

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 14, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. - Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Rogers Beckett - Special Projects Coordinate, Kyle Wilkes - Planner II, Robert Sargent - Public Information Officer, Andrew Hand, Esq., Amy Hunter, Michael Voll, Christian Walter, Anthony Call, Nicole Gargas, Jim Hall, Ericka Hughes, Tenita Reid, Bobby Reid, William Hoechst, Jean Hoechst, Ed Velazquez, Linda Feld, Ed Feld, Suzanne Kidd, Don E. Beiger, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the June 9, 2015, at 5:01 p.m. minutes.

Chairperson Greene asked for a motion to approve the minutes, with the following correction, of the Planning Commission meeting held on June 9, 2015, at 5:01 p.m.

Page 3: MOTION: ~~Jasper~~ Jeremiah Jaspon made a motion to recommend approval...

Motion: Tony Foster made a motion to approve the revised Planning Commission minutes from the regular meeting on June 9, 2015, meeting at 5:01. Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0).

SWEARING-IN - Mr. Hand swore-in staff, the petitioners, and affected parties.

CHANGE OF ZONING - PONKIN ROAD PROPERTIES, LLC – Mr. Greene stated this is a request to recommend approval of the change of zoning for Ponkin Road Properties, LLC, from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estates), for property located south of West Ponkan Road, west of Plymouth Sorrento Road. (Parcel ID #: 25-20-27-0000-00-003)

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: David, Moon, Planning Manager, stated this is a request to recommend approval of the Change in Zoning from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estate) for the property owned by Ponkin Road Properties, LLC. The Applicant is Ponkin Road Properties, LLC. The property is located south of West Ponkan Road, west of Plymouth Sorrento Road. The land use is Residential Low Suburban (0-2 du/ac). The existing use is a single-family residence and the proposed use is a cellular telecommunication tower. The existing maximum allowable development is 1 residential unit and the proposed maximum allowable development is 3 residential units. The tract size is 7.28 +/- acres.

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the AG-E zoning to assure that the 7.28-acre

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parcel can be consistent with the Residential Low Suburban future land use designation. The property owner intends to use the property for a cellular telecommunications tower, which will require a separate special exception application to address the site and other requirements for a telecommunications tower within the AG-E zoning district, pursuant to Sec. 75-27 of the Apopka Code of Ordinances.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as depicted in the Zoning Report.

The proposed AG-E rezoning is consistent with the proposed Future Land Use Designation of Residential Low Suburban (up to two units per acre) for this property. Minimum lot size for property assigned the AG-E zoning category is 2.5 acres.

The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be 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 June 12, 2015.

The Development Review Committee recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG-E for the parcel owned by Ponkin Road Property, 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: Don C. Beiger, P.E., Avcon, Inc., 5555 E. Michigan Street, Suite 200, Orlando, stated that they concur with staff and he 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: Pam Toler made a motion to recommend approval of the Change in Zoning from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estates) for the property owned by Ponkin Road Properties, LLC located south of West Ponkan Road, west of Plymouth Sorrento Road; subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - VSI CUSTOM HOMES – Mr. Greene stated this is a request to recommend approval of the future land use amendment for VSI Custom Homes, from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)

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

Bill Hoechst, 647 Vine Court, stated that he resides in proximity to the subject property and is in opposition to the increase in density, the condition of 6th Street and the added traffic impacts.

The Commission unanimously agreed to accept Mr. Hoechst as an affected party.

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Ed Feld, 631 Vince Court, stated that his property abuts the subject property and is in opposition to the proposed density, the condition of 6th Street and the added traffic impacts.

The Commission unanimously agreed to accept Mr. Feld as an affected party.

Jay Davoll, P.E., Community Development Director/City Engineer, stated that the City's Public Services Department has completed the first phase of the Martin Pond project. The second phase includes the redesign of 6th Street to two-lanes to U.S. 441; however, the second phase was put on hold due to a lack of funds. Completion of the second phase will be contingent upon approval of the budget.

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 Comprehensive Plan Small Scale Future Land Use amendment from "County" Low Density Residential (0-4 du/ac) to "City" Residential Low (0-5 du/ac). The owner is VSI Custom Homes and the applicant is Vanasse Hangen Brustlin (VSB), Inc., c/o Jim Hall. The property is located south of East 6th Street, west of Orange Blossom Trail. The current zoning is "County" R-2 (ZIP) and a request for a change of zoning to "City" R-2 is being processed in conjunction with the land use amendment. The existing use is vacant land and the proposed use is a single-family home or a duplexes. The existing maximum allowable development is 14 units and the proposed maximum allowable development is 18 units. The tract size is 3.6 +/- acres.

The subject property was annexed into the City of Apopka on December 7, 2007, through the adoption of Ordinance No. 1898. 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 is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 3.6 acres. The property owner intends to use the site for a residential development.

