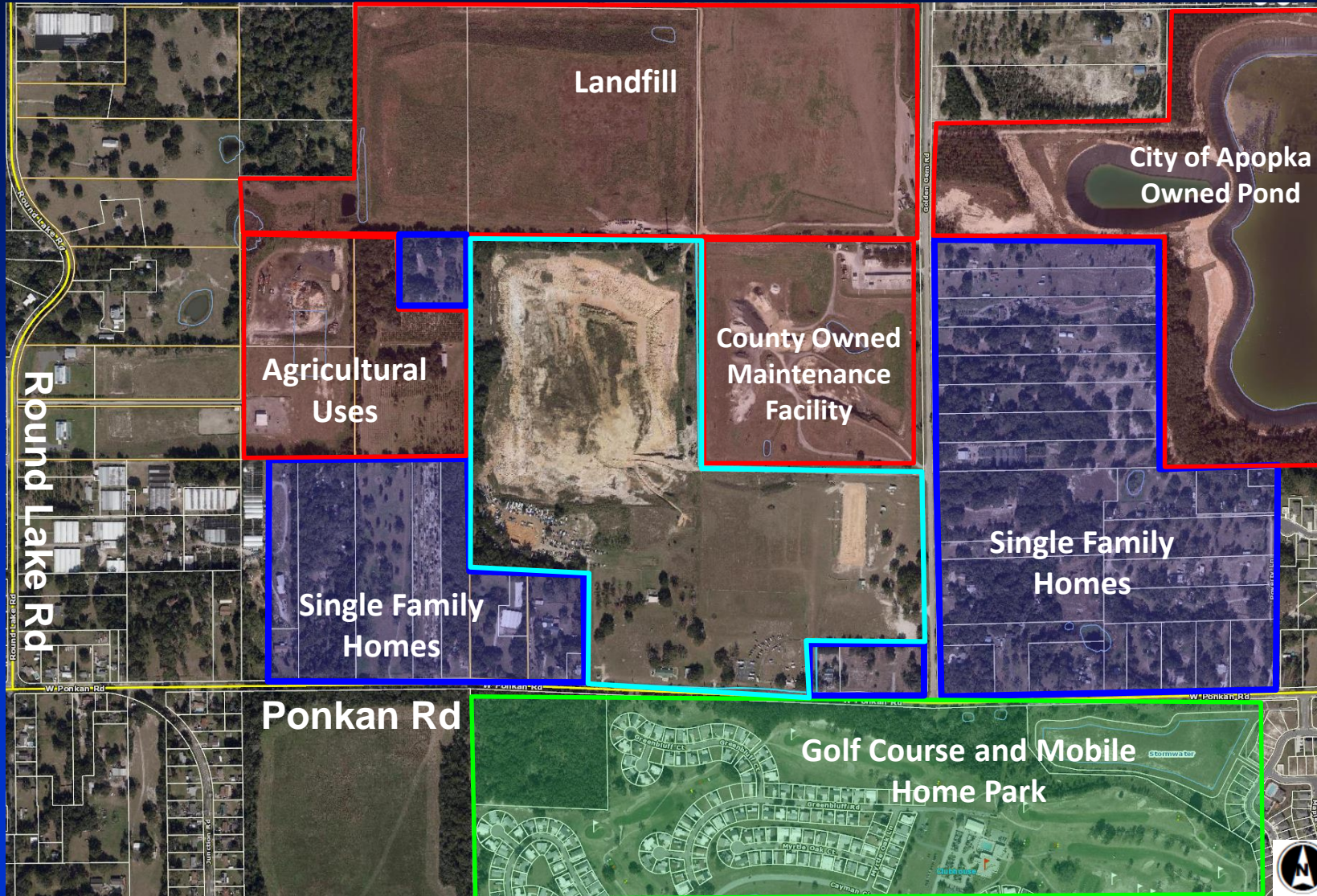


Aerial Map





Abutting Uses





Site Plan



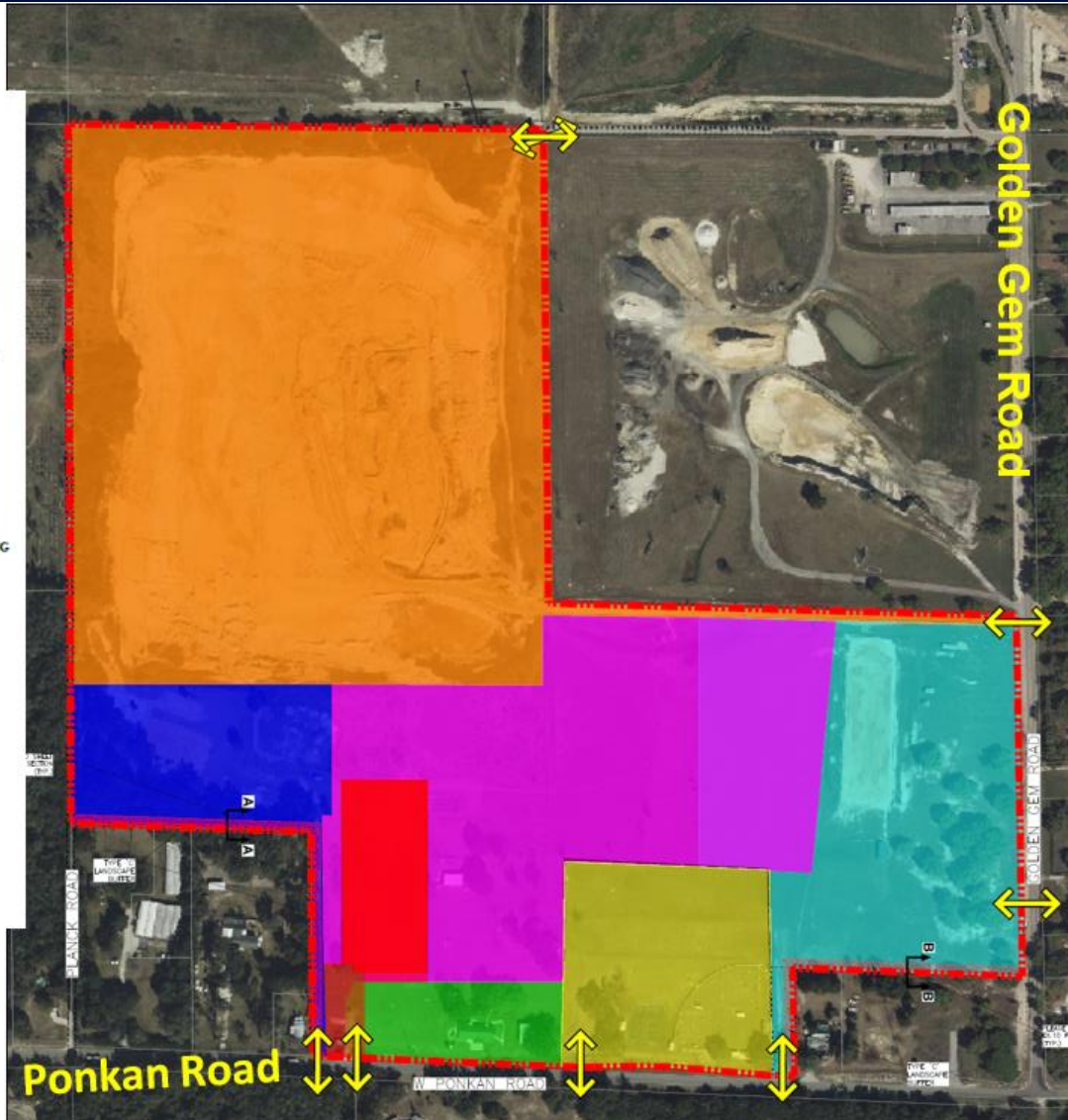
GRAPHIC SCALE



(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



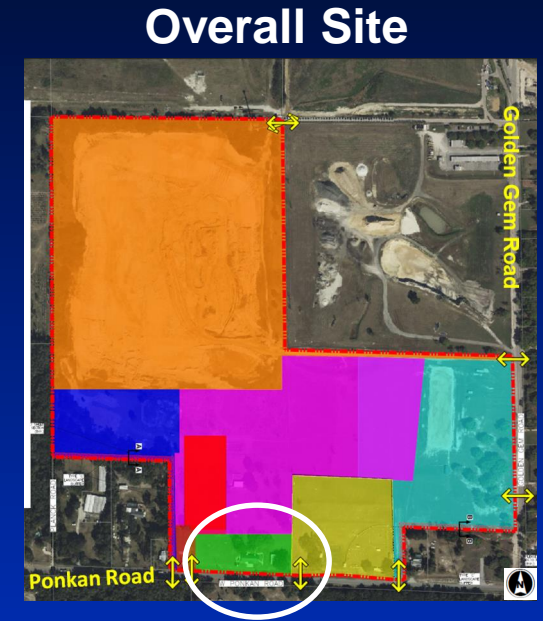
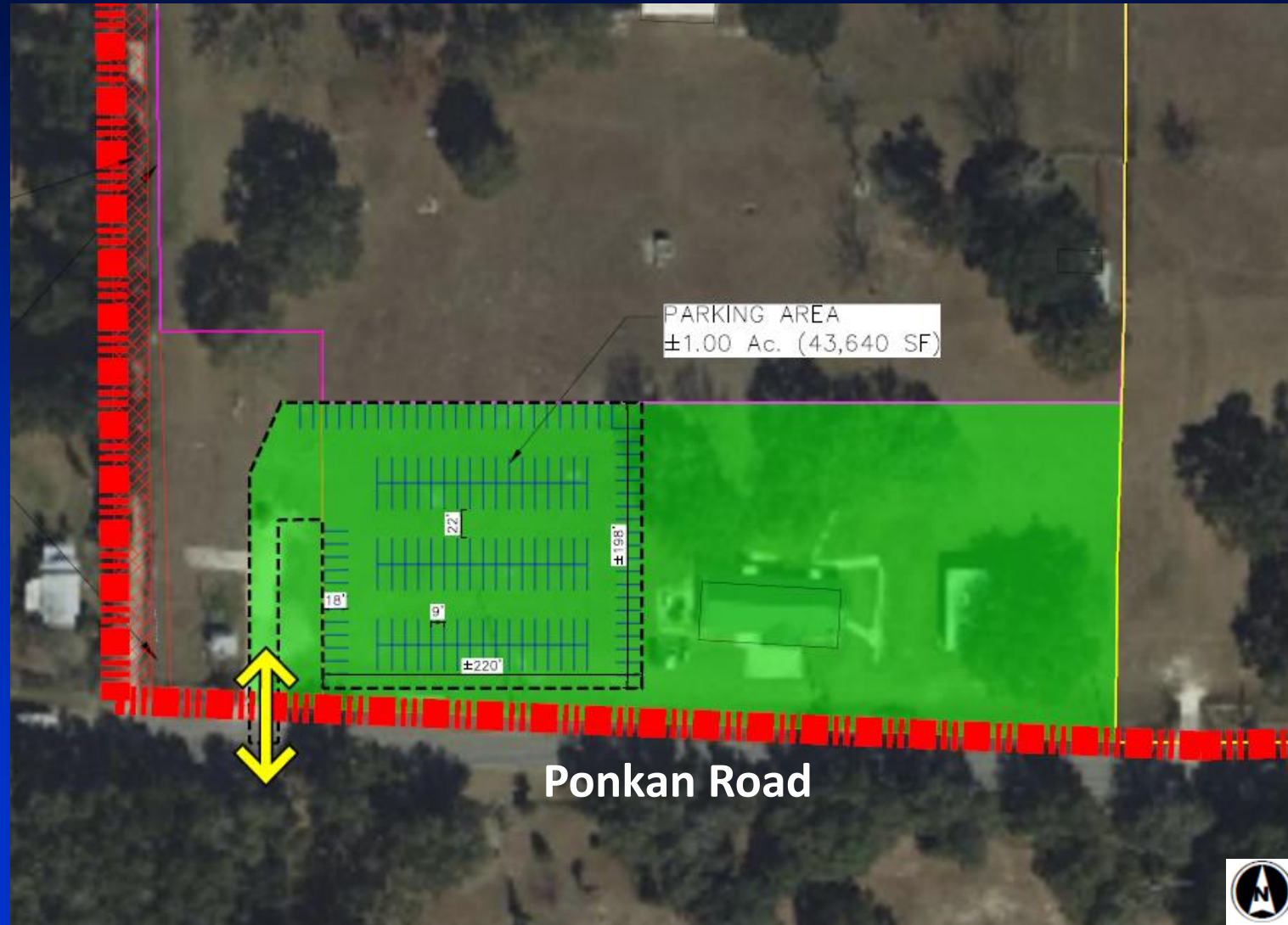


History

- **1960s:** Northeast Orange County Improvement Association (NOCIA) acquires property. Begin hosting the Zellwood corn festival. Held annually until 2014
- **1975:** Community Center building built (No Special Exception required at that time)
- **1979:** Tennis Court and Baseball fields erected (No special exception required at that time)
- **2003:** Special Exception denied for a Quarter Midget Racetrack.
- **2008:** Tractor Pull area erected (no approvals obtained)
- **2009:** Special Exception denied for a Quarter Midget Racetrack
- **2019:** Dog training business starts using baseball field (no approvals obtained)
- **2021:** RC Racetrack erected (no approvals obtained)
- **2024:** Code compliance citations for operating RC Racetrack, Dog Training, and Tractor pull without proper approvals



