

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MAY 10, 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, Roger Simpson, and Pam Toler

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: Mark Reggentin, AICP – Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand, Esq., Kyle Wilkes, AICP – Planner II, Robert Sargent – Public Information Officer, Eric Palank, Tenita Reid, Bobby Reid, Sharon Mongtomeue, Terri Jones, Herbert Jones, Chuck Touhey, Suzanne Kidd, 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 April 12, 2016, at 5:30 p.m. minutes.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on April 12, 2016, at 5:30 p.m. and seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Roger Simpson, and Pam Toler (7-0).

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

QUASI-JUDICIAL – SPECIAL EXCEPTION - Chairperson Greene stated that pursuant to Section 11.05.00.A. of the Code of Ordinances, the Planning Commission may review and approve special exception requests. This is a request to approve a special exception to allow a kindergarten through second grade private school within a property assigned a C-1 (Commercial) zoning designation. The property, Wekiva Corners Shopping Center, is owned by Platinum Eagles 2011, LLC, and located at 2250 and 2252 East Semoran Boulevard.

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

In response to Chairperson Greene asking if the Commission members had any ex parte communications to divulge regarding this item, Mr. Ryan stated that he had forwarded questions to Mr. Moon regarding the special exception request.

In response to a question by Chairperson Greene, Mr. Hand confirmed that e-mails from Commission members to staff constitutes ex parte communications and should be disclosed during the public hearing.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to approve a special exception to allow a kindergarten through second grade private school within a property assigned a C-1 (Commercial) zoning designation. The property, Wekiva Corners Shopping Center, is owned by Platinum Eagles 2011, LLC, and located at 2250 and 2252 East Semoran Boulevard. The future land use is Commercial (Max. 0.25 FAR) and the zoning is C-1. The existing use is a retail shopping center. The proposed use is a kindergarten through second grade private school not to exceed 50 students or 5,000 sq. ft. in size. The tract size is 5.29.

Within the C-1 (Retail Commercial) zoning category, a school is a special exception use requires Planning Commission action. The current application requests to use the commercial tenant space at 2250 and

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2252 East Semoran Blvd. (Wekiva Corners shopping center) for a kindergarten through second grade private school with an anticipated enrollment of 25 to 35 students.

The property is presently assigned a Future Land Use Designation of “Commercial” and a zoning category of C-1 (Retail Commercial). School and institutional uses are allowed as a Special Exception in the C-1 zoning district per Section 2.02.02B.5.d of the Land Development Code, provided the use will not create adverse circumstances affecting the health, safety, and general welfare of the public.

A. Relationship to Adjacent Properties: Zoning and existing land use assigned to adjacent and nearby properties appears in the attached exhibits. The character of the area surrounding the subject property is described as follows:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial (max 0.25 FAR)	C-1	Sonny’s BBQ/Wells Fargo
East (City)	Commercial (max 0.25 FAR)	C-1	Muffler Man
South (City)	Residential High (0-15 du/ac)	PUD	Oasis at Wekiva Apartments
West (City)	Commercial (max 0.25 FAR)	C-1	Retail Commercial (Stinson Center)

B. Special Exception Development Standards. Article II of the Land Development Code establishes development standards specific to special exceptions. These standards are intended to reduce any impacts from the proposed special exception use on adjacent properties.

C. Special Exception Conditions of Use.

1. The number of kindergarten through second grade students (full-time equivalent) shall not exceed 50.
2. The total floor area of the proposed private school shall not exceed 5,000 sq. ft., all floor area of the school shall be contiguous, and access to all classrooms shall occur from internal to the building.
3. No outdoor activities related to this proposed special exception use shall occur except for such activities authorized through a special event permit approved by the City.
4. The Special Exception Use only applies to land contained within Parcel No. 12-21-28-0000-00-014 as of the date of the adoption hearing.
5. This Special Exception authorization expires if (a) the applicant fails to obtain a certificate of occupancy or a business tax receipt within two years from the date of the Special Exception approval; and (b) the Special Exception Use has vacated the parcel for more than 180 consecutive days.

