

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JANUARY 8, 2019, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley

ABSENT: Mary Norwood, Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, David Moon, AICP - Planning Manager, Joseph Byrd – City Attorney, Patrick Brackins – City Attorney, Bobby Howell, AICP – Senior Planner, Pamela Richmond, AICP – Senior Planner, Jean Sanchez – Planner II, Phil Martinez – Planner I, and Jeanne Green – Recording Secretary.

OTHERS PRESENT:

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

ELECTION OF OFFICERS:

Chairperson:

MOTION: Robert Ryan nominated James Greene as Chairperson of the Planning Commission and seconded by Butch Stanley. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

Vice - Chairperson:

MOTION: James Greene nominated Linda Laurendeau as Vice-Chairperson of the Planning Commission and seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of December 11, 2018, at 5:30 p.m.

Motion: Butch Stanley made a motion to approve the Planning Commission minutes from the regular meeting held on December 11, 2018, at 5:30 p.m. and seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

QUASI-JUDICIAL – VARIANCE – ADVENT HEALTH – Chairperson Greene stated this is a request to approve a variance from Section 8.04.03(A)(1), Land Development Code, to allow two wall signs with 336 square feet of copy area for each sign for the property owned by Adventist Health System/Sunbelt, Inc., and located at 2100 Ocoee Apopka 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. No one spoke.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to approve a variance from Section 8.04.03(A)(1), Land Development Code, to allow two wall signs with 336 square feet of copy area for each sign for the property owned by Adventist Health System/Sunbelt, Inc., and located at 2100 Ocoee

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Apopka Road. The applicant is Advent Health/Florida Hospital Apopka. The future land use is Commercial and the zoning is PUD (Planned Unit Development). The existing use is a hospital. The tract size is 33.71 +/- acres.

The applicant is requesting a variance from Section 8.04.03(A)(1) –A wall sign shall not exceed two square feet in area for each foot of frontage of building displaying sign, provided no single building shall display more than four wall signs. But in no case shall there be more than two signs affixed on each building wall. Further, the total square footage of wall signs allowed shall not exceed 200 square feet, and any individual wall sign shall not exceed 100 square feet.

- *Applicant Request* - Allow two wall signs to each have 336 square feet of copy area.

On November 13, 2018, Planning Commission reviewed and approved an amendment to the Advent Health Sign Master Plan. The Master Plan allows a maximum wall sign of 100 square feet. Approval of the variance will increase the maximum wall sign area of 336 square feet for each wall sign. If the additional 472 square feet wall signage area is approved by the Planning Commission, this additional area cannot be transferred at a later time to other signage types within the Advent Health site (i.e., monument signs, wall signs).

VARIANCE PROCESS: Per Land Development Code Section 10.02.00, the Planning Commission must follow two steps to approve a variance:

- Step 1: Section 10.02.02.A, Limitations on Granting Variances. The Planning Commission “shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” This is known as a physical hardship. If the Planning Commission makes this determination, then it must take action on the seven variance criteria set forth in Section 10.02.02.B.
- Step 2: Section 10.02.02.B, Required Findings. Once a “physical hardship” has been determined, the Planning Commission shall not vary from the requirements of any provision of the LDC unless it makes a positive finding, based on substantial competent evidence, on the seven variance criteria.

APPLICABLE CITY CODE:

1. Section 8.04.03(A)(1) – For all single-occupancy development except for that addressed in subsection 2 below, the aggregate area for a wall sign shall not exceed two square feet in area for each foot of frontage of building displaying sign, provided no single building shall display more than four wall signs. But in no case shall there be more than two signs affixed on each building wall. Further, the total square footage of wall signs allowed shall not exceed 200 square feet, and any individual wall sign shall not exceed 100 square feet.

Variance Hardship Determination (Step 1): The first step of the variance determination process is to determine if a hardship occurs pursuant to Section 10.02.02.A, “whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.”

Staff's Response: In December 2018, Florida Hospital Apopka moved from Downtown Apopka to the city limits at Ocoee Apopka Road. Residential and neighbors are still getting use to the new location, further increasing the need for visit, directional signage. Furthermore, the hospital, along with its parent company Adventist Health System, is rebranding to Advent Health effective January 2, 2019. A variance is being requested to increase the size of the two existing wall signs are the top of the building to make them more visible. The current signs that are within code are illegible during the day and are difficult to see at night at their current size and color.

Seven Variance Criteria Findings (Step 2): If the Planning Commission accepts the hardship in Paragraph A. above, the second step is to make a finding on the seven criteria below. The Planning Commission must make a positive finding, based on substantial competent evidence, on each of the following seven criteria:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

Applicant's Response: The new wall signs are in harmony with various aspects of Apopka's city sign code and intent:

- Since the hospital was first built, employees and locals alike noted that the building wall signage was difficult to see during both day and night.
- Over the last several years, emergency room visits at Florida Hospital Apopka have increased significantly - with nearly 30,000 visits expected this year. Good visibility signage will aid all visitors to the hospital including patients and EMS employees.
- The hospital fronts Interstate 439, a major artery in Apopka with traffic moving at very high speeds. New, larger signs will increase visibility at a key decision point for emergency situations and hospital access, and for those unfamiliar with the area.

Staff's Response: No objection.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant's Response: The request for this variance is based on better, larger, more directional signage with the intent of bettering the hospital service for the entire community. This request is not based upon any desire to reduce costs or spare any expense on the hospital

Staff's Response: No objection.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant's Response: The variance includes two wall signs that will not increase congestion on any surrounding public streets. The goal of the variance is to give patients more visibility in order to make quicker decisions while driving.

Staff's Response: No objection.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant's Response: There are no privately owned properties within 300 feet of the hospital. Furthermore, these wall signs will not diminish any surrounding property values. These two wall signs will be uniform in design, font and color, in order to achieve a holistic, coordinated set of signage on campus.

Staff's Response: City staff does not hold professional expertise to address property values.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific

intent of the relevant subject area(s) of the code.

Applicant's Response: The new wall signs are in harmony with various aspects of Apopka's city sign code and intent:

- They will enhance the economy and industry of the City of Apopka by promoting the reasonable, orderly and effective display of signs and encouraging better community with the public. Better visibility of signage will allow for traffic to move more smoothly when people know exactly where to go in an emergency situation.
 - Purpose B, Code of Ordinances - Part III - Land Development Code
- They will reduce the number of signs and advertising distractions; by increasing the size of these two wall signs, less overall signs are needed for the hospital.
 - Purpose E, Code of Ordinances - Part III - Land Development Code
- They will help to achieve a uniform aesthetic across the hospital campus and the Adventist Health System as a whole, providing recognizable signage and a better visual environment, while also preserving the value of surrounding properties.

