

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON NOVEMBER 24, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

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

OTHERS PRESENT: David Moon, AICP - Planning Manager, Rogers Beckett – Special Projects Coordinate, Kalanito Oded, Esq., Bill Burkett, Mike Carson, Jeffrey Saifield, Ed Velazquez, Michael Dinkel, J. P. Nagel, Christopher Muree, Teresa Sargeant, Jose Molina, 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.

Chairperson Greene explained that there are three quasi-judicial items to be discussed. The procedures for the meeting are: the Chairman reads the case style and nature of the issue; affected party determination made; Ex parte communication disclosures; staff presentation, petitioner presentation; affected party presentation; any rebuttals; close of presentations; meeting opened for public hearing and once complete the public hearing is closed; then the deliberations of the Commission and vote. He stated that a member of the public may be deemed to be an affected party if they believe that they have a special interest in the matter or would suffer an injury distinct in kind and degree from that shared by the public at large. All testimony in quasi-judicial items is sworn testimony; therefore all staff, petitioners, affected parties, or any public member providing testimony are asked to stand and be sworn in.

Mr. Moon introduced Kalanito (Keke) Oded, an attorney with the City Attorney's office. Ms. Oded was attending in Mr. Hand's place.

SWEARING-IN - Ms. Oded swore-in staff, the petitioners, and affected parties that will be providing testimony.

QUASI-JUDICIAL - CHANGE OF ZONING – PLANNED UNIT DEVELOPMENT MASTER PLAN – RACETRAC/AUTOZONE – Chairperson Greene stated this is a request to recommend approval of the Amendment to the Planned Unit Development Master Plan for the property owned by RaceTrac Petroleum, Inc.\Spirit SPE Portfolio CA C-Stores, LLC, and located north of U.S. 441 and east of Errol Parkway. The applicant is AutoZone Stores, LLC and the engineer is CPH Engineering, Inc., c/o Joshua D. Lockhard, P.E.

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 Amendment to the Planned Unit Development Master Plan for the property owned by RaceTrac Petroleum, Inc.\Spirit SPE Portfolio CA C-Stores, LLC, and located north of U.S. 441 and east of Errol Parkway.

Mr. Moon stated that the property was recently sold and is now a Marathon gas station and convenience store. The sale occurred recently and staff has requesting information from the applicant

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regarding the change of ownership. That is important because the owner is the one with the ability to give authority to amend the Planned Unit Development. That information was sent to the attorney's office for review.

Ms. Oded stated that upon review of the information provided there was no way to determine ownership of the property. If the Planning Commission chooses to recommend approval they need to add a condition in their motion that ownership must be verified prior to presentation to the City Council.

The applicant is AutoZone Stores, LLC and the engineer is CPH Engineering, Inc., c/o Joshua D. Lockhard, P.E. The existing use Convenience Store w/ Fueling Stations and the proposed development is a retail auto parts store. The proposed lot sizes are: Lot 1 – 2.08 +/- acres; and Lot 2 – 0.89 +/- acres. The tract size is 2.94 +/- acres.

The original PUD Master Plan was adopted on March 6, 2013, through Ordinance #2292 allowing PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use. The PUD Master Plan amendment creates two separate lots with an existing gas station and a proposed AutoZone retail store. Lot 1, identifies the existing Marathon (formerly known as RaceTrac) gas station consisting of a 5,928 sq. ft. convenience store with fueling stations. On Lot 2, AutoZone Store, LLC is proposing to construct a 6,815 sq. ft. retail store with 27 parking spaces.

The proposed PUD (Planned Unit Development/C-2) zoning is consistent with the City's Commercial Future Land Use category. Development plans shall not exceed the intensity allowed under the adopted Future Land Use designation.

The Property is located on a major arterial road (West Orange Blossom Trail). The proposed use and zoning will not create any land use or traffic compatibility issues with adjacent uses. Development of the site must occur consistent with standards set forth in the Land Development Code and Development Design Guidelines unless otherwise approved within the PUD master site plan.

Areas adjacent to all road right of ways shall provide a minimum ten foot landscape bufferyard. Areas adjacent to residential uses or districts shall provide a ten foot high masonry wall within a ten-foot landscape buffer.