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

The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City's proposed R-2 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be 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 June 12, 2015.

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" Rural (0-1 du/10 ac) to "City" Rural Settlement (0-1 du/5 ac) for the property owned by VSI Custom Homes.

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.

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The general character of the area surrounding the subject property is compatible with this development of low density residential. The property lies south of East 6th Street and west of Orange Blossom Trail.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No

Joint Planning Agreement (JPA): The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is not located within “Core Area” of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts East 6th St. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope. The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.e Residential Low Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Rural Settlement (0-1 du/5 ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 14 Unit(s) x 2.659 p/h = 37 persons
PROPOSED (City designation): 18 Unit(s) x 2.659 p/h = 48 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis:

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka; 81 GPD/Capita; 81 GPD / Capita

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If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 2744 GPD
3. Projected total demand under proposed designation: 3528 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis:

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka ; 177 GPD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 6356 GPD
3. Projected total demand under proposed designation: 8172 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste:

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 148 lbs./person/day
4. Projected LOS under proposed designation: 192 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information:

Water treatment plant permit number: CUP No. 3217

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Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21.981 GPD

Total design capacity of the water treatment plant(s): 33.696 GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: No

Drainage Analysis:

1. Facilities serving the site: Martins Pond
2. Projected LOS under existing designation: 25 year - 96 hour design storm
3. Projected LOS under proposed designation: 25 year - 96 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation:

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.111 AC
3. Projected facility under proposed designation: 0.144 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Petitioner Presentation: Erica Hughes, VHB, 225 E. Robinson Street, Suite 300, Orlando, stated that the Residential Low Density is the lowest the City allows. She stated that the applicant has no intention of building duplexes on the site.

In response to a question by Ms. Laurendeau, Ms. Hughes stated that Residential Low Density and the R-2 zoning being requested is compatible with the current County future land use and zoning designations. She stated their original application was to request a change to R-1; however, the applicant chose to apply for the compatible R-2 designation.

Affected Party Presentations:

Mr. Hoechst stated his opposition to the increase in density and expressed his concerns regarding the possibility of duplexes being built, the condition of 6th Street and additional traffic impacts.

Mr. Feld stated his opposition to the increase in density and expressed his concerns regarding the possibility of duplexes being built, the condition of 6th Street and additional traffic impacts.

In response to a question by Chairperson Greene, Mr. Moon stated that a duplex would count as 2 residential units.

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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 Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5/ac) for the property owned by VSI Custom Homes and located south of East 6th Street, west of Orange Blossom Trail, subject to the information and findings in the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

CHANGE OF ZONING - VSI CUSTOM HOMES – Mr. Greene stated this is a request to recommend approval of the change of zoning for VSI Custom Homes, from “County” R-2 (ZIP) to “City” R-2, for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. (Refer to the VSI Custom Homes Future Land Use Request)

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 Change in Zoning from “County” R-2 (ZIP) to “City” R-1. The owner is VSI Custom Homes and the applicant is Vanasse Hangen Brustlin (VSB), Inc., c/o Jim Hall. The property is located south of East 6th Street, west of Orange Blossom Trail. The current future land use is “County” Low Density Residential (0-4 du/ac) and a request to change the future land use to “City” Residential Low (0-5 du/ac) is being processed in conjunction with the change of zoning. The existing use is vacant land and the proposed use is a single-family home or a duplexes. The existing maximum allowable development is 14 units and the proposed maximum allowable development is 18 units. The tract size is 3.6 +/- acres.

The subject properties were annexed into the City of Apopka on December 7, 2007, through the adoption of Ordinance No. 1898. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the R-2 zoning to assure that the property can be developed for single-family or duplex residential. The property comprises approximately 3.6 acres.

The subject properties are located within the Downtown Development Overlay district. Any future residential development would be subject to the development design standards for this overlay district as depicted in Exhibit A of the staff report.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change.

The proposed R-2 rezoning is consistent with the proposed Future Land Use Designation of Residential Low (up to five units per acre) for this property. Minimum lot size for property assigned the R-2 zoning category is 7,500 sq. ft. for single-family homes and 15,000 sq. ft. for duplex development.

The proposed rezoning will result in a minimal increase in the number of residential units which could be developed at the subject property. Because increase is considered de minimus (i.e., net increase of 9 or fewer units), the School Planning Agreement designates the school impact as de minimus, exempting this application from School Capacity Enhancement review. A preliminary or final development plan will be subject to school concurrency review.

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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 June 12, 2015.

The Development Review Committee recommends approval of the change in Zoning from “County” R-2 (ZIP) to “City” R-2 for the parcel owned by VSI Custom Homes.

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.