Staff Response: No objection.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: No special conditions or circumstances would result from the approval of this variance. The goal is to provide the community with better visibility and identification of the hospital.

Staff Response: No objection.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: This variances will not create any safety hazards or other detriments to the public. All signs will be installed according to International Sign Association standards. Additionally, with the lack of surrounding private property, these two illuminated signs will not affect any private citizens while illuminated at night.

Conclusion: The new signage on the hospital will be uniform in appearance at this campus and across the nation. This variance is being sought to help individuals best navigate while driving by making the signage more visibility and legible. The emphasis on providing high visibility to each hospital is of utmost importance as it is felt that clear and legible signage is essential for the health and safety of the community. Additionally, this will make the signs more visible given the distance from the surrounding streets. These new building signs will serve as a beacon not only to EMS and other emergency services personnel, but for the community as a whole.

Staff Response: No objection.

The role of the Planning Commission is to first determine that sufficient information indicates “whether a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other

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physical or environment conditions that are unique to the specific property involved.” If so, then the Planning Commission must find that sufficient information occurs to accept each of the seven variance criteria.

Planning Commission has the authority to approve, deny, or approve with conditions the requested variance.

If Planning Commission approves the Variance, staff recommended the following language:

Approve a variance from Section 8.04.03(A)(1), Land Development Code, to allow two wall signs with 336 square feet of copy area for each sign.

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 a question by Chairperson Greene, James Hitt, Community Development Director, stated that this is a very unique situation due to the building being the only seven story structure in this particular area and the lack of visibility of smaller signs from the adjacent roadways.

In response to a question by Mr. Ryan, Mr. Hitt stated that while the requested signs do not have the word “hospital” on them, it will be obvious this is a hospital from the directional signs and the ground signs being updated and the intense national ad campaign taking place announcing the new name.

The petitioner did not have a presentation but was available to answer questions.

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

Motion: Butch Stanley made a motion that the Planning Commission has determined that sufficient information indicates a need for the proposed variance arising out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the property owned by Adventist Health System/Sunbelt, Inc., and located at 2100 Ocoee Apopka Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0). (Vote taken by poll.)

Motion: Butch Stanley made a motion to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and to approve a variance from Section 8.04.03(A)(1), Land Development Code, to allow two wall signs with 336 square feet of copy area for each sign for the property owned by Adventist Health System/Sunbelt, Inc., and located at 2100 Ocoee Apopka Road. Motion seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0). (Vote taken by poll.)

QUASI-JUDICIAL – SPECIAL EXCEPTION – WEST APOPKA SELF STORAGE FACILITY – Chairperson Greene stated this is a request to approve a Special Exception and Special Exception Site Plan to allow a self-storage facility, West Apopka Self Storage Facility, subject to the Special Exception Conditions of Use, for the property owned by Dafflyn Property 2 LLC and located at 2106 Plymouth Sorrento 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.

Mr. Ryan stated that he had e-mailed staff and the City Attorney regarding the proposed project complying with the Americans with Disabilities Act (ADA) regulations. No other Planning Commission members had ex parte communications.

Staff Presentation: Phil Martinez, Planner I, stated this is a request to approve a Special Exception and Special Exception Site Plan to allow a self-storage facility, West Apopka Self Storage Facility, subject to the Special Exception Conditions of Use, for the property owned by Dafflyn Property 2 LLC and located at 2106 Plymouth Sorrento Road. The future land use is Commercial and the zoning is C-1 (Retail Commercial). The existing use is two single family homes and the proposed use is a self-storage facility. The total tract size is 8.95 +/- acres of which 6.53 +/- acres will be used for a self-storage area.

The property is presently assigned a Future Land Use Designation of “Commercial”. Within the C-1 (Retail Commercial District) zoning category, a self-storage facility is a use that requires an approved Special Exception. The proposed self-storage facility is comprised of 70,935 sq. ft. of building space, amounting to a floor area ratio (FAR) of .2499. Portable storage pods and a covered RV area are located in the middle of the complex and are not counted for in the FAR. 1,200 sq. ft. is dedicated for an office area, 55,475 sq. ft. is proposed for hybrid, climate control storage, and 14,260 sq. ft. is used for self-storage. The development is planned to be gated, and is part of a planned commercial subdivision. The self-storage area (Special Exception Area) is depicted on Lot 1 in the attached Site Plan. Lots 2-4 are for C-1 Commercial use.

The Special Exception only applies to a western portion of the parcel. To screen areas east of Plymouth Sorrento Road from the min-storage use, the eastern portion of the parcel is not incorporated into the Special Exception.

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)	Residential Low Suburban	R-1AA & RT-2 (ZIP)	Single Family Houses
East (City)	Residential Low Suburban & Commercial	PUD & R-1AAA	Nurseries & Single Family Homes
South (City)	Agriculture	AG	Woodlands
West (City & County)	Residential Low Suburban & Rural	A-1 (ZIP) & A-1	Single Family Houses& Woodlands

B. Special Exception Distance Separation Standard. “All special exception uses shall be located a minimum of 1,000 feet from any other existing like use in non-residential districts, and 1,500 feet in residential districts.” (Article II, Section 2.00.00, 5. Special Exceptions. B1). The proposed self-storage area is more than 1,500 feet from any other self-storage area.

C. 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. After review of the Development Plan for the Special Exception, staff finds that the applicant has met the intent of the regulations stated in Article II, Section 2.02.01 General, (5), Special Exceptions.

The parking requirement for this use is one space for each 2 employees on largest shift plus 1 space for each company vehicle operating from the premises.

A 15 feet wide buffer yard areas have been provided on the southern, western, and northern boundary lines, with a 6 feet tall masonry wall in the northern buffer yard. The north adjacent lands are currently used, or zoned for, residential development. While a buffer yard and wall were not provided on the eastern boundary, the proposed conditions of this development, as well as the existing conditions of

the east-adjacent lots 2-4, counter the need for a buffer yard and wall.

A lighting plan, landscape plan, and sign plan, will be provided during the Site Plan Approval Process (i.e. Preliminary Development Plan and/or Final Development Plan).