Site Plan – Civic/Community Center





Site Photograph

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





Site Photograph

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

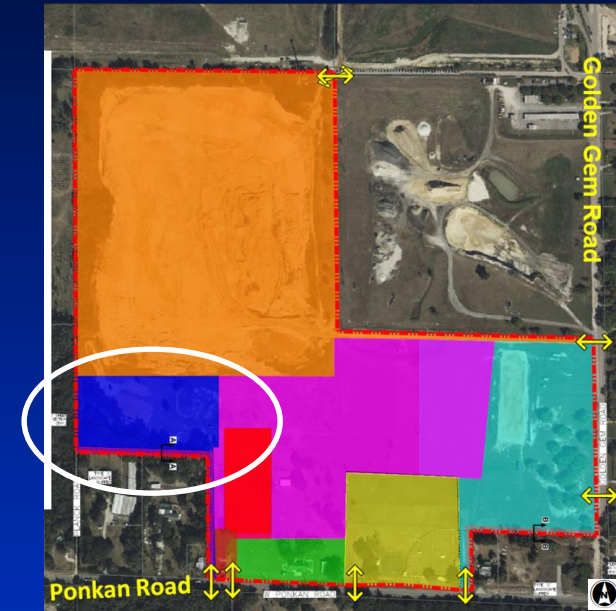




Site Plan – RC Racetrack



Overall Site





Site Photograph

RC car racetrack, facing west, toward abutting residential property





Site Photograph

RC car racetrack, facing south, toward abutting residential property





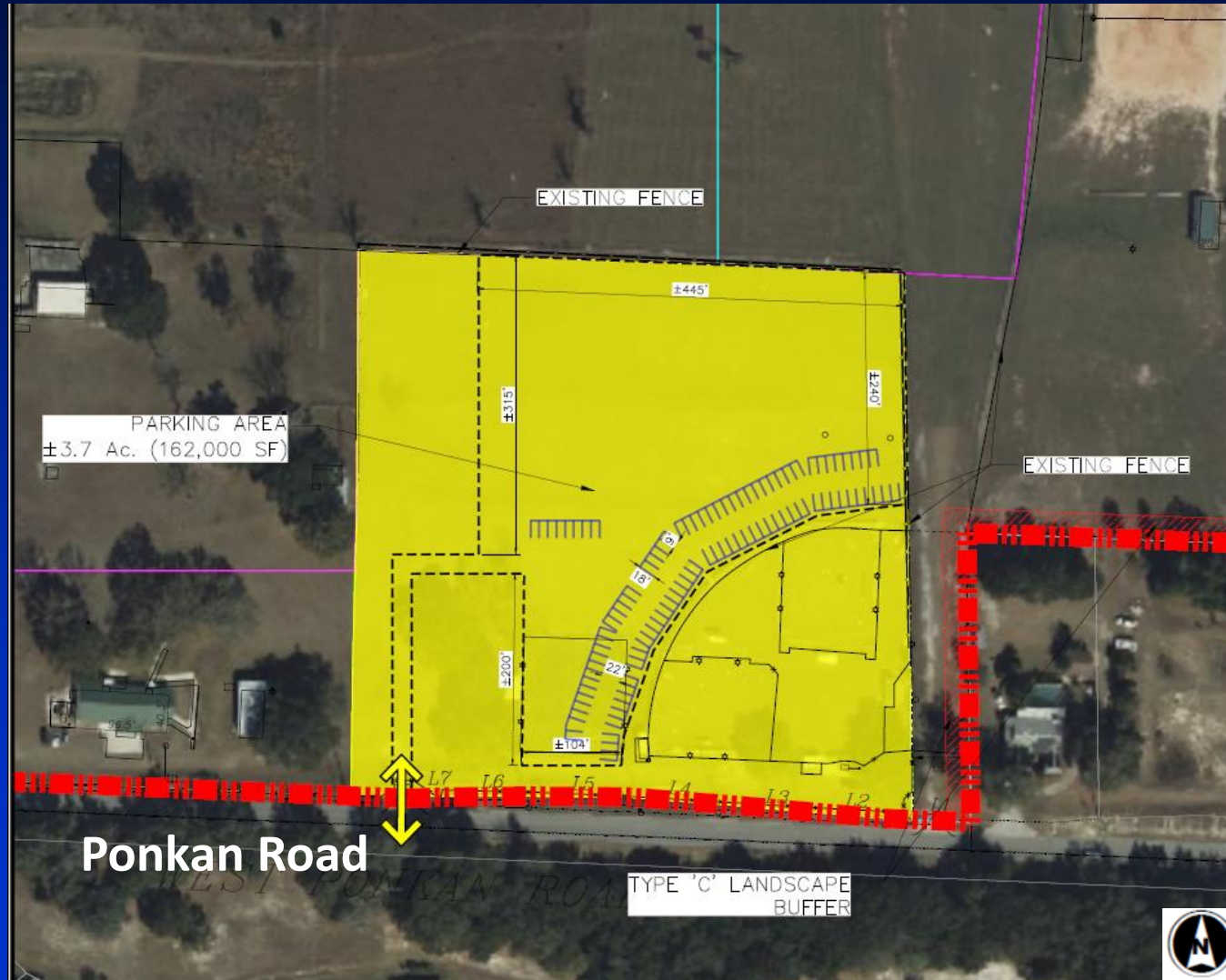
Site Photograph

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

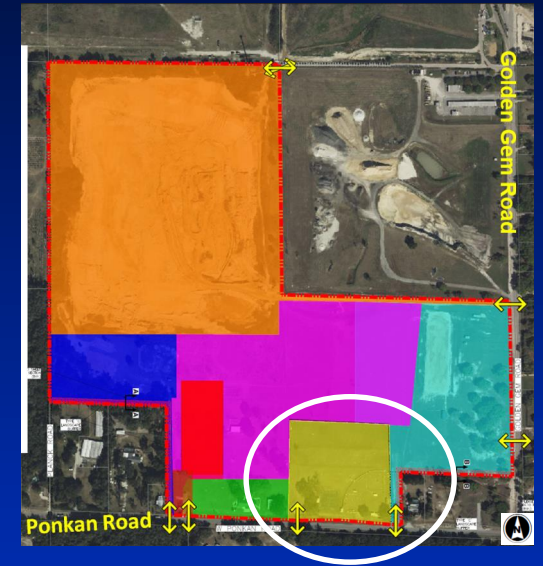




Site Plan – Dog Training



Overall Site





