

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 11, 2018, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley

ABSENT: Jose Molina, Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackins – City Attorney, Bobby Howell, AICP – Senior Planner, Jean Sanchez – Planner II, Phil Martinez – Planner I, and Jeanne Green – Recording Secretary

OTHERS PRESENT: Mark Sessions, Luke Classon, Eric Bennett, Bryan Gaines, Julie Kendig, Matt Roth, Derek Schanreberg, Sam Stahnke, Selby Weeks, Paul Stranbinger, Suzanne Kidd, Elliott Jamison, Ryan Kingry, Mohammed Abdallah, Amy Deluce, Stephen Lebel, Michelle Lebell, and Theresa Sargeant – Apopka Chief

OPENING AND INVOCATION: Chairperson Greene called the meeting to order and asked for a moment of silent prayer. The Pledge of Allegiance followed.

September 11th Petition - Linda Laurendeau recited a petition in remembrance of the event that occurred on September 11, 2001.

APPROVAL OF MINUTES: Chairperson Greene asked if there were any additional corrections or additions to the regular meeting minutes of August 14, 2018, at 5:30 p.m.

Motion: **John Sprinkle made a motion to approve the Planning Commission minutes from the regular meeting held on August 14, 2018, at 5:30 p.m. and seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley (5-0).**

LEGISLATIVE – LAND DEVELOPMENT CODE AMENDMENT – ARTICLE V, SECTION 5.05.00 - FLOODPLAIN - Chairperson Greene stated this is a request to recommend approval of the amendment to the Apopka Code of Ordinances, Part III, Land Development Code, Article V, Section 5.05.00 – Floodplains; and recommend adoption of the Technical Amendments to the Florida Building Code.

Staff Presentation: Richard Earp, P.E., City Engineer, stated this is a request to recommend approval of the amendment to the Apopka Code of Ordinances, Part III, Land Development Code, Article V, Section 5.05.00 – Floodplains; and recommend adoption of the Technical Amendments to the Florida Building Code. On January 5, 2018, the City of Apopka was formally notified by the State of Florida, Division of Emergency Management that the Florida Building Code 6th Edition, became effective on January 1, 2018. In order for the City to maintain compliance with the minimum requirements of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), revisions to the City’s Floodplain Ordinance and associated Floodplain elements of the Land Development Code are required.

This year, the Florida Division of Emergency Management (FDEM) collaborated with the City Engineer/Floodplain Administrator to develop code revisions. This request includes all FDEM and FEMA required revisions.

Only one proposed revision is in excess of minimum FDEM and FEMA requirements. As a minimum, FEMA requires that the Finished Floor Elevation (FFE) of all new and substantially improved structures be constructed at least 1-foot above the FEMA 100-year Floodplain Elevation. This proposed code revision requires 2-feet above the FEMA 100-year Floodplain Elevation. The FFE increase above the minimum provides both additional protection from flooding, and additional FEMA Community Rating System (CRS) credits. CRS credits are used by FEMA to calculate the amount of Floodplain Insurance Policy discount policy holders receive. FEMA's 2017 audit of the City's CRS program scored the City in Class 8. CRS Class 8 Communities enjoy a 10% discount on flood insurance policies for structures within the 100-year Special Flood Hazard Area and 5% discount on policies for structures outside of the 100-year Special Flood Hazard Area.

In response to a question by Ms. Laurendeau, Mr. Earp stated that the new changes will affect future projects.

In response to a question by Mr. Sprinkle, Mr. Earp the 100 year calculation is based on one percent of rain fall in any given year.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to recommend approval of the amendment to the Apopka Code of Ordinances, Part III, Land Development Code, Article V, Section 5.05.00 – Floodplains; and recommend adoption of the Technical Amendments to the Florida Building Code. Motion seconded by Butch Stanley. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley (5-0). (Vote taken by poll.)

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – CAPITAL IMPROVEMENTS ELEMENT - Chairperson Greene stated this is a request to find the proposed amendment of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan; and recommend approval of the Five-Year Capital Improvements Plan amendment and the incorporation into the Capital Improvements Element of the Comprehensive Plan.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed amendment of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan; and recommend approval of the Five-Year Capital Improvements Plan amendment and the incorporation into the Capital Improvements Element of the Comprehensive Plan. The City desires to conduct recreation improvements at Kit Land Nelson Park and at Northwest Recreation Complex to accommodate a need for additional and improved playground equipment and facilities for youth. To fund these recreation improvements, the City proposes to apply for available grant funds sponsored by the Florida Department of Environmental Project.