C. Special Exception Conditions of Use.

1. Portable storage containers can only be grouped together in increments of 6 with a ten foot separation between every 6 pods.
2. Four additional hydrants must be located inside the complex at all four corners surrounding the containers.
3. The entrance gate shall have an opticom visual type activation for emergency vehicles, one mounted high, and one mounted low, with a yelp siren activation, and a key code mandated by city staff for emergency access.
4. An acceptable location of the dumpster shall be shown on the preliminary development plan.
5. The project's landscape and irrigation plans shall be designed in accordance with City Ord. No. 2069.
6. A lighting plan shall be required with the Preliminary Development Plan.
7. A landscape plan shall be required with the Preliminary Development Plan.
8. No outside storage of parts, supplies, materials, equipment, shall be allowed, unless approved by a special exception in accordance with this code.
9. Portable storage pods shall be permitted under the following conditions: (10-13)
10. Must be in accordance with the City of Apopka's Fire Department Guidelines, and all other departments
11. Must be screened from public view (by buildings or an 8' wall)
12. Maximum height of storage pods is 8'
13. Must demonstrate that pods are used on a temporary basis and capable of being transported offsite.
14. Only operable vehicles may be permitted in the covered RV area. Vehicle may not be inhabited.
15. Storage is only permitted for inanimate objects.
16. The Special Exception for s mini-storage facility applies only to the western portion of the existing parcel as delineated within the Special Exception Site Plan. The Special Exception Area is limited to a maximum of 5.8 acres.
17. A Preliminary and Final Development Plan for the parcel shall be consistent with the Special Exception Site Plan if a self-storage use is proposed within the approved Special Exception area.

The Development Review Committee recommends approval for a Special Exception and Special Exception Site Plan to allow a self-storage facility within the C-1 zoning district, subject to the Special Exception conditions within the staff report and the site plan.

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Staff recommended the Planning Commission approve a Special Exception and Special Exception Site Plan to allow a self-storage facility, subject to the Special Exception Conditions of Use, at 2106 Plymouth Sorrento Road.

The role of the Planning, pursuant to the City of Apopka Code of Ordinances, Part III, Land Development, Article XI, Section 11.05.D.1, is to take final 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.

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.

John Herbert, American Civil Engineering Company, 207 North Moss Road # 211, Winter Springs, stated he is the engineer for the project. He said they appreciated staff's assistance and agreed with the staff report. He said the owners, applicant, and himself were available to answer any questions.

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 approve a Special Exception and Special Exception Site Plan to allow a self-storage facility, West Apopka Self Storage Facility, subject to the Special Exception Conditions of Use, for the property owned by Dafflyn Property 2 LLC and located at 2106 Plymouth Sorrento Road. Motion seconded by Butch Stanley. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0). (Vote taken by poll.)

LEGISLATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – CONSTRUESSE USA, INC. - Chairperson Greene stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from "County" Low Density Residential to "City" Residential Low Suburban, subject to the findings of the staff report for the property owned by Construesse USA, Inc. and located at 2600 Rock Springs Road.

Staff Presentation: Mr. Martinez stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from "County" Low Density Residential to "City" Residential Low Suburban, subject to the findings of the staff report for the property owned by Construesse USA, Inc. and located at 2600 Rock Springs Road. The current zoning is "County" A-1 and A-R. A change of zoning to "City" PUD (Planned Unit Development) will be processed at a later date when the applicant submits a master plan. The existing use is two single family homes. The existing maximum allowable development is 38 single family homes and the proposed maximum allowable development is 33 single family homes. The tract size is 9.59 +/- acres.

The subject parcel was annexed in the city on October 17, 2018 by Ordinance No. 2681. The applicant has applied for Residential Low Suburban Future Land Use and Planned Unit Development Zoning. The intent, at this time, is to develop a single-family, infill subdivision. Future Land Use designations to the north, south, and west are also Residential Low Suburban.

The proposed use of the property is consistent with the Residential Low Suburban Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a Residential Low Suburban FLUM designation at the subject site:

Future Land Use Element

1. Policy 3.1.d - Low Density Suburban Residential

The primary use shall be residential dwelling units up to 3.5 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

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 property is exempt from school capacity enhancement per the School Interlocal Planning Agreement. School concurrency will apply at the time of the final development plan\plat application.

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 October 9, 2018.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of Residential Low Suburban for the property owned by Construesse USA, Inc. and located at 2600 Rock Springs Road.

Staff recommended the Planning Commission find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the change of Future Land Use Designation from "County" Low Density Residential to "City" Residential Low Suburban, subject to the findings of 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.

In response to a question by Mr. Gusler, David Moon, Planning Manager, stated that once the zoning application is received staff will look at the zoning compatibility with the surrounding properties. Under PUD (Planned Unit Development) zoning the proposed lot size and width much be compatible with the adjacent properties. The density and lot yield will be determined at the time the change of zoning application is received.

Momtaz Barq, Terra-Max Engineering Inc., 1507 South Hiawasse Road, Orlando, stated that he agreed with the staff report and was available to answer any questions.

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 proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from "County" Low Density Residential to "City" Residential Low Suburban, subject to the findings of the staff report for the property owned by Construesse USA, Inc. and located at 2600 Rock Springs Road. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

LEGISLATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – WILLIAM & CECILIA UEBEL AND JOSE & IRIS ACEVEDO - Chairperson Greene stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Commercial to Residential Very Low Suburban, subject to the findings of the staff report for the properties owned by William & Cecelia Uebel; and Jose & Iris Acevedo and located at 355, 363, and 371 West Kelly Park Road.

Staff Presentation: Phil Martinez, Planner, stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Commercial to Residential Very Low Suburban, subject to the findings of the staff report for the properties owned by William & Cecelia Uebel; and Jose & Iris Acevedo and located at 355, 363, and 371 West Kelly Park Road. The existing use is three single family homes. The current zoning is C-1 (Retail Commercial). The proposed zoning of "City" R-1 is being processed along with the future land use amendment. The maximum allowable development is 14,810 sq. ft. commercial space and the proposed is three single family dwelling units. The tract size is 1.36 +/- acres.

The subject parcels were annexed in the city on May 19, 2010 by Ordinance Nos. 2160 and 2161. Commercial Future Land Use was designated to the properties on September 1, 2010 via Ordinance Nos. 2187 and 2189, Commercial Zoning was assigned on the same day, via Ordinance Nos. 2188 and 2190. The three existing single-family homes have been legal, non-conforming structures since the Commercial Future Land Use and Commercial Zoning were assigned.

The applicants propose R-1 zoning and Residential Very Low Suburban Future Land Use to attain a legal, conforming status to the three existing single family homes.

