

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON FEBRUARY 9, 2016, AT 5:30 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: R. Jay Davoll, P.E. – Public Services Director/Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Andrew Hand, Esq., Julie Kendig, Jim Hanson, Dave Taylor, Richard Kerper, Juan Ortega, Robert Hafer, Doug Bankson, Donald Stiller, Suzanne Kidd, Ed Velazquez, Natalie Rose Bell, Phyllis Rose Brown, Teresa Sargeant, 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.

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of January 12, 2016, at 5:30 p.m. minutes.

Motion: Linda Laurendeau made a motion to approve the Planning Commission minutes from the regular meeting held on January 12, 2016, at 5:30 p.m. and seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Pam Toler (5-0).

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC - Located at 1120 Clarcona Road and 1124 South Park Avenue.

David Moon, AICP, Planning Manager, stated the applicant, Harbinder Ghuldu, has asked that this item be postponed to a later date.

Motion: Melvin Birdsong made a motion to postpone the Comprehensive Plan Small Scale Future Land Use amendment for property owned by Apopka Holding, LLC and located at 1120 Clarcona Road and 1124 South Park Avenue, per the applicant's request; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

Reverend Phyllis Rose Brown, 1166 South Central Avenue, Apopka, requested a meeting with staff to discuss how the land use and zoning changes to the property at 1120 Clarcona Road and 1124 South Park Avenue will affect her family's adjacent property.

Natalie Rose Bell, 1166 South Central Avenue, Apopka, requested a meeting with staff to discuss how the land use and zoning changes to the property at 1120 Clarcona Road and 1124 South Park Avenue will affect her family's adjacent property.

Mr. Moon stated that the applicant will be postponing the request for 60 days. He asked Ms. Brown and Ms. Bell to leave their contact information with the Recording Clerk so that staff may contact them to schedule a meeting.

QUASI-JUDICIAL - CHANGE OF ZONING – APOPKA HOLDINGS, LLC - Located at 1120 Clarcona Road and 1124 South Park Avenue.

David Moon, AICP, Planning Manager, stated the applicant, Harbinder Ghulldu, has asked that this item be postponed to a later date.

Motion: Melvin Birdsong made a motion to postpone the Change of Zoning for property owned by Apopka Holding, LLC and located at 1120 Clarcona Road and 1124 South Park Avenue, per the applicant's request; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

Tony Foster arrived at 5:40 p.m.

QUASI-JUDICIAL - FINAL DEVELOPMENT PLAN – WEKIVA RIVERWALK DAY CARE – Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC. The engineering firm is Harris Civil Engineers, LLC, c/o David W. Taylor, P.E. The property is located at 2121 East Semoran Boulevard. This request is quasi-judicial and all testimony before the Planning Commission is sworn testimony. He asked if that anyone present who would be giving a presentation or providing testimony to stand and be sworn in by the City Attorney.

Andrew Hand, City Attorney, swore-in everyone present who would be giving a presentation or providing testimony in this matter.

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: Mr. Moon stated this is a request to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC. The engineering firm is Harris Civil Engineers, LLC, c/o David W. Taylor, P.E. The property is located at 2121 East Semoran Boulevard. The future land use is Commercial and the zoning is C-1. The existing use is a retail shopping plaza (retention pond). The proposed use is a day care facility. The proposed building size is 10,000 sq. ft. The tract size is 4.19 +/- acres. The overall development size is 24.74 +/- acres. He provided revised plans to the Commission members.

The Wekiva Riverwalk Daycare Building - Final Development Plan proposes a 10,000 square feet daycare facility with a 5000 square feet playground. The proposed daycare facility will be located in the rear of the shopping plaza at the Northeast corner of the site adjacent to Wekiva Spring Road; within a portion of an existing retention pond.

A total of 51 parking spaces are provided, 34 are required by code, of which 2 are reserved as a handicapped parking space.

Access to the site is provided by an existing driveway cut along Wekiva Springs Road.

Staff has found the proposed building elevations to be in accordance with the City's Development Design Guidelines.

Stormwater run-off and drainage will be accommodated by an on-site stormwater drainage system. The stormwater management system is designed according to standards set forth in the Land Development Code. 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 applicant is requesting a waiver to Land Development Code, Section 6.03.02 which requires a designated, covered drop-off and pick-up area for the students.

This waiver is being requested because as a security measure, parents or guardians are required by the day care provider to bring the child inside the building and sign them in a registrar. Day cares locating inside an existing commercial building or tenant space within a shopping plaza are not required to have a covered drop-off and pick-up area for patrons, even though location within the commercial space is considered a change of use.

DRC supports this waiver request.

DRC recommendation is subject to the applicant addressing the following outstanding items before the application is placed on a City Council meeting:

1. A transportation study prepared by the applicant's traffic engineer is under review by the City Engineer. Any recommendations generated by this study will be presented at the Planning Commission meeting.
2. Stormwater calculations must be completed prior to the City Council hearing.
3. A minimum of 20 percent of the day car parking spaces shall be constructed with permeable material.
4. Landscape plans and irrigation plans will be modified to address the minor comments from the Development Review Committee.
5. The drive aisle located west of the daycare must be 24 feet in width.
6. No monument sign is allowed along within the Wekiva Springs Road buffer. Wall signs per code are allowed.
7. All DRC comments must be incorporated into the Final Development Plan prior to submittal of City Council agenda item.

The Development Review Committee recommends the approval of the Wekiva Riverwalk Daycare Building Final Development Plan and to accept all waiver request.

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.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON FEBRUARY 9, 2016, AT 5:30 P.M.

In response to a question by Ms. Laurendeau, Mr. Moon stated that the waiver of Land Development Code, Section 6.03.02 which requires a designated, covered drop-off and pick-up area for the students would be granted in perpetuity.

In response to a question by Ms. Toler, Mr. Moon stated that the City Engineer had reviewed and accepted the stormwater plan for this site.

Petitioner Presentation: Julie P. Kendig Esq., Greenberg Traurig Law Firm, 450 South Orange Avenue, suite 650, Orlando, said she is representing Woolbright Wekiva, LLC. Regarding the stormwater pond engineering, in November 2015 they received their environmental resource permit from St. Johns River Water Management District. She reviewed the exhibit boards. The first graphic was an aerial that shows the existing shopping center. The proposed day care is to go into the northeastern corner. The next graphic was the proposed site plan. The third graphic is a more specific site plan and the final was the elevations for the day care.

In response to Ms. Toler's questions, David Taylor, Harris Civil Engineers, LLC, 1200 East Hillcrest Street, Suite 200, Orlando, stated that they were in talks with St. Johns River Water Management District for approximately three months regarding the stormwater plan. The District gave approval for the filling in half of the current retention pond in order to build the day care and then to offset the lost volume on that end by allowing them to dig the other end deeper.

In response to a question by Mr. Ryan, Mr. Taylor stated that this pond is in two sections to equalize with the pipe. The first section is being lowered by 6 feet and the other by 6.5 feet.

In response to a question by Ms. Toler, Mr. Taylor stated the pond is staying in its current location except for the portion that will be filled in for the pad for the day care building.

Mr. Taylor confirmed Mr. Greene's comment that they are shrinking the surface area and increasing the depth.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

In response to a question by Suzanne Kidd, 1260 Lexington Parkway, Apopka, Ms. Kendig stated that the ages that will be at the school full time is 6 weeks to 5 years old. There will be an after school option will be 5 to 8 years old.

Richard Kerper, 1702 LaForest Avenue, Safety Harbor, stated they will be taking care of infants (6 weeks to 12 months old), toddlers (12 months to 2 years old), twaddlers (2 to 3 years old), preppers (2.5 to 3.5 years old), preschoolers (3 to 5 years old), as well as having after school programs for children up to 8 years old.

In response to a question by Ms. Kidd, Mr. Kerper stated the classrooms to the back normally will open up to the playground. A lot has to do with safety. Each room will have two means of ingress/egress whether it's two doors on the interior or one interior door and one exterior door. If we have infants there's a direct access out because we have a security crib to put them in and get them out as soon as we can. For the other children, if there is an exterior door we normally fence that in with a four foot fence, if allowed by code.

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

Motion: Pam Toler made a motion to recommend approval of the applicant's request to waive the requirements of the Land Development Code, Section 6.03.02 that requires a designated, covered drop-off and pick-up area for the students, the Wekiva Riverwalk Day Care,

owned by Woolbright Wekiva, LLC, and located at 2121 East Semoran Boulevard, 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.)

Motion: Linda Laurendeau made a motion to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC, and located at 2121 East Semoran Boulevard, 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.)

Mr. Hand stated that the motion to recommend approval of the Wekiva Riverwalk Day Care Final Development Plan needs to include that the plan is consistent with the City of Apopka Comprehensive Plan.

Amended Motion: Linda Laurendeau made a motion to recommend approval of the Final Development Plan for the Wekiva Riverwalk Day Care, owned by Woolbright Wekiva, LLC, and located at 2121 East Semoran Boulevard; that the Final Development Plan is consistent with the City of Apopka Comprehensive Plan; and 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.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:03 p.m.

/s/

James Greene, Chairperson

/s/

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