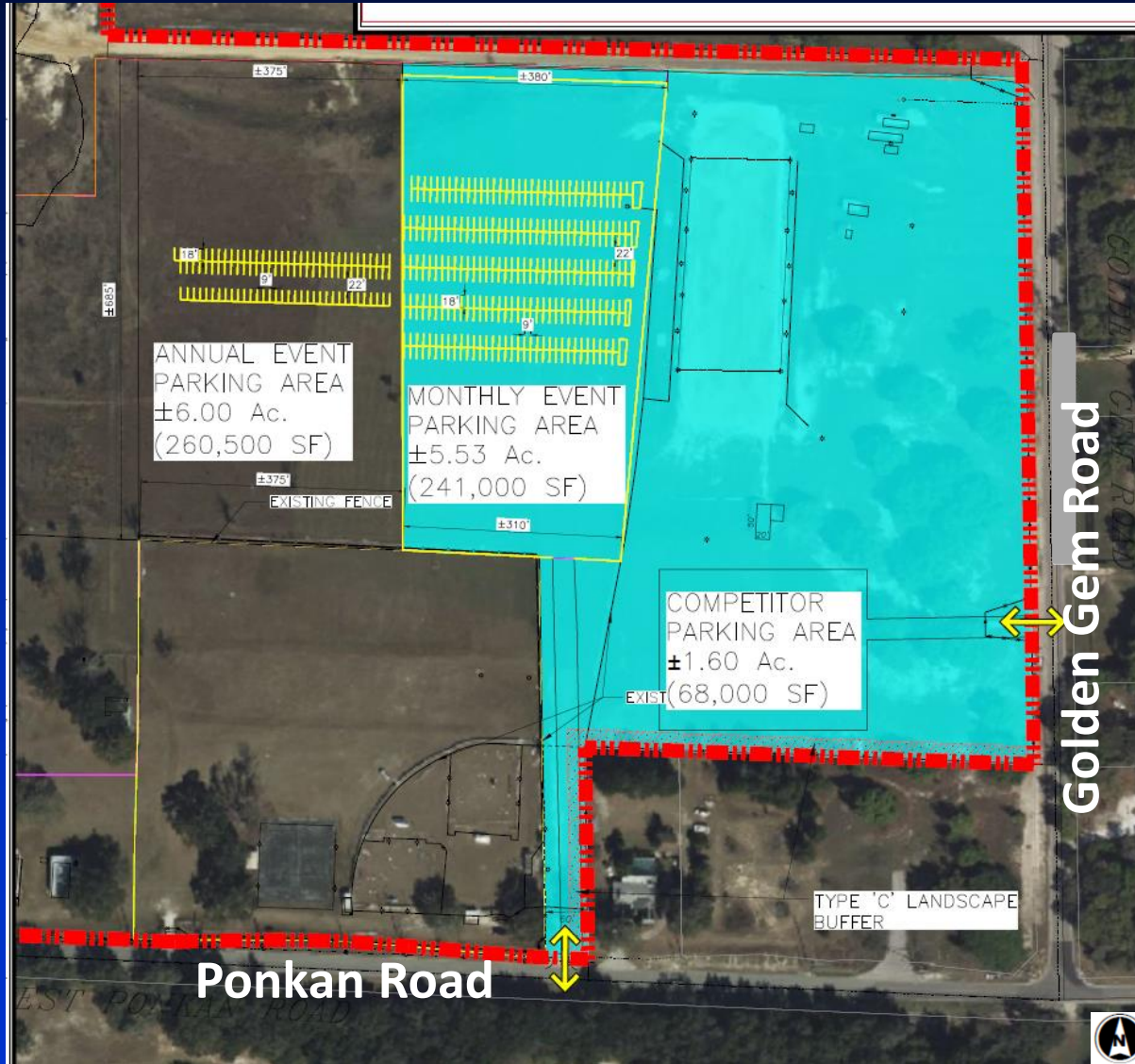
Site Photograph

Dog training arena area, facing south

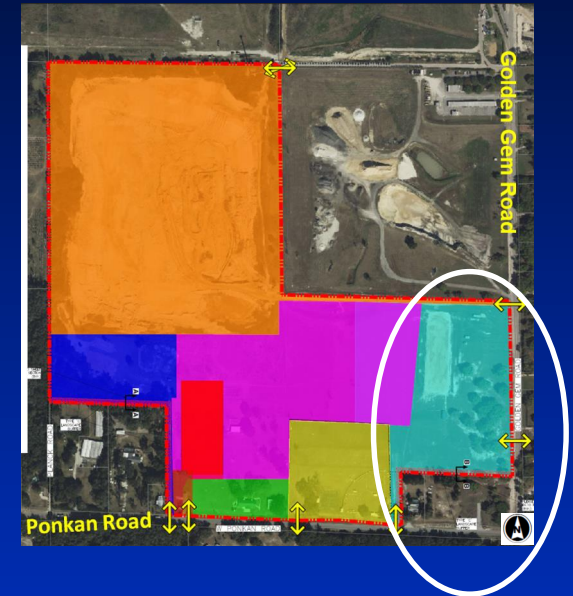




Site Plan – Tractor Pull



Overall Site





Site Photograph

Tractor pull area, facing south





Site Photograph

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





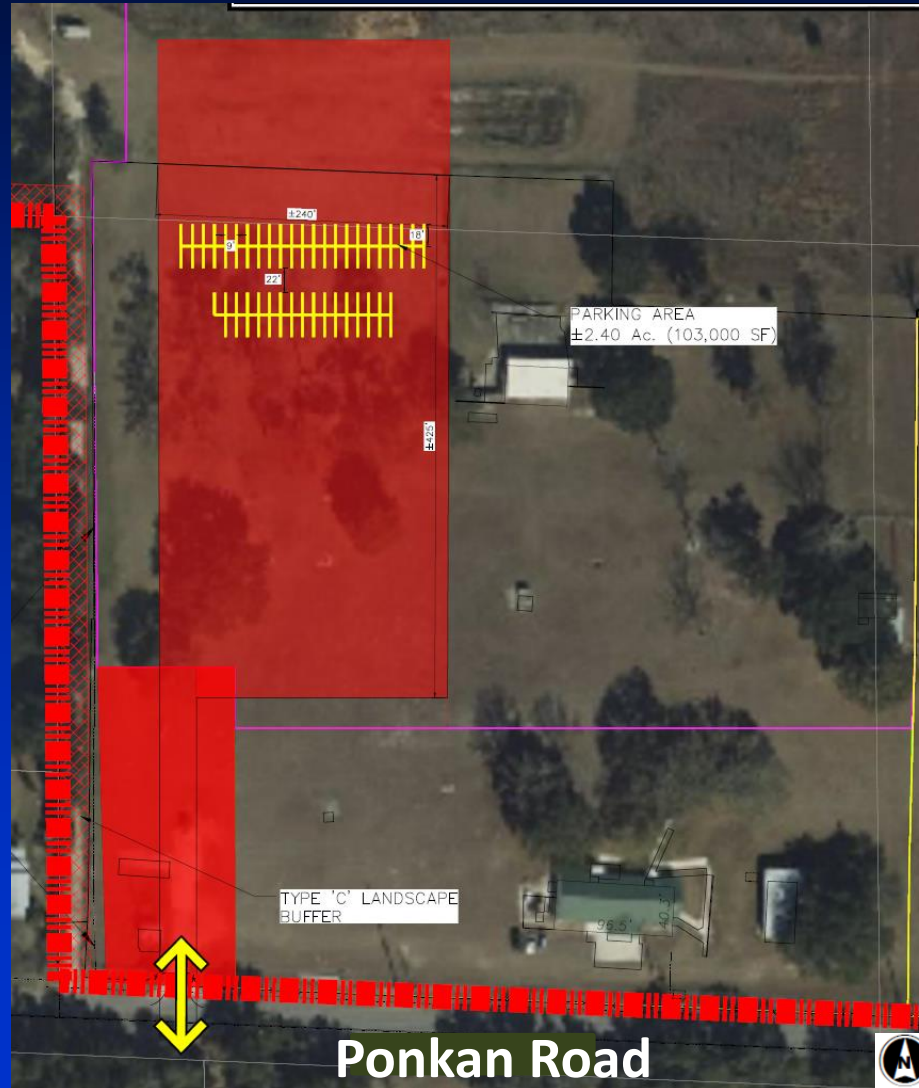
Site Photograph

Existing trees abutting tractor pull area at south lot line

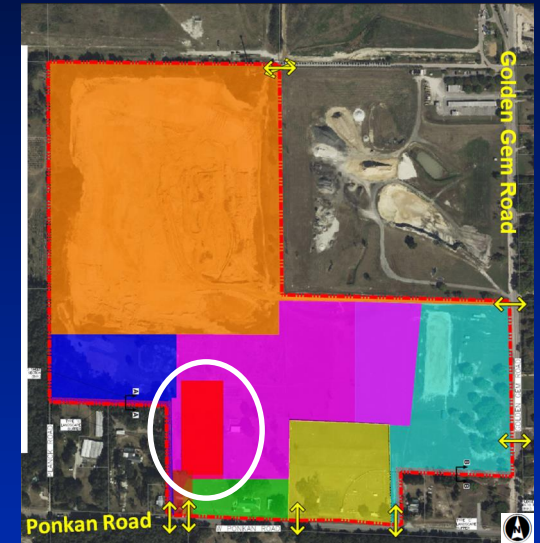




Site Plan – Turkey Shoot



Overall Site





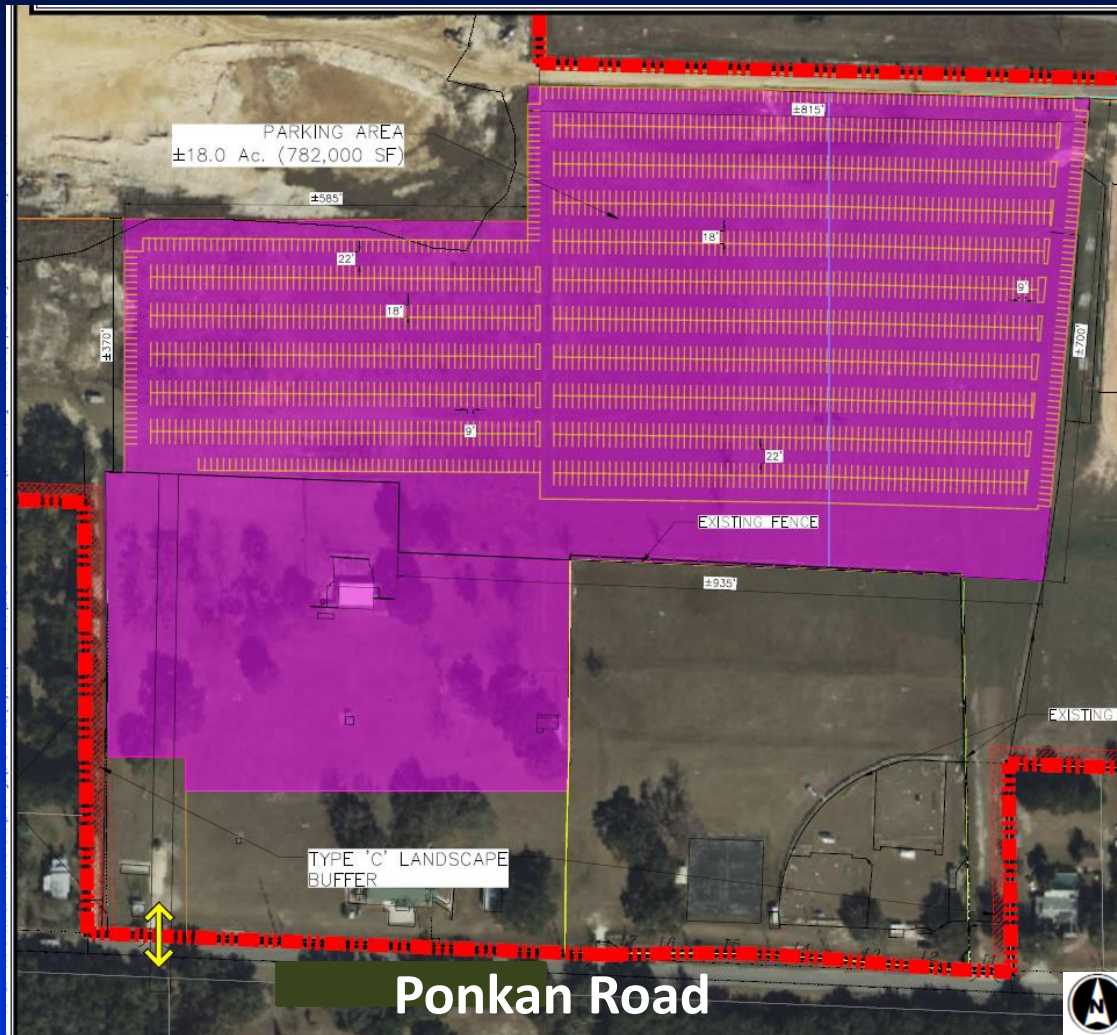
Site Photograph

Turkey shoot area, facing north

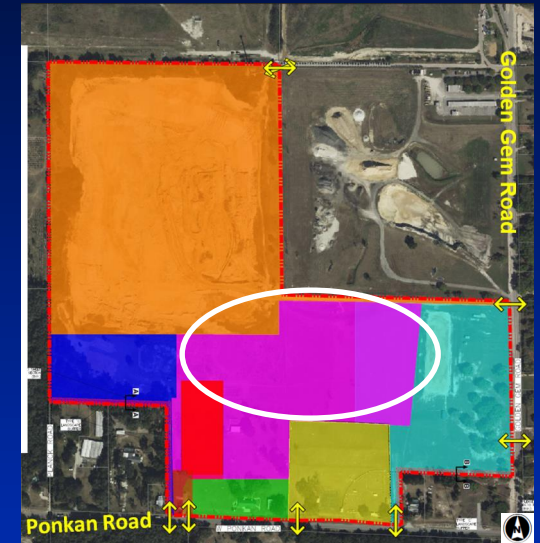




