

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON SEPTEMBER 13, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau

**ABSENT:** Jose Molina, Roger Simpson, and 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, Elizabeth Florence – Planner, Robert Sargent – Public Information Officer, Theresa Sargent, Jeff Banker, Chris Gardner, Chad Moorhead, John Brendel, Kim Dunn, Elizabeth Lentz, J. David Knapp, Joel Mass, Jeff Welch, Suzanne Kidd, Frank Costantino, 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 August 9, 2016, at 5:30 p.m. minutes.

**Motion:** **Robert Ryan made a motion to approve the Planning Commission minutes from the regular meeting held on August 9, 2016, at 5:30 p.m. and seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0).**

**LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – EQUITY WATERS EDGE, LLC** - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Mixed Use for the property owned by Equity Waters Edge, LLC, c/o David Shapiro and located at 1850 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 “County” Rural (0-1 du/10 ac) to “City” Mixed Use for the property owned by Equity Waters Edge, LLC, c/o David Shapiro. The property is located at 1850 South Binion Road. The existing use is vacant land and the proposed use is a single-family residential subdivision. The proposed zoning designation is “City” Mixed-EC. The existing maximum allowable development is 1 dwelling unit and the proposed maximum allowable development is 15 units per acre. The tract size is 5.6 +/- acres.

Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Mixed Use to the property.

The subject property has been annexed into the City of Apopka. The annexation occurred on June 5, 2013, through the adoption of Ordinance No. 2303. 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 Mixed Use is compatible with the designations

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assigned to abutting properties. The FLUM application covers approximately 5.6 acres.

The parcel owner – Equity Waters Edge, LLC – also owns abutting parcels to the south, combining these for a future development site of approximately 75 acres. A Preliminary Development Plan is under review by the City’s Development Review Committee for a single family residential community.

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 proposed use of the property is consistent with the Mixed Use Future Land Use designation and the City’s proposed Mixed Use Zoning. Site development cannot exceed the intensity allowed by the Future Land Use policies.

No more than nine residential homes will be constructed on the 5.6 acre site. Pursuant to the School Planning Agreement, nine or less residential units is considered a de minimus impact on schools. Therefore, this 5.6 acre site is exempt from School Capacity Enhancement review. However, school concurrency review will occur at the time of a preliminary or final development plan.

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 August 12, 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 “County” Rural (1 du/ 10 ac) to “City” Mixed Use for the property owned by Equity Waters Edge, LLC and located at 1850 S. Binion Road.

Recommend to amend the Future Land Use Map designation from “County” Rural to “City” Mixed Use.

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 Analysis: The general character of the area surrounding the subject property is compatible with the development of mixed uses. The subject property fronts and is accessed by a local roadway (S. Binion Rd.) and has access to Harmon Rd.

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 not located within “Core Area” of the JPA.

Redevelopment: Policy 3.13. No non-conforming structure shall be substantially expanded.

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, Canova sand, and Tavares sand; and no wetlands occur on the site, and the terrain has a 0-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.r. Mixed-Use 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 Mixed Use. Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

Calculations:

Adopted (County designation): 1 Unit(s) x 2.659 p/h = 2.659 persons  
Proposed (City designation): 15 Unit(s) x 2.659 p/h = 223 persons

Housing Needs: This amendment may 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 City of Apopka Utilities service area for potable water, reclaimed water and sanitary service.

Sanitary Sewer Analysis

1. 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

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 53,054 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

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1. 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

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 66,427 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: None
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 1380 lbs./day/1000 sf
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 GPD

Total design capacity of the water treatment plant(s): 33,696 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 - 25 hour design storm

3. Projected LOS under proposed designation: 100 year - 25 hour design storm
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: 0.009 AC
3. Projected facility under proposed designation: 0.669 AC
4. 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.

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

**Motion:** **Melvin Birdsong 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 “County” Rural (0-1 du/10 ac) to “City” Mixed Use for the property owned by Equity Waters Edge, LLC, and located at 1850 South Binion Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0). (Vote taken by poll.)**

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

**QUASI-JUDICIAL - CHANGE OF ZONING – EQUITY WATERS EDGE, LLC** - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (Rural) to “City” Mixed-EC (Mixed Use) for property owned by Equity Waters Edge, LLC, c/o David Shapiro and located at 1850 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.