Eligibility requirements for the grant program require that the proposed recreation improvement must be recognized within the City's capital improvement program (CIP) established in the Comprehensive Plan. Further, the City must proceed expeditiously at this time to meet grant application deadlines. Hence, the proposed update to the five-year CIP of the Comprehensive Plan at this time only addresses the new recreation improvements at Kit Land Nelson Park and at Northwest Recreation Complex.

After the Fiscal year 2018-19 budget has been approved by City Council, staff will conduct an annual update of the five-year CIP to address necessary to meet accepted levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development. Typically, the five-year CIP within the Comprehensive Plan addresses the infrastructure needs related to transportation, water, sewer, reclaimed water, stormwater management, and recreation.

Exhibit 'A' of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element. The proposed CIP changes (additions) are included in the 'General Fund' and 'FDEP Grant Fund' sections of the Recreation CIP (shown in Exhibit 'A'). Funds appearing in the 'General Fun' serve as the local government match requirement per the conditions of the FDEP grant program.

Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP by ordinance, and is not considered a comprehensive plan policy amendment. Therefore, incorporation of the updated CIP into the Capital Improvements Element does not require transmittal to the Florida Department of Economic Opportunity for state agency review.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to find the proposed amendment of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan; and recommend approval of the Five-Year Capital Improvements Plan amendment and the incorporation into the Capital Improvements Element of the Comprehensive Plan. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – CHANGE OF ZONING - PLANNED UNIT DEVELOPMENT MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – MID-FLORIDA LOGISTICS PARK -

Chairperson Greene stated this is a request to find the proposed rezoning to Planned Unit Development (PUD), PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning from I-1 (Restricted Industrial), Mixed-EC, R-1AA (Residential Single-Family), AG (Agricultural), and A-1 (ZIP) to PUD (Planned Unit Development); recommend approval of the PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan based on the findings and facts presented in the staff report and exhibits, and subject to City Council approving a development agreement for the property owned by Mid-Florida Freezer Warehouses LTD and Eagles Landing at Ocoee, LLC and located on the west side of SR 429, south of General Electric Road, east of Hermit

Smith Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Mark Sessions requested affected party status as he owns property adjacent to the proposed project. Erin Bennett, stated he represents The Coca-Cola Company that owns property adjacent to the proposed project and requested affected party status.

The Planning Commission unanimously agreed that Mr. Sessions and Mr. Bennet, as a representative for The Coca-Cola Company, were affected parties.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No ex parte communications occurred.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed rezoning to Planned Unit Development (PUD), PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning from I-1 (Restricted Industrial), Mixed-EC, R-1AA (Residential Single-Family), AG (Agricultural), and A-1 (ZIP) to PUD (Planned Unit Development); recommend approval of the PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan based on the findings and facts presented in the staff report and exhibits, and subject to City Council approving a development agreement for the property owned by Mid-Florida Freezer Warehouses LTD and Eagles Landing at Ocoee, LLC and located on the west side of SR 429, south of General Electric Road, east of Hermit Smith Road. The engineer is Dave Schmitt Engineering, Inc., c/o Bryan Gaines, AICP. The existing use is vacant land. The proposed use is 2,406,095 square feet of industrial buildings to be developed in multiple phases. The current future land use is Industrial, Mixed-Use, Agriculture. The proposed future land use is Industrial and is being taken to City Council for second reading on September 19, 2018. The current zoning is I-1 (Restricted Industrial), Mixed-EC, R-1AA (Residential Single-Family), AG (Agriculture), and A-1 (ZIP). The proposed zoning is Planned Unit Development (PUD). The tract size is 186.03 +/- acres.

The subject property is approximately 188.893 acres in size and is zoned I-1 (Restricted Industrial District), Mixed-EC, R-1AA (Residential Single-Family District), AG (Agriculture District), and A-1 (ZIP) and has a future land use designation of Industrial. The subject property is located west of SR 429, south of General Electric Road and east of Hermit Smith Road. The proposed change of zoning to PUD (Planned Unit Development) is being requested by the prospective developer, who proposes to construct a subdivision consisting of five industrial warehouse buildings totaling 2,406,095 on the property.