Site Plan – Zellwood Corn Festival



Overall Site





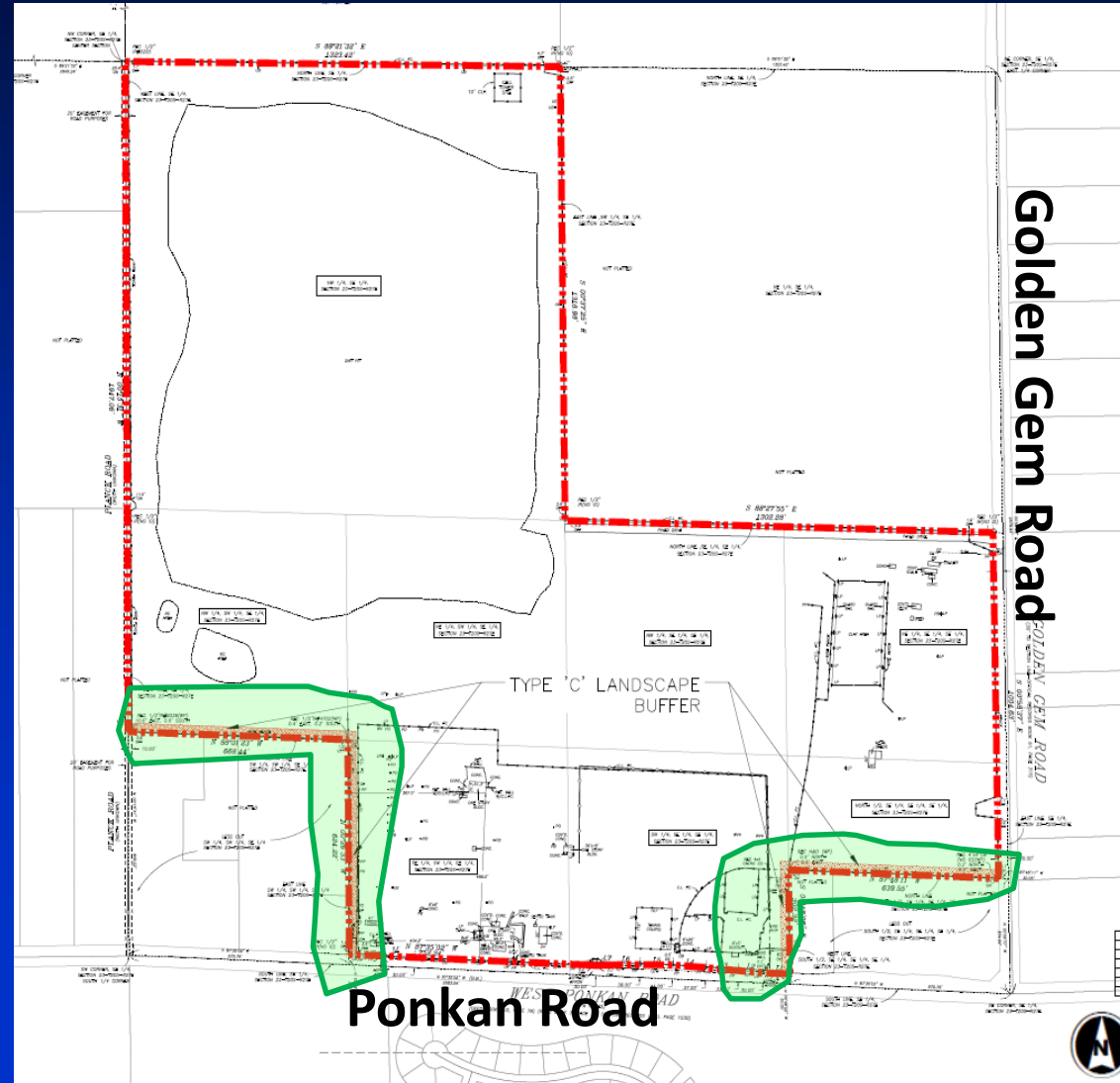
Site Photograph

Zellwood Corn Festival area, facing east





Landscape Plan





Staff Findings and Analysis

- Applicant is requesting existing uses be allowed to remain. The proposed uses require a special exception in the A-1 Zoning District, and fall into 2 categories:
 - Outdoor Recreation
 - RC Racetrack, Dog Training, and Tractor Pull
 - Special Event
 - Turkey Shoot and Zellwood Corn Festival
- Applicant is proposing no paved improvements, and to use the site as it exists currently. Variance requested to allow unimproved parking and drive aisles.