The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions:

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district are PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use.
- B. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
 - 1. Signage shall comply with the City's sign codes unless otherwise approved through a master sign plan
 - 2. Illumination plan shall be provided with the preliminary or final development plan.

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3. No outside activities including but not limited to, outside storage of parts, vending machines, supplies, merchandise or materials.
- C. The C-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.
- D. A cross access easement shall be illustrated in the preliminary and final development plans and the plat that connect the U.S. 441 entrance to the eastern boundary of the project, allowing for future connection to the Victoria Plaza.
- E. The parcel split shall occur through a plat at the time of the final development plan application.

The applicant has proposed the below waiver requests (which appear on the cover sheet of the Master Plan). As the applicant has applied for a PUD zoning, these waiver requests will be listed as Development Standards approved for the subject property. No separate action is necessary for each waiver. Thus, the below waivers are considered to be additional development standards that will be incorporated in the PUD ordinance, unless specifically amended or denied by City Council.

1. Waiver Request #1: LDC 2.02.13.G.3 requires areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard. The applicant is requesting a joint 5 feet wide landscape buffer between Lot 1 and 2 in lieu of the required five feet on each parcel.

Justification: Both sites are commercial use and there will be substantial landscaping within the 5' buffer, including 7 each Crape Myrtle w/ 2" min Caliper 8' minimum height, 48 ea. Sweet Viburnum Hedge 24" minimum height 36" o.c. and Parsons Juniper 24" o.c. The panhandle portion of the RaceTrac parcel will be left as open space.

Staff Recommendation: DRC does not object to the waiver request.

2. Waiver Request #2: LDC 6.03.02 Commercial uses not otherwise classified to provide 1 space for each 200 square feet of gross floor area. The applicant is requesting the off-street parking to be counted at 1 space per 300 square feet of gross building square footage.

Justification: AutoZone is comfortable with this parking ratio and it is comparable to other stores sites. The easements, access to and from the adjacent parcels, and the required stormwater reduce the parking lot size. Parking that is provided and not necessary only provides for more impervious area, which impairs recharge to the aquifer, which does not meet the goals and objective of the City of Apopka Comprehensive Plan.

Staff Recommendation: DRC does not object to the waiver request.

3. Waiver Request #3: LDC 6.05.00.D.6.A, requires the minimum requirements for maintenance berms are ten feet around pond perimeter. The applicant is requesting a reduction in width of the maintenance berm of 10 feet with fencing to 5 feet for Lot 2.

Justification: The proposed concrete wall is set back 10' from the property line, due to an existing easement. An additional 10' berm on the site side of the wall would take up additional room for recharge of the stormwater ponds, necessary to meet the goals and objectives of the City of Apopka Comprehensive Plan. The proposed pond is dry and will allow for maintenance and upkeep from inside the pond.

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Staff Recommendation: DRC does not object to the waiver request.

4. Waiver Request #4: The applicant is requesting a reduction of the requirement of no more than 50% of the required parking spaces in front of the building.

Justification: The overall total number of parking was reduced from 32 to 27, in order to reduce the number of parking spaces in the front. This reduction provided for wider landscape islands, which is in the spirit of the ordinance. The reduction also allows for a cross access drive aisle in the future to the Victoria Plaza.

Staff Recommendation: DRC does not object to the waiver request.

The Development Review Committee (DRC) recommended approval of the RaceTrac/AutoZone PUD Master Plan Amendment for the property owned by Race Trac Petroleum, Inc. and Spirit SPE Portfolio CA C-Stores, LLC, located north of U.S. Highway 441 aka (Orange Blossom Trail) and east of Errol Parkway, subject to PUD Recommendations and the information and findings in the staff report.

The Planning Commission, at its meeting on November 10, 2015, continued this item to the Special Planning Commission meeting on November 24, 2015, due to a change of ownership for part of the property.

Mr. Moon stated the Planning Commission's role is advisory to City Council. Planning Commission can recommend to approve, deny or to approve with conditions.

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

In response to questions by Ms. Toler, Mr. Moon stated that only issue with ownership is to confirm that the actual owner is giving authorization to amend entitlements that the City granted and assigned to this property. As to who owns it doesn't make a difference. We don't look at the background, the company, the name of the company. It all is based on who is the legal owner of the property. That all has to be addressed by the time of the City Council meeting so that we assured that we are getting the authorization from the new owner to amend the PUD. If the owner isn't the Spirit Company then it is RaceTrac, the previous owner, and the rights are still assigned to RaceTrac and we have authorization from them to change the PUD. There was a change of ownership approximately two or three weeks ago and instead of delaying this project and the AutoZone building we believe that the Planning Commission can take action while the applicant confirms ownership but it cannot be approved by City Council until that has occurred.

