

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON NOVEMBER 14, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle

ABSENT: Rogers Simpson, Orange County Public Schools (Non-voting)

OTHERS PRESENT: James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Cliff Shepard – City Attorney, Patrick Brackins, Esq. - Rogers Beckett – Special Project Coordinator, Kyle Wilkes, AICP – Planner II, Elizabeth Florence – Planner I, Robert Sargent – Public Information Officer, Marshall Howard, Tom Harper, Jane Harper, Peter Vergos, Pagona Vergos, Bob Barkett, Bill Hogshead, Joyce Cravey, Joel Cravey, Lisa Cravey, Jeremy Anderson, Demetrius Vargas, Larry Metzler, Chris Metzler, Michael Cooper, Theresa Foster, Fred Curley, Mardian Blair, Mike Stone, Debbie Stone, William Kelly, Sr., Richard Risser, Les Hebert, Bill Dewar, Randy Birchmier, Douglas Blair, Ed Velazquez, Suzanne Kidd, Theresa Sargent, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

Chairperson Greene introduced John Sprinkle as a new member to the Planning Commission.

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of October 11, 2016, at 5:30 p.m. minutes.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on October 11, 2016, at 5:30 p.m. and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0).

LEGISLATIVE – CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE AMENDMENT – TEMPORARY MORATORIUM ON MEDICAL CANNIBIS DISPENSARIES - Chairperson Greene stated this is a request to recommend approval of the establishment of a temporary moratorium on the dispensing of medical cannabis within the City of Apopka; prohibiting any and all dispensing of medical cannabis during the moratorium period for any property within the City of Apopka; adopting findings of fact; providing definition; and providing an effective date.

Staff Presentation: David Moon, ACIP, Planning Manager, stated that on May 6, 2015 City Council adopted a medical marijuana ordinance that establishes regulations for the cultivation and processing of cannabis, and dispensing of medical marijuana within the City of Apopka through Ordinance No. 2388. City Council's adoption of the current medical marijuana ordinance occurred in reaction to Florida government enacting the Compassionate Medical Cannabis Act of 2014, which became effective on January 1, 2015. On November 8 Florida voters will decide whether Florida medical marijuana laws and administrative rules should be change to expand applications for medical use of marijuana. The proposed 2016 constitutional amendment addresses has three components: (1) Physician certification, (2) Patient and caregiver identification cards, and (3) Medical Marijuana Treatment Center registration and regulation.

Although the 2014 State Constitutional Amendment and the 2016 Amendment are both designed to legalize medical marijuana, there are some differences between the two proposals. In general, the 2016 measure clarifies requirements for parental consent for the use of medical marijuana by minors and also further defines what is meant by "debilitating" illnesses that would qualify for marijuana as a treatment

option.

If the 2016 referendum is passed at the November 8 elections, the Florida Department of Health (DOH) has approximately six months to adopt new rules for the cultivation, processing and dispensing of cannabis\medical marijuana. The DOH must promulgate rules by June 2017 to implement the program regulation outlined in the Constitutional Amendment.

As the new DOH rules may not be known until as late as June 2017, staff has concerns about how the new regulations may regulate the dispensing of medical marijuana within our community. These regulations could allow dispensing at locations that could place potential detrimental impacts on nearby residential neighborhoods, schools, religious facilities, and the community in general based on observations from practices within other States. Also, the new rules for dispensing may affect the ability of Apopka law enforcement to adequately respond to any associated problems generated from medical businesses dispensing medical marijuana.

Staff's believes that the City's current medical marijuana ordinance adequately protects the City regarding the cultivation and processing of marijuana for medical purposes. Current City regulations limit cultivation and processing to two Designated Grow Areas, and limits dispensing to these two Grow Areas with the exception that hospitals and pharmacies -- licensed by the State -- are exempt from the dispensing regulations.

Until the new DOH rules are established and implemented, staff believes it is in the best interest of the City to place a temporary moratorium on the dispensing of medical marijuana. Staff will monitor the development of the new DOH rules and recommend amendments to the City's current medical marijuana ordinance based on the effect that these new rules may have on the interests and goals City Council desires for the Apopka community.

The moratorium is temporary and will terminate on May 31, 2017. On November 8, 2016, the constitutional amendment passed. In light of that event, staff recommends that the Planning Commission recommend adoption of Ordinance No. 2526.