Ms. Laurendeau stated that she had e-mailed staff with regard to whether a habitat study would be conducted.

In answer to Ms. Laurendeau’s inquiry, Mr. Wilkes stated that although the size of the subject parcel did not trigger the requirement for a habitat study, once it is incorporated into the entire project property a habitat study will be required.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (Rural) to “City” Mixed-EC (Mixed Use) for the property owned by Equity Waters Edge, LLC, c/o David Shapiro. The property is located at 1850 South Binion Road. The existing use is

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vacant land and the proposed use is a single-family residential subdivision. The proposed zoning designation is “City” Mixed-EC. The existing maximum allowable development is 1 dwelling unit and the proposed maximum allowable development is 15 units per acre. The tract size is 5.6 +/- acres.

Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Mixed Use to the property.

Applicant is requesting the City to assign a zoning classification of Mixed-EC (Mixed Use) to the property, consistent with the proposed Mixed Use future land use designation.

A request to assign a change of zoning to Mixed-EC (Mixed Use) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the Mixed-EC (Mixed Use) zoning classification to accommodate the use of the property to have the potential to be single family residential. The subject property abuts nurseries along S. Binion Rd. that have a zoning of Mixed-EC. City staff supports this change of zoning request due to the Ocoee Apopka Road Small Area Study results. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Mixed Use. The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 5.6 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 proposed use of the property is consistent with the Mixed Use Future Land Use designation and the City’s proposed Mixed Use Zoning. Site development cannot exceed the intensity allowed by the Future Land Use policies.

No more than nine residential homes will be constructed on the 5.6 acre site. Pursuant to the School Planning Agreement, nine or less residential units is considered a de minimus impact on schools. Therefore, this 5.6 acre site is exempt from School Capacity Enhancement review. However, school concurrency review will occur at the time of a preliminary or final development plan.

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 August 12, 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(Agriculture) to Mixed-EC (Mixed Use) for the property owned by Equity Waters Edge, LLC.

Find the change of zoning to Mixed-EC (Mixed Use) 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.

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (S. Binion Rd.) and has access to Harmon Rd.

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Comprehensive Plan Compliance: The proposed Mixed-EC (Mixed Use) zoning is consistent with the City's Mixed Use (15 DU/AC) Future Land Use designation and with the character of the surrounding area. The Mixed-EC (Mixed Use) zoning classification is one of the acceptable zoning categories allowed within the proposed Mixed Use Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

Mixed Use-EC District Requirements:

Floor Area Ratio (%):	25 min. 100 max.
Minimum Site Area:	Not applicable
Minimum Lot Width	Varies; based on master plan
Setbacks:	Front: 15 ft. (From property line)
	Rear: 10 ft.
	Side: 0 ft.
	Corner 10 ft.

Based on the above zoning standards, the subject parcel does meet code requirements for the Mixed-EC (Mixed Use) district.

Bufferyard Requirements: Buffer yards shall be consistent with the zoning district for the proposed use, unless otherwise noted in the Mixed-EC zoning district standards. For example, single-family developments shall follow the buffer requirements of the single-family zoning districts, commercial uses shall follow the buffering of the applicable commercial zoning district, etc. Buffers may be waived or varied in mixed-use buildings and projects when compatible uses and appropriate building/parking relationships are demonstrated and strong pedestrian connectivity and well-planned vehicular connectivity are provided.

Allowable Uses: Single-Family detached residential development; duplex; multi-family residential; commercial, office, industrial, and institutional uses subject to the intensities, development standards, and land use mix criteria set forth of the Mixed-EC zoning district.

Petitioner Presentation: Chad Moorhead, Madden Moorhead & Glunt Inc., 431 East Horatio Avenue, Maitland, stated that he was available to answer any questions and, with regard to Ms. Laurendeau's concern, whether it was a requirement or not, they would do a habitat study.

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:** Robert Ryan 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 (Rural) to "City" Mixed-EC (Mixed Use) for property owned by Equity Waters Edge, LLC, and located at 1850 South Binion Road. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0). (Vote taken by poll.)

**QUASI-JUDICIAL – MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – ROBERT K. DUNN ET.AL.** - Chairperson Greene stated this is a request to recommend approval of the amendment to the Dunn/Dixie Major PUD Master Plan and the Preliminary Development Plan owned by Robert K. Dunn, Et. Al. and located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway.