In response to questions by Mr. Foster, Mr. Moon stated that the applicant may be able to answer the question as to whether the new owner is in agreement to the proposed amendment. Regarding the recent sale, per our attorney's office, so long as ownership is verified prior to presentation to City Council, we can proceed. The Planning Commission is not voting on ownership, they are voting on the amendment to the PUD and whether it is consistent with the Land Development Code and Comprehensive Plan. The City Engineer reviewed the traffic impacts placed on U.S. 441. The applicant is not creating a new driveway and was determined is not a detriment to traffic.

In response to a question by Ms. Toler, Mr. Moon stated that he will have to review the Comprehensive Plan regarding no vehicular or pedestrian access allowed between commercial properties. He reminded the Planning Commission that they have been asked in the past to submit questions to staff prior to the meeting so that they can adequately research the issue.

In response to a question by Chairperson Greene, Mr. Moon stated that if in the future the Victoria

Plaza is redeveloped, there will likely be a vehicular/pedestrian cross-access to the AutoZone site. A challenge to that access is a privately owned parcel between the two sites. That piece would have to be purchased to make the connection happen.

In response to a question by Ms. Laurendeau, Mr. Moon stated that property owner would be responsible for maintaining the retention pond located adjacent to the residential area. Maintenance would include pest control. Additionally, there will be a ten (10) foot brick wall between the commercial and residential properties.

Petitioner Presentation: Jeffrey Saifield, CPH Engineering, Inc., 2216 Altamonte Avenue, Fort Myers, Florida 33901, stated that he was available to answer any questions by Commission may have. He said they agree with the staff's recommendations and conditions. He said the retention pond is dry and in addition to the wall there will be a fence. The property will be routinely mowed. He said that regarding the ownership issues, they will be working with all parties involved and legal to resolve those issues prior to going to City Council.

Affected Party Presentation: None.

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

Ms. Toler expressed her concern that through the visioning process it was noted that there are approximately seven auto parts stores within a five mile radius and how successful this store would be.

Mr. Jaspon stated that he did not share that concern. He did not believe that was something the Planning Commission should consider.

Chairperson Greene stated that while the public concerns should be considered there are also private property rights.

Mr. Moon stated that originally this property was zoned C-1 which does not allow fuel sales. RaceTrac applied for C-2 zoning; however, due to the various types of businesses permitted in C-2 zoning, RaceTrac was approached to change the zoning to Planned Unit Development and conditions were placed on the site as to what uses would be allowed. The only C-2 use that is allowed is the fuel sales.

Motion: Linda Laurendeau made a motion to recommend approval of the Change in Zoning; the Planned Unit Development Master Plan; waivers; and subject to ownership of the property verified prior to presentation to City Council for property owned by RaceTrac Petroleum, Inc.\Spirit SPE Portfolio CA C-Stores, LLC, and located north of U.S. 441 and east of Errol Parkway, subject to the information and findings in the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jeremiah Jaspon, and Linda Laurendeau. Pam Toler voted no. (5-1) (Vote taken by poll.)

QUASI-JUDICIAL - PLANNED UNIT DEVELOPMENT MASTER SITE PLAN – RAYNOR SHINE RECYLCING SOLUTIONS, LLC – Chairperson Greene stated this is a request to recommend approval of the Change in Zoning from “County” 1-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2) for the property owned by Raynor Apopka Land Management, LLC, and located at 100 & 126 Hermit Smith Road. The engineer is American Civil Engineering Co., c/o John Herbert, P.E.

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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 in Zoning from “County” I-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2) for the property owned by Raynor Apopka Land Management, LLC, and located at 100 & 126 Hermit Smith Road. The engineer is American Civil Engineering Co., c/o John Herbert, P.E. The existing use is vacant land, warehouse, office and the proposed use is a mulch operation. The existing and proposed maximum allowable development on the property is 507,038 sq. ft. The tract size is 19.4 +/- acres.