This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

In response to questions by Mr. Foster, Mr. Moon stated that hospitals and pharmacies are exempt and would be able to dispense medical cannabis. He said the designated grow areas were chosen as the most suitable areas for growing, processing and dispensing due being primarily zoned for agriculture or industrial uses.

In response to a question by Mr. Molina, Mr. Moon stated that it was possible that the Designated Grow Areas Ordinance has not been codified as of this time; however, if someone wanted a copy they would be able to contact the City Clerk's office or the Community Development Department for that information.

In response to a question by Mr. Sprinkle, Mr. Moon stated that the City's current medical marijuana ordinance adequately protects the City regarding the cultivation and processing of marijuana for medical purposes. Current City regulations limit cultivation and processing to two Designated Grow Areas, and limits dispensing to these two Grow Areas. Staff felt that until the new DOH rules are established and implemented, it is in the best interest of the City to place a temporary moratorium on the dispensing of medical marijuana.

Chairperson Greene opened the meeting for public hearing.

Fred Curley, White Sands Nurseries, 602 Hermit Smith Road, Apopka, expressed his opposition to the

moratorium and requested that the designated grow areas be exempt from that moratorium.

In response to a question by Mr. Foster, Mr. Curley stated that while none of the nurseries in the Apopka Designated Grow Area have received a state license, they are qualified. He added that they would not object to other areas being designated as Designated Grow Areas.

Bob Barkett, 650 Hermit Smith Road, agreed with Mr. Curley and also asked that the nurseries in the designated grow areas be exempted from the moratorium.

With no one else wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to recommend adoption of Ordinance No. 2526 to establish a temporary moratorium on the dispensing of medical cannabis within the City of Apopka; prohibiting any and all dispensing of medical cannabis during the moratorium period for any property within the City of Apopka; adopting findings of fact; providing definition; and providing an effective date. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (5-1). Melvin Birdsong voted Nay. (5-1) (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN AMENDMENT – CAPITAL IMPROVEMENT ELEMENT (CIE) - Chairperson Greene stated this is a request to recommend approval of the annual update to the City of Apopka, five-year capital improvements plan and incorporate into the City of Apopka Comprehensive Plan, Capital Improvement Element.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated that Policy 1.4 of the Apopka Comprehensive Plan's Capital Improvements Element requires that the City's five-year Capital Improvements Program (CIP), be updated on an annual basis after review by several city departments. This annual update of the five-year CIP is intended to schedule capital projects that are 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. The Five-Year Capital Improvement Program only addresses major public facilities, infrastructure and road that are addressed within the City's Comprehensive Plan – road, potable water, sanitary sewer, reclaimed water, recreation and parks, stormwater management, and solid waste.

The proposed annual update of the City's Five-Year CIP incorporates capital facility maintenance and capacity upgrades for the Public Services and Recreation Departments. Exhibit 'A' of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element. This appendix identifies the proposed improvements, proposed financial outlays for each project, as well as funding sources.

Furthermore, the City of Apopka submitted a Florida Recreation Development Assistance Program grant (FRDAP) for recreation improvements to Alonzo Williams and Kit Land Nelson parks. As part of the grant submittal requirements, the City indicated support for these proposed improvements, through approval of Resolutions 2015-14 & 2015-15. The City was awarded the FRDAP grant, and as a condition of receiving funding disbursement, the City must incorporate the Kit Land Nelson and Alonzo Williams Park grant-funded improvements into the Five-Year CIP as a requirement of the FRDAP grant funding process. In addition, additional FRDAP grant funding has been requested for renovations and new construction at the Apopka Athletic Complex (AAC) in the amount of \$50,000. These proposed improvements have been incorporated into this annual update, per the aforementioned FRDAP grant application requirements.

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.

The Development Review Committee recommends approval of the annual update of the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

In response to questions by Mr. Molina, Mr. Wilkes stated that the amounts listed in the element are, in a sense, a wish list of the Recreation Department. Those numbers were provided by the Recreation and Public Services Departments.

In response to questions by Mr. Foster, Mr. Wilkes stated that the list includes a gymnasium/aquatic center. He stated that this plan will be reviewed and revised annually.

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

Motion: **Tony Foster made a motion to find the proposed annual update of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan and recommend approval of the Five-Year Capital Improvements Plan annual update, and incorporation into the Capital Improvements Element of the Comprehensive Plan. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and John Sprinkle. Jose Molina voted Nay. (5-1). (Vote taken by poll.)**

SWEARING-IN – Attorney Shepard swore-in staff, the petitioners, and affected parties for the quasi-judicial items to be discussed.