The Development Review Committee recommends approval of the Miracle Grace Academy Special Exception to allow a private Kindergarten through Second Grade school not to exceed 50 students or 5,000 sq. ft. floor area in size within a C-1 zoning district subject to the special exception conditions within the Staff Report.

The recommended motion is to approve the Miracle Grace Academy Special Exception Use to allow a private Kindergarten through Second Grade subject to the Special Exception Conditions of Use.

Planning Commission Role - Pursuant to the City of Apopka Code of Ordinances, Part III, Land Development, Article XI, Section 11.05.D.1 the Planning Commission has the authority to take final

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action on a special exception application. Therefore, the Planning Commission may approve, deny or approve with conditions this application. An applicant may appeal the Planning Commission action to the City Council.

Mr. Moon stated that one of the items Mr. Ryan in his e-mail was his concern regarding the safety of the students walking to and from the proposed private school. He assumed there would be no school crossing zone on S.R. 436 and stated that students and parents would have to cross ten (10) lanes of traffic that included turn lanes. He wanted to know if the school would be required to supply crossing guards before and after school.

Mr. Moon stated that was not a requirement for the special exception request; however, the Commission has the ability to add a condition that parents or legal guardians drop off or pick up the students.

Mr. Moon stated that Mr. Ryan also wanted to know which part of the current building would be utilized by the School. The school is not to exceed 5,000 square feet of the southeastern portion of the building.

Mr. Moon stated that another question from Mr. Ryan was whether there were any other private schools in Apopka that are not allowed outdoor activities. He said there is a charter high school in the Apopka Square Shopping Center that does not have outdoor activities.

Mr. Ryan expressed his concerns regarding the site and parking lot not being built to accommodate a school; spill over traffic; and the multiple entrances into the building.

In response to a question by Ms. Laurendeau, Mr. Moon stated the Building Official and Fire Department personnel would be reviewing the building permits to ensure that the building meets the building code requirements for emergency ingress and egress.

In response to questions by Mr. Foster, Mr. Moon stated that the property is located at the intersection of Semoran Boulevard (S.R. 436) and Piedmont Wekiwa Road. There are two or three entrances into the Wekiva Corners Shopping Center.

Petitioner Presentation: Chuck Touhey, C F Touhey Construction, 970 Sunshine Lane, Altamonte Springs, stated that the proposed private school will use adjacent units in the Center and each unit has one entrance in the front and one in the back. The majority of the tenants in the building are churches and the parking lot in the front will be fairly empty between the drop-off times of 8:00 to 10:00 a.m. On the side there might be two to three cars and the lot in the back is empty most of the time. Both of the entrances in each unit will be monitored. He stated this is off the main roadways and there is ample parking.

In response to a question by Ms. Toler, Terri Jones, owner and teacher, 4532 Wheatley Street, Orlando, stated that while the maximum number of students allowed is 50, there would only be approximately 30 students.

In response to a question by Mr. Birdsong, Ms. Jones stated that outdoor activities would be provided for the students. She would be transporting them via van to area playgrounds three times a week and in addition, the school will have a play area.

In response to a question by Mr. Ryan, Ms. Jones stated that drop-off would begin at 7:00 a.m. and school would begin at 8:15 a.m. and dismiss at 3:15 p.m. Students should be picked up by 3:30 p.m. to 4:00 p.m.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

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Suzanne Kidd, 1260 Lexington Parkway, Apopka, expressed her opposition to the proposed private school.

Tenita Reid, 651 O'Leary Court, Apopka, expressed her support for the private school.

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

In response to questions by Chairperson Greene, Mr. Moon stated that if the Commission denied the request or approved it with conditions, the applicant has the opportunity to file an appeal with the City Council. He said, if approved, the next steps for the applicant would be to file for their building permits for the build-out. This item will not be brought back to the Planning Commission.

Herman Jones, 4532 Wheatley Street, Orlando, Ms. Jones' husband, stated they have given this a lot of thought and they have a plan. The entrances would be kept locked and monitored by video cameras both in the front and the back.

Mr. Hand reminded the Commission that the item before them on this item was for evaluation of the use and not the proposed construction. He stated construction would be review and monitored by the Building Division.