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

Frank Costantino, 639 Richard L. Mark Drive, Apopka, requested affected party status as his property is adjacent to the subject property.

The Planning Commission unanimously agreed that Mr. Costantino was an affected party.

Mr. Hand swore-in Mr. Costantino.

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 Dunn/Dixie Major PUD Master Plan and the Preliminary Development Plan owned by Robert K. Dunn, Et. Al. and located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. The existing use is vacant land. The proposed use is an assisted living facility with a maximum of 125-bed facility within a one and two story building. The maximum flood area ratio is .030. The proposed amendment increased the FAR (floor area ratio) from 0.25 to 0.30. The existing maximum allowable development is 76,121 sq. ft. and the proposed maximum allowable development is 91,345 sq. ft. The tract size is 6.9951.88 +/- acres.

On April 14, 2014 through Ordinance 2355, City Council adopted a Planned Unit Development zoning and a Master Plan\Preliminary Development Plan for the Robert K. Dunn et.al. property. The PUD master plan establishes a maximum floor area ratio of 0.25, which allows for building (s) with a maximum floor area of 76,121 square feet, for a proposed Assisted Living Facility (ALF) with up to 125 beds. A proposed ALF is similar to uses allowed with the Professional Office\Institutional zoning district, which allows a maximum floor area ratio of 0.30 for buildings. The original building proposed for the applicant was only 76,000 sq. ft., which represents a floor area ratio of 0.25 for this property. Thus, the applicant requested a 0.25 FAR instead of a 0.30 floor area ratio allowed by the Professional Office\Institutional zoning district. The building proposed by the applicant, as presented in architectural renderings and within the proposed Master Plan, contains approximately 87,000 sq. ft. floor area. Although the proposed building has more floor area than the previously approved Master Plan, the maximum number of beds – 125 beds – does not change. All the other development standards approved within the current PUD zoning and Master Plan\Preliminary Development Plan remain the same.

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).

Planning staff finds the proposed amendment to the Planned Unit Development to be consistent with the Comprehensive Plan and Land Development Code.

The amendment to the Planned Unit Development will not impact capacity at affected public schools. If the property owner proposes residential development, then school capacity review will be required as part of the PUD amendment application.



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The property is surrounded by properties that are within the City limits of Apopka; therefore the notice requirements in the JPA do not apply.

The Development Review Committee finds the proposed amendment to the Dunn\Dixie Manor PUD zoning and Master Plan\Preliminary Development Plan to be consistent with the Comprehensive Plan and Land Development Code recommends approval of the amendment to the Planned Unit Development zoning and Master Plan\Preliminary Development Plan.

The recommended motion is to find the proposed amendment to the Dunn\Dixie Manor PUD zoning and Master Plan\Preliminary Development Plan to be consistent with the Comprehensive Plan and Land Development Code recommends approval of the amendment to the Planned Unit Development zoning and Master Plan\Preliminary Development Plan.

The Planning Commissions' role is to recommend to approve, deny, or 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. Role of the Planning Commission in this case is advisory to the City Council.

Land Use & Traffic Compatibility:

South: Old Dixie Highway, a two-lane collector road, lies to the south of the subject property and the Lowes Home Retail Center. The land south of Old Dixie Highway is assigned a Commercial future land use designation and a zoning category of C-1.

West: Across Richard L. Mark Drive is a 1.4 acre heavily wooded parcel covered by oak trees. This parcel is owned by the City of Apopka and assigned a Park\Recreation future land use and zoning category that serves as open space. At the northwest corner of the subject property is the Villa Capri residential community. Villa Capri is assigned PUD zoning as part of the Errol Estate community. The typical lot is 51 feet wide with a typical area of about 5,700 sq. ft. Along the east side of Villa Capri is a ten-foot wide five to six foot high masonry wall. The right-of-way for Richard L. Marks Drive is 100 foot wide with landscaping and mature oak trees bordering the road. There is a twenty (20) foot wide landscaped median that contains mature oak trees.

