

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON NOVEMBER 10, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Jeremiah Jaspon, Orange County Public Schools (Non-voting)

OTHERS PRESENT: David Moon, AICP - Planning Manager, Kyle Wilkes - Planner II, Andrew Hand, Esq., Howard Washington, Young Kim, Antoine Donatto, Elizabeth Sweeten, Mark Owen, Jeff Welch, Suzanne Kidd, Glenn Kinnear, Laura Kinnear, Lou Forges, Ed Velazquez, Michael Dinkel, Alfred Kager, Debra Wilbarger, Nicole Hughes, Richard Anderson, 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 regular meeting minutes of October 13, 2015, at 5:01 p.m. minutes.

Motion: **Tony Foster made a motion to approve the Planning Commission minutes from the meeting held on October 13, 2015, regular meeting at 5:01 and seconded by Pam Toler. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0).**

Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of October 28, 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 October 28, 2015, at 5:01 p.m.

Page 1: **FINAL DEVELOPMENT PLAN – COOPER PALMS COMMERCE PARK, LOT 9 – FUN PLANNERS PLYMOUTH SOUTH POWER SUBSTATION** - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Cooper Palms Commerce Park, Lot 9 – Fun Planners, owned by Property Industrial Enterprises, Inc., c/o Michael Cooper and located south of 1st Street, north of 3rd Street, east of South Bradshaw Road and west of South Hawthorne Avenue.

Motion: **Melvin Birdsong made a motion to approve the revised Planning Commission minutes from the meeting held on October 28, 2015, special meeting at 5:01 and seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0).**

ANNOUNCEMENTS:

1. Mr. Moon stated that there are three items on the agenda that he will be asking the Planning Commission for motions on to continue to the special meeting on November 24, 2015, at 5:01 p.m. The first is the Raynor Shine Recycling Solutions, LLC Planned Unit Development Master Plan. The second is the RaceTrac/AutoZone Planned Unit Development Master Plan. The final item is the Preliminary Development Plan for Copart.
2. Mr. Hand explained that the future land use changes on the agenda are considered quasi-legislative and do not follow the same procedures as a quasi-judicial agenda item. With quasi-legislative, the Chairperson reads the style; staff presents their report; the applicant is given an opportunity to address the Commission; and then it is opened for public hearing. There will not be a request for affected party status or an affected party presentation.

3. Ms. Laurendeau announced that Melvin Birdsong, a member of the Planning Commission and a chaplain for the Orange County Sheriff's Office, received awards for his dedication and community service. Mr. Birdsong earned a Certificate of Appreciation for recognition of performance with Delta Squad he oversees. His squad posted 2,000 hours of volunteering for 2015 and consistently demonstrated unwavering support and devotion to duty to service as a volunteer. He also received the Silver President's Volunteer Service Award for 2015 by the Corporation for National and Community Service in recognition and appreciation for commitment to strengthen our nation and community through volunteer service. This award was given with a letter from President Barack Obama. Mr. Birdsong also received a gold plated coin of Excellence in Law Enforcement for volunteering and serving giving his best, from Orange County Sheriff Jerry L. Demings.

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

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to recommend approval of the Large Scale Future Land Use amendment from "County" Rural (0-1 du/10 ac) to "City" Mixed Use (15 du/ac; 1.00 FAR); and to transmit the amendment to the Florida Department of Economic Opportunities for review, for property owned by Diane Reid-Goolsby, Debra Reid-Wilbarger, and Daniel Joshua Reid, located west of Plymouth Sorrento Road, south of West Kelly Park Road.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Comprehensive Plan Large Scale Future Land Use amendment from "County" Rural (0-1 du/10 ac) to "City" Mixed Use (15 du/ac; 1.00 FAR); and transmittal to the Florida Department of Economic Opportunity for review. The property is owned by Diane Reid-Goolsby; Debra Reid-Wilbarger; and Daniel Joshua Reid; and located west of Plymouth Sorrento Road, south of West Kelly Park Road. The existing uses are single-family and manufactured homes, a church, grazing/pasture land and accessory structures. At this time there are no plans for development. The tract size is 44.26 +/- acres. The existing maximum allowable development is 4 units and the proposed maximum allowable development is 664 dwelling units and 1,927,965 sq. ft.