In response to a comment by Mr. Ryan, Mr. Hand notified the Commission that site visits were considered ex parte communication and that if they choose to make a site visit they needed to provide notice at the next public hearing.

Motion: Robert Ryan made a motion to Table until the May 24, 2016, Special Meeting, to allow the Commission further time for review of the Special Exception request to allow a Kindergarten through Second Grade Private School at the property located at 2250 and 2252 East Semoran Boulevard. Motion seconded by Tony Foster. Aye votes were cast by Robert Ryan, Melvin Birdsong, Tony Foster, and Roger Simpson; nay votes were cast by James Greene, Linda Laurendeau, and Pam Toler (4-3). (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 Commercial (Max. 0.15 FAR) to Residential Low (0-5 du/ac) for the property owned by Gail W. Brown. Property located at 1078 South Binion Road.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from Commercial (Max. 0.15 FAR) to Residential Low (0-5 du/ac) for the property owned by Gail W. Brown. Property located at 1078 South Binion Road. The existing use is vacant land and the proposed use is a single-family residential development. The existing maximum allowable development is 1 unit and the proposed maximum allowable development is 15 units. The tract size is 3.0 +/- acres.

The applicant is requesting the City to assign a future land use designation of Residential Low (0 – 5 du/acre) to the property.

The subject property was annexed into the City of Apopka on December 21, 2005, through the adoption of Ordinance No. 1639. 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 Residential Low is compatible with the

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designations assigned to abutting properties. The FLUM application covers approximately 3.0 acres, of a 21.36 parcel. The remainder of the parcel has a Future Land Use Designation of Residential Low. The property owner intends to develop the property for single-family residential 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 Residential Low (0-5 du/ac) Future Land Use designation and the City’s proposed R-1A Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed future land use change will result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS will be required prior to City Council approval of a Preliminary Development Plan for this property.

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 8, 2016.

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 Commercial (Max. 0.10 FAR) to Residential Low (0-5 du/ac) for the 3.0 +/- portion of property owned by Gail W. Brown and located at 1078 S. Binion Road.

Recommended Motion: Motion to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from Commercial to “City” Residential Low Density for the property owned by Gail W. Brown, 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

Relationship to Adjacent Properties:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	A-1 (ZIP)	Timberland
East (City & County)	Agriculture (0-1 du/5 ac) & “County” Rural (0-1 du/10 ac)	A-1 (ZIP) & A-1	R-O-W & Single-family homes
South (County)	Mixed Use	A-1 (ZIP)	Single-family home
West (City)	Residential Low (0-5 du/ac)	A-1 (ZIP)	Vacant

Land Use Analysis

The general character of the area surrounding the subject property is compatible with the development of residential uses. The property lies west of S. Binion Road and north of Boy Scout Road.

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 “Western Beltway Corridor 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 S. Binion 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 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.e Residential Low 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 Residential Low (0-5 du/ac). 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 = 2 persons

PROPOSED (City designation): 15 Unit(s) x 2.659 p/h = 39 persons

Housing Needs: This amendment will 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 property is 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.

Sanitary Sewer Analysis

Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita; 81 GPD/Capita

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

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Projected total demand under existing designation: 196 GPD

Projected total demand under proposed designation: 2940 GPD

Capacity available: Yes

Projected LOS under existing designation: 81 GPD/Capita

Projected LOS under proposed designation: 81 GPD/Capita

Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

Projected total demand under existing designation: 210 GPD

Projected total demand under proposed designation: 3150 GPD

Capacity available: Yes

Projected LOS under existing designation: 177 GPD/Capita

Projected LOS under proposed designation: 177 GPD/Capita

Improved/expansions already programmed or needed as a result of the proposed amendment: None

Parcel located within the reclaimed water service area: Yes

Solid Waste

Facilities serving the site: City of Apopka

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

Projected LOS under existing designation: 4 lbs./person/day

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

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

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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

Facilities serving the site: None

Projected LOS under existing designation: 100 year - 24 hour design storm

Projected LOS under proposed designation: 100 year - 24 hour design storm

Improvement/expansion: On-site retention/detention pond

Recreation

Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita

Projected facility under existing designation: 0.144 AC

Projected facility under proposed designation: 0.177AC

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.

