

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 13, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler

**ABSENT:** James Greene, Robert Ryan, Orange County Public Schools (Non-voting)

**OTHERS PRESENT:** R. Jay Davoll, P.E. - Public Services Director/Community Development Director, David Moon, AICP - Planning Manager, Rogers Beckett - Special Projects Coordinator, Kyle Wilkes - Planner II, Robert Sargent - Public Information Officer, Andrew Hand, Esq., Steve Thomes, Carmen Hunter, Ed Velazquez, George Kramer, Rob Cash, Sandy Brower, Suzanne Kidd, Marc Stehli, Kent Brower, Jose Molina, Richard Berglund, Alice Nolan, Teresa Sargeant, Angie McCain, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

**OPENING AND INVOCATION:** Mr. Foster called the meeting to order and asked for a moment of silent prayer. The Pledge of Allegiance followed.

**APPOINTMENT OF CHAIR PRO TEM:**

**MOTION:** Melvin Birdsong made a motion to appoint Tony Foster as the Chair Pro Tem for the October 13, 2015, Planning Commission meeting and Linda Laurendeau seconded the motion. Aye votes were cast by Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0).

**APPROVAL OF MINUTES:** Chair Pro Tem Foster asked if there were any corrections or additions to the special meeting minutes of August 25, 2015, at 5:01 p.m. minutes.

**Motion:** Melvin Birdsong made a motion to approve the Planning Commission minutes from the special meeting held on August 25, 2015, meeting at 5:01 and seconded by Pam Toler. Aye votes were cast by Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

**ANNOUNCEMENTS**

1. Jay Davoll, P.E., announced his transition to the position of Public Services Director and has relocated to the Public Services compound on Cleveland Street. He stated that in the interim of finding a replacement for the Community Development Director position he has been asked to continue in that capacity in a limited manner.
2. David Moon, AICP, Planning Manager, stated that the applicant for Item 3 on the agenda, Ever Meadow Small Scale Land Use Amendment, has requested a continuance for this item. Further discussion to follow later in the meeting.

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

**MINOR FINAL DEVELOPMENT PLAN – PLYMOUTH SOUTH POWER SUBSTATION** - Chair Pro Tem Foster stated this is a request to recommend approval of the Minor Final Development Plan for the Plymouth South Power Substation owned by Duke Energy. The applicant is Poulos & Bennett, LLC, and the property is located at 620 Superior Commerce Boulevard.

Chair Pro Tem Foster asked if there were any affected parties in attendance that wished to speak. No one spoke.

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Chair Pro Tem Foster 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 Minor Final Development Plan for the Duke Energy Plymouth South Power Substation. The owner/applicant is Duke Energy, Inc. and the engineer is Poulos & Bennett, LLC, c/o Ricardo A. Ortiz, P.E. The property is located at 620 Superior Commerce Boulevard (south of West Orange Ave, east of S.R. 429 and west of Superior Commerce Boulevard). The land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is a power substation. The tract size is 2.16 +/- acre (94,089 sq. ft.) and the building size is 1,051 sq. ft.

This proposed Power Substation is located in the heart of Apopka's planned industrial center at S.R. 429/Wekiva Parkway. Proximity of electrical substation is an important consideration when industrial businesses are considering site selection for a new facility. Closer proximity to a power station results in fewer interruptions caused breaks in electric line. It is needed to serve future new industrial and commercial uses near the S.R. 429 interchange with U.S. 441.

The Duke Energy - Plymouth South Power Substation - (Minor) Final Development Plan proposes a High Density Substation with 4 feeders and 3 transmission lines. A preliminary development plan is not required for projects less than 10,000 square feet.

The site will be serviced by an on-site irrigation well and on-site stormwater management system designed according to standards set forth in the Land Development Code.

The site has a standard ten (10) foot wide side-yard landscape buffer with a twenty-five (25) foot wide landscape buffer along Superior Commerce Boulevard. 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. There is no tree bank mitigation fee payment required for this site.

A total of 3 parking spaces are provided for utility vehicles servicing the site; with access occurring from a driveway connecting to Superior Commerce Boulevard.

Waiver Request: The applicant is requesting a waiver from section 4.6 and 4.7 of the Development Design Guidelines; which does not allow chain link or barb wire in areas visible from the road and requires utility equipment to be totally screened from view of principal streets. Where fences are intended to screen areas from public view, they shall be constructed of brick, masonry, wrought iron, stone or other decorative materials.

Response: The applicant is proposing a 7' high chain link fence with 3 strands of barb wire. The chain link fence is proposed for the following safety reasons: 1) to allow visual sightlines into the facility in case of injury to personnel; and 2) to promote air circulation through the yard to reduce temperature inside the yard for personnel.

- Staff does not object to this waiver request.

The Development Review Committee recommends approval of the Duke Energy – Plymouth South Power Substation Final Development Plan and does not object to the waiver request, subject to the findings of the 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.

Petitioner Presentation: Marc Stehli, Poulos & Bennett, LLC, 2602 East Livingston Street, Orlando, stated that they are in concurrence with the staff recommendations.

In response to a question by Ms. Toler, Rob Cash, Duke Energy, 3300 Exchange Place, Lake Mary, stated that, while he was not familiar with the substation located at the intersection of Rock Springs Road and Welch Road, this substation would be small and not as tall as what Ms. Toler described.

