

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON DECEMBER 8, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: David Moon, AICP - Planning Manager, Kyle Wilkes - Planner II, Rogers Beckett – Special Projects Coordinator, Andrew Hand, Esq., Merry Lovern – Executive Assistant to the Mayor, Basil Cleek, Howard Washington, Suzanne Kidd, Ed Velazquez, 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 November 10, 2015, at 5:01 p.m. minutes.

Motion: Tony Foster made a motion to approve the Planning Commission minutes from the meeting held on November 10, 2015, regular meeting at 5:01 and seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0).

Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of November 24, 2015, at 5:01 p.m. minutes.

Motion: Linda Laurendeau made a motion to approve the Planning Commission minutes from the special meeting held on November 24, 2015, regular meeting at 5:01 and seconded by Tony Foster. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0).

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” Low Density Residential (0-4 du/ac) to “City” Residential Low suburban (0-3.5 du/ac); and to transmit the amendment to the Florida Department of Economic Opportunities for review, for property owned by JTD Land at Rogers Rd, LLC, located north of West Lester Road, east of Rogers Rod.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Comprehensive Plan Large Scale Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low suburban (0-3.5 du/ac); and transmittal to the Florida Department of Economic Opportunity for review. The property is owned by JTD Land at Rogers Rd, LLC, and located north of West Lester Road, east of Rogers Road. The existing use is vacant land and the proposed development is a single-family subdivision. The tract size is 30.5 +/- acres. The existing maximum allowable development is 122 units and the proposed maximum allowable development is 106 dwelling units.

David Moon, AICP, Planning Manager, stated that the staff report contained a scrivener's error. The proposed land use mentioned in the staff report should read "City" Residential Low Suburban (0-3.5 du/ac) and not Residential Very Low Suburban.

The subject parcels were annexed into the City of Apopka on December 2, 2015, through Ordinances 2459. 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" Residential Low Suburban.

The proposed use of the property is consistent with the Residential Low Suburban Future Land Use designation. 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.d** The primary use shall be residential dwelling units up to 3.5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than two acres, neighborhood parks.

The applicant's wish to develop the property for single-family residential units is compatible with Policy 3.1.d.

2. **Policy 3.2** Development and redevelopment shall be integrated with the adjacent land uses through: (1) the creation of like uses; or (2) creation of complementary uses; or (3) mitigation of adverse impacts.

The proposed use for the subject properties as single-family residential is compatible with the land uses and general character of the surrounding area. The future land use designation of surrounding properties predominantly is Residential Low Suburban and, therefore, the requested future land use change is consistent with Policy 3.2.

3. **Policy 3.14** The City shall consider the following when evaluating land use amendments, especially changes from very low density categories to higher density categories and voluntary annexation requests"

- Whether the amendment demonstrates a functional relationship of the proposed amendment to other more densely or intensely designated or development lands;
- The availability of public facilities and water supplies to service a more dense or intense land use; and
- Multi-modal transportation linkages between proposed residential use and neighborhood.

The maximum densities allowed under the proposed "city" Residential Low Suburban future land use is compatible with adjacent and surrounding land uses.

School Capacity Report: The densities allowed under the proposed future land use designation are lower than the current “county” future land use designation and, therefore, a school capacity agreement is not required at the time of the Future Land Use Amendment application but will be required prior to adoption of a change of zoning application.

Orange County Notification: 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 November 9, 2015.

The Development Review Committee recommends approval to transmit a change in Future Land Use from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low Suburban (0-3.5 du/ac) for the property owned by JTD Land at Rogers Rd, LLC, 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 west from Rogers Road

Land Use Analysis - The subject properties are located within an area with land uses predominantly for single-family residential, which makes the request for a Residential Low Suburban 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.

Properties to the south and west are developed as existing single-family homes, which properties to the east and north are vacant, but have a future land use designation and zoning classification that permit single-family residential.

The proposed Residential Low Suburban 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 October 26, 2004. The subject property is located within the “Northern Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low Suburban (0-3.5 du/ac) is consistent with the terms of the JPA (Second Amendment). JTD Land at Rogers Rd, LLC, c/o Jim McNeil, 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.

Transportation: Road access to the site is from Rogers Road, which connects to Lester Road to the south. Rogers Road is presently a County road.

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 current use of the Property is vacant. The dominant soil, #5 Candler Fine Sand, has a 5-12 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 developed.

CALCULATIONS:

ADOPTED: 122 Unit(s) x 2.659 p/h = 324 persons

PROPOSED: 106 Unit(s) x 2.659 p/h = 282 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: 23,912 GPD
3. Projected total demand under proposed designation: 20,776 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: 25,620 GPD
3. Projected total demand under proposed designation: 22,260 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
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: 4 lbs./cap/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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: 0.972 AC
3. Projected facility under proposed designation: 0.846 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. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: **Jeremiah Jaspon made a motion to recommend approval of the Large Scale Future Land Use amendment from "County" Low Density Residential (0-4 du/ac) to "City" Residential Low suburban (0-3.5 du/ac); and transmittal to the Florida Department of Economic Opportunity, for the property owned by JTD Land at Rogers Rd, LLC, 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, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0). (Vote taken by poll.)**

OLD BUSINESS: None.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON DECEMBER 8, 2015, AT 5:01 P.M.

NEW BUSINESS: Robert Ryan, Vice-Chairperson, asked the Commission to consider rescheduling the Planning Commission meetings to 5:30 p.m. starting in January 2016, to give attendees additional time to get to the meetings.

Motion: Melvin Birdsong made a motion to change the Planning Commission meetings start time to 5:30 p.m. starting January 2016; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0). (Vote taken by poll.)

ADJOURNMENT: The meeting was adjourned at 5:08 p.m.

/s/

James Greene, Chairperson

/s/

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