The proposed use of the property is consistent with the Residential Very Low Suburban Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a Residential Very Low Suburban FLUM designation at the subject site:

Future Land Use Element

1. Policy 3.1.c

Very Low Density Suburban Residential

The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

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 property is 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 November 14, 2018.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of Residential Very Low Suburban for the properties owned by William & Cecilia Uebel & Jose & Iris Acevedo, and located at 355, 363, and 371 West Kelly Park Road.

Staff recommended the Planning Commission find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the change of Future Land Use Designation from Commercial to Residential Very Low Suburban, subject to the findings of the Staff Report.

This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Ms. Laurendeau stated it was refreshing to see property go from Commercial to Residential.

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

Motion: Butch Stanley made a motion to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Commercial to Residential Very Low Suburban, subject to the findings of the staff report for the properties owned by William & Cecelia Uebel; and Jose & Iris Acevedo and located at 355, 363, and 371 West Kelly Park Road. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

QUASI-JUDICIAL – CHANGE OF ZONING - WILLIAM & CECILIA UEBEL AND JOSE & IRIS ACEVEDO – Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the proposed Change of Zoning from C-1 to R-1 subject to the findings of the staff report for the properties owned by William & Cecelia Uebel; and Jose & Iris Acevedo and located at 355, 363, and 371 West Kelly Park 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. No one spoke.

Staff Presentation: Mr. Martinez stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the proposed Change of Zoning from C-1 to R-1 subject to the findings of the staff report for the properties owned by William & Cecelia Uebel; and Jose & Iris Acevedo and located at 355, 363, and 371 West Kelly Park Road. The existing use is three single family homes. The current future land use is Commercial and the proposed future land use is Residential Very Low Suburban that is being processed along with the change of zoning. The maximum allowable development is 14,810 sq. ft. commercial space and the proposed is three single family dwelling units. The tract size is 1.36 +/- acres.

The subject parcels were annexed in the city on May 19, 2010 by Ordinance Nos. 2160 and 2161. Commercial Future Land Use was designated to the properties on September 1, 2010 via Ordinance Nos. 2187 and 2189, Commercial Zoning was assigned on the same day, via Ordinance Nos. 2188 and 2190. The three existing single-family homes have been legal, non-conforming structures since the Commercial Future Land Use and Commercial Zoning were assigned.

The applicants propose R-1 zoning and Residential Very Low Suburban Future Land Use to attain a legal, conforming status to the three existing single family homes.

The existing and proposed use of the property is consistent with the proposed Residential Very Low Suburban (0-2 DU/Acre) Future Land Use designation and the City's R-1 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 property is 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 November 14, 2018.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from C-1 to R-1 for the properties owned by William & Cecilia Uebel & Jose & Iris Acevedo.

Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the proposed Change of Zoning from C-1 to R-1 for the properties owned by William & Cecilia Uebel & Jose & Iris Acevedo.

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.

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

Motion: Butch Stanley made a motion to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the proposed Change of Zoning from C-1 to R-1, subject to the findings of the staff report, for the properties owned by William & Cecelia Uebel; and Jose & Iris Acevedo and located at 355, 363, and 371 West Kelly Park Road. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – CJS HOLDING (LAKE GEM LOT 1) - Chairperson Greene stated this is a request to find the CJS Holding (Lake Gem Lot 1) Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan, subject to the findings of the staff report for the property owned by Property Industrial Enterprises, LLC c/o Michael R. Cooper, and located at 701 Marshall Lake 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.

Mr. Ryan stated that he had e-mailed staff and the City Attorney regarding the proposed project complying with the Americans with Disabilities Act (ADA) regulations.

No other Planning Commission members had ex parte communications.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the CJS Holding (Lake Gem Lot 1) Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan, subject to the findings of the staff report for the property owned by Property Industrial Enterprises, LLC c/o Michael R. Cooper, and located at 701 Marshall Lake Road. The engineer is Ken Ehlers, P.E. The future land use is Industrial and the zoning is PUD/I-1 (Planned Unit Development/Industrial). The existing use is vacant land and the proposed use is Industrial on Lot 1 of the Lake Gem Commerce Center. The proposed building size is 13,600 square feet and the proposed Flood Area Ratio is 0.19 with a maximum of 0.60. The tract size is 1.57 +/- acres or 68,432 square feet.

The CJS Holding (Lake Gem Commerce Center Lot 1) Final Development Plan is a site plan proposing a 13,600 square feet, one-story building for warehousing use for door and frame installation. Located within

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the PUD/I-1 zoning district, Lot 1 contains 1.57 acres. Lake Gem Commerce complies with the development standards for I-1 zoning district but allowed for a building height of up to 50 feet and subject to the all other standards within PUD Ordinance No. 2447.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front*	25'
Side	10'
Rear	10'*
Corner	25'

*30 feet setback from residential uses or zoning districts.

Ingress/egress access points for the development will be via the spine road, Gem Commerce Court with full access onto Marshall Lake Road. Thirty-five parking spaces, including two ADA-compliant parking spaces, are provided as required by Code.

A transportation impact analysis (TIA) was conducted for the Lake Gem Industrial Park to assess the impacts of the total project on the surrounding roadway segments and intersections within a one-mile radius of the project per the City's adopted TIA methodology. Marshall Lake Building Lot 10 is one of 12 lots located in the 90,000 square foot Lake Gem Industrial Park project, representing about 8% of the total project. Included in the analysis were segments of Bradshaw Road, Marshall Lake Road, and W 1st Street. The intersection of Bradshaw Road and Lake Marshall Road along with the site entrance were also analyzed.

The Lake Gem Industrial Park project will generate 627 daily trips and 87 P.M. Peak Hour trips. Marshall Lake Building Lot 10 will generate 52 daily trips and 7 P.M. Peak Hour Trips. The addition of the project trips for the entire Lake Gem Industrial Park to the study roadways will not cause the Level of Service (LOS) to fall below the City's adopted LOS. The intersection of Bradshaw Road and Marshall Lake Road and the site entrance will operate at acceptable Levels of Service with the addition of project generated traffic.

The stormwater management system includes an on-site retention area on the western portion of the Lake Gem Commerce Park. The stormwater pond design has been previously reviewed under the Lake Gem Commerce Park and meets the City's Land Development Code requirements.

A mixture of loblolly pines and magnolias are planted within the 25-foot wide landscaped buffer provided along Marshall Lake Road. A Japanese Blueberry tree is provided for each parking landscape island, which is a minimum of 8-feet in width and matches the length of the adjacent parking spaces.

The County was notified at the time of the subdivision plan and plat for this property through the DRC agenda distribution.