QUASI-JUDICIAL – SIGN VARIANCE – TRACTOR SUPPLY - APOPKA - Chairperson Greene stated this is a request to recommend approval of the variance request by Tractor Supply – Apopka of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Sections 8.03.03 and 8.04.02 of the Sign Code for the Tractor Supply - Apopka located at 180 East 1st Street.

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 one spoke.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the variance request by Tractor Supply – Apopka of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Sections 8.03.03 and 8.04.02 of the Sign Code for the Tractor Supply - Apopka located at 180 East 1st Street. The owners are Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP. The engineer is Hanlex Civil, LLC. c/o Nathan Bullard, MBA P.E. The architect is Rabits and Romano Architecture. The land use is Commercial and the zoning is C-2. The existing use is a horticultural nursery and the proposed is a retail center. The tract size is 3.09 +/- Acres.

Mr. Moon stated the height variance request has been removed by the applicant. The applicant asks for a variance of 8.08.03.A. - Placement Standards – Near street and driveway intersections. Monument signs and portable signs shall not be placed closer than 50 feet to the intersection of two streets.

- a. *Applicant Request* -- Allow a sign location at the intersection of S. Washington Avenue, US 441, and W. 2nd Street, a variance of fifty (50) feet.

Variance Process: Per Section 10.02.00, LDC, the Planning Commission must follow two steps to approve a variance:

- Step 1: Section 10.02.02.A, Limitations on Granting Variances, states that the Planning Commission “shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” This is known as a physical hardship. If the Planning Commission makes this determination, then it must take action on the seven variance criteria set forth in Section 10.02.02.B.
- Step 2: Section 10.02.02.B, Required Findings. Once a “physical hardship” has been determined, the Planning Commission shall not vary from the requirements of any provision of the LDC unless it makes a positive finding, based on substantial competent evidence, on the seven variance criteria.

Applicable City Code: Sec. 8.08.03.A. - Placement Standards – Near street and driveway intersections. Monument signs and portable signs shall not be placed closer than 50 feet to the intersection of two streets. To allow a sign location at the intersection of S. Washington Avenue and W. 2nd Street – variance from 50’ setback.

The applicant requests that they be allowed the placement of a monument sign near the intersection of US 441, S. Washington Avenue and W. 2nd Street, requesting a variance of 50 feet.

The first step of the variance determination process is to determine if a hardship occurs pursuant to Section 10.02.02.A, “whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.”

Applicant’s Response. Due to the existing intersection configuration and relative placement of the subject lot, the property does not directly abut US 441, which is an arterial road that will generate the primary traffic to the business. Furthermore, the adjacent properties in the area that do abut US 441 further restrict site visibility to the proposed business.

Staff Response. No objection. Only the southwest corner of the Tractor Supply site has exposure to US. 441, the road from which most customers and deliver trucks will use to access the site pursuant to the Tractor Supply traffic study. Buildings located at the south side of W. 2nd Street limit sight angle and visibility of the Tractor Supply store from vehicles traveling northbound on US. 441. The same visibility constraint occurs for southbound traffic on US 441 because of buildings on the west side S. Washington Street. Placement of the signs fifty feet away from the US 441\Washington\2nd Street. Visibility constraints occur primarily because US 441 was constructed diagonally on a southeast to northwest pattern across a pre-existing street grid system running on a north-south and east-west pattern.

If the Planning Commission finds accepts the hardship in Paragraph A. above, the second step is to make a finding on the seven below criteria. The Planning Commission must make a positive finding, based on substantial competent evidence, on each of the following seven criteria:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the

requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

Applicant's Response: Due to the existing intersection configuration and relative placement of the subject lot, the property does not directly abut US 441, which is an arterial road that will generate the primary traffic to the business. Furthermore, the adjacent properties in the area that do abut US 441 further restrict site visibility to the proposed business. The proposed sign location is outside of the required 50' corner clip required by code to the travel lanes. However, the 50' corner clip is not achieved from the right-of-way line. This is a condition specific to this property and the applicant asks for a variance to permit the proposed corner monument sign.

Staff's Response: No objection.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant's Response: The proposed variances increase the cost of construction.