- Applicant is proposing to add enhanced landscaping where the proposed uses abut residential.



Staff Findings and Analysis

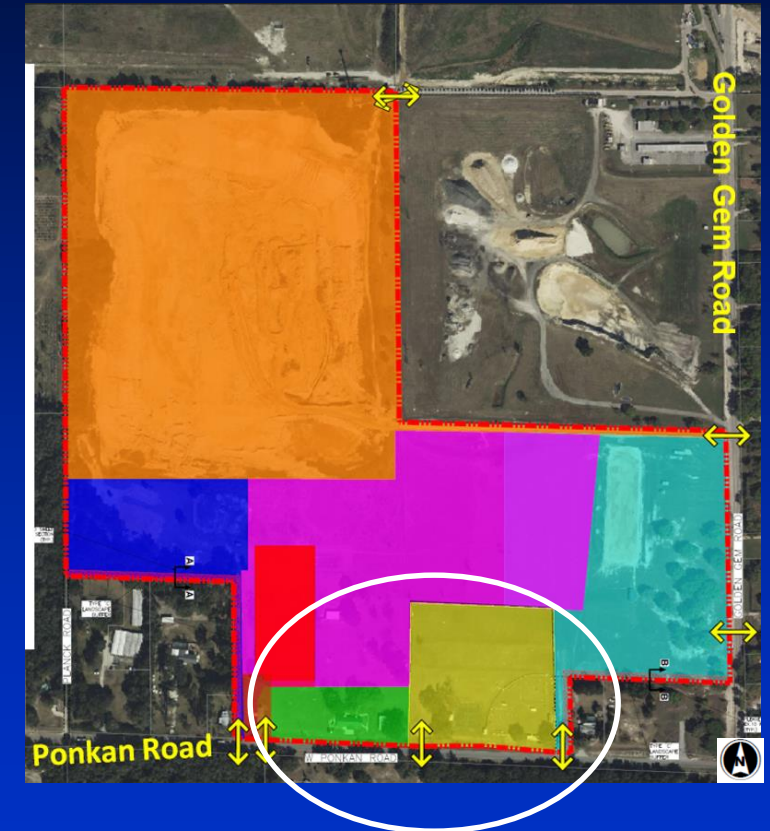
■ Civic/Community Center

- Has existed since 1975
- Proposed to be available for use on Saturdays and Sundays, by reservation
- Max of 300 people (when using indoor and outdoor – 100 max when indoor)
- 8 a.m. to midnight on Saturdays, 8 a.m. to 8 p.m. on Sundays

■ Dog Training

- Utilizing area of existing baseball field
- Daily use for estimated 10 people, between 7 a.m. and 10 p.m. (but typically when it is not hot out)
- 7 weekends per year, with anticipated attendance of 75 people at the weekend events