The Development Review Committee recommends approval of the CJS Holding Final Development Plan subject to the findings of this staff report.

Staff recommended the Planning Commission find the CJS Holding Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the CJS Holding Final Development, subject to the findings of this staff report.

The role of the Planning Commission 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 a question by Mr. Ryan, Mr. Hitt stated that the City complies with the Florida Building Code which is ADA compliant and based on that code van accessible signs are not required.

Mr. Ryan disagreed with Mr. Hitt stating that ADA was a Federal law and van accessible signs are required.

Joseph Byrd, City Attorney, said that the City is compliant with the Florida Building Code and that code is ADA compliant. He added that there are ongoing discussions to include more restrictive codes.

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

Motion: Butch Stanley made a motion to find the CJS Holding (Lake Gem Lot 1) Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan, subject to the findings of the staff report for the property owned by Property Industrial Enterprises, LLC c/o Michael R. Cooper, and located at 701 Marshall Lake Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

In response to a question by Mr. Cooper, Mr. Ryan stated that he would like there to be a “Van Accessible” sign placed at the handicap parking spaces.

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – FAIRFIELD INN & SELF-STORAGE - Chairperson Greene stated this is a request to find the Fairfield Inn & Self-Storage Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan, subject to the findings of this staff report for the property owned by Farish Enterprises, LLC and located at 1616 East Semoran Boulevard.

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.

Mr. Ryan stated that he had e-mailed staff and the City Attorney regarding the proposed project complying with the Americans with Disabilities Act (ADA) regulations.

No other Planning Commission members had ex parte communications.

Staff Presentation: Ms. Sanchez stated this is a request to find the Fairfield Inn & Self-Storage Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan, subject to the findings of this staff report for the property owned by Farish Enterprises, LLC and located at 1616 East Semoran Boulevard. The engineer is Interplan, LLC, c/o Stuart Anderson, P.E. The future land use is Commercial and the zoning is C-2 (General Commercial). The existing use is vacant land and the proposed uses are a hotel, self-storage facility and RV parking. The proposed building sizes for the hotel with 91 rooms is 51,588 square feet and the storage facility is 60,732 square feet for a total of 112,320 square feet. The building height for the hotel is 53 feet and 35 feet for the self-storage facility. The proposed Floor Area Ratio is 0.2499 with a 0.25 maximum allowed. The tract size is 12.12 +/- Acres or 527,937 square feet.

City Council approved a preliminary development plan for the Fairfield Inn and Self-Storage project on August 1, 2018, and Planning Commission recommended approval of these preliminary development plans at its meeting held on July 10, 2018.

Further, Planning Commission approved a Special Exception Permit and an associated Special Exception Site Plan on December 13, 2016. The Special Exception allowed for an increase in the maximum building height from 35 feet to 55 for the hotel building.

Farish Enterprises proposes to replat the McVilla Commerce Park Plat from three lots to four lots. Lot 3 of the McVilla Commerce Center Plat will be subdivided into Lots 3A and 3B. Lot 3B, is the proposed location of a hotel and a storage facility. Lot 3A will function as an outparcel and is situated to Semoran Blvd. A site plan for Lot 3B is included in this Final Development Plan. At a future date, a site plan will be submitted for the vacant outparcel, Lot 3A.

The site plan for Lot 3B includes the hotel and self-storage facility. A service driveway\road connects McVilla Avenue to the western end of Lot 3B and to the eastern property line of outparcel in Lot 3A. A multi-tenant monument sign will be placed in a sign easement at the northeast corner of Lot 3A, and dedicated to the property owner association.

At four stories, the hotel includes 91-lodging units and an outdoor pool. At three stories, the 60,732 square feet self-storage facility will include outdoor storage for recreational vehicles, trucks and other equipment. Located behind the Aldi Grocery Store and the RaceTrac on East Semoran Boulevard, the hotel and self-storage facility have a proposed connection to Semoran from the private driveway, McVilla Avenue.

Section 2.02.01(A) of the City's Land Development Code, mandates a maximum building height of 35' for all districts. On December 13, 2016, the Planning Commission approved a special exception to allow a maximum building height of fifty-five (55) feet for the hotel. The self-storage facility is in accordance with the previously mentioned building height rule of 35'. The hotel is proposed to have a height of 53 feet.

The hotel site contains 106 parking spaces of which five are handicapped spaces. And the self-storage facility contains 67 parking spaces of which two are handicapped spaces. In total, the applicant proposes 69 more parking spaces than what is required by the Land Development Code. The ancillary spaces on Fairfield shall be moved closer to the doors on the sides at time of construction since it is simply a re-striping issue. The side accessible parking spaces shall be shifted nearer to the exit doorways. The applicant has not declared whether joint parking will be allowed between the hotel and self-storage sites, but that capability exists as Lot 3B will occur under one ownership.

Access to the site is via a single full access points on US 441/Semoran Boulevard at McVilla Avenue, a signalized intersection. McVilla Avenue dead ends into this project and provides access to US 441/Semoran Boulevard for Aldi on the west and RaceTrac on the right.

A. Road Jurisdiction.

1. US 441/Semoran Boulevard – State Road.
2. McVilla Avenue – Private.
3. A cross-access easement provides connection between Lot 3A and the Aldi lot, connecting to Semoran Blvd.

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- B. The project is anticipated to generate 71 PM Peak Hour trips. All project generated traffic is anticipated to exit the site to US 441/Semoran Boulevard, half heading east and half heading west. Sufficient capacity exists to accommodate the addition of trips generated by this project.
- C. Road/Intersection Improvements. No roadway or intersection improvements are required.
- D. The Plat shall be revised to indicate the access easement is granted to the owner of Parcel 3A, and shall state who has the maintenance responsibility of the cross access easement.

Stormwater run-off and drainage will be accommodated by an on-site retention pond located on the south portion of the project site abutting residential uses/districts and surrounded by a 6-foot tall aluminum fence. The on-site stormwater management system is designed according to standards set forth in the Land Development Code.

The site plan shows that parking lots and buildings are proposed to be lined with predominantly Live Oaks and Slash Pines. Live oaks are shown, in addition to a 6-foot tall masonry, concrete or brick wall on the southern boundary and in the 35-foot wide landscaped buffer in the southeastern portion boundary abutting residential zoning districts. The planting materials are consistent with the standards set forth in Ordinance No. 2069.