Jimmy Dunn, June Engineering Consultants, Inc., 32 W. Plant Street, Winter Garden, stated that they were in agreement with staff and he was available to answer any questions the Commission may have.

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

Motion: **Robert Ryan made a motion to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from Commercial (Max. 0.15 FAR) to Residential Low (0-5 du/ac) for the property owned by Gail W. Brown and located at 1078 South Binion Road; and Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Roger Simpson, and Pam Toler (7-0). (Vote taken by poll.)**

QUASI-JUDICIAL - CHANGE OF ZONING – GAIL W. BROWN – Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” R-1A (Residential) for property owned by Gail W. Brown, and located at 1078 South Binion 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. None.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” R-1A (Residential) for property owned by Gail W. Brown and located at 1078 South Binion Road. The existing use is vacant land. The proposed use is a single-family residential development. The existing maximum allowable development is 1 dwelling unit and the proposed maximum allowable development is 9 dwelling units. The tract size is 3.0 +/- acres.

Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of R-1A to the property.

The subject property was annexed into the City of Apopka on December 21, 2005, through the adoption of Ordinance No. 1639.

A request to assign a change of zoning to R-1A is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the R-1A zoning classification to accommodate the use of the property for a single-family residential development. (The change of zoning request is being processed in conjunction with a future land use amendment for a Residential Low future land use map designation (0-5 du/ac.) The proposed use is consistent with the proposed Residential Low FLUM designation and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 3.0 +/- acres.

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 Zoning Report).

The existing and proposed use of the property is consistent with the proposed Residential Low (0-5 du/ac) Future Land Use designation and the City’s proposed R-1A Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the three acres are exempt from school capacity enhancement per the School Interlocal Planning Agreement.

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 8, 2016.

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 zoning from “County” A-1 (ZIP) to “City” R-1A (Residential) for the property owned by Gail W. Brown at 1078 S. Binion Rd.

Recommended Motion: Motion to find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend change of zoning from “County” A-1 (ZIP) to “City” R-1A (residential)

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

Relationship to Adjacent Properties:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	A-1 (ZIP)	Timberland
East (City & County)	“City” Agriculture (0-1 du/5 ac) & “County” Rural (0-1 du/10 ac)	A-1 (ZIP) & A-1	R-O-W & Single-family homes
South (County)	Mixed Use	A-1 (ZIP)	Single-family home
West (City)	Residential Low (0-5 du/ac)	A-1 (ZIP)	Vacant

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a county collector (S Binion Road).

Comprehensive Plan Compliance: The proposed R-1A zoning is consistent with the proposed Residential Low (0-5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. The proposed R1-A zoning classification is one of the acceptable zoning categories allowed within the Residential Low Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-1A District Requirements:

Minimum Living Area:	1,600
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	85 ft.
Setbacks: Front:	25 ft.
Rear:	20 ft.
Side:	10 ft.
Corner	25 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the R-1A district.

Bufferyard Requirements: (1.) Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis. (2.) Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

Allowable Uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five

acres as defined in this code and in accordance with section 2.02.01. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.

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: Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from “County” A-1 (ZIP) to “City” R-1A (Residential) for the property owned by Gail W. Brown and located at 1078 South Binion Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Roger Simpson, and Pam Toler (7-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – JTD LAND AT ROGERS ROAD, LLC – Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” R-1 (Residential) for the property owned by JTD Land at Rogers Road, LLC, and located north of Lester Road, east of Rogers Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Eric Palank, 1769 Water Rock Drive, Apopka, stated that he lives adjacent to this property and is concerned regarding traffic impacts to his neighborhood.

The Commission unanimously agreed that Mr. Palank was an affected party.

Mr. Hand swore-in Mr. Palank.

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

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” R-1 (Residential) for property owned by JTD Land at Rogers Road, LLC, and located north of Lester Road, east of Rogers Road. The existing use is vacant land. The proposed use is a single-family residential development. The existing maximum allowable development is 122 Units and the proposed maximum allowable development is 106 units. The tract size is 30.5 +/- acres.