The subject parcels were annexed into the City of Apopka on May 20, 2015, through Ordinances 2423 – 2432. Presently, the subject properties do not have a "city" future land use designation or "city" zoning classification assigned. The applicant requests a future land use designation of "city" Mixed Use.

The subject properties, adjacent to the future Wekiva Parkway and the Wekiva Parkway/Kelly Park Road interchange, must comply with various Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan. The applicant is requesting the Mixed Use future land use designation to be compliant with these objectives and policies, and market the property mixed-use development.

The proposed use of the property is consistent with the Mixed Future Land Use designation. If the proposed future land use designation is adopted, the site would require a change of zoning consistent with the Mixed Use future land use designation, as well as be consistent with Policies 18.2 of the Comprehensive Plan Future Land Use Element, the site must comply with the intent and standards set forth in a form-based code/overlay for properties within the Wekiva Parkway Interchange Vision Plan as described in Policies 18.3 and 20.4 listed below. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below

policies support a Mixed Use FLUM designation at the subject site:

Future Land Use Element

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant’s request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.

Transportation Element

1. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, short trip lengths and balanced trip demand.

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

After the transmittal hearing, the applicant will submit to Orange County Public School an application for school capacity determination. Prior to the adoption hearing for the Future Land Use amendment, the applicant must obtain an approved school capacity determination or school capacity mitigation agreement from the Orange County School Board. Affected schools: Apopka High School; Wolf Lake Middle School; and Zellwood Elementary.

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 9, 2015.

The Development Review Committee recommends of the Large Scale Future Land Use amendment from "County" Rural (0-1 du/10 ac) to "City" Mixed Use; and transmittal to the Florida Department of Economic Opportunity, for the property owned by Diane Reid-Goolsby, Debra Reid-Wilbarger & Daniel Joshua Reid, subject to the information and findings in the staff report.

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.

LAND USE REPORT

The property has access from the east from Plymouth Sorrento Road.

Land Use Analysis - The subject properties are located within the one-mile radius of the Wekiva Parkway Interchange Plan Area boundary, making a request for a Mixed Use future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

The properties are bordered to the west by the proposed alignment for the Wekiva Parkway, as well as within ¼-mile proximity to the Wekiva Parkway Interchange at West Kelly Park Road. Parcels to the west and northwest of the subject properties have a future land use designation of Mixed Use, several of which are located within the Kelly Park Crossing Development of Regional Impact (DRI).

Properties to the east and south of the subject properties include a mixture of single-family and agricultural uses. Many of these properties, however, area also located within the one-mile radius of the Wekiva Parkway Interchange Area, and would also be subject to the aforementioned policies that promote a mixed-use future land use designation.

The proposed Mixed Use future land use designation is consistent with the general future land use

character of the surrounding area.

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on May 20, 2015. The subject property is located within the “Northwest Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Rural (0-1 du/10 ac) to “City” Mixed Use is consistent with the terms of the JPA (Second Amendment). Diane Reid-Goolsby, Debra Reid-Wilbarger & Daniel Joshua Reid, c/o Diane Reid-Goolsby, is the applicant of the proposed future land use amendment and proposed change of zoning for the Property, and has been notified of the hearing schedule.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. 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 karst features on this property.

Analysis of the character of the Property: The Property is used currently for single-family and manufactured homes, as well as grazing and a church. The dominant soil, #5 Candler Fine Sand, and has a 0-12 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on May 20, 2015. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if redeveloped.

Calculations:

Adopted: 4 Unit(s) x 2.659 p/h = 10 persons
Proposed: 664 Unit(s) x 2.659 p/h = 1,765 persons

Housing Needs: This amendment will provide housing to accommodate a year 2030 projected future population of 125,328 that is the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. At the time the Master Site Plan or Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

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: None; N/A GPCD / Capita; 81 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: 784 GPD
3. Projected total demand under proposed designation: 418,339 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: None; N/A GPCD/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: 840 GPD
3. Projected total demand under proposed designation: 525,033 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: Yes

Solid Waste

1. Facilities serving the site: City of Apopka

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2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 4 lbs./cap/day
4. Projected LOS under proposed designation: 2 lbs./day/1000 SF
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

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

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
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: 0.03 AC
3. Projected facility under proposed designation: 5.295 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None. Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development.

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

Chairperson Greene opened the meeting for public hearing.

In response to questions by Howard J. Washington, 4389 Marigold Isle Avenue, Apopka, Mr. Moon defined Mixed Use as a zoning district that allows a mix of uses such as a mix of residential and non-residential uses that will function as an employment center. The intensity of the development within the mixed-use categories will vary depending on location and surrounding uses. Based on the need to provide for different intensities/densities, two zoning districts that allow mixed uses have been established. They include the community center (Mixed-CC) and employment center (Mixed-EC) zoning categories. In this particular instance the Wekiva Parkway Interchange Visioning Plan is the master plan for this area. As the Wekiva Parkway Interchange Visioning Plan map indicates the red areas are intended to be a village center that is walkable and buildings in this area will have retail commercial on the first floor and offices and apartments on the upper floors. The yellow areas are where single-family and townhomes are proposed to be located. The gray areas are the employment areas and are proposed to include commercial, industrial, and warehousing uses. The pink areas closest to the parkway are designated as highway uses such as gas stations and fast-food restaurants.

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

In response to a question by Chairperson Greene, Mr. Moon stated that any development is within the Wekiva Parkway Interchange area would be brought before the Planning Commission and the City Council.

In response to a question by Ms. Toler, Mr. Moon stated that if the applicants sold the property, or a portion of the property, the land use would follow the property and any development would have to be consistent with the Wekiva Parkway Interchange Visioning Plan.

In response to a question by Mr. Foster, Mr. Washington stated that he was satisfied with Mr. Moon's answer to his earlier question.

Motion: Melvin Birdsong made a motion to recommend approval of the Large Scale Future Land Use amendment from "County" Rural (0-1 du/10 ac) to "City" Mixed Use; and transmittal to the Florida Department of Economic Opportunity, for the property owned by Diane Reid-Goolsby, Debra Reid-Wilbarger & Daniel Joshua Reid, subject to the information and findings in the staff report; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from Parks/Recreation to Industrial, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from Parks/Recreation to Industrial, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue. The existing use is vacant land and the proposed use is light industrial. The tract size is 9.95 +/- acres. The existing maximum allowable development is 0 units and the proposed maximum allowable development is 260,053 sq. ft.

The proposed Small-Scale Future Land Use Amendment is being requested by the City of Apopka. 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 Industrial is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 9.95 acres. The property owner intends to use the site for eventual light industrial development. Access to the site will occur from a road or driveway connecting to East Cleveland Street through an abutting City-owned property, unless another access is created to connect to 13th Street.

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 classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning is to a non-residential zoning classification 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 9, 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 Parks/Recreation to Industrial (max FAR 0.60) for the property owned by the City of Apopka.

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.

LAND USE REPORT

Land Use Analysis - The general character of the area surrounding the subject property is compatible with this development of light industrial uses. The property lies north of East Cleveland St and east of Clarcona Rd.

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is 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 karst features present on this property.

Analysis of the character of the Property: The Property fronts E Cleveland 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 3.1.1 Industrial 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 Industrial (max FAR 0.60). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

Calculations:

Adopted (City designation): N/A

Proposed (City designation): N/A

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

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

2. Projected total demand under existing designation: 0 GPD
3. Projected total demand under proposed designation: 39,008 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: 0 GPD
3. Projected total demand under proposed designation: 52,011 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: N/A lbs./person/day
4. Projected LOS under proposed designation: 3 lbs./1000 sq. ft.
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

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: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 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: N/A AC
3. Projected facility under proposed designation: N/A 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.

Chairperson Greene opened the meeting for public hearing.

In response to a question by Suzanne Kidd, 1260 Lexington Parkway, Apopka, Mr. Moon stated the property to the east of this location is industrial. The purpose of changing the future land use and zoning on this property is to sell the property to promote economic development.

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

Motion: **Linda Laurendeau made a motion to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from Parks/Recreation to Industrial, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)**

QUASI-JUDICIAL - CHANGE OF ZONING – CITY OF APOPKA - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from PR to I-1, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue.

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. None.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change of Zoning from PR to I-1, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue. The existing use is vacant land and

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the proposed use is light industrial. The tract size is 9.95 +/- acres. The existing maximum allowable development is 0 units and the proposed maximum allowable development is 260,053 sq. ft.

The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The City is requesting the I-1 zoning to assure that the property can be sold and developed for light industrial. The property comprises approximately 9.95 acres.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed I-1 rezoning is consistent with the proposed Future Land Use Designation of Industrial (max. FAR 0.60) for this property. Minimum lot size for property assigned the I-1 zoning category is 15,000 sq. ft. for light industrial development.

The proposed rezoning is to a non-residential zoning classification 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 9, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from PR (Parks/Recreation) to I-1 (Restricted Industrial).

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.

ZONING REPORT

Land Use & Traffic Compatibility: The parcel is landlocked but the abutting parcel to the southwest is also owned by the City of Apopka. Prior to development of the subject property for industrial purposes, a road or driveway must be constructed across the City's southern parcel to create access between Cleveland Street and the subject parcel.

The zoning application covers approximately 9.95 acres. The property owner intends to sell the property for use for light industrial development.

Comprehensive Plan Compliance: The proposed I-1 zoning is consistent with the Industrial (max. FAR 0.60) 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, I-1 zoning is one of the acceptable zoning districts allowed within the Industrial Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

C-3 District Requirements:

Maximum Floor Area Ratio:	0.60
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 25 ft.
	Rear: 10 ft. (30 ft. from residential)
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 9.95 acre parcels comply with code requirements for the I-1 district.

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.

Allowable Uses: Any C-3 Commercial District permitted use and light manufacturing of novelties, souvenirs, bakery, garments, electrical, precision instruments or equipment, computers, furniture, metal and other similar products. Bus, cab and truck repair, dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.

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: Pam Toler made a motion to recommend approval of the Change in Zoning from PR to I-1, for property owned by the City of Apopka and located north of East Cleveland Road, west of Sheeler Avenue, subject to the information and findings in the staff report; and Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – PLANNED UNIT DEVELOPMENT MASTER PLAN – RAYNOR SHINE RECYCLING SOLUTIONS, LLC – Mr. Moon asked that this item be continued to the special meeting on November 24, 2015, as the wrong master plan had been included in the staff report.

Motion: Melvin Birdsong made a motion to continue the Change in Zoning from “County” I-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2), and the waiver requests, for Raynor Shine Recycling Solutions, LLC, until the special Planning Commission meeting on November 24, 2015, at 5:01 pm; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – TECHNOLOGY PROPERTY, LLC - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use Amendment from “County” Rural (0-1 du/5 ac) to “City” Commercial (Max. FAR 0.25), for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges.

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. None.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend

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approval of the Small Scale Future Land Use Amendment from “County” Rural (0-1 du/5 ac) to “City” Commercial (Max. FAR 0.25), for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges. The existing use is vacant land and the proposed use is commercial wholesale. The tract size is 9.4 +/- acres. The existing maximum allowable development is 1 unit and the proposed maximum allowable development is 102,366 sq. ft.

Presently, the subject properties have 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 Commercial to the properties.

The subject property was annexed into the City of Apopka on August 5, 2015, through the adoption of Ordinance No. 2439. 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 Commercial is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 9.4 acres. The property owner intends to use the site for eventual wholesale commercial 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 (see attached Land Use Report).

The existing and proposed use of the property is consistent with the Commercial Future Land Use designation and the City’s proposed C-3 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning is to a non-residential zoning classification and, therefore, a capacity enhancement agreement with OCPS is not necessary because the proposed future land use designation will not generate any new residential units.

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 9, 2015.

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 (0-1 du/5 ac) to “City” Commercial (max FAR 0.25) for the properties owned by Technology Property LLC.

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.

LAND USE REPORT

Land Use Analysis - The general character of the area surrounding the subject property is compatible with this development of wholesale commercial uses. The property lies south of West Keene Rd and west of Clarcona Rd.

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA)

agreement on October 26, 2004. The subject property is 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 Clarcona Rd. 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 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.i Commercial 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 Commercial (max FAR 0.25). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

Calculations:

Adopted (City designation): 1 Unit(s) x 2.659 p/h = 3 persons

Proposed (City designation): N/A

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.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject properties are located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

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: 4 lbs./person/day
4. Projected LOS under proposed designation: 2 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.

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 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: 0.003 AC
3. Projected facility under proposed designation: N/A 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.

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 Small Scale Future Land Use amendment from “County” Rural (0-1 du/5 ac) to “City” Commercial (Max. FAR 0.25), for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road, subject to the information and findings in the staff report; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)**

QUASI-JUDICIAL - CHANGE OF ZONING – TECHNOLOGY PROPERTY, LLC - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” PD (ZIP) to “City” C-3, for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges.