A development agreement is required to address off-site infrastructure obligations placed on either the City or the Developer, land dedications, vacate of city right-of-way, timing of infrastructure, and special design or use standards. City staff and the city attorney's office has worked with the applicant and its attorney to prepare the development agreement. At this time it is not complete, but is anticipated to be ready for City Council review and action at the second public hearing for the PUD zoning. If the development agreement is not ready for the October 17 City Council meeting, City staff will request a continuation of the second hearing to the November 7 City Council meeting date.

The PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan proposes a subdivision consisting of five industrial warehouse buildings totaling 2,406,095 square feet. Access to the site is proposed an ingress/egress point on Hermit Smith Road, two ingress/egress points on General Electric Road, and a yet to be constructed road that is dedicated to the public that is referred to as Fern Industrial Drive, which is proposed to be constructed in a north-south direction. In addition, three railroad spurs are proposed to lead into buildings 1A and 1B, 2, and 3. The railroad spurs will be located along the right-of-way of Fern Industrial Drive. Parking will be provided on each lot, and will be owned and maintained by each property owner.

Four Stormwater retention areas are proposed on site. Pond A (dry retention) is proposed south of Building 3, Pond B is proposed east of Building 1A and 1B and adjacent to SR 429, and Ponds C1 (dry retention) and C2 (wet detention) are proposed south and west of Building 5.

An unimproved platted right-of-way known as Peterson Road bisects the property in an east to west direction. This right-of-way is proposed to be vacated when the property is platted, and the right-of-way of Peterson Road will be relocated to the south to allow access to the property owners located to the south of the PUD. The proposed relocation of the Peterson Road right-of-way is shown on the PUD Master Plan in a “J” shaped configuration that extends from north to south and east to west. The new right-of-way of Peterson Road is proposed at 55-feet in width in the north/south direction. Adjacent to the east of the new Peterson Road right-of-way, the Central Florida Expressway Authority has 25-foot perpetual ingress/egress easement that allows access to the property to the south. This easement will not be included in the north/south portion of the right of way. 80-feet of right-of-way is proposed in the east/west direction.

In order to accommodate the subdivision plan and site plan, a small area of right-of-way in the northwestern corner of the site that is referred to as Fronds Road must also be vacated.

The applicant is requesting five deviations to the City’s required development standards. For a PUD Master Plan, a deviation from the City’s Land Development Code (LDC) does not represent a variance but a development standard or zoning condition unique to and approved as part of the Planned Unit Development zoning. PUD’s are required to satisfy the requirements of the Land Development Code unless the City Council finds that, based on substantial evidence, a proposed alternative development guideline is adequate to protect to the public health safety, and welfare. Any deviations must be consistent with the policies of the Comprehensive Plan.

1. LDC, Section 6.03.02.A. Number of parking spaces required (Wholesale, industrial, manufacture, processing or assembly uses) - 2 spaces per 1,000 square feet of gross floor area up to 150,000 square feet, plus 1 space per vehicle operating from premises or 1 space per 2 employees. 1 space per 1,000 square feet over 150,000 square feet of gross floor area.

The applicant is proposing 0.89 parking spaces per 1,000 square feet of gross floor area.

The following justification has been provided: “The ITE Parking Generation Manual, 4th Edition, 85th percentile parking requirement for warehouse use is 0.81 spaces per 1,000 square feet of gross floor area.”

2. LDC, Section 2.02.01.A. - Maximum building height for all zoning districts is 35-feet.

The applicant is proposing a maximum building height of 55-feet within the PUD.

The following justification has been provided: “The modern warehouses require 36-feet to 45-feet of clear space under roof to accommodate automated materials handling equipment and maximize storage.”

3. LDC, Section 2.02.15.F. Yard requirements - Front yard – 25-feet, side yard – 10-feet, Yards adjacent to road right-of-ways shall be a minimum of 25-feet, Rear Yard – 10-feet (30-feet adjacent to residential)

The applicant is proposing 15-foot setback on General Electric Road, Hermit Smith Road to main entrance, 0-feet to 10-feet adjacent to SR 429, 10-feet to 25-feet adjacent to Peterson Road, 10-feet adjacent to Fern Industrial Drive.

The following justification has been provided: “The northwestern portion of the site is constrained by the encroachment of General Electric Road. SR 429 has 300-feet of right-of-way, 6 lanes, and provides a 20-foot high barrier to adjacent property to the east.”

4. LDC, Section 2.02.01.b(8a) – Roof top equipment shall be completely screened from adjacent properties and rights-of-way to the maximum extent possible.