Presently, the subject property has not yet been assigned a “City” zoning category. Applicant is requesting the City to assign a zoning classification of R-1 (Residential) to the property.

The subject parcels were annexed into the City of Apopka on December 2, 2015, through Ordinances 2459. The proposed change of zoning is being requested by the owner/applicant.

A request to assign a change of zoning to R-1 (Residential) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the R-1 (Residential) zoning classification to accommodate the use of the property for a single-family residential development. This change of zoning application is being processed in

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conjunction with a large scale future land use amendment for Residential Low Suburban (0-3.5 du/ac). The proposed use is consistent with the existing future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 30.5 acres.

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 Zoning Report).

The existing and proposed use of the property is consistent with the Residential Low Suburban (0-2 du/ac) Future Land Use designation and the City’s proposed R-1 (Residential) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

A Capacity Enhancement Agreement or a letter must be obtained from Orange County Public Schools prior to City Council approval of a Preliminary Development Plan for the residential subdivision.

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 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 zoning from “County” A-1 (ZIP) to “City” R-1 (Residential) for the property owned by JTD Land at Rogers Road LLC.

Recommended Motion: Find the change of zoning to “City” R-1 (Residential) consistent with the Comprehensive Plan and Land Development Code and recommend adoption subject to adoption of the Proposed Future Land Use Designation.

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

Relationship to Adjacent Properties:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AAA	Vacant
East (City)	Residential Low Suburban (0-3.5 du/ac)	PUD & R-1AAA	Vacant
South (City)	Residential Low Suburban (0-3.5 du/ac)	R-1	Single-family homes (Lester Ridge)
West (City and County)	Residential Low Suburban (0-3.5 du/ac) & “County” Rural (0-1 du/10 ac)	“City” R-1AA & “County” A-1	Single-family homes and vacant

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (Rogers Road).

Comprehensive Plan Compliance: The proposed R-1 (Residential) zoning is consistent with the City’s Residential Low Suburban (0-3.5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. The R-1 (Residential) zoning classification is one of the acceptable zoning categories allowed within the Industrial Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-1 District Requirements:

Minimum Living Area:	1,500 sq. ft.
Minimum Site Area:	8,000 sq. ft.
Minimum Lot Width	75 ft.
Setbacks:	Front: 25 ft.
	Rear: 20 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the R-1 (Residential) district.

Bufferyard Requirements: (1.) Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis; and (2.) Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

Allowable Uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.

Petitioner Presentation: James H. McNeil, Jr., Esq., Akerman Law Firm, 420 South Orange Avenue, Suite 1200, Orlando, stated he was available to answer any questions.

Affected Party Presentation: Mr. Palank expressed his concerns regarding Rogers Road being a one-lane road with no sidewalks on either side. He said that when he takes his baby for a walk he has to push the stroller in the grass to avoid the road. Additionally, there has been some confusing information regarding property lines.

Mr. Moon stated that currently Rogers Road is an Orange County road. Once development occurs on either side the road will be transferred to the City. Responsibility for widening or maintaining the road at that point will be up to the City. Additionally, a proposed future plan is to extend Rogers Road to Ponkan Road. He added that the proposed single family residential subdivision lot sizes are consistent with the surrounding area with zoning requirements equal to or greater than the adjacent subdivision. The next step in the process is for the application to submit a preliminary development plan that will be presented to the Planning Commission for review.

Mr. McNeil requested Mr. Palank's contact information so that they can meet to discuss and clarify the property line information.

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 find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning request from “County” A-1 (ZIP) to “City” R-1 (Residential) for the property owned by JTD Land at Rogers Road, LLC, and located north of Lester Road, east of Rogers Road, subject to the adoption of the Large Scale Future Land Use Amendment. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Roger Simpson, and Pam Toler (7-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: Mr. Foster encouraged the audience to guard how they present their opinions and views so as to not discourage new businesses.

ADJOURNMENT: The meeting was adjourned at 6:49 p.m.

/s/

James Greene, Chairperson

/s/

Mark Reggentin, AICP
Community Development Director