Overall Site



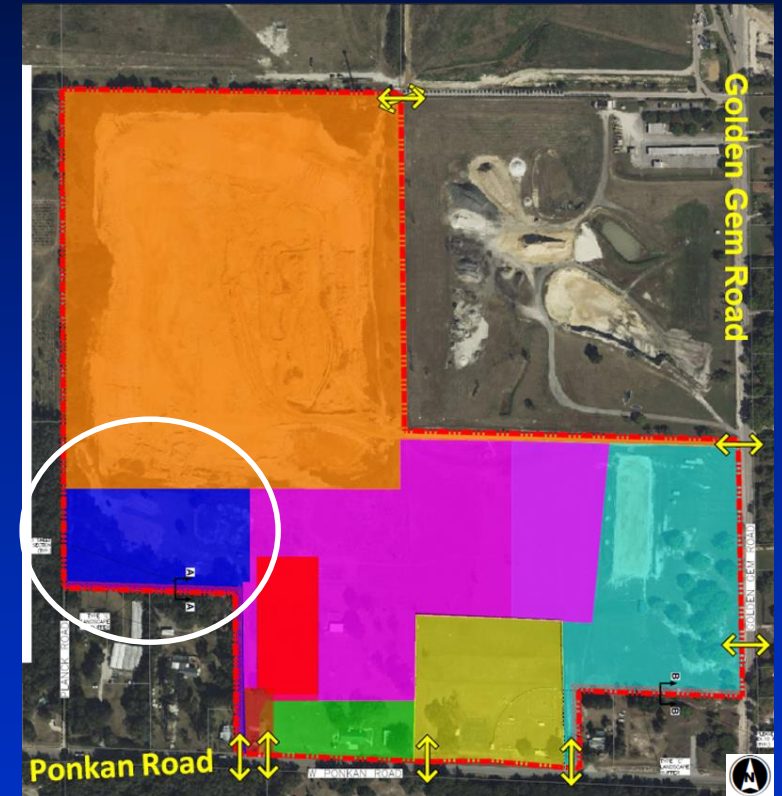


Staff Findings and Analysis

■ RC Racetrack

- Every Wednesday from 6:45 p.m. to 9:45 p.m.
- Every Saturday from 10 a.m. to 5 p.m.
- 2 large events per year, on 2 weekends (Friday and Saturday) 3 p.m. to 9 p.m. Friday, 7 a.m. to 10 p.m. Saturday
 - BZA modified hours 3 p.m. to 9 p.m. on Fridays, and 7 a.m. to 9 p.m. on Saturdays.
- Weekly attendance anticipated at 25, with the 2 large events with 100 people
- Condition proposed restricting to electric remote control cars only (no gas powered)
- Enhanced landscaping required (need to add a hedge)

Overall Site

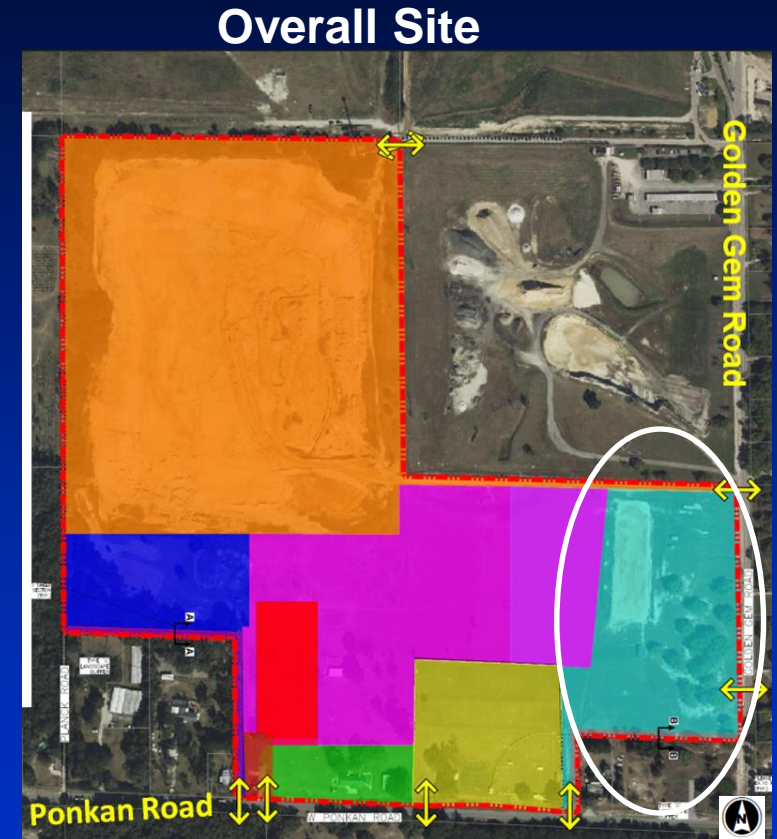




Staff Findings and Analysis

■ Tractor Pull

- 1 weekend per month (Friday and Saturday nights from 4 p.m. to 10 p.m.).
 - BZA modified hours: from 2 p.m. to 8 p.m.
- Anticipated 200 people in attendance
- 1 large even per year (1 weekend, Friday and Saturday), 500 people, operating from 1 p.m. to 10 p.m.
 - BZA modified hours: 12 p.m. to 8 p.m.





Staff Findings and Analysis

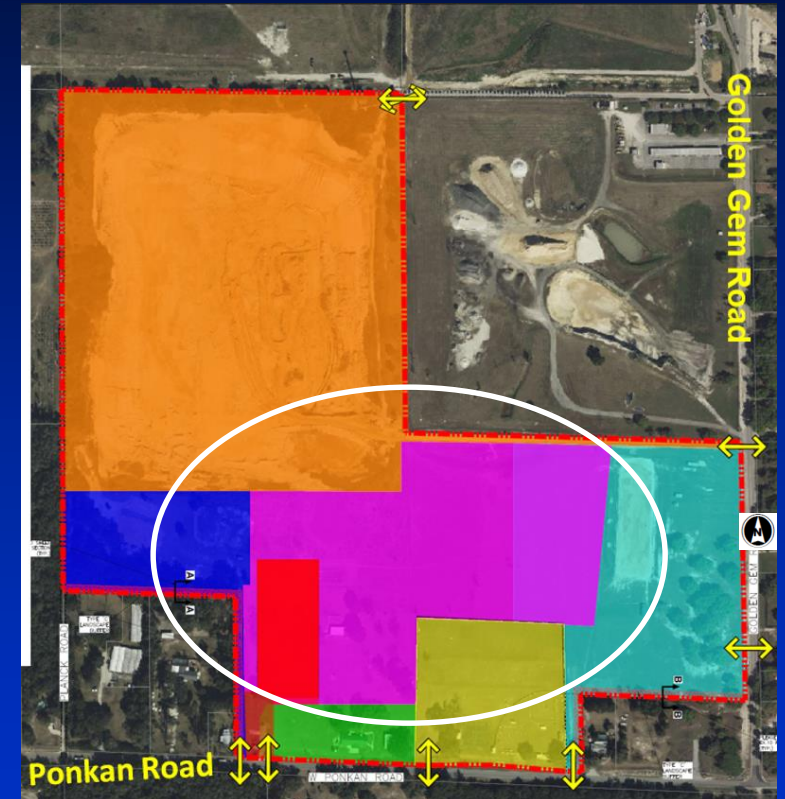
■ Turkey Shoot

- 3 events per year (2 in November, 1 in December), operated by Elks Club
- Events occur over 2 days (Saturday, Sunday) from 8 a.m. to 7 p.m.
- Max of 100 people in attendance

■ Zellwood Corn Festival

- Previously occurred on site from the 1960s until 2014
- 1 weekend per year (Friday, Saturday, and Sunday)
- 7 a.m. to 10 p.m.
- Maximum of 5,000 people.