Staff's Response: No objection.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant's Response: The proposed variances will not increase congestion on the surrounding streets. Rather, the proposed variance will decrease congestion on surrounding streets, because the applicant's customers will better understand how to access their intended destination.

Staff's Response: No objection.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant's Response: The requested 50' corner clip variance will not diminish property values, nor alter the essential character of the area surrounding the store, because the proposed monument sign location meets the corner clip from the travel lanes, which is the intent of this safety consideration.

Staff's Response: City staff does not hold professional expertise to address property values. The sign faces the road and not the director of the driver's line of sight. It is placed parallel to the street; not perpendicular. The location of the monument sign at the intersection of US 441/Washington/2nd will not alter the character of the area as limited number of businesses are located at a similar intersection at an odd angle. Other properties surrounding the intersection are zoned for and used as commercial retail. The sign will have not exposure to residential areas.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

Applicant's Response: The effect of the approval of the requested 50' corner clip variance is in harmony with the general intent of this code, because the proposed monument sign location meets the corner clip from the travel lanes, which is the intent of this safety consideration.

Staff Response: No objection. The sign location at the intersection, based on the configuration of the property and the road system, provides greater notice to traveler's on US. 441 and likely will avoid quick stops on US. 441.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: Due to the existing intersection configuration and relative placement of the subject lot, the property does not directly abut us 441, which is an arterial road that will generate the primary traffic to the business. Furthermore, the adjacent properties in the area that do abut us 441 further restrict site visibility to the proposed business. These existing conditions are not a result of the actions by the applicant.

Due to these physical site restraints that are unique to this property, the applicant is requesting a monument sign at the corner of the intersection between Washington Ave. and 2nd street. The proposed sign location is outside of the required 50' corner clip required by code to the travel lanes. However, the 50' corner clip is not achieved from the right-of-way line. This is a condition specific to this property and the applicant asks for a variance to permit the proposed corner monument sign.

Staff Response: No objections.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: The proposed 50' corner clip variance is the minimum variance that will make possible the reasonable use of the land, nor will it create safety hazards and other detriments to the public, because the proposed sign location is outside of the required 50' corner clip required by code to the travel lanes.

Staff Response: No objections.

Based on the information provided by the applicant at the hearing for variance request, the Planning Commission must first determine that sufficient substantially competent information indicates "whether a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved." If so, then Planning Commission must find that substantially competent information occurs to accept each of the seven variance criteria. Planning Commission has authority to take final action whether they approve, deny, or approve with conditions.

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 Ms. Laurendeau, Mr. Moon stated that the applicant must meet the "line-of-sight" requirement for the placement of the monument sign.

Petitioner Presentation: Jeremy Anderson concurred with staff.

Affected Party Presentation: None.

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

Motion: Jose Molina made a motion to find that sufficient substantially competent information indicates a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved; and that substantially competent information occurs to accept each of the seven variance criteria. Motion second by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

Motion: Jose Molina made a motion to approve the waiver request to allow placement of a monument sign near the intersection of US 441, S. Washington Avenue and W. 2nd Street, requesting a variance of 50 feet. Motion second by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – CENTRAL FLORIDA EXPRESSWAY AUTHORITY - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Rural (1 du/10 ac) to “City” Residential Low Suburban (3.5 du/ac) for the property owned by the Central Florida Expressway Authority and located west of Plymouth Sorrento Road, south of Yothers Road.

Staff Presentation: Elizabeth Florence, Planner I, stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from “County” Rural (1 du/10 ac) to “City” Residential Low Suburban (3.5 du/ac) for the property owned by the Central Florida Expressway Authority and located west of Plymouth Sorrento Road, south of Yothers Road. The existing use is vacant land and the proposed development is residential to allow access to land-locked parcels. The current Zoning is “County” A-1 and a zoning amendment to “City” R-1A is being processed along with the request to change the future land use. The existing maximum allowable development is 1 dwelling use and the proposed maximum development is 1 dwelling unit. The tract size is 0.302 +/- acre.

Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low Suburban (3.5 DU/AC) to the property. The applicant, the Central Florida Expressway Authority, acquire the subject property to provide road access to unincorporated parcels abutting to the south, which were cut-off from road access when construction began for the Wekiva Parkway.

City Council approved the annexations on September 21, 2016, through the adoption of Ordinance No. 2513. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low Suburban is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.302 acres.

The applicant intends to develop the property for use as a right of way. The proposed future land use and use for the property is compatible with the general character of the surrounding neighborhood. The Residential Low Suburban Future Land Use Designation and right of way would serve as a use for the State Road 429.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report).

The existing and proposed use of the property is consistent with the Residential Low Suburban (3.5 DU/AC) Future Land Use designation and the City's proposed Residential Zoning.

Because this Change of Zoning represents a change in density that will not yield more than nine (9) residential units, development of the subject property is considered "deminimus" and exempt from School Capacity Enhancement review. However, at the time of a Preliminary Development Plan application for residential development, school concurrency review through Orange county Public Schools may be required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 7, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from "County" Rural (1 du/ 10 ac) to "City" Residential Low Suburban (3.5 du/ac) for the property owned by Central Florida Expressway Authority and located at Plymouth Sorrento Rd., contingent upon the annexation of the property into the City of Apopka.

Recommended Motion: Find the proposed Future Land Use Amendment consistent with the Comprehensive Plan and the character of the surrounding area, and recommend to amend the Future Land Use Map designation from "County" Rural to "City" Residential Low Suburban

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

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 application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from "County" Rural (1 du/10 ac) to "City" Residential Low Suburban (0-3.5 du/ac) for the property owned by Central Florida Expressway Authority and located west of Plymouth Sorrento Road, south of Yothers Road. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – CENTRAL FLORIDA EXPRESSWAY AUTHORITY - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from "County" A-1 (Rural) to "City" R-1A (Residential) for the property owned by the Central Florida Expressway Authority and located west of Plymouth Sorrento Road, south of Yothers 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 one spoke.

Staff Presentation: Ms. Florence stated this is a request to recommend approval of the Change of Zoning from "County" A-1 (Rural) to "City" R-1A (Residential) for the property owned by the Central Florida Expressway Authority and located west of Plymouth Sorrento Road, south of Yothers Road. The existing use is vacant land and the proposed development is residential to allow access to land-locked parcels. The current future land use is "County" Rural (1 du/10 ac) and the proposed amendment to "City" Residential Low Suburban (0-3.5 du/ac) is being processed along with the request to change the zoning.

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The existing maximum allowable development is 1 dwelling use and the proposed maximum development is 1 dwelling unit. The tract size is 0.302 +/- acre.

Presently, the subject property has not yet been assigned a "City" Future Land Use Designation or a "City" zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low Suburban (3.5 DU/AC) to the property.

Applicant is requesting the City to assign a zoning classification of R-1A (Residential) to the property, consistent with the proposed Residential Low Suburban (3.5 DU/AC) future land use designation.

A request to assign a change of zoning to R-1A (Residential) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the R-1A (Residential) zoning classification to accommodate the use of the property to have the potential to be single family residential and road access to create access to parcels to the south. The subject properties abut S.R. 429 to the east and the Stanton Ridge residential plat to the north, which is also owned by the Central Florida Expressway Authority. City staff supports this change of zoning request subject to the construction of a highway interchange for S.R. 429 at Plymouth Sorrento Road. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Residential Low Suburban (3.5 DU/AC). The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately .302 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

The existing and proposed use of the property is consistent with the Residential Low Suburban (3.5 du/ac) Future Land Use designation and the City's proposed Residential Zoning so long as dwelling units are not expanded on the existing land area comprising the subject site. Site development cannot exceed the intensity allowed by the Future Land Use policies. School concurrency may occur at the time of a final development plan applicable to the subject property.

The request is for a residential zoning classification that will only yield two residential units. A rezoning that creates a net increase equal to nine or fewer residential units is exempt from School Capacity Enhancement. School concurrency review may apply at the time a Preliminary Development Plan for residential development is submitted to the City.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 7, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan, the Land Development Code and compatible with the character of the surrounding area, and recommends approval of the change in zoning from

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.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from “County” A-1 (Rural) to “City” R-1A (Residential) for property owned by the Central Florida Expressway Authority and located west of Plymouth Sorrento Road, south of Yothers Road. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – MARSHALL HOWARD - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from Residential High (0-15 du/ac) to Commercial (Max. 0.25 FAR) for the property owned by the Marshall Howard and located at 1351 Tropical Circle.