Parcel No. 01-21-27-0000-00-026 was annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1877. Parcel No. 01-21-27-0000-00-080 was annexed into the City of Apopka on February 2, 2005, through the adoption of Ordinance No. 1733. The proposed Change of Zoning is being requested by the applicant, Raynor Apopka Land Management, LLC.

The zoning application covers approximately 19.4 +/- acres. The property owner intends to use the site for a mulch production manufacturing operation. This use involves the following activities: heavy outdoor mulching equipment, outdoor storage of raw materials, large trucks entering and leaving the property with raw materials (removed or harvested trees or tree limbs) or finished product (landscape mulch). An office use will occur at the site for on-site management of operations and for business sales. The office use is ancillary to the mulch production operation. Based on the storage of outdoor raw material as well as a manufacturing operation that does not occur within an enclosed building, the proposed use meets the intent of the I-2 zoning category. Both parcels have been acquired by and under legal ownership of the applicant. The smaller of the two parcels, Parcel Number 01-21-27-0000-00-080, is approximately 4.15 acres has not been assigned a City zoning category but currently retains a County zoning category of I-4 Industrial. The County’s I-4 zoning category is similar to the City’s I-2 zoning category. The larger parcel, Parcel Number 01-21-27-0000-00-026, is approximately 15.25 acres and has a City I-1 zoning assigned to it. The proposed use does not meet the intent of the I-1 zoning category and requires I-2 zoning.

The applicant originally sought I-2 zoning for the subject property. However, the City’s planning staff determined that many of the uses proposed under I-2 zoning are too intensive considering the predominant land uses in the surrounding area are zoned for I-1, conservation, or agriculture. However, the mulch production use, as proposed, is a use that planning staff considers to be compatible with the surrounding area. Taking into consideration the opinion of the Planning staff, the applicant agreed to apply for a PUD zoning that will limit the use of the subject property to only the mulch production operation and any related ancillary uses, as well as any I-1 uses currently allowed.

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

The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD/I-2), as defined in the Apopka Land Development Code, and with the following Master Plan provisions are subject to the following zoning provisions:

- A. The zoning and uses permitted within the PUD district for the subject property shall be:
 - 1. Use of the subject property will be limited to the manufacturing and production of mulch

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- with outdoor storage of raw materials and with outdoor manufacturing operations. All outdoor storage and outdoor manufacturing operations shall be located within a screened area not visible from adjacent properties or streets. Outdoor mulch manufacturing and the outdoor storage of raw materials are the only I-2 uses that are allowed.
2. Any I-1 or C-3 permitted use is allowed.
 3. C-2, C-1, CN, or PO/I permitted uses will not be allowed as a primary use. Any office use shall be associated with the industrial activity occurring at the subject site.
 4. Any use of the property other than the permitted uses described above, shall require an amendment to the PUD through the zoning process.
 5. Overnight parking of trucks or other large vehicles shall only occur within the boundaries of the Master Site Plan and within areas so designated on said Plan. No overnight parking of trucks will be allowed within the office parking lots. No parking of any vehicle will occur within any roadway easement running within the subject property or abutting the eastern property line.
 6. Outdoor storage of raw materials shall only occur at approved locations denoted within the Master Site Plan.
 7. All mulching equipment shall only be placed in the areas denoted on the Master Site Plan.
 8. No parking of any vehicle or truck or outdoor storage shall occur within any landscape buffer area appearing on the Master Site Plan.
- B. Development standards and conditions required of any development within the PUD district for the subject property shall be:
1. Building elevations will be provided at time of a Final Development Plan application.
 2. Maximum height of any building, mulch conveyor belts, manufacturing equipment, raw material piles are not to exceed thirty-five feet from the finished ground level.
 3. All perimeter landscape areas shall be protected from vehicle encroachment by curbing or wheel stops.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.
 4. Unless otherwise addressed within the PUD development standards, the I-1 zoning standards will apply to the subject property.

The proposed Planned Unit Development (PUD/I-2) zoning designation is consistent with the

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Industrial (0.60 FAR) future land use designation and the proposed use of the property. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on September 11, 2015.

The applicant has proposed the below waiver requests (which appear on the cover sheet of the Master Plan). As the applicant has applied for a PUD zoning, these waiver requests will be listed as Development Standards approved for the subject property. Thus, the below waivers are considered to be additional development standards that will be incorporated in the PUD ordinance, unless specifically amended or denied by City Council.