North: To the north of the subject property, a 1.76 acre retention pond separates the subject property from most of the residential homes to the north within the Parkside at Errol Phase 3 residential subdivision. With the exception of one single family lot at the subject property's northwest corner and one single family lot at the northeast corner. Residential lots to the north range from 300 feet to zero feet from the subject property. Lots typically are 80 to 85 feet wide with a typical lot size ranging from 9,200 sq. ft. to 11,050 sq. ft.

East: There is a ten foot wide landscape buffer that runs along the eastern parcel line of the subject property that is adjacent to residential lots within another section of Parkside at Errol Phase 3. Single family lots adjacent to the eastern side of the subject property have typical lots with a 75 foot minimum width and a lot size ranging from 9,200 sq. ft. to 11,000 sq. ft.

Summary: The property owner requests assignment of a zoning category that is consistent with the proposed Residential Medium Future Land Use Designation. Planning staff finds the zoning category to be consistent a Residential Low-Medium Future Land Use Designation subject to the PUD master site plan/preliminary development plan and the recommended PUD development standards.

Comprehensive Plan Compliance: The proposed Planned Unit Development (PUD/R-3) zoning is not consistent with the City's Residential Medium (0-10 du/ac) Future Land Use designation. However, Planning staff finds the proposed zoning to be compatible with a Low-Medium (0-7.5 du/ac) Future Land Use designation. Development Plans shall not exceed the intensity or density allowed for the adopted Future Land Use Designation.

PUD Recommendations: The PUD recommendation is to assign a zoning classification of Planned Unit Development (PUD) for the described subject property with the following Master Plan provisions is subject to the following zoning provisions:

A. The uses permitted within the PUD district shall be:

1. A maximum of one-hundred twenty-five Assisted Living Facility (ALF) beds or 38 permanent residential. For any Assisted Living Facility, such use shall meet the State of Florida definition for an Assisted Living Facility, at least eight (80) percent of the beds shall be occupied by those age 55 or over, and the ALF shall follow a policy that demonstrates an intent to provide residential care for those aged 55 or older. A nursing home, group home facility, foster home, drug or alcohol detox center or rehabilitation center or similar emergency shelter are not permissible uses under this PUD zoning ordinance unless as otherwise superseded by Florida Statutes.
2. Any building other than single family residential shall be setback a minimum of one hundred (100) feet from the northern and eastern property line, units and fifty (50) feet from the western property line.
3. Outdoor storage shall not be allowed.
4. No recreation or similar outdoor activities (walking path, gathering places etc.) shall occur within twenty (20) feet of the property line excepting any public sidewalk along Old Dixie Highway.
5. No outdoor activities shall occur after 9:00 PM or before 7:00 AM. Delivery services for shall be limited to similar hours.
6. Regular visitor hours shall be limited to no earlier than 7:00 AM and not later than 11:00 PM except for emergency purposes.
7. Any use or activity allowed within the R-3 residential zoning category exception as otherwise noted herein. Duplex residential units shall not be allowed.

B. Development Standards:

1. Development standards and setbacks shall comply with those established for the R-3 zoning category unless otherwise approved herein or within the Master Site Plan.
2. Maximum number of stories: two (2)
3. A thirty (30) foot landscape buffer shall occur along the northern and eastern property lines, and a fifteen (15) foot landscape buffer along the western property line.
4. Monument sign (identification sign) shall be limited to no more than 24 square feet and no

electronic reader board will be allowed. The monument sign may be placed within the front yard along Old Dixie Highway near the site driveway entrance. No signage shall be allowed along Richard L. Mark Drive. No wall sign or other signage will be allowed except for on-site directional signage, unless otherwise allowed by the City's sign codes for special event or grand opening.

5. No outdoor illumination shall spillover into residential areas.
  6. All trees and landscaping within the perimeter buffers shall be allowed to grow and will be maintained to a height to screen the ALF building from adjacent residential areas.
  7. Architectural design of the building shall be generally consistent with that approved with the PUD ordinance unless otherwise approved by the City Council.
  8. Changes to the Master Site Plan\ Preliminary Development Plan or architectural design considered to be insignificant may be approved by the Community Development Director.
  9. Employee parking shall occur at the southwest parking area and visitor parking directed to the southeast parking area. On-site direction signage shall be posted to direct visitor parking as such.
  10. Driveway access to Richard L. Mark Drive will not be allowed.
- C. The Master Plan Site\ Preliminary Development Plan is hereby approved and is part of the PUD zoning ordinance.
- D. The R-3 zoning standards shall apply to the development of the subject property unless as otherwise addressed within the PUD ordinance.