The applicant is proposing roof top equipment shall be screened from view from adjacent property lines and public right-of-way, with the exception of SR 429 due to the large elevation change of the roadway and the finished floor elevation of the building. SR 429 is at an elevation of 135-feet, approximately 20-feet above the finished floor height of Building 2. Screening shall be reviewed to be in conformance by the subdivision president and the City of Apopka. Screening shall be reviewed through a sight line document from the nearest adjacent property line and/or from the center line of the public right-of-way. The eye line shall be from the typical height of a person driving an automobile.

The following justification has been provided: “All buildings will have a site line evaluation to confirm that rooftop equipment will not be visible from adjacent properties and right-of-way.”

5. LDC, Section 6.02.08.B.2 – All subdivisions are required to have four-foot wide concrete sidewalks on both sides of all local and minor collector streets.

The applicant is proposing to construct a sidewalk along only one side of Fern Industrial Drive.

The following justification has been provided: “We are requesting that we do not place a sidewalk on the east side of the right-of-way proximate to the rail spurs. The pedestrian access plan provided on Sheet 6 of the PUD Master Plan shows a network of pedestrian facilities serving the entire site. The sidewalk on the west side of Fern Industrial is the spine connecting the southern end of the site with General Electric Road. All buildings are connected to this north/south spine and the appropriate crosswalks are provided when needed. We (BlueScope) remain concerned that placement of a sidewalk will not increase

the pedestrian connectivity over the current plan but will put pedestrians in close proximity to the rail spurs to the east of Fern Industrial serving the site. The benefit of the additional sidewalk does not, in our opinion, warrant the risk of inadvertent interaction of pedestrians and rail vehicles.”

Access to the site is provided from General Electric Road and Hermit Smith Road. Peterson Road is also a future access point for this project as well as for properties to the south of the Mid-Florida Logistics Park site. Peterson Road and Fronds Road are both proposed to be vacated at the request of the applicant and property owner. Peterson Road will be re-aligned to follow the south project/property line and intersect with Fern Industrial Drive. The vacated road right-of-way will become part of the development site, making it more compact and contiguous. Peterson Road access will serve as a future secondary access for emergency response. The proposed Peterson Road alignment will also create connection to Peterson Road east of SR 429, allowing residents of the proposed Avian Pointe residential development to reach the Logistics Park. The Peterson Road connection between the east and west side of SR 429 also allows another road connection besides using West Orange Avenue and Binion Road, thus allowing traffic to distribute over more routes.

A transportation impact analysis (TIA) was conducted for this project to assess its impacts on the surrounding roadway segments and intersections within a one-mile radius of the project per the City’s adopted TIA methodology. Included in the analysis were segments of US 441, General Electric Road, Binion Road, Hermit Smith Road and Hogshead Road. Intersections analyzed were General Electric Road and Orange Avenue, Hermit Smith Road and General Electric Road, Hermit Smith Road and US 441, SR 429 Connector Road and US 441, Orange Avenue and US 441, Plymouth Sorrento Road and US 441, Boy Scout Boulevard and US 441, General Electric Road and Site Access, and Hermit Smith Road and Site Access. Peterson Road connection requires additional right-of-way east of SR 429. In exchange for the City vacating Fronds Road and Peterson Road, Mid-Florida Freezer will be obligated to donate an additional 30-foot width of land along Peterson Road, east of SR 429, to create a 50-foot wide right-of-way.

The project will generate 3,444 daily trips and 246 P.M. Peak Hour trips. It is estimated that 20% of the total traffic generated by this project will be truck traffic. The nature of the land use supports the assumption that most of the truck traffic will leave the site and access SR 429 from US 441 and SR 429 Connector Road.

The addition of project trips to the study roadways will not cause the Level of Service (LOS) to fall below the City’s adopted LOS standard. The addition of project traffic to the intersection of Hermit Smith Road and US 441 will cause the intersection to fail. The applicant is required to design and construct a dedicated right turn lane on Hermit Smith Road to allow for safe access to US 441. The addition of project traffic to the other study intersections is not project to cause failures in the future.

The tenants of the Mid-Florida Logistics Park are unknown at this time, so trip generation is based on the best information currently available; however, it is possible that tenants occupying space at Mid-Florida Logistics Park will exceed the trip generation used to conduct the analysis. As the site develops and becomes occupied, the applicant must reassess the trip generation. If it exceeds the projected trip generation used in the analysis, an updated study is required and additional mitigation for roadway and intersection failures caused by the project traffic.