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. None.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change of Zoning from “County” PD (ZIP) to “City” C-3, for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road. The applicant is Robinson Forges Realty International, c/o Lou Forges. The existing use is vacant land and the proposed use is commercial wholesale. The tract size is 9.4 +/- acres. The existing maximum allowable development is 1 unit and the proposed maximum allowable development is 102,366 sq. ft.

Presently, the subject properties have not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a zoning category of C-3 to the properties.

The subject properties were annexed into the City of Apopka on August 5, 2015, through the adoption of Ordinance No. 2439. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the C-3 zoning to assure that the property can be developed for wholesale commercial. The property comprises approximately 9.4 acres.

Staff has analyzed the proposed amendment and determined that adequate City of Apopka public facilities exist to support this zoning change (see attached Zoning Report). The subject properties are located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

The proposed C-3 rezoning is consistent with the proposed Future Land Use Designation of Commercial (max. FAR 0.25) for this property. Minimum lot size for property assigned the C-3 zoning category is 12,000 sq. ft. for commercial development, and the site far exceeds this area with approximately 9.4 acres.

The proposed rezoning is to a non-residential zoning classification 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 9, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning “County” PD (ZIP) to “City” C-3 (Wholesale Commercial) for the properties owned by Technology 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.

ZONING REPORT

Land Use & Traffic Compatibility: The subject property fronts a minor arterial (Clarcona Road). Current access occurs on a temporary basis from the RV park. Future development of the site will likely require a change in the access to a driveway connecting the subject property directly to Clarcona Road.

The zoning application covers approximately 9.4 acres. The property owner intends to use the property for future wholesale commercial.

Comprehensive Plan Compliance: The proposed C-3 zoning is consistent with the Commercial (max. FAR 0.25) 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, C-3 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.

C-3 District Requirements:

	Maximum Floor Area Ratio:	0.25
Based on the above zoning standards, the existing 9.4 acre parcels comply with code requirements for the C-3 district.	Minimum Site Area:	12,000 sq. ft.
	Minimum Lot Width	100 ft.
	Setbacks: Front:	10 ft. (30 ft. from residential)
	Rear:	15 ft. (30 ft. from residential)
	Side:	10 ft. (30 ft. from residential)
	Corner	15 ft.

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard.

Allowable Uses: Any use permitted in the C-2 General Commercial District, as well as heating and air conditioning sales, building material storage and sales, contractor's storage and equipment yards, mechanical garage, automobile body and painting shops. Trade shops and schools, truck stops, fruit packaging and processing facilities when accessory to retail fruit sale on-site. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.

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: Pam Toler made a motion to recommend approval of the Change in Zoning from "County" PD (ZIP) to "City" C-3Mixed Use, for property owned by Technology Property, LLC and located west of Clarcona Road, south of West Keene Road, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - PLANNED UNIT DEVELOPMENT MASTER SITE PLAN - 1ST AMENDMENT – RACETRAC/AUTOZONE – Mr. Moon asked that this item be continued to the special meeting on November 24, 2015, as the property has been sold and ownership needs to be vetted prior to presentation to the Planning Commission.

Motion: Melvin Birdsong made a motion to continue the Planned Unit Development

Master Plan Amendment for the RaceTrac/AutoZone until the special Planning Commission meeting on November 24, 2015, at 5:01 pm; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

SITE PLAN

PRELIMINARY DEVELOPMENT PLAN – COPART – Mr. Moon asked that this item be continued to the special meeting on November 24, 2015, as the applicant was unable to provide the site plan in a timely manner for presentation at this meeting. Mr. Moon asked that this item be continued to the Owned by Copart, Inc.; engineer is Burkett Engineering, c/o William E. Burkett, P.E., property located at 3351 West Orange Blossom Trail. (Parcel ID #: 01-21-27-0000-00-032) *(Item to be continued to the Special Planning Commission Meeting to be held Tuesday, November 24, 2015, at 5:01 p.m.)*

Motion: Robert Ryan made a motion to continue the Preliminary Development Plan for Copart until the special Planning Commission meeting on November 24, 2015, at 5:01 pm; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 5:44 p.m.

/s/

James Greene, Chairperson

/s/

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