Four hundred (400) square feet of area within the proposed outparcel on the northeastern portion that abuts Semoran Boulevard is designated as an area for multitenant monument signage. The Lot 3A outparcel will be created by plat at the time of Final Development Plan. Signage for this development will be permitted separately and must comply with Article VIII of the City's Land Development Code.

The Plat shall be revised to show the commercial plaza sign tract to be dedicated to the owner of lot 3a and 3b.

The Development Review Committee recommends approval of the Fairfield Inn and Self-Storage Final Development Plan and Plat, subject to the findings of this staff report.

Staff recommended the Planning Commission find the Fairfield Inn and Self-Storage Final Development Plan and Plat consistent with the Land Development Code and Comprehensive Plan; and recommend approval of Final Development Plan and Plat, subject to the findings of this staff report for the property owned by Farish Enterprises, LLC, and located at 1616 East Semoran Boulevard.

The role of the Planning Commission for this development application is to advise the City Council to approve or deny 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.

Chris Blurton, Interplan LLC, 604 Courtland St., Suite 100, Orlando, agreed with the staff report and was available to answer any questions. He told Mr. Ryan that they would install "Van Accessible" signs at the handicap parking spaces.

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 Fairfield Inn & Self-Storage Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan, subject to the findings of this staff report for the property owned by Farish Enterprises, LLC and located at 1616 East Semoran Boulevard. Motion seconded by William Gusler. Aye

votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN AND PLAT – VISTA RESERVE -

Chairperson Greene stated this is a request to find the Vista Reserve Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Vista Reserve Final Development Plan and Plat amendment, subject to final review by the City surveyor and City Engineer prior to recording the plat for the property owned by Pulte Home Company, LLC, and located on the east side of Rogers Road, approximately ½ mile north of the intersection of Rogers Road and Lester 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. No one spoke.

Staff Presentation: Ms. Sanchez stated this is a request to find the Vista Reserve Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Vista Reserve Final Development Plan and Plat amendment, subject to final review by the City surveyor and City Engineer prior to recording the plat for the property owned by Pulte Home Company, LLC, and located on the east side of Rogers Road, approximately ½ mile north of the intersection of Rogers Road and Lester Road. The applicant is Pulte Home Corporation. The existing use is vacant land and the proposed use is a 153 single family home subdivision. The amendment changes the phasing one phase to two phases (Phase 1 – 52 units; Phase 2 –101 units). The future land use is Low Density Suburban Residential and the zoning is PUD (Planned Unit Development). The tract size is 61.1 +/- acres.

On October 3, 2018, the City Council approved a Final Development Plan and Plat for the Vista Reserve subdivision, which is located on the east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road. The approved Vista Reserve Final Development Plan and Plat detailed the development of 153 single family residential lots in one phase. Following City Council approval, the applicant submitted a revised Final Development Plan and Plat proposing construction of the subdivision in two phase instead on one phase. The amended Final Development Plan and Plat are consistent with the Final Development Plan and Plat that were approved by the City Council on October 3, 2018 with the exception that the subdivision will be divided into two phases. Phase 1 will consist of 52 units, and Phase 2 will consist of 101 units. Each phase has been designed to function on its own. Consistent with the approved PUD Master Plan/Preliminary Development Plan, lot widths of 65-feet and 90-feet are provided. The minimum living area is proposed at 2,190 square feet.

Ingress/egress access points for the development are located via Rogers Road. Rogers Road will terminate at the main entrance of the development. The developer will be dedicating a 0.68 acre portion of right-of-way along Rogers Road to the City. The subdivision will consist of public roads and infrastructure that is owned and maintained by the City. Vehicular and pedestrian connections are provided to the property to the north and to the Carriage Hills subdivision located to the south.

Two tracts located on the northwestern and northeastern corners of the site are reserved for stormwater retention. The stormwater retention areas will be owned and maintained by the homeowners association.

Consistent with the approved PUD Master Plan/Preliminary Development Plan, a 1.67 acre tract is reserved for the community recreation facility that will be owned and maintained by the homeowners association. Included within the recreation facility is a picnic area, pool, pool cabana building, play structure, open play area, bicycle parking, and a parking area for 8 cars.

Consistent with the approved PUD Master Plan/Preliminary Development Plan, a continuous open space

tract with is provided around the perimeter of the subdivision to buffer the homes from the surrounding existing subdivisions. Thirty percent of the site, or 18.13 acres of open space is provided, and will be owned and maintained by the homeowners association. Landscaping and a 6-foot high brick wall is provided along Rogers Road. Trees are located within the open space tract provided around the perimeter of the subdivision.

The developer has obtained a school concurrency mitigation agreement with Orange County Public Schools to address school impacts generated by this residential development. The schools zoned to receive students from this community are the following: Wolf Lake Elementary School, Wolf Lake Middle School and Apopka High School.

The County was notified at the time of the subdivision plan and plat for this property through the DRC agenda distribution.

The Development Review Committee recommends approval of the Vista Reserve Final Development Plan and Plat amendment, subject to final review by the City surveyor and City Engineer prior to recording the plat.

Staff recommended the Planning Commission recommend approval of the amendment to the Vista Reserve Final Development Plan and Plat, subject to final review by the City surveyor and City Engineer prior to recording the plat.

The role of the Planning Commission for this development application is to advise the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code and Final Development Plan and Master Plan.

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.

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

Motion: Butch Stanley made a motion to find the Vista Reserve Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Vista Reserve Final Development Plan and Plat amendment, subject to final review by the City surveyor and City Engineer prior to recording the plat for the property owned by Pulte Home Company, LLC, and located on the east side of Rogers Road, approximately ½ mile north of the intersection of Rogers Road and Lester Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – PUD MASTER PLAN AMENDMENT AND PRELIMINARY DEVELOPMENT PLAN - Chairperson Greene stated this is a request to find the Mid-Florida Logistics PUD Master Plan and Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the amendment to the Mid-Florida Logistics Park Planned Unit Development (PUD) Master Plan based on the findings and facts presented in the staff report and exhibits, and subject to City Council approving a revised development agreement for the property owned by Mid-Florida Freezer Warehouses, Ltd; Florida Express Trucking, Inc.; and Eagles Landing At Ocoee, LLC and located on the west side of SR 429, south of General Electric Road, and east of Hermit Smith 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. No one spoke.