The PUD recommendations are that the zoning classification of the following described property be

designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be those described in C below.
- B. Terms of Expiration for this PUD shall be as follows:

If a Final Development Plan associated with the PUD district has not been approved by the City within three years, and site development has not commenced within four years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

- 1. Permit a single six-month extension for submittal of the required Final Development Plan;
- 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
- 3. Rezone the property to a more appropriate zoning classification.

C. Zoning Standards

- 1. Permitted Uses:
 - (a) All permitted uses allowed under I-1 zoning district;
 - (b) The uses allowed by the “Developer’s Agreement for Development of Copart, Inc. Apopka Property,” as recorded as document number 20160275220 within the official records of Orange County, Florida, shall be available uses within this PUD if the Copart Developer’s Agreement is terminated with the mutual consent of City Council and the property owner subject to the Copart Developer’s Agreement;
 - (c) Long-term outdoor vehicle (bus, car, cab, and truck) storage and terminal use is permitted within the PUD as an accessory use if said vehicle parking is associated with an enclosed building having a minimum floor area of 10,000 square feet and located within the same Lot or abutting lots. All vehicles stored outdoors must be operable.
 - (d) Prohibited Use: Flea markets; day-care centers except when provided solely for on-site employees; churches, public or private schools (k-12th grade) except when located within a stand-alone building; community residential homes; All prohibited uses for the I-1 zoning district.
 - (e) Special Exceptions: As set forth by the I-1 zoning district except if listed as a permitted or prohibited uses above.

The proposed use of the property is consistent with the proposed Industrial Future Land Use designation and is consistent with the Land Development Code.

Pursuant to Section 7 of the Joint Planning Area agreement, notification to Orange County was provided on July 18, 2018.

The Development Review Committee finds the proposed rezoning to Planned Unit Development (PUD), PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Mid-Florida Logistics Park PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan.

Staff recommended the Planning Commission find the proposed zoning and PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan consistent with the Comprehensive Plan and Land Development Code; and unanimously recommended approval of the rezoning of the subject parcel from I-1 (Restricted Industrial District), Mixed-EC, R-1AA (Residential Single-Family District), AG (Agriculture District), and A-1 (ZIP) to PUD (Planned Unit Development), and approval of the PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan based on the findings and facts presented in the staff report and exhibits, subject to City Council approving a Development Agreement.

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

Bryan Gaines, Dave Schmitt Engineering, Inc., 12301 Lake Underhill Road, Orlando, stated that he was available to answer any questions and their attorney, Julie Kendig, was also available to answer any questions.

Mark Sessions, St. Cloud, expressed his support of the proposed project. He stated that he owns a parcel of land that is land locked south of the subject property. He requested that the developer extend Peterson Road to allow access to his property.

Julie Kendig, GreenbergTraurig, 450 South Orange Avenue, Suite 650, Orlando, stated that Mr. Sessions property has been land locked for many years. Her client is under no obligation to provide access to Mr. Sessions property.

In response to a question by Mr. Sprinkle, Patrick Brackin, City Attorney, stated that extending Peterson Road to allow access to the properties located south of the proposed project was not included in the plan and staff has not been asked to review that access. The City is not responsible for providing access when access is not already there. This is an issue between the property owners. Based on the facts presented the City is under no obligation to provide access.

James Hitt, FRA-RA, Community Development Director, advised Mr. Sessions that there may be an option to open access on the south side of his property and he would provide Mr. Sessions with contact information.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: John Sprinkle made a motion to find the proposed rezoning to Planned Unit

Development (PUD), PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning from I-1 (Restricted Industrial), Mixed-EC, R-1AA (Residential Single-Family), AG (Agricultural), and A-1 (ZIP) to PUD (Planned Unit Development); recommend approval of the PUD Master Plan/Preliminary Development Plan/Preliminary Site Plan based on the findings and facts presented in the staff report and exhibits, and subject to City Council approving a development agreement for the property owned by Mid-Florida Freezer Warehouses LTD and Eagles Landing at Ocoee, LLC and located on the west side of SR 429, south of General Electric Road, east of Hermit Smith Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – APOPKA MEDICAL OFFICE -