1. LDC, Section 2.02.15. G.1. - Areas adjacent to all roads shall provide eight (8) foot masonry wall within a minimum 25-foot landscaped bufferyard. Applicant is requesting a waiver to allow a 10-foot landscaped bufferyard due to the easement in lieu of a road abuts the eastern property line and a fence will provide a black or green vinyl coated chain link fence adjacent property to zoned I-1.
2. LDC, Section 2.02.15. G.2. - Areas adjacent to agricultural districts shall provide an eight-foot masonry wall within a minimum of ten-foot landscaped bufferyard. Applicant is requesting a waiver to allow a 10-foot landscaped bufferyard with a 6-foot chain link fence. The justifications for the request is due to the property to the west containing vegetation from a fern growing operating that blocks the view; and the property to the north is a citrus grove with a dense 6-foot hedge. The chain link fence will be green or black vinyl coated.
3. LDC, Section 2.02.15. G.3. - Areas adjacent to residential districts shall provide an eight-foot masonry wall within a minimum of 50-foot landscaped bufferyard. Applicant is requesting a waiver to allow a 30-foot buffer with a 6-foot chain link along the property line to the north because the adjacent land is owned by the Applicant and is intended to be rezoning to I-1. Additionally, the Applicant is requesting a waiver to allow a 20-foot buffer along the southern property line because the adjacent property is a borrow pit that is not conducive to residential use. The chain link fence will be green or black vinyl coated.
4. LDC, Section 2.02.15.G.2. – A 6’foot high masonry wall is required adjacent to a citrus grove and is not anticipated to develop as residential. No public access is near this area and will not be highly visible. The chain link fence will be green or black vinyl coated.
5. LCD, Section 2.02.15.G.3. – A 20 foot buffer and a 6-foot high masonry wall is required adjacent to residential zoned property. The abutting residential-zoned parcel is owned by Raynor Shine LLC, and the access drive crosses that parcel. Raynor Shine plans to request to rezone that parcel to Office or Industrial use in the future.

Staff does not object to any of the above waiver requests, and will incorporate these waivers as development standards within the PUD zoning ordinance.

Staff recommends that the Planning Commission address to separate actions for this case – one for the PUD\I-2 zoning and another for the Master Site Plan\Preliminary Development Plan.

1. The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from “County” I-4 (ZIP) and “City” I-1 to “City” Planned Unit Development (PUD/I-2) for the property owned by Raynor Apopka Land Management, LLC.
2. The Development Review Committee finds the proposed Master Site Plan\ Preliminary Development Plan to be consistent with the Comprehensive Plan and Land Development Code, and recommends approval of the Master Site Plan\ preliminary Development Plan subject to the development standards and conditions recommended in the staff report, for the property owned by Raynor Apopka Land Management, LLC.

The Planning Commission, at its meeting on November 10, 2015, continued this item to the Special Planning Commission meeting on November 24, 2015, due to the incorrect site plan having been included in the staff report.

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

ZONING REPORT

Land Use & Traffic Compatibility: The Property has access to a Hermit Smith Road through an access easement that the property owner has demonstrated rights thereto. Hermit Smith Road allows for easy access to a regional highway that leads to U.S. 441 and 429/S.R. 451.

Comprehensive Plan Compliance: The proposed Planned Unit Development (PUD/I-2) zoning is consistent with the City’s Industrial Future Land Use Designation. Development plans shall not exceed the density allowed under the adopted future land use designation.

PUD/I-2 District Requirements: The PUD describes the development standards that apply. The I-2 development standards are listed below.

Minimum Site Area:	25,000 sq. ft.
Minimum Lot Width:	150 ft.
Setbacks: Front:	25 ft. from property line
Rear:	10 ft., except where rear lot lines abut a residential district, then all structures shall be set back a minimum of 30 feet or a distance equivalent to any required bufferyard, whichever is greater.
Side:	10 ft. from property line or a distance equivalent to any required bufferyard, whichever is greater. All yards adjacent to road rights-of-way shall be a minimum of 25 feet.
Zero Lot Lines:	Rear yards and side yards may be reduced to zero when the rear or side property lines abut the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.