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (E 6th Street). The zoning application covers approximately 3.6 acres. The property owner intends to use the property for residential development.

Comprehensive Plan Compliance: The proposed R-2 zoning is consistent with the City’s Residential Low (0-5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, R-2 zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-2 District Requirements:

Minimum Living Area:	1,350 sq. ft. (Single-family or Duplex)
Minimum Site Area:	7,500 sq. ft. (Single-family) 15,000 sq. ft. (Duplex)
Minimum Lot Width	70 ft. (Single-family) 140 ft. (Duplex)
Setbacks:	Front: 25 ft.
	Rear: 20 ft.
	Side: 7.5 ft. (Single-family) 10 ft. (Duplex)
	Corner 25 ft.

Based on the above zoning standards, the existing 3.6 acre parcels comply with code requirements for the R-2 district.

Bufferyard Requirements: Developments shall provide a six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick, or decorative block finish.

Allowable Uses: One and two-family dwelling structures, including customary accessory structures and Uses in accordance with article VII of Land Development Code. One-family garage apartment providing the principal building is a one-family dwelling unit.

In response to questions by Mr. Jaspon, Mr. Moon stated that the requested zoning category would allow for duplexes. The applicant has not submitted a request to build duplexes. The properties to the west and south are comprised of single family residences.

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In response to a question by Ms. Laurendeau, Mr. Moon stated that an application to change the ZIP zoning to the south of the subject property has not been submitted.

Petitioner Presentation: Jim Hall, VSB, 225 E. Robinson Street, Suite 300, Orlando, stated that the applicant has no intention of building duplexes. He stated the applicant was also willing to change the zoning to Planned Unit Development with a special condition that duplexes would not be allowed.

In response to a question by Ms. Toler, Mr. Moon stated that the Planning Commission could recommend denial of the R-2 zoning change and recommend approval of a change of zoning to Planned Unit Development (PUD/R-2) with the condition that duplexes would not be allowed.

In response to a question by Mr. Foster, Mr. Hoechst stated he did not want the density to change.

Mr. Hall stated that the proposed future land use and zoning changes are an appropriate transition between adjacent commercially zoned properties and the adjacent residentially zoned properties.

In response to a question by Mr. Jaspon, Mr. Hall stated the owner purchased the property and decided to move forward with the future land use and zoning changes before marketing the property.

In response to a question by Ms. Laurendeau, Mr. Hall stated they are not ready to turn dirt. He stated that to make the property more marketable, the owner has taken on the land use and zoning changes. He said if the changes weren't taken and the property was purchased by someone else, the entire process from the future land use changes to the site plan approval could take as long as nine (9) months.

In response to a question by Chairperson Greene, Mr. Moon stated that the Commission could recommend approval of the Planned Unit Development (PUD/R-2) with the conditions that duplexes would not be permitted and the density be restricted to four (4) units per acre.

Affected Party Presentation: (Refer to the VSI Custom Homes Future Land Use Request)

Chairperson Greene opened the meeting for public hearing.

In response to a question by Jean Hoechst, 647 Vine Court, Apopka, Mr. Moon stated that a Planned Unit Development allows a flexible, alternative zoning procedure which, due to location, environmental resources or other features, would otherwise benefit from the coordinated development of tracts of land within the overall density and land use guidelines established in the Comprehensive Plan.

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

Motion: Robert Ryan made a motion to recommend denial of the Change in Zoning from "County" R-2 (ZIP) to "City" R-2; and to recommend approval of the Change in Zoning from "County" R-2 (ZIP) to "City" Planned Unit Development (PUD/R-2) subject to the condition that duplexes are to be prohibited and the density be limited to four (4) units per acre; and the information and findings in the staff report, for the property owned by VSI Custom Homes and located south of East 6th Street, west of Orange Blossom Trail. Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

FINAL DEVELOPMENT PLAN - MARDEN RIDGE APARTMENTS - Mr. Greene stated this is a request to recommend approval of the Final Development Plan for Marden Ridge Apartments, owned by Emerson Point Associates, LLLP. The Applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451

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and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)

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. Davoll stated this is a request to recommend approval of the Final Development Plan for Marden Ridge Apartments, owned by Emerson Point Associates, LLLP. The Applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. The land use is Residential Low (0-5 du/ac) and the zoning is R-2. The existing use is vacant land and the proposed use is a single-family subdivision with 48 lots. The proposed maximum allowable development is 2.73 units per gross acre. The tract size is 17.36 +/- acres.