Chairperson Greene stated this is a request to find the AutoZone Store Final Development Plan consistent with the Land Development Code and Comprehensive Plan; and recommend approval of Final Development Plan, subject to the Condition of Approval and the findings of the staff report for the property owned by Urgent Care Developers of Apopka, LLC c/o Tim Burrill, and located at 1520 West Orange Blossom Trail.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No ex parte communications occurred.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the Apopka Medical Office Final Development Plan consistent with the Land Development Code and Comprehensive Plan; and recommend approval of Final Development Plan, subject to the Condition of Approval and the findings of the staff report for the property owned by Urgent Care Developers of Apopka, LLC c/o Tim Burrill, and located at 1520 West Orange Blossom Trail. The engineer is Klima Weeks Civil Engineering, Inc., c/o Selby G. Weeks, P.E. The future land use is Commercial and the zoning is C-1 (Retail Commercial) the existing use is vacant land and the proposed use is a 5,285 sq. ft. medical office. The floor area ratio is 0.03. The tract size is 4.48 +/- acres.

This is a request to approve the Apopka Medical Office Building – Final Development Plan/Site Plan that includes a proposed building floor area of 5,285 square feet for medical office use. This project on Lot 1 will use 0.57 acre. Lot 2 is intended for future commercial use with a total of 3.92 acres. The entire parcel with total size of 4.48 acres is intended to be platted prior to the completion of the medical office building. A Certificate of Occupancy for this project will not be issued until a plat is approved. The stormwater pond may later be incorporated into a master stormwater pond jointly used by the entire development.

A total of 26 parking spaces will be provided as required by Code, two of which are reserved as a handicap accessible parking spaces.

This project will have right-in-right-out only access to U.S. 441/W Orange Blossom Trail. Exiting

traffic that wants to travel north on U.S. 441/W Orange Blossom trail will be required to make a U-turn at the U.S. 441/W Orange Blossom Trail and Errol Parkway signalized intersection.

Projects that generate less than 400 daily trips do not require the submittal of a Traffic Impact Analysis (TIA). The applicant was advised at DRC that when the remainder of the parcel is brought forward for development, a TIA will be required to assess the total site impacts.

The height of the proposed building is 25 feet, below the maximum allowable height of 35 feet. Staff has found the proposed building façade elevations to be in accordance with the City's Development Design Guidelines.

The stormwater management system includes an on-site retention area, on the southern portion of the site. The stormwater pond design meets the City's Land Development Code requirements based on this project but may be amended at the time of Lot 2 development.

As part of the development plan approval, blue cypress, bottle brush and crepe myrtle trees will embellish the 10-foot wide landscaping buffer adjacent to U.S. Highway 441. Live oaks are located around the parking landscaped islands and blue cypress trees surround the building. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

Arbor Assessment:

Total inches on-site:	12
Total inches removed	12
Total inches retained:	0
Total inches added:	89
Total inches post development:	89

The Development Review Committee recommends approval of the Apopka Medical Office Building Final Development Plan, subject to the findings of this staff report.

Staff recommended the Planning Commission find the Apopka Medical Office Building Final Development Plan consistent with the Land Development Code and Comprehensive Plan, and recommend approval of Apopka Medical Office Building Final Development Plan, subject to the findings of this staff report.

The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or approve with conditions based on consistency with the Comprehensive Plan and Land Development Code.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Butch Stanley made a motion to find the Apopka Medical Office Final Development Plan consistent with the Comprehensive Plan and Land Development Code; compatible with the character of the surrounding area; and recommend approval of Apopka Medical Office Final Development Plan, subject to the findings of the staff report for the property owned by Urgent Care

Developers of Apopka, LLC c/o Tim Burrill, and located at 1520 West Orange Blossom Trail. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – PLAT – LAKESIDE, PHASE 2 - Chairperson Greene stated this is a request to find the Lakeside, Phase 2, Plat consistent with the Land Development Code and Comprehensive Plan; and recommend approval of Plat, subject to the findings of the staff report for the property owned by Avatar Properties Inc. and located south of Marshall Lake and West of SR 451.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No ex parte communications occurred.

Staff Presentation: Bobby Howell, AICP, Senior Planner, stated this is a request to find the Lakeside, Phase 2, Plat consistent with the Land Development Code and Comprehensive Plan; and recommend approval of Plat, subject to the findings of the staff report for the property owned by Avatar Properties Inc. and located south of Marshall Lake and West of SR 451. The engineer is Appian Engineering, LLC, c/o Luke M. Classon, P.E. The future land use is Low Density Residential, Mixed-Use and the zoning is PUD (Planned Unit Development). The existing use is vacant land and the proposed use is a 124 single-family homes subdivision. The overall tract size is 154.18 +/- acres with a developable area of 52.06 +/- acres.

On April 4, 2018 the City Council approved a PUD Master Plan/Preliminary Development Plan for the Lake Marshall subdivision, which details the development of 301 single family residential lots in two phases. The subject property is located south of Marshall Lake and west of SR 451. The surrounding properties consist primarily of single-family residential and agricultural uses. The developer has submitted a Final Development Plan and Plat for phase 2 of the Lake Marshall subdivision, now named Lakeside.

The applicant is requesting approval of the Plat for Phase 2 of Lakeside. The Lakeside Phase 2 plat is for 124 single-family residential lots. All internal roadways are proposed as privately owned and maintained, and the subdivision will be gated. Consistent with the approved PUD Master Plan/Preliminary Development Plan, lot widths of 55-feet and 60-feet are provided on the Phase 2 plat. A minimum living area of 1,600 square feet is provided for all units located within Phase 2.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front	25'
Side	5' – 60' lot 7.5' – 55' lot
Rear	20'
Corner	15'

Ingress/egress access points for the development will be via Johns Road. Adjacent to the west of the

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subject property is the Breckenridge subdivision. A gated access for emergency vehicles will be provided between the two subdivisions. This access point will only be for emergency vehicles. In response to the Breckenridge homeowners association, pedestrian access will not be permitted between the two subdivisions.

There are three (3) retention ponds designed to meet the City's Land Development Code requirements.

Consistent with the approved PUD Master Plan/Preliminary Development Plan, the recreation package will be located within Phase 1 and will consist of a cabana with restrooms, a swimming pool, a playground, and a mixed-use active field at a minimum. In addition the developer is dedicating a tract in Phase 1 adjacent to Marshall Lake as a Community Lake Park that will have a community dock, and a 1.03 acre open space tract across the street from this park. These amenities will be available to residents in Phase 2. In the Phase 2 area, two tracts will be dedicated as a park/open space area. A 15.12 acre Conservation area within Tract "II" will also be dedicated with an easement to the St. Johns River Water Management District.

Consistent with the approved PUD Master Plan/Preliminary Development Plan, landscaping is provided at the subdivision entrance on Johns Road, a 10-foot landscape buffer is provided along Johns Road, and a 20-foot wide landscape buffer is provided along SR 451. An existing 50-foot landscape buffer occurs along the western and northern project line within the Breckenridge plat. This buffer is noted as a tract on the Breckenridge plat. The Lake Marshall development will not be visible from the homes within Breckenridge or along SR 451.

The following is a summary of the tree replacement program for this project:

Total inches on-site:	15,296
Total number of specimen trees:	45
Total inches removed:	15,161
Total inches retained:	135
Total inches replaced:	2,502
Total Inches (Post Development):	4,637

The developer has obtained a school concurrency mitigation agreement with Orange County Public Schools to address school impacts generated by this residential development. The schools zoned to receive students from this community are the following: Apopka Elementary School, Wolf Lake Middle School and Apopka High School.

The County was notified at the time of the subdivision plan and plat for this property through the DRC agenda distribution.

The Development Review Committee recommends approval of the Lakeside, Phase 2 Plat subject to the final review by the City surveyor and City Engineer prior to recording the plat.

Staff recommended the Planning Commission recommend approval of the Lakeside, Phase 2 Plat, subject to final review by the City surveyor and City Engineer prior to recording the plat.

The role of the Planning Commission for this development application is to advise the City Council

to approve or deny based on consistency with the Comprehensive Plan and Land Development Code.

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

Luke Classon, Appian Engineering, LLC, 2221 Lee Road, Suite 17, Winter Park, stated he represented the owner, supported the staff report, and was available to answer any questions.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Butch Stanley made a motion to find the Lakeside, Phase 2, Plat consistent with the Comprehensive Plan and Land Development Code; compatible with the character of the surrounding area; and recommend approval of Lakeside, Phase 2 Plat, subject to the findings of the staff report for the property owned by Avatar Properties Inc. and located south of Marshall Lake and West of SR 451. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – PLAT – VISTA RESERVE - Chairperson Greene stated this is a request to recommend approval of the Vista Reserve Plat subject to the findings of the staff report and final review by the City surveyor and city engineer prior to recording the plat for property owned by Mikhail Wafaa, Abdelsayed George, Abdelsayed Lucy, Abdelsayed Wafeek and located on the east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No ex parte communications occurred.

Staff Presentation: Mr. Howell stated this is a request to recommend approval of the Vista Reserve Plat subject to the findings of the staff report and final review by the City surveyor and city engineer prior to recording the plat for property owned by Mikhail Wafaa, Abdelsayed George, Abdelsayed Lucy, Abdelsayed Wafeek and located on the east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road. The applicant is Pulte Home Corporation. The future land use is Low Density Suburban Residential and the zoning is PUD (Planned Unit Development). The existing use is vacant land and the proposed use is a 153 single family homes subdivision to be developed in one phase. The tract size is 61.1 +/- acres.

On August 1, 2018, the City Council approved a PUD Master Plan/Preliminary Development Plan for the Vista Reserve subdivision, which details the development of 153 single family residential lots in one phase. The subject property is located on the east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road. The applicant is requesting approval

of the Plat for Vista Reserve. The plat for Vista Reserve is for 153 lots. Consistent with the approved PUD Master Plan/Preliminary Development Plan, lot widths of 65-feet and 90-feet are provided on the plat. The minimum living area is proposed at 2,190 square feet.

Ingress/egress access points for the development are located via Rogers Road. Rogers Road will terminate at the main entrance of the development. The developer will be dedicating a 0.68 acre portion of right-of-way along Rogers Road to the City. The subdivision will consist of public roads and infrastructure that is owned and maintained by the City. Vehicular and pedestrian connections are provided to the property to the north and to the Carriage Hills subdivision located to the south.

Two tracts located on the northwestern and northeastern corners of the site are reserved for stormwater retention. The stormwater retention areas will be owned and maintained by the homeowners association.

Consistent with the approved PUD Master Plan/Preliminary Development Plan, a 1.67 acre tract is reserved for the community recreation facility that will be owned and maintained by the homeowners association. Included within the recreation facility is a picnic area, pool, pool cabana building, play structure, open play area, bicycle parking, and a parking area for 8 cars.

Consistent with the approved PUD Master Plan/Preliminary Development Plan, a continuous open space tract with is provided around the perimeter of the subdivision to buffer the homes from the surrounding existing subdivisions. Thirty percent of the site, or 18.13 acres of open space is provided, and will be owned and maintained by the homeowners association. Landscaping and a 6-foot high brick wall is provided along Rogers Road. Trees are located within the open space tract provided around the perimeter of the subdivision.

The applicant has agreed to pay a tree mitigation payment of \$56,143.06.

Per Orange County Public Schools, the project is vested to satisfy capacity, however there are outstanding concurrency issues that will be required to be satisfied prior to approval of a plat.

The County was notified at the time of the subdivision plan and plat for this property through the DRC agenda distribution.

The Development Review Committee recommends approval of the Vista Reserve Plat, subject to final review by the City surveyor and City Engineer prior to recording the plat.

Staff recommended the Planning Commission recommend approval of the Vista Reserve plat, subject to final review by the City surveyor and City Engineer prior to recording the plat.

The role of the Planning Commission for this development application is to advise the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code and Final Development Plan and Master Plan.

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

In response to a question by Chairperson Greene, Mr. Moon stated that the developer must obtain a

school capacity enhancement agreement from Orange County Public Schools prior to the plat being presented to City Council for approval.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Robert Ryan made a motion to recommend approval of the Vista Reserve Plat subject to the findings of the staff report and final review by the City surveyor and city engineer prior to recording the plat for property owned by Mikhail Wafaa, Abdelsayed George, Abdelsayed Lucy, Abdelsayed Wafeek and located on the east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road. Motion seconded by Butch Stanley. Aye votes were cast by James Greene, Linda Laurendeau, Robert Ryan, John Sprinkle, and Butch Stanley (5-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS:

Hidden Lake Appeal - Mr. Ryan suggested that when an applicant appeals a decision by the Planning Commission, a member of the Planning Commission attend that City Council meeting to inform the City Council of why the decision was made to deny the request. He then asked for clarification of City Council decided.

Mr. Hitt stated City Council approved the appeal and overturned the Planning Commission's ruling. He stated that from the north and south there will be either a masonry or brick wall up to a certain point and the remainder will be vinyl.

Joint City Council/Planning Commission Meeting – Mr. Hitt announced that a joint meeting will be planned in October to go over the proposed amendments to the Land Development Code. The meeting was tentatively scheduled for Thursday, October 18th, between 1:00 p.m. and 5:00 p.m. When the meeting date and time has been finalized he will notify the Planning Commission members.

ADJOURNMENT: The meeting was adjourned at 6:35 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt, FRA-RA
Community Development Director