Overall Site





Community Meeting

- **Community Meeting held August 14, 2024**
- **Attended by District Commissioner, County Staff, applicant, and 95 members of the public**
- **The majority of attendees were in support of the uses, specifically the RC racetrack. Some attendees were in opposition, and mainly had concerns about the noise generated during nighttime hours**



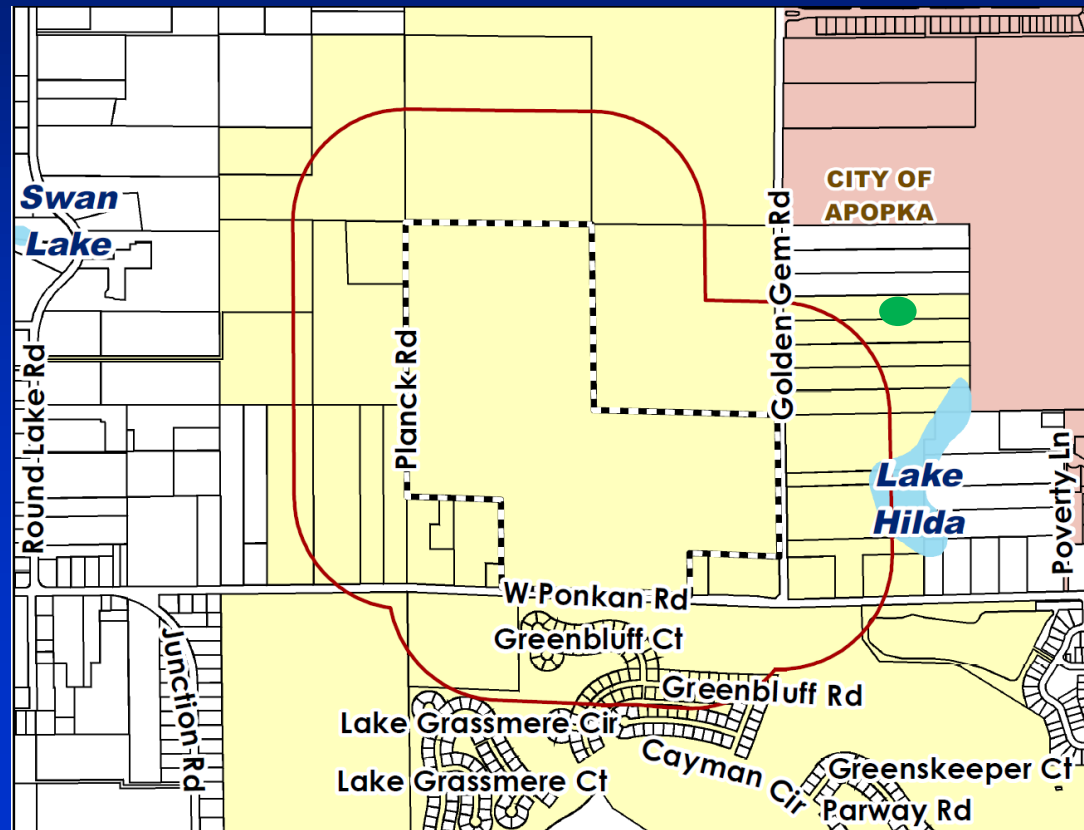
Staff Recommendation

Staff recommended approval of both the Special Exception and variance, subject to the conditions of approval in the staff report. The proposed uses are semi-frequent, and not daily uses, and on a large property that surrounds other non-residential uses, like the abutting landfill to the north, and golf course to the south.



Public Feedback

- Staff mailed a total of 173 notices to adjacent property owners in an 800 ft. radius
 - Staff received two (6) correspondences in favor of this request (1 mapped)
 - Staff received zero (0) correspondence in opposition to this request





Special Exception Criteria

Section 38-78, Orange County Code

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

- 1. The use shall be 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**
- 3. The use shall not act as a detrimental intrusion into a surrounding area**
- 4. The use shall meet the performance standards of the district in which the use is permitted**
- 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**
- 6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted**



Variance Criteria

Section 30-43 (3), Orange County Code

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privilege Conferred - Approval will not confer on the applicant any special privilege
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
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood



BZA Findings

- **The BZA discussed concerns about the noise level for some events and hours of operation and suggested modified conditions of approval for 3 conditions related to hours of operation. The BZA recommended approval of the Special Exception and Variance, subject to 18 conditions of approval, as modified.**



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.**



Conditions of Approval

- 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 4 p.m. to 8 p.m.), with 1 large special event held annually (Friday and Saturday from 1 p.m. to 8 p.m.).**



Conditions of Approval

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 racetrack 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.



Conditions of Approval

- 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.**



Conditions of Approval

- 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.**



Proposed Modified Conditions of Approval

Conditions 1., 2. and 3. no changes proposed

4. The RC RaceTrack 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., every other Sunday 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~~ Temporary wayfinding signs shall be placed for all events directing attendees to the access drive on Ponkan Road. All temporary signs shall be removed immediately upon conclusion of events
5. The Dog Training use shall be permitted on a daily basis between 7 a.m. and ~~10~~ 9:30 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~~ 9:30 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 ~~8~~ 9 p.m.), with 1 large special event held annually (Friday and Saturday from 1 p.m. to ~~8~~ 9 p.m.).



Proposed Modified Conditions of Approval

7. The Civic/Community Center shall be limited to operating on Monday through Thursday from 8 a.m. to 9 p.m., Fridays and Saturdays from 8 a.m. to ~~midnight~~ 11 p.m., 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. Five 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. ~~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.~~



Proposed Modified Conditions of Approval

- ~~12.~~ 11.** The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards.
- ~~13.~~ 12.** 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.~~ 13.** 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.~~ 14.** 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.



Proposed Modified Conditions of Approval

- ~~16.~~ 15.** 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.~~ 16.** 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.~~ 17.** No overnight stay, camping, or RV Parking shall be permitted on site.



Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions