

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 11, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** James Greene, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson

**ABSENT:** Melvin Birdsong, John Spinkle, Orange County Public Schools (Non-voting)

**OTHERS PRESENT:** David Moon, AICP - Planning Manager, Patrick Brackens – City Attorney, Kyle Wilkes, AICP – Planner II, Robert Hafer, George Kramer, Bill Gates, Joe Gatez, Suzanne Kidd, Theresa Sargent, and Jeanne Green – 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 June 12, 2017, at 5:30 p.m.

**Motion:** Jose Molina made a motion to approve the Planning Commission minutes from the regular meeting held on June 12, 2017, at 5:30 p.m. and seconded by Roger Simpson. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (5-0).

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

**QUASI-JUDICIAL - CHANGE OF ZONING – JOSEPH & SWANA GATES AND OAK ROYAL PROPERTIES, LLC** - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in zoning from PO/I (Professional Office/Institution) and AG (Agriculture) to Mixed-EC for the property owned by Joseph & Swana Gates and Oak Royal Properties, LLC and located east of Ocoee Apopka Road, north of Keene Road.

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

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

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in zoning from PO/I (Professional Office/Institution) and AG (Agriculture) to Mixed-EC for the property owned by Joseph & Swana Gates and Oak Royal Properties LLC. The applicant is S&ME, also known as Littlejohn Engineering. The property is located east of Ocoee Apopka Road, north of Keene Road. The existing uses are container nurseries and a single-family residential home. The future land use is Mixed Use. The proposed development is a residential and non-residential mixed-use development. The existing maximum allowable development is 518 units. The proposed maximum allowable development is 975,744 sq. ft. of non-residential

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development and 336 multi-family units. The tract size is 22.4 +/- acres.

The subject parcels were annexed into the City of Apopka on December 5, 2001 through Ordinance 1421. The proposed change of zoning is being requested by the owner/applicant. Presently, the subject property has not yet been assigned a "City" zoning category. Applicant is requesting the City to assign a zoning classification of Mixed – EC (Mixed Use – Employment Center) to the property.

A request to assign a change of zoning to Mixed-EC (Mixed Use Employment Center) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the Mixed-EC zoning classification to accommodate the use of the property residential and non-residential development permitted within the Mixed-EC zoning district. These uses are consistent with the proposed Mixed Use Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses. The change of zoning application covers approximately 22.4 acres.

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

The proposed use of the property is consistent with the Mixed Use ((0-15 du/ac and/or max 1.0 FAR)) Future Land Use designation and the City's proposed Mixed-EC (Mixed Use – Employment Center) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the associated large scale future land use amendment.

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 April 10, 2017

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from PO/I (Professional Office/Institutional) and AG (Agriculture) to Mixed Use – Employment Center, subject to the adoption of the associated large scale future land use amendment, for the properties owned by Joseph & Swana Gates and Oak Royal Properties, LLC.

Staff Recommended that the Planning Commission find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend a change of zoning from PO/I (Professional Office/Institutional) and AG (Agriculture) to Mixed Use – Employment Center, subject to the adoption of the associated large scale future land use amendment.

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 county minor arterial (Ocoee Apopka Road) and a collector roadway (Keene Road). The proposed Mixed-EC (Mixed Use – Employment Center) zoning district is consistent and compatible with the adjacent zoning classifications and uses within the surrounding area. Property to the north (the existing Emerson Park single-family and townhome development) has the same Mixed-EC zoning classification. To the south, "City" zoned property has a PO/I zoning classification, with properties within unincorporated Orange County to the east are predominant single-family and rural uses.

In addition, the proposed land use designation is consistent with the conceptual land use plan, development scenario and recommendations of the Ocoee Apopka Road Small Area Study, which was completed in 2014. The Ocoee Apopka Rd SAS Conceptual Plan listed as Exhibit ‘A’ below shows the subject properties listed within the “New Market” character area, which is described in the final report as:

“The New Market Zone represents the area in the vicinity of Emerson Park and the hospital. It is anticipated that this area will contain the highest degree of pedestrian connectivity.” In addition, the report indicates that one scenario for the New Market Area includes the placement of the core (Village Center) of the New Market Character area includes the subject property (as shown in Exhibit ‘B’ below). The finds of the report suggest this scenario may be the most suitable for the Village Center:

“Scenario 1 shows the core area (Village Center) concentrated at the northeast corner of Ocoee-Apopka Road and Keene Road. This site was chosen as an ideal location for the Village Center because it is easily accessible from the existing and proposed residential neighborhoods to the east.

**Comprehensive Plan Compliance:** The proposed Mixed-EC zoning is consistent with the City’s Mixed Use (max 0.60 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The Mixed-EC zoning classification is one of the acceptable zoning categories allowed within the Mixed Use Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**Zoning District Requirements:** All uses and site development requirements will be subject to Sec. 02.02.20 or Sec. 02.02.18 of the Apopka Land Development Code.

**Petitioner Presentation:** George M. Kramer, AICP, LEED AP, S&ME, 1615 Edgewater Drive, Ste. 200 Orlando, FL 32804, thanked staff and concurred with their findings. He stated he was available for any questions.

**Affected Party Presentation:** None.

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

**Motion:** **Linda Laurendeau made a motion to approve the request for a change of zoning from PO/I (Professional Office/Institution) and AG (Agriculture) to Mixed EC, subject to adoption of the future land use amendment and the findings and facts presented in the staff report, for the property owned by Joseph & Swana Gates and Oak Royal Properties, LLC and located east of Ocoee Apopka Road, north of Keene Road. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (5-0). (Vote taken by poll.)**

**LEGISLATIVE – EVALUATION & APPRAISAL REPORT 2017 - COMPREHENSIVE PLAN –** Chairperson Greene stated this is a request to recommend approval for the Community Development Department to proceed with preparation of an Evaluation and Appraisal Report for the Comprehensive

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Plan, and to notify the Florida Department of Economic Opportunity that an updated Comprehensive Plan will be prepared by August 1, 2018.

Staff Presentation: David Moon, AICP, Planning Manager, stated pursuant to Rule Chapter 73C-49, Florida Administrative Code, at least once every seven years, local governments are required to determine whether or not it's comprehensive plan needs updating to reflect changes in state requirements since its last comprehensive plan update.

The EAR process provides the City the opportunity to update Comprehensive Plan policies to ensure they address the long-term planning vision of Apopka. In addition, EAR amendments to the Comprehensive Plan allows staff to address inconsistencies between the City's Comprehensive Plan and updated Land Development Code.

Community Development staff will notify the Florida Department of Economic Opportunity's Community Planning Division of the City of Apopka's intent to review current Comprehensive Plan Goals, Objectives & Policies.

Should City staff identify a need to update current policies, any proposed text amendments must be transmitted to the Florida Department of Economic Opportunity within one year, and will follow the public hearing process for Comprehensive Plan text and future land use amendments, including a Planning Commission hearing and recommendation followed by City Council public hearings for adoption.

The Planning Commission is delegated the role of Local Planning Agency by the City Council through Section 11.05.00.A of the Land Development Code and Ordinance No. 2137. Pursuant to Florida Statute 163.3174, "The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law." Responsibilities of the Local Planning Agency, as defined by F.S. 163.3174, are included in the Exhibits.

Staff recommends that the Planning Commission recommend approval for the Community Development Department to proceed with preparation of an Evaluation and Appraisal Report for the Comprehensive Plan, and to notify the Florida Department of Economic Opportunity that an updated Comprehensive Plan will be prepared by August 1, 2018.

In response to questions by Mr. Simpson, Mr. Moon explained the process begins by the Planning Commission recommending City Council's authorization for staff to transmit a Letter of Intent to the Florida Department of Economic Opportunity (FDEO) by August 1, 2017; and to begin the review of the Comprehensive Plan Goals, Objectives & Policies. It is possible that during staff's review community meetings or workshops may be scheduled. Once the review is complete the proposed amendments will be transmitted to FDEO for its review within one year. Once the State review is complete and any revisions made, public hearings will be scheduled for presentation to the Planning Commission and to City Council. Since consultants will not be engaged to review and prepare the amendments, this will have handled in-house.

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

**Motion:** Roger Simpson made a motion to recommend authorization to notify the Florida Department of Economic Opportunity that an updated Comprehensive Plan will be prepared by August 1, 2018; and the Community Development Department to proceed with preparation of an Evaluation and Appraisal Report for the

**Comprehensive Plan, and. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (5-0). (Vote taken by poll.)**

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 5:46 p.m.

/s/

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James Greene, Chairperson

/s/

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James K. Hitt  
Community Development Director