**Comprehensive Plan Compliance:** The proposed City PUD zoning is not consistent with the City's Residential Medium (0-10 du/ac) Future Land Use designation. However, DRC finds that the proposed PUD zoning is consistent with the residential Low-Medium (0-7.5 un/ac) Future Land Use designation. Development Plans shall not exceed the density and intensity allowed in the adopted Future Land Use Designation.

In response to a question by Mr. Ryan, Mr. Moon stated a portion of the building will be one-story while the rest of the building will be two-story for a height of 35 feet. Based on the original zoning of R-3, if an apartment building had been erected they would have been allowed a three-story building and the setbacks would have been reduced.

In response to a question by Mr. Foster, Mr. Moon stated that only amendment being considered at this time is changing the floor area ratio (FAR) from 0.25 to 0.3.

Petitioner Presentation: Joel W. Hass, MJM Associates, LLC, 1030 North Orange Avenue, Orlando, stated the project is called Canterwood Manor. It will be an assisted living facility with a maximum of 125 beds. The facility will provide cognitive therapies and programs that specifically cater to patients with Alzheimer's disease, dementia and other types of memory problems. The facility will provide 24-hour supervised care within four separate wings or "neighborhoods" in addition to the opportunity for social events in a residential type setting rather than an institutional setting.

Mr. Hass introduced David Knapp with Haskell engineering.

In response to questions by Mr. Ryan, Mr. Hass stated that their facility would not have patients who will require oxygen or ventilation. He said those types of services would be provided in a nursing home setting. He said that they would contact the power company to look into the possibility of obtaining priority service, such as a hospital might have, during a power outage.

In response to questions by Mr. Foster, Mr. Hass stated that the difference between an assisted living facility and a nursing home is that a nursing home provides more advanced end-of-life care such as for those persons who require oxygen or need to be ventilated or those who are bed-ridden. Normally hospice is also available. An assisted living facility is for people who are ambulatory and are able to participate in normal everyday activities. The clients will also be able to leave the facility and come back.

Affected Party Presentation: Mr. Costantino stated that he had purchased his home on Richard L. Mark Drive about six months ago and expressed his concerns regarding the wall being visible from his back yard and there not being any type of landscaping next to the wall.

Mr. Hass stated that the code did not require that they landscape the back of the wall.

Mr. Moon said that when the project had originally been submitted for review and approval, a community meeting was held to obtain the area residents comments on the project. As a result of that meeting, the residents' comments and concerns were taken into consideration when the plan was finalized. This included the wall. The current amendment only addresses the increase to the floor area ration for the building. Nothing else on the plan will change.

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

**Motion: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the amendment to the Manor PUD Master Plan to increase the Floor Area Ratio (FAR) From 0.25 to 0.3 for the property Dunn/Dixie Manor owned by Robert K. Dunn, t al and located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0). (Vote taken by poll.)**

**QUASI-JUDICIAL - PUD MASTER PLAN AMENDMENT - ORCHID ESTATES -** Chairperson Greene stated this is a request to recommend approval of the amendment to the PUD Master Plan for Orchid Estates, owned by JTD Land at Orchid Estates, c/o James Fant, and located south of Kelly Park Road, west of Jason Dwelley Parkway.

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the amendment to the

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PUD Master Plan for Orchid Estates owned by JRD Land at Orchid Estates, c/o James Fant, and located south of Kelly Park Road, west of Jason Dwelley Parkway. The existing use is vacant land. The only change to the Master Plan is that the ownership of Tracts “B” and “F” will change from the City of Apopka to the Orchid Estates Homeowners Association. The land use for Tract “B” will change from being a City fire station site to open space/tot lot that will serve the 112 lots within the Orchid Estates PUD. The existing and proposed maximum allowable development is 112 dwelling units. The combined tract size is 60.82 +/- acres.

Orchid Estates PUD is located on the west side of Jason Dwelley Parkway, generally south of Spinfisher Drive and north of Apply Lane.