Affected Party Presentation: None.

Chair Pro Tem Foster opened the meeting for public hearing. With no one wishing to speak, Chair Pro Tem Foster closed the public hearing.

**Motion:** Pam Toler made a motion to recommend approval of the Minor Final Development Plan and waiver request for the Plymouth South Power Substation, owned by Duke Energy and located at 620 Superior Commerce Boulevard. Jeremiah Jaspon seconded the motion. Aye votes were cast by Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

**SUBDIVISION REPLAT – COOPER PALMS COMMERCE PARK FOR LOTS 7 & 9** - Chair Pro Tem Foster stated this is a request to recommend approval of the subdivision replat of Cooper Palms Commerce Park for Lots 7 & 9 owned by Property Industrial Enterprises, Inc., c/o Michael Cooper. Property located south of 1<sup>st</sup> Street, north of 3<sup>rd</sup> Street, east of South Bradshaw Road, and west of South Hawthorne Avenue.

Chair Pro Tem Foster asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chair Pro Tem Foster 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 Cooper Palms Commerce Park Replat of Lots 7 & 9. The owner/applicant is Property Industrial Enterprises, Inc., c/o Michael Cooper. The surveyor is Nieto-Whittaker Surveying, LLC, c/o Ralph A. Nieto, P.S.M. The property is located south of 1st Street, east of South Bradshaw Road, and west of S. Hawthorne Avenue. The future land use is Industrial and the zoning is Planned Unit Development (PUD/I-1). The existing use is a platted subdivision for industrial, commercial and office uses. The proposed use is a replat of a portion of the Cooper Palms Commerce Park affecting Lots 7, 9, 10, 11, 26 and Tracts A & B. The tract size is 4.95 +/- Acres.

Owners of lots within the Cooper Palms Commerce Park Plat request approval of a modification to the existing plat to address changes to their development plans for the property. The change is necessary to accommodate a business that desires to locate/expand within the City of Apopka. Changes to the plat are not substantial and involve the shifting of lot lines to accommodate proposed development of

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lots 7,9,10, 11, 26 and portions of tracts A & B. All property owners affected by the modification are applicants of the replat application. Development of all lots appearing within the Cooper Palms Commerce Park Replat 7 & 9 are subject to zoning and development standards set forth in the assigned PUD zoning (Ordinance No. 2346).

The Development Review Committee recommends approval of the Cooper Palms Commerce Park Replat of Lots 7 & 9, subject to corrections of scrivener errors on the Plat and the findings of the 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.

Petitioner Presentation: None.

Affected Party Presentation: None.

Chair Pro Tem Foster opened the meeting for public hearing. With no one wishing to speak, Chair Pro Tem Foster closed the public hearing.

**Motion:** Melvin Birdsong made a motion to recommend approval of the Cooper Palms Commerce Center Replat of Lots 7 & 9, owned by Property Industrial Enterprises, LLC, c/o Michael Cooper and located south of 1st Street, east of South Bradshaw Road, and west of S. Hawthorne Avenue, subject to the correction of scrivener errors on the plat and the findings of the staff report. Jeremiah Jaspon seconded the motion. Aye votes were cast by Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

**COMPREHENSIVE PLAN - SMALL SCALE – FUTURE LAND USE AMENDMENT – EVER MEADOW** – Mr. Moon stated that, as mentioned at the beginning of the meeting, the applicant has requested that this item be continued until the December 8, 2015, Planning Commission meeting. Staff does not object to this request. The applicant is aware that, due to the timing, they will be required to re-notice the surrounding property owners as if this were a new application.

Chair Pro Tem Foster opened the meeting for public hearing. With no one wishing to speak, Chair Pro Tem Foster closed the public hearing.

**Motion:** Melvin Birdsong made a motion to continue the Comprehensive Plan – Small Scale Future Land Use amendment for Ever Meadow until the December 8, 2015, Planning Commission meeting. Linda Laurendeau seconded the motion.

Richard Berglund, 1220 Legg Drive, Apopka, expressed his concern regarding this property going from a residential category to commercial and requested information on what the applicant was planning for this property.

Chair Pro Tem Foster re-opened the meeting for public hearing.

Mr. Moon stated that this request, at the time it is presented at the December 8<sup>th</sup> meeting, will only be the consideration of the future land use change. There will be no site plans presented that would be

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associated with this property. He explained that future land use designations are more general and broad in nature. Zoning categories are more specific and the zoning change for this property will have a separate hearing.

George Kramer, Littlejohn Engineering Associates, Inc., 1615 Edgewater Drive, Orlando, stated that they are still considering what uses will be most appropriate for the site. He stated that they are looking for to working with the neighbors to ensure that whatever use is designated to the property will be an appropriate one.

With no one else wishing to speak, Chair Pro Tem Foster closed the public hearing.

**Restated Motion:** Melvin Birdsong made a motion to continue the Comprehensive Plan Small Scale Future Land Use amendment for Ever Meadow until the December 8, 2015, Planning Commission meeting. Linda Laurendeau seconded the motion. Aye votes were cast by Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (5-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 5:40 p.m.

/s/

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Tony Foster, Chair Pro Tem

/s/

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