Staff Presentation: Ms. Sanchez stated this is a request to find the Mid-Florida Logistics PUD Master Plan and Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the amendment to the Mid-Florida Logistics Park Planned Unit Development (PUD) Master Plan based on the findings and facts presented in the staff report and exhibits, and subject to City Council approving a revised development agreement for the property owned by Mid-Florida Freezer Warehouses, Ltd; Florida Express Trucking, Inc.; and Eagles Landing At Ocoee, LLC and located on the west side of SR 429, south of General Electric Road, and east of Hermit Smith Road. The applicant is Dave Schmitt Engineering, Inc. c/o Bryan Gaines, AICP. The future land use is Industrial and the zoning is PUD (Planned Unit Development). The existing use is vacant land and the proposed uses are 2,342,566 square feet industrial buildings; developed in multiple phases. The tract size is 189.00 +/- acres.

On October 18, 2018, the City Commission approved a PUD Master Plan for Mid-Florida Logistics Park, which detailed the construct a subdivision consisting of five industrial warehouse buildings totaling 2,406,095 on property located west of SR 429, south of General Electric Road and east of Hermit Smith Road. The applicant has submitted an amendment to the PUD Master Plan for approval, and is requesting to amend the PUD Master Plan to accomplish the following: 1) reduce the overall permitted square footage from 2,406,095 square feet to 2,342,566 square feet, 2) relocate Building 2 into an east-west configuration from a north-south configuration, and extend Building 5 further to the east and rename Building 5 to Building 5A and 5B, 3) reconfigure two public rights-of-ways proposed for construction on the property; and 4) allow extension of the rail spur to connect to the southern-most lot.

The amended PUD Master Plan proposes an industrial subdivision consisting of five industrial warehouse buildings totaling 2,342,566 square feet. Consistent with the PUD Master Plan that was approved on October 18, 2018, access to the site is proposed via an ingress/egress point on Hermit Smith Road, two ingress/egress points on General Electric Road, and a yet to be constructed road that is dedicated to the public that is referred to as Shelby Industrial Drive, which is proposed to be constructed in a north-south configuration. Shelby Industrial Drive will terminate at Building 5A and 5B, and will intersect with Peterson Road, which is proposed to run in an east-west direction. Peterson Road will extend to the east and will cross under SR 429, which will facilitate roadway connections to properties located on the east side of SR 429. The PUD Master Plan details the dedication of 25-feet of public right-of-way to the east of Building 5A to allow future access to the properties to the south. In addition, three railroad spurs are proposed to lead into buildings 1A and 1B, 2, and 3. The railroad spurs will be located along the right-of-way of Shelby Industrial Drive. An unimproved platted right-of-way known as Peterson Road bisects the property from east to west. This right-of-way is proposed to be vacated when the property is platted, and the right-of-way of Peterson Road will be relocated to the south to allow access to the property owners located to the south of the PUD. The proposed relocation of the Peterson Road right-of-way is shown on the amended PUD Master Plan. The new right-of-way of Peterson Road is proposed at 80-feet in width. Consistent with the approved PUD Master Plan, parking will be provided on each lot, and will be owned and maintained by each property owner.

Four Storm water retention areas are proposed on site. Pond A (dry retention) is proposed south of Building 3, Pond B is proposed east of Buildings 1A and 1B and adjacent to the west of SR 429, and Ponds C1 (dry retention) and C2 (wet detention) are proposed south and west of Buildings 5A and 5B.

No new deviations are proposed. The applicant is carrying over five (5) deviations to the City's required development standards that were approved with the Master Plan on October 18 2018. For a PUD Master Plan, a deviation from the City's Land Development Code (LDC) does not represent a variance but a development standard or zoning condition unique to and approved as part of the Planned Unit Development zoning. PUD's are required to satisfy the requirements of the Land Development Code

unless the City Council finds that, based on substantial evidence, a proposed alternative development guideline is adequate to protect to the public health safety, and welfare. Any deviations must be consistent with the policies of the Comprehensive Plan.

1. LDC, Section 6.03.02.A. Number of parking spaces required (Wholesale, industrial, manufacture, processing or assembly uses) - 2 spaces per 1,000 square feet of gross floor area up to 150,000 square feet, plus 1 space per vehicle operating from premises or 1 space per 2 employees. 1 space per 1,000 square feet over 150,000 square feet of gross floor area.

The applicant is proposing 0.89 parking spaces per 1,000 square feet of gross floor area.

The following justification has been provided: “The ITE Parking Generation Manual, 4th Edition, 85th percentile parking requirement for warehouse use is 0.81 spaces per 1,000 square feet of gross floor area.”

2. LDC, Section 2.02.01.A. - Maximum building height for all zoning districts is 35-feet.

The applicant is proposing a maximum building height of 55-feet within the PUD.

The following justification has been provided: “The modern warehouses require 36-feet to 45-feet of clear space under roof to accommodate automated materials handling equipment and maximize storage.”

3. LDC, Section 2.02.15.F. Yard requirements - Front yard – 25-feet, side yard – 10-feet, Yards adjacent to road right-of-ways shall be a minimum of 25-feet, Rear Yard – 10-feet (30-feet adjacent to residential)

The applicant is proposing 15-foot setback on General Electric Road, Hermit Smith Road to main entrance, 0-feet to 10-feet adjacent to SR 429, 10-feet to 25-feet adjacent to Peterson Road, 10-feet adjacent to Fern Industrial Drive.

The following justification has been provided: “The northwestern portion of the site is constrained by the encroachment of General Electric Road. SR 429 has 300-feet of right-of-way, 6 lanes, and provides a 20-foot high barrier to adjacent property to the east.”

4. LDC, Section 2.02.01.b(8a) – Roof top equipment shall be completely screened from adjacent properties and rights-of-way to the maximum extent possible.

The applicant is proposing roof top equipment shall be screened from view from adjacent property lines and public right-of-way, with the exception of SR 429 due to the large elevation change of the roadway and the finished floor elevation of the building. SR 429 is at an elevation of 135-feet, approximately 20-feet above the finished floor height of Building 2. Screening shall be reviewed to be in conformance by the subdivision president and the City of Apopka. Screening shall be reviewed through a sight line document from the nearest adjacent property line and/or from the center line of the public right-of-way. The eye line shall be from the typical height of a person driving an automobile.

The following justification has been provided: “All buildings will have a site line evaluation to confirm that rooftop equipment will not be visible from adjacent properties and right-of-way.”

5. LDC, Section 6.02.08.B.2 – All subdivisions are required to have four-foot wide concrete sidewalks on both sides of all local and minor collector streets.

The applicant is proposing to construct an 8-foot wide sidewalk along only one side of Fern

Industrial Drive.