The applicant requests to change the future ownership of Tracts “B” and “F” from the City of Apopka to the Homeowners Association. City staff notified JTD Land at Apopka, LLC several months ago that a fire station site within the project boundaries was not needed because an alternative site was identified, and that the City does not need the 17.2 acre site for open space purposes. JTD Land agreed to amend the PUD Master Plan to change the ownership of two parcels from City ownership to HOA ownership. Tract “B” was originally proposed to serve as a site for a new City fire station. However, the City has made a decision to locate this new fire station at a more strategic location at a site along the east side of Jason Dwelley Parkway, across from the Northwest Regional Recreation Facility. The City of Apopka owns this preferred site. Orchid Estates is currently under construction, and model homes are proposed to begin construction within a few months. Approval of the amendment to the PUD Master Plan will allow administrative amendment of the Final Development Plan to address the same change in ownership of Tract “B” and Tract “F”.

The City’s Development Review Committee supports the change in the ownership of Tract “B” and Tract “F” to the homeowners association. Dedication of Tract “F” will require the City to pay for the cost to maintain 17.2 acres of open space that is internal to a residential community. A different site along Jason Dwelley Parkway has been selected for a future fire station. Tract “B” will not be needed for this purpose.

PUD Description: A single family residential community with a total of 112 lots. The minimum lot size is 70’ x 115’ (8,050 sq. ft.) with a minimum living area of 1,500 square feet as allow by the Land Development Code.

Minimum Site Area:	7,500 sq. ft.
Minimum Lot Width:	70’
Setbacks:	Front: 25’
	Side: 10’
	Rear: 20’
	Corner: 20’
Minimum Living Area:	1,500 sq. ft.

Allowable Uses: Single Family Residential homes and their associated uses.

The subdivision has two access points off of Jason Dwelley Parkway. The property owner has control over the lands adjacent to the north. An ingress/egress easement in favor of the applicant for legal access to the project runs along the southern property line of the Ever Meadow LLC parcel to reach the

The stormwater management system includes two on-site retention areas. The stormwater design meets the City’s Land Development Code requirements.

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The applicant is proposing landscaped buffer areas adjacent to the agricultural uses located to the north and south of the property. This residential community will include a 17.17 acre woodland park and a two-acre tot lot.

The applicant has proposed reserved 17.17 acres of land for open space within Tract "F" in lieu of going through the tree mitigation process. This will preserve the mostly wooded area on the site as a City Park.

The proposed amendment to the Orchid Estates PUD zoning and Master Plan are consistent with the City's proposed Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

This PUD Master Plan is located on a site with a previously approved Final Development Plan. This final development plan is exempt from school concurrency because it was approved by the City prior to the effective date of school concurrency. School impact fees will be paid with each building permit application for a single family home.

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on August 12, 2016.

The Development Review Committee recommends approval of Amendment to the Orchid Estates Planned Unit Development and the Master Plan.

The recommended Motion is to find the Amendment to the Orchid Estates Planned Unit Development Zoning and the Master Plan to be consistent with the Comprehensive Plan and Land Development Code, and recommend to approve.

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. Role of the Planning Commission in this case is advisory to the City Council.

Land Use & Traffic Compatibility: A transportation study was prepared with the adopted Orchid Estates PUD, and the number of residential units has not increased. No additional transportation study is needed. The amendment to the PUD zoning and Master Plan does not changes the subdivision design and stormwater management plan, but no increase in residential units or density is proposed.

Bufferyard Requirements: No changes to the buffers are proposed with the PUD amendment.

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 of the LDC.

In response to a question by Mr. Foster, Mr. Moon stated that the ownership of the two parcels, "B" and "F," were never transferred to the City. This amendment removes the dedication to the City from the master plan.

Petitioner Presentation: Chris Gardner, Condev Corporation, 1270 North Orange Avenue, Winter Park, stated he represents JTD Land at Orchid Estates and was available to answer any questions.

Affected Party Presentation: None.

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

Greene closed the public hearing.

**Motion:** Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the amendment to the Orchid Estates PUD Master Plan owned by JTD Land at Orchid Estates, located south of Kelly Park Road, west of Jason Dwelley Parkway; and subject to the information and findings in the staff report. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0). (Vote taken by poll.)