Staff Presentation: Ms. Florence stated this is a request to recommend approval of the Small Scale Future Land Use amendment from Residential High (0-15 du/ac) to Commercial (Max. 0.25 FAR) for the property owned by the Marshall Howard and located at 1351 Tropical Circle. The current zoning is “County” R-3 (Residential) and a change in zoning to “City” C-1 (Retail Commercial) is being processed at the same time as the future land use amendment. The existing use is the “Tropicana Mobile Home Park.” The proposed use an expansion of commercial space for the Shoot Straight business. The tract size is 3.8 +/- acres. The existing maximum allowable development is 57 residential units and the proposed maximum allowable development is 41,382 sq. ft.

The subject parcel was annexed into the City of Apopka on December 16, 1992, through the adoption of Ordinance No. 751. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a C-1 (Restricted Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 3.8 acres and the current use of the property is for a mobile home park. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting Shoot Straight C-1 (Retail Commercial) to the west, which is consistent with the allowable uses within the C-1 zoning district.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report).

The existing use of a mobile home park is a legal, non-conforming use with the current land use and zoning categories. However, the proposed use of the property is consistent with the proposed Commercial Future Land Use designation and the proposed C-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends adoption of the change in Future Land Use Residential High (0-15 du/ac) to Commercial (0.25 FAR) for the property owned by Marshall Howard.

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

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

In response to a question by Mr. Molina, Randy Birchmier, Birchmier Construction, Inc., 549 N. Wymore Road, Suite 206, Maitland, stated that the proposed development is an expansion of the current Shoot Straight operations.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from Residential High (0-15 du/ac) to Commercial (0.25 FAR) for the property owned by Marshall Howard and located at 1351 Tropical Circle. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – MARSHALL HOWARD - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” R-3 (Residential) to “City” C-1 (Retail Commercial) for the property owned by Marshall Howard and located at 1351 Tropical Circle.

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 one spoke.

Staff Presentation: Ms. Florence stated this is a request to recommend approval of the Change of Zoning from “County” R-3 (Residential) to “City” C-1 (Retail Commercial) for the property owned by the Marshall Howard and located at 1351 Tropical Circle. The current zoning is “County” R-3 (Residential) and a change in zoning to “City” C-1 (Retail Commercial) is being processed at the same time as the future land use amendment. The existing use is the “Tropicana Mobile Home Park.” The proposed use an expansion of commercial space for the Shoot Straight business. The tract size is 3.8 +/- acres. The existing maximum allowable development is 57 residential units and the proposed maximum allowable development is 41,382 sq. ft.

The subject parcel was annexed into the City of Apopka on December 16, 1992 through the adoption of Ordinance No. 751. The applicant is requesting the City to assign a zoning classification of C-1 (Retail Commercial) to the property, consistent with the proposed Commercial (Max. 0.25 FAR) future land use designation. The request to assign a change of zoning to C-1 (Retail) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the C-1 (Retail Commercial) zoning classification to accommodate the use of the property for the expansion of the Shoot Straight indoor gun range and firearm sales immediately adjacent to the west of the subject site. The subject properties abut a limited access highway (S.R. 414) with a planned interchange at Marden Road. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Commercial (Max. 0.25 FAR). The proposed use is consistent with the proposed future land use, proposed zoning district and compatible

with the general character of surrounding zoning and uses (see Land Use & Traffic Compatibility below).

The change of zoning application covers approximately 3.8 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

The existing and proposed use of the property is consistent with the Commercial (Max. 0.25 FAR) Future Land Use designation and the City's proposed C-1 (Retail Commercial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The request is for a non-residential zoning classification; therefore, a school capacity enhancement agreement is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

The Development Review Committee finds the proposed change of zoning amendment consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends adoption of the change in zoning from R-3 (Residential) to C-1 (Retail Commercial) for the property owned by Marshall Howard.

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.

Petitioner Presentation: None.

Affected Party Presentation: None.

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 application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from "County" R-3 (Residential) to "City" C-1 (Retail Commercial) for property owned by the Marshall Howard and located at 1351 Tropical Circle. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – PROPERTY INDUSTRIAL ENTERPRISES, LLC - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from "County" Low-Medium Density Residential (0-10 du/ac) to "City" Industrial (Max. 0.30 FAR) for the property owned by the Property Industrial Enterprises, LLC and located at 202 South Hawthorne Avenue and 300 West 2nd Street.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from "County" Low-Medium Density Residential (0-10 du/ac) to "City" Industrial (Max. 0.30 FAR) for the property owned by the Property Industrial Enterprises, LLC and located at 202 South Hawthorne Avenue and 300 West 2nd Street. The existing use is vacant land and the proposed development is Industrial, Commercial or Office Development consistent with I-1 (Restricted Industrial) zoning. The current Zoning is "County" R-2 (ZIP) and the proposed zoning is

“City” I-1 (Restricted Industrial) and is being processed along with a request to change the Zoning Map designation from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial). The existing maximum allowable development is 2 dwellings and the proposed maximum development is 10,977 Sq. Ft. The tract size is 0.74 +/- acre.