The Marden Ridge Apartments Phase 1B - Final Development Plan proposes 272 apartment units located on approximately 18.05 acres within 42.17 +/- acres site. The overall site is comprised of 6.43 acres being designated for Commercial (C-1) use and 35.74 acres of the property designated for Residential High (PUD/R-3) use. Development of the remaining 17.69 acres of residential land will occur at a later date through a separate Preliminary Development Plan application, as will development of the 6.43 acres of land assigned the C-1 commercial zoning category. The developer has proposed five (5), four (4) story buildings at approximately fifty-eight (58) feet in height; with a projected population of 784 people. The PUD/R-3 zoning district allows for the construction of apartments with a minimum living area of 750s.f. per unit.

Exterior Elevations: The design of the building exterior meets the intent of the City's Development Design Guidelines.

Parking: The developer has proposed 544 parking spaces which meet the City's Land Development Code, Section 6.03.02, which requires two (2) parking spaces per residential single-family, duplex, and multi-family dwelling unit.

Access: Ingress/egress for the development will be via two (2) full access points from Marden Road.

Stormwater: The stormwater management system includes on-site retention ponds. The developer has provided three (3) dry retention ponds designed to meet the City's Land Development Code requirements.

Recreation: The developer is proposing 2.98 acres (129,809 sq. ft.) of passive and active recreation space. Some of the proposed amenities: clubhouse (6,183s.f.), swimming pool and tot lot. At the time of the final development plan application, details of active and passive recreation equipment and facilities will be submitted for the City's review.

Environmental: A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity.

Open Space: The developer is proposing 12.89 acres of open space to meet the thirty (30) percent PUD zoning standards.

Tree Program: The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. The maximum tree stock formula requires a total of 2,752 tree inches to be replanted onto the site. The applicant will be required to demonstrate the site meets this tree

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stock requirement on the final development plan or contribute into the tree bank mitigation program.

School Capacity Report: No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The schools designated to serve this community are the following: Wheatley Elementary, Wolf Lake Middle and Apopka High School.

Orange County Notification: 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.

Buffers: The applicant is requesting a waiver to install a six-foot high wrought iron fence between brick columns for the perimeter wall, erected inside a ten foot landscaped buffer along Marden Road and State Road 451.

Waiver Request: The applicant is requesting a waiver from LDC 2.20.07.H.1a which requires a six-foot-high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. The applicant is proposing a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to external roads. Staff does not object to this waiver request.

Two questions were sent via e-mail to staff for discussion. The first question was concerning clarification of the unit access right-of-way and a concern about additional traffic on Marden Road. In response, Mr. Davoll clarified the issue of the right-of-way and provided a summary of the results of the traffic impact analysis conducted for this site. The second question was concerning the site lighting and possible need for additional lighting. In response, Mr. Davoll stated that the lighting met the City standards; however, the applicant will address the light issue during their presentation.

The Development Review Committee recommends approval of the Marden Ridge Apartments Ph.1B Final Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

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.

In response to questions by Ms. Toler, Mr. Davoll stated the proposed wrought iron fencing would run along Marden Road to the south, along the east and the north sides of the project. The main entrance and a second entrance will be on Marden Road.

In response to a question by Mr. Foster, Mr. Davoll affirmed that staff did not have any objections to the applicant's waiver request for wrought iron fencing. He stated the Planning Commission has the ability to recommend requiring a masonry wall be installed.

Upon Mr. Ryan's request, Mr. Davoll stated a rendering of the wrought iron fence can be seen on the hardscape plan sheets attached to the staff report.

Petitioner Presentation: Anthony Call, GAI Consultants, Inc., 618 E. South Street, Suite 700, Orlando, stated that the applicant has three waiver requests. The wrought iron fencing that Mr. Davoll mentioned and then just prior to the meeting they submitted plans that contained two more waiver requests. The second one is to allow partial fencing along the western property boundary and the third one is to allow them to use "box"

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type lighting fixtures rather than the decorative ones required by the Code. Mr. Call provided some additional insight into the lighting issue.

Discussion ensued.

In response to a question by Ms. Toler, Andrew Hand, Commission Attorney, stated the Commission has the several options including recommending approval of the final development plan and the waivers; recommending approval of the final development plan and denial of the waivers; recommending denial of the final development plan and the waivers; or to table or continue the item.

Chairperson Greene opened the meeting for public hearing.

Bobby Reid, 651 Oleary Court, Apopka, expressed his opposition to the wrought iron fencing due to possible security issues and stated that the developer should be required to follow the code that requires walls.

Tenita Reid, 651 Oleary Court, Apopka, expressed her opposition to the wrought iron fencing and stated that, to be fair since other developers are required to put up a wall that this developer put up a wall.

With no one else wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

Motion: Linda Laurendeau made a motion to postpone the Final Development Plan for Marden Ridge Apartments until the special July 28, 2015, Planning Commission meeting to allow staff time to review all of the waiver requests and to prepare a recommendation to the Commission. Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:26 p.m.

/s/

James Greene, Chairperson

/s/

R. Jay Davoll, P.E.
Community Development Director