Buffer-Yard Requirements: Areas adjacent to all road rights-of-way shall provide eight (8) foot masonry wall within a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural

districts shall provide an eight-foot masonry wall within a minimum of ten-foot landscaped bufferyard. Areas adjacent to residential districts shall provide an eight-foot masonry wall within a minimum of 50-foot landscaped bufferyard. Areas adjacent to nonresidential, non-I-2 industrial uses or districts shall provide an eight-foot masonry wall within a minimum of ten-foot landscaped bufferyard. I-2 uses occurring adjacent to existing I-2 districts or uses shall be required to provide a ten-foot landscaped bufferyard.

Allowable Uses: The only I-2 use that is allowed through the PUD\I-2 zoning is outdoor mulch operation and outdoor storage of raw materials.

Any use permitted in the I-1 District. Bus, cab and truck storage and terminals. Building material and contractor's storage, equipment yards and sales. Machinery storage. Bulk storage of petroleum. Asphalt (or similar petroleum product), cement, lime, gypsum or plaster-of-paris or concrete manufacturing, mixing or refining or the open storage of raw materials or finished products related to such manufacture. Blast furnace or similar heat or glare-generating operations. Corrosive acid manufacture or bulk storage, including, but not limited to, hydrochloric, nitric, sulfuric or similar acids. Fertilizer manufacturing and processing. Junk, salvage or wrecking yard or structure wherein motor vehicles, appliances or similar use equipment or materials are stored, dismantled or store for display, sale or packing; provided, all open storage and processing activities are enclosed within a wall or structure. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this Code. Use determination shall be based upon the community development director's recommendation.

Petitioner Presentation: John Herbert, American Civil Engineering, 207 N. Moss Road, Suite 211 Winter Springs, stated that he and Michael Dinkel were available to answer any questions the Commission may have.

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 to Planned Unit Development (PUD/I-2) 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.)

Motion: Jeremiah Jaspon made a motion to recommend approval of the Planned Unit Development Master Plan 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 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.)

QUASI-JUDICIAL - PRELIMINARY DEVELOPMENT PLAN – COPART – Chairperson Greene stated this is a request to recommend approval of the Preliminary Development Plan for Copart, owned by Copart, Inc.; engineer is Burkett Engineering, c/o William E. Burkett, P.E., property located at 3351 West Orange Blossom Trail.

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

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Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. None.

Staff Presentation: Rogers Beckett, Special Projects Coordinator, stated this is a request to recommend approval of the Preliminary Development Plan for Copart, owned by Copart, Inc.; engineer is Burkett Engineering, c/o William E. Burkett, P.E., property located at 3351 West Orange Blossom Trail. The existing use is an abandoned industrial facility. The proposed use is an office, warehouse and outdoor damaged vehicle storage site. The total building size is at 24,000 sq. ft. that consists of a 16,500 sq. ft. warehouse and 7,500 sq. ft. office space. The tract size is 57.89 +/- acres.

Preliminary Development Plan proposes to renovate and remodel an existing 24,000 square foot metal building for warehouse and office use. Copart, Inc. provides vehicle suppliers (primarily insurance companies) with a full range of services to process and sell intact damaged vehicles, principally to licensed dismantlers, rebuilders and used vehicle dealers.

A total of 68 parking spaces are provided (63 required by code) of which 3 are reserved as a handicapped parking space.

Access to the site is provided by an existing driveway cut along West Orange Blossom Trail.

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 proposed landscape buffer along the western and southern boundaries of the site does not confirm with section 5.01.01.B. The planting materials and irrigation system design are not consistent with the water-efficient landscape standards set forth in Ordinance No. 2069. A tree survey and mitigation plan will be submitted with the final development plan.

The Development Design Guidelines section 4.9 require decorative light to be install along the roadway frontage of all non-residential structures. The proposed light poles and fixtures do not meet the Development Design Guidelines standard decorative standards. The Development Review Committee does not support the use of the proposed light poles and fixtures.

Based on the results of the habitat study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity.

Waiver Requests:

1. Waiver Request #1: The applicant is requesting a waiver from LDC 2.02.15.G to allow the installation of an eight (8) feet high metal wall along the east, west and south sides of the property.

Justification: The increased eight (8) feet high metal wall will provide increased screening and security of the property.