**QUASI-JUDICIAL - PRELIMINARY DEVELOPMENT PLAN – NORTHWEST DISTRIBUTION CENTER – BUILDING D** – Chairperson Greene stated this is a request to recommend approval of the Preliminary Development Plan for the Northwest Distribution Center – Building “D” owned by Oakmont Apopka Road, LLC. The applicant is Oakmont Industrial Group, c/o Jimmy Stainback. The engineer is Highland Engineering, Inc., c/o Jeffrey W. Banker, P.E. and the architect is GMA Architects. The property is located on Ocoee Apopka Road between S.R. 451 and Ocoee-Apopka Road and east of Boy Scout 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. Moon stated this is a request to recommend approval of the Preliminary Development Plan for the Northwest Distribution Center – Building “D” owned by Oakmont Apopka Road, LLC. The applicant is Oakmont Industrial Group, c/o Jimmy Stainback. The engineer is Highland Engineering, Inc., c/o Jeffrey W. Banker, P.E. and the architect is GMA Architects. The property is located on Ocoee Apopka Road between S.R. 451 and Ocoee-Apopka Road and east of Boy Scout Road. The land use is Industrial and the zoning designation is I-1. The existing use is vacant land and the proposed use is an industrial warehouse (167,270 sq. ft.) with an office complex (13,730 sq. ft.) for a total building size of 180,000 sq. ft. The tract size is 16.43 +/- acres. The overall site is 45.09 +/- acres.

The Northwest Distribution Facility Building D - Preliminary Development Plan proposes an 180,000 square feet industrial warehouse and office space.

A total of 187 parking spaces are provided (330 required by code) of which 6 are reserved as a handicapped parking space. The applicant has requested to defer and waive 143 of the parking space requirement for the site. In accordance with 6.03.02.D, the applicant has provided a deferred parking plan providing a total of 333 parking space for the site. A parking study has been prepared by the applicant to demonstrate that the requested number of parking spaces meets the demand by to accommodate vehicles for employees and customers.

Access to the site is provided by a two (2) driveway cuts along Ocoee-Apopka Road.

The height of the proposed building is 40’ (top of parapet wall). The City approved a variance on October 10, 2006 for the overall building height for this project not to exceed 50’. The proposed height 40’ is well below the maximum that could be built. 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 a master stormwater drainage system. The master stormwater management system is designed according to standards set forth in the Land Development Code.

A twenty-five foot landscape buffer is provided along Ocoee-Apopka Road and State Road 451. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

Total inches on-site:	3719
Total number of specimen trees:	0
Total inches removed	2308
Total inches retained:	1411
Total inches replaced:	528
Total inches post development:	1939
Site Clearing Acres	8.7

The Development Review Committee recommends approval of the Northwest Distribution Facility Building D – Revised Final Development Plan, subject to the findings of this staff report.

The recommendation to the Planning Commission is to recommend approval of the Northwest Distribution Facility Building D – Preliminary Development Plan, subject to the findings of this staff report.

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.

In response to questions by Mr. Ryan, Mr. Moon stated the applicant has indicated that once they are at full capacity they will have three shifts working with 160 employees. They are providing 187 parking spaces and the code requires 330 parking spaces. If they were to decrease the number of trailer truck parking spaces they would be able to provide the required 330 parking spaces.

Petitioner Presentation: Jeff Banker, P.E., Highland Engineering, Inc., 79 West Illiana Street, Orlando, stated he was available to answer any questions. He addressed Mr. Ryan's question by explaining that within two years the business will run 24-hours a day with three shifts. The largest shift will involve approximately 90 employees of the 160 employees. The proposed 187 parking spaces will be enough to accommodate all of the employees regardless of what shift they work.

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 that the Northwest Distribution Center Building “D” is consistent with the Comprehensive Plan and Land Development Code; and recommends approval of the Preliminary Development Plan subject to the findings and information in the staff report for the property owned by Oakmont Apopka Road, LLC and located between S.R. 451 and Ocoee Apopka Road, east of Boy Scout Road. The motion was seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, and Linda Laurendeau (5-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** The Planning Commission asked staff to look into rescheduling the November meeting so that it does not coincide with Election Day. Staff is to present their findings at the October meeting.

**ADJOURNMENT:** The meeting was adjourned at 6:29 p.m.

/s/

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James Greene, Chairperson