The following justification has been provided: “We are requesting that we do not place a sidewalk on the east side of the right-of-way proximate to the rail spurs. The pedestrian access plan provided on Sheet 6 of the PUD Master Plan shows a network of pedestrian facilities serving the entire site. The sidewalk on the west side of Fern Industrial is the spine connecting the southern end of the site with General Electric Road. All buildings are connected to this north/south spine and the appropriate crosswalks are provided when needed. We [BlueScope] remain concerned that placement of a sidewalk will not increase the pedestrian connectivity over the current plan but will put pedestrians in close proximity to the rail spurs to the east of Fern Industrial serving the site. The benefit of the additional sidewalk does not, in our opinion, warrant the risk of inadvertent interaction of pedestrians and rail vehicles.”

Access to the site is provided from General Electric Road and Hermit Smit Road. Peterson Road is also a future access point for this project as well as for properties to the south of the Mid-Florida Logistics Park site. Peterson Road and Fromm Road are both proposed to be vacated at the request of the applicant and property owner. The vacated road right-of-way will become part of the development site, making it more compact and contiguous. Peterson Road access will serve as a future secondary access for emergency response. The proposed Peterson Road alignment will also create connection to Peterson Road east of SR 429, allowing any residents of Avian Pointe to reach the Logistics Park. The Peterson Road connection between the east and west side of SR 429 also allows another road connection besides using West Orange Avenue and Binion Road, thus allowing traffic to distribute over more routes.

A transportation impact analysis (TIA) was conducted for this project to assess its impacts on the surrounding roadway segments and intersections within a one-mile radius of the project per the City’s adopted TIA methodology. Included in the analysis were segments of US 441, General Electric Road, Binion Road, Hermit Smith Road and Hogshead Road. Intersections analyzed were General Electric Road & Orange Avenue, Hermit Smith Road & General Electric Road, Hermit Smith Road & US 441, SR 429 Connector Road & US 441, Orange Avenue & US 441, Plymouth Sorrento Road & US 441, Boy Scout Boulevard & U&S 441, General Electric Road & Site Access, and Hermit Smith Road & Site Access. Peterson Road connection requires additional right-of-way east of SR 429. In exchange for the City vacating Fromm Road and Peterson Road, Mid-Florida Freezer will be obligated to donate an additional 30-foot width of land along Peterson Road, east of SR 429, to create a 50-foot wide right-of-way.

The project will generate 3,444 daily trips and 246 P.M. Peak Hour trips. It is estimated that 20% of the total traffic generated by this project will be truck traffic. The nature of the land use supports the assumption that most of the truck traffic will leave the site and access SR 429 from US 441 and SR 429 Connector Road.

The addition of project trips to the study roadways will not cause the Level of Service (LOS) to fall below the City’s adopted LOS standard. The addition of project traffic to the intersection of Hermit Smith Road and US 441 will cause the intersection to fail. The applicant is required to design and construct a dedicated right turn lane on Hermit Smith Road to allow for safe access to US 441. The addition of project traffic to the other study intersections is not project to cause failures in the future.

The tenants of the Mid-Florida Logistics Park are unknown at this time, so trip generation is based on the best information currently available; however, it is possible that tenants occupying space at Mid-Florida Logistics Park will exceed the trip generation used to conduct the analysis. As the site develops and becomes occupied, the applicant must reassess the trip generation. If it exceeds the projected trip generation used in the analysis, an updated study is required and additional mitigation for roadway and intersection failures caused by the project traffic.

No new PUD recommendations are proposed. The below conditions carry-over from the original City Council approval. That the zoning classification of the following described property be designated as

Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be single-family residential uses.
- B. Terms of Expiration for this PUD shall be as follows:

If a Final Development Plan associated with the PUD district has not been approved by the City within three years, and site development has not commenced within four years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

- 1. Permit a single six-month extension for submittal of the required Final Development Plan;
- 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
- 3. Rezone the property to a more appropriate zoning classification.

- C. Zoning Standards - The following uses are permitted within the PUD district:

- 1. All permitted uses allowed under I-1 zoning district;
- 2. The uses allowed by the "Developer's Agreement for Development of Copart, Inc. Apopka Property," as recorded as document number 20160275220 within the official records of Orange County, Florida, shall be available uses within this PUD if the Copart Developer's Agreement is terminated with the mutual consent of City Council and the property owner subject to the Copart Developer's Agreement;
- 3. Long-term outdoor vehicle (bus, car, cab, and truck) storage and terminal use is permitted within the PUD as an accessory use if said vehicle parking is associated with an enclosed building having a minimum floor area of 10,000 square feet and located within the same Lot or abutting lots. All vehicles stored outdoors must be operable.

- A. The following uses are Prohibited within the PUD district:

- 1. Flea markets
- 2. Day-care centers except when provided solely for on-site employees
- 3. Churches
- 4. Public or private schools (K-12th grade) except when located within a stand-alone building
- 5. Community residential homes
- 6. All prohibited uses for the I-1 zoning district

- B. Special Exceptions: As set forth by the I-1 zoning district except if listed as a permitted or prohibited uses above.

The proposed amendment and use of the property is consistent with the proposed Industrial Future Land Use designation and is consistent with the Land Development Code, except for those which deviations are proposed to.

Pursuant to Section 7 of the Joint Planning Area agreement, notification to Orange County was provided

on December 5, 2018.

The Development Review Committee finds the proposed amendment to the Planned Unit Development (PUD) Master Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the amendment to the Mid-Florida Logistics Park PUD Master Plan.

Staff recommended the Planning Commission recommend approval the amendment to the Mid-Florida Logistics Park Planned Unit Development (PUD) Master Plan based on the findings and facts presented in the staff report and exhibits, and subject to City Council approving a revised development agreement.

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.

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

Motion: William Gusler made a motion to find the Mid-Florida Logistics PUD Master Plan and Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the amendment to the Mid-Florida Logistics Park Planned Unit Development (PUD) Master Plan based on the findings and facts presented in the staff report and exhibits, and subject to City Council approving a revised development agreement for the property owned by Mid-Florida Freezer Warehouses, Ltd; Florida Express Trucking, Inc.; and Eagles Landing At Ocoee, LLC and located on the west side of SR 429, south of General Electric Road, and east of Hermit Smith Road. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, John Sprinkle, and Butch Stanley (6-0).

OLD BUSINESS: None.

NEW BUSINESS: James Hitt announced that the Land Development Code update would go for first reading to City Council on Wednesday, January 16, 2019 and February 6, 2019 for the second reading and adoption. He thanked the Planning Commission for their assistance with the update.

ADJOURNMENT: The meeting was adjourned at 6:27 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt, FRA-RA
Community Development Director