The subject parcel was annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinances No. 241 and 2462. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign an I-1 (Restricted Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 0.74 acres, exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant and assigned an Industrial FLUM designation. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with Industrial FLUM designation and I-1 zoning category.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report).

The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City’s proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (0.6 FAR) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

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

In response to a question by Mr. Molina, Mr. Moon stated the property will be developed for commercial or industrial uses.

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

Motion: Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from “County” Low-Medium Residential (0-10 du/ac) to “City” Industrial (Max. 0.30 FAR) for the property owned by Property Industrial Enterprises, LLC and located at 202 South Hawthorne Avenue and 300 West 2nd Street. Motion seconded by Linda Laurendeau. Aye votes

were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC

- Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial) for the property owned by the Property Industrial Enterprises, LLC and located at 202 South Hawthorne Avenue and 300 West 2nd Street.

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 one spoke.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change in Zoning from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial) for the property owned by the Property Industrial Enterprises, LLC and located at 202 South Hawthorne Avenue and 300 West 2nd Street. The existing use is vacant land and the proposed development is Industrial, Commercial or Office Development consistent with I-1 (Restricted Industrial) zoning. The current future land use is “County” Low-Medium Density Residential (0-10 du/ac) and the proposed future land use amendment is “City” Industrial (Max. 0.30 FAR) and is being processed along with a request to change the Zoning Map designation from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial). The existing maximum allowable development is 2 dwellings and the proposed maximum development is 10,977 Sq. Ft. The tract size is 0.74 +/- acre.

The subject parcels were annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinances No. 2461 and 2462.

The proposed change of zoning is being requested by the owner/applicant. Presently, the subject property has not yet been assigned a “City” zoning category. Applicant is requesting the City to assign a zoning classification of I-1 (Restricted Industrial) to the property.

A request to assign a change of zoning to I-1 (Restricted Industrial) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the I-1 zoning classification to accommodate the use of the property for light industrial, commercial or office development allowed under the I-1 zoning district. This use is consistent with the proposed Industrial Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 0.74 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

The proposed use of the property is consistent with the Industrial (max 0.60 FAR) Future Land Use designation and the City’s proposed I-1 (Restricted Industrial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning is to a non-residential zoning district and, therefore, a capacity enhancement agreement with OCPS is not necessary.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial), subject to the adoption of the associated small scale future land use amendment, for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

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.

Petitioner Presentation: None.

Affected Party Presentation: None.

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 application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from “County” R-2 (Residential) to “City” I-1 (Restricted Industrial) for property owned by Property Industrial Enterprises, LLC and located at 202 South Hawthorne Avenue and 300 West 2nd Street. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – JACK & JOYCE CRAVEY - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property located west of Phils Lane, east of Golden Gem 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 one spoke.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change in Zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property located west of Phils Lane, east of Golden Gem Road. The existing use is a manufactured home and the proposed development is a single-family residential or manufactured home. The existing maximum allowable development is 1 unit and the proposed maximum allowable development is 3 units the tract size is 15.04 +/- acres.

The subject parcels were annexed into the City of Apopka on May 4, 2016, through adoption of Ordinance 2495.

The applicant requests a change of zoning to assign an AG (Agriculture) zoning classification to the properties. The requested AG zoning classification compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the AG zoning classification to accommodate the use of the property for existing manufactured and proposed single-family and/or manufactured home residences. The applicant intends to split the lot for two residences. This use is consistent with the existing future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 15.04 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

The existing and proposed use of the property is consistent with the Rural Settlement (0-1 du/5 ac) Future Land Use designation and the City's proposed AG Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The request for a change of zoning to AG (Agriculture) will result in a number of potential units that will be considered de minimus; therefore, school capacity determination is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016

The Development Review Committee finds the proposed change of zoning consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends adoption of the change in zoning from "County" A-1 (ZIP) to "City" AG (Agriculture) for the property owned by Jack & Joyce Cravey.