DRC recommendation -- DRC does not support this waiver request.

2. Waiver Request #2: The applicant is requesting a waiver to LDC 6.03.01.A to allow the use of rock in lieu of a hard surface for the vehicle storage area.

Justification: The vehicle storage area is not accessible to the general public.

DRC recommendation-- DRC supports this waiver request.

In response to a question by Chairperson Greene, Mr. Beckett stated that the applicant changed the lighting to be consistent with the Code. The request for a waiver to install non-decorative light poles and fixtures has been removed from the staff report.

In response to a question by Mr. Jaspon, Mr. Beckett stated the code requires a six (6) foot high masonry or brick wall; or ornamental iron or aluminum fencing.

In response to a question by Mr. Ryan, Mr. Beckett stated that the code would allow for an eight (8) foot high wall.

Mr. Moon stated along the north property line, as part of the landscaping package, the applicant is proposing a brick wall. Along the western property line along Hermit Smith Road and General Electric Road, the applicant is requesting the metal wall. The code requires masonry or brick. Appearance is the primary concern raised by the community during the visioning process. This site is located at the entrance of a large industrial area to the south that covers the largest cluster of vacant industrial land in Orange County. Industrial zoning also allows office and commercial development. It cannot be projected what is going to happen with that land. It could be something like Heathrow, but for that to happen for a prospective business a corrugated wall is not going to be attractive and will not help the City attract new business.

In response to questions by Mr. Jaspon, Mr. Moon stated the height is not the issue, the issue is the appearance of a corrugated wall.

In response to a question by Mr. Ryan, Mr. Beckett stated that there is a residential on the west side of Hermit Smith Road. He said the applicant's justification for the metal wall is for security and screening. He stated he did not know what the specification on the gravel to be used.

Mr. Moon stated that the interior will not be visible due to the wall. This is not a junk yard. Copart acquires damaged vehicles from insurance companies and then sells them on the internet for parts. Some of the vehicles are drivable.

The Development Review Committee recommends the approval of the Copart Preliminary Development Plan; denial of waiver request number one; and approve waiver request number two.

The Planning Commission, at its meeting on November 10, 2015, continued this item to the Special Planning Commission meeting on November 24, 2015, due to the applicant not providing necessary documentation in a timely manner.

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.

Petitioner Presentation: Mike Carson, Copart, 1655 Rankin Rd, Houston, Texas 77073, International Property Manager, Copart is an international company in 1982 and have 204 locations around the world. We are the largest internet auto auction. Our major clients are insurance companies. About 30% of our cars are undamaged. We take these cars and sell them on the internet. We don't own

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these cars. We are like a custom bonded warehouse. We are charged with the safekeeping of these vehicles and that is why we are requesting the metal wall. If something is stolen off our property we have to reimburse the owners of the property. We basically take them in, keep them safe until the title work is done, so basically how they come in is how they go out. One of the reasons for the 8 foot high green metal fence is to restrict visibility and people jumping over the fence. As for the road surface, these cars are brought in on trucks and loaders. These are immobile cars. Under the large shaded areas there will have clean driveway gravel. The roads will be asphalt millings. The building is an existing building with a higher profile. Code is going to have stucco and we have agreed to that. We agree with the landscaping. Loaders pick up the cars and put them in their assigned spots. He also thanked the Commission for the silent prayer and pledge of allegiance.

Bill Burkett, Burkett Engineering, 105 E. Robinson Street, Orlando, provided each Commission member a handout packet. The metal wall will be used on the east side of the property where it is not adjacent to right-of-way. The wall along U.S. 441 will be heavily landscaped with the wall. The site is secured inside that landscape buffer. The wall along Hermit Smith and General Electric Roads will be heavily landscaped and will not be a visual detriment.

In response to a question by Mr. Jaspon, Mr. Burkett stated that they would prefer to put in the metal wall because it is more difficult to scale a metal wall than a brick wall.

In response to questions by Mr. Foster, Mr. Carson said that along Orange Blossom we would put the three foot berm and a decorative wall. Along the side roads, they are agreeable to putting up a decorative wall also. They are looking for the waiver along the back of the property and that is due to security. He stated that even if they put up a masonry or brick wall, due to the security aspect, they would still put up the metal fence behind it.