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.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from "County" A-1 (ZIP) to "City" AG (Agriculture) for property owned by Jack and Joyce Cravey located west of Phils Lane, east of Golden Gem Road. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – SOUTH PASS, LLC - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from "County" A-1 (ZIP) to "City" RCE-1 (Residential Country Estates) for the property owned by South Pass, LLC, and located at 2228 Vick 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 one spoke.

Staff Presentation: Ms. Florence stated this is a request to recommend approval of the Change of Zoning from "County" A-1 (ZIP) to "City" RCE-1 (Residential Country Estates) for the property owned by South Pass, LLC, and located at 2228 Vick Road. The existing use is vacant land and the proposed use is a single-family residence. The future land use is Residential Low Suburban (0-3.5 du/ac). The existing maximum allowable development is 1 dwelling use and the proposed maximum allowable development is 4 dwelling units. The tract size is 4.77 +/- acres.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON NOVEMBER 14, 2016, AT 5:30 P.M.

Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of RCE-1 (Residential Country Estates 1) to the property.

The subject property was annexed into the City of Apopka on August 6, 2008, through the adoption of Ordinance No. 2042.

A request to assign a change of zoning to RCE-1 (Residential Country Estates 1) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the RCE-1 zoning classification to split the lot and develop two single-family residences. The proposed use is consistent with the existing Residential Low Suburban FLUM designation and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 4.77 +/- acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

The proposed use of the property is consistent with the proposed Residential Low Suburban (0-3.5 du/ac) Future Land Use designation and the City’s proposed RCE-1 (Residential Country Estates 1) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed change of zoning will not result in additional units above the number required for school capacity determination and, therefore, is considered de minimus.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends approval of the change in zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates 1) for the property owned by South Pass LLC.

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.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: **Melvin Birdsong made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates) for property owned by South Pass, LLC and located at 2228 Vick Road. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (6-0). (Vote taken by poll.)**

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN/PLAT – MAUDEHELEN, PHASE 4 -
Chairperson Greene stated this is a request to recommend approval of the Final Development Plan and Plat for Maudehelen, Phase 4, owned by GK Maudehelen, LLLP, and located south of Beardsley Drive,

east of Binion 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 one spoke.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Final Development Plan and Plat for Maudehelen, Phase 4 subdivision owned by GK Maudehelen, LLLP. The engineer is Morris Engineering and Consulting, LLC, c/o Matthew J. Morris, P.E. The property is located south of Beardsly Drive and east of Binion Road. The future land use is Residential Low (0-5 du/ac) and the zoning is R-2. The current use is vacant land and the proposed use is a 15 lot single family residential subdivision. The tract size is 6.98 +/- Acres

The Maudehelen, Phases 4 - Final Development Plan/Plat proposes the development of 15 single family residential lots in Phase 4. Maudehelen Phase 4 Final Development Plan was revised to accommodate the re-alignment of Johns Road. On October 19, 2016 with the adoption of Ordinance 2523 a section of Johns Road was vacated to help facilitate better access for property owners located south of Maudehelen Phase 2 and 4.

The minimum typical lot width in Phase 4 is 70 feet and Phase 4 has a minimum lot size of 7,500 square feet. The proposed minimum living area for both phases is 1,800 square feet as set forth in Chapter 2 of the Land Development Code.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
*Front	25'
Side	15'
Rear	20'
Corner	25'

*Front-entry garage must be setback 30 feet.

Ingress/egress for the development will be via Beardsley Drive and Johns Road and the retention ponds have been designed to meet the City's Land Development Code requirements.

Buffers are provided consistent with the Land Development Code. A ten-foot wide buffer is proposed along South Binion Road with a six-foot high brick or masonry wall. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The following is a summary of the tree replacement program:

Total inches on-site:	890
Total number of specimen trees:	6
Total inches removed:	642
Total inches replaced:	1,385
Total Inches (Post Development):	1,883

A School Concurrency Mitigation Agreement was executed by Orange County Public Schools and Maudehelen, Phase 4, on March 7, 2015.

The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON NOVEMBER 14, 2016, AT 5:30 P.M.

The Development Review Committee recommends approval of the Maudehelen, Phase 4 - Final Development Plan/Plat, subject to the findings of this staff report.

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.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Plats for Phases 1 and 2 of the Silver Oak Subdivision located north of East Keene Road, west of Sheeler Avenue. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle. (6-0) (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 7:09 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt
Community Development Director