In response to questions by Mr. Jaspon, Mr. Carson stated that they do not have security staff on site. He stated that the items that would be stolen are air bags and catalytic convertors. He said a catalytic convertor has a precious metal in it. Anything parts that are stolen must be replaced with new parts. This a buyer base only with licensed dealers. The economic impact on the community will be starting out with 30 employees and within 24 months we will have 50 employees that includes the office staff. A State of Florida title approved secured locations in this building; members and truck drivers will be purchasing fuel, tires, lodging and food. This metal wall its dollar for bang. In 204 or 206 locations around the world we have the metal wall. On the metal wall we have a camera system that is tied into our corporate headquarters in Dallas. We have found that the effect of the wall and the camera system is the most effective to deter theft. He said he is willing to meet the code along U.S. 441 and Hermit Smith Road but requests the metal wall on the other property lines.

In response to a question by Mr. Ryan, Mr. Carson stated that the metal wall has a special paint specification that has a 20 year warranty. He said the posts, screws, and the C-channels are galvanized and the walls have the 20-year warranty. He said that even if they are required to put up the decorative wall they will still put up the metal fence. He said that because they do not own the vehicles, they have a fiduciary duty to their clients. We found that the metal wall and the cameras are an effective way to secure the site.

In response to a question by Ms. Laurendeau, Mr. Carson stated that there will not be barbed wire at the top of the wall because it is ugly.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

Jose Molina expressed his concerns regarding the leakage of fluids from the stored vehicles onto the gravel and then into the ground water and the noise of the loaders.

Mr. Moon stated that Acco cement manufacturing was located on this site and trucks and forklifts were used.

Mr. Burkett stated that every vehicle that comes onto the property the operators make sure they are wrapped to prevent any leakage issues or weather damaging interiors. Copart is very sensitive to the environmental concerns.

In response to questions by Mr. Jaspon, Mr. Burkett stated that this property is located in a land locked basin so they are required to retain the runoff from a 100 year storm event. He said the gravel helps to facilitate the underground exfiltration on the site.

In response to a question by Mr. Jaspon, Mr. Moon stated that the applicant submitted an Environmental Level 1 study at the time the application was submitted. The type of pollutants on the site did not trigger a Level 2 study based on past use of the property. The applicant would have done such a study prior to purchasing the property because they would become responsible for it once they purchased it. They have the same concern due to the cost of cleanup. They will take the best management practices preventing any pollution of the ground water.

In response to a question by Ms. Toler, Mr. Carson stated that they have a division that regularly inspects the sites checking for leakages at least once or twice a month. He said the first EPA pollution violation is approximately \$250,000. He said most of their other locations are located within water sheds or districts and have never had a problem.

Mr. Burkett stated that they have had two pre-application meetings with St. Johns River Water Management District and addressed their concerns regarding the environmental impacts.

In response to a question by Mr. Jaspon, Mr. Burkett stated that when they were requesting the light fixture waiver they put the picture of Wawa in the packet to show the Commission what they were going to ask for.

In response to a question by Ms. Laurendeau, Mr. Carson stated the loaders are diesel and not electric. This facility will have brand new caterpillars. The fuel for the loaders are lube cubes and meet all the state requirements. They have double walled diesel tanks with a containment tub.

Mr. Molina reiterated his concerns regarding the possible leakage from the vehicles. He suggested the City have someone visit some of their other sites to see how they work.

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

Motion: Robert Ryan made a motion to recommend denial of the applicant's request to waive the requirement of the Land Development Code, Section 2.02.15.G. that requires the installation of a minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard, for the property owned by Copart, Inc., and located at 3351 West Orange Blossom Trail, subject to the information and findings in the staff report; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jeremiah Jaspon Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

Motion: Linda Laurendeau made a motion to recommend approval of the applicant's request to waive the requirements of the Land Development Code, Section 6.03.01.A to allow the use of rock in lieu of a hard surface for the vehicle storage area, for the property owned by Copart, Inc., and located at 3351 West Orange

Blossom Trail, 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, Tony Foster, Jeremiah Jaspon Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

Motion: Pam Toler made a motion to recommend approval of the Preliminary Development Plan for Copart, owned by Copart, Inc., and located at 3351 West 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, Robert Ryan, Tony Foster, Jeremiah Jaspon Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:41 p.m.

/s/

James Greene, Chairperson

/s/

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