MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 10, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle

ABSENT: Melvin Birdsong, Jose Molina, Orange County Public Schools (Non-voting)

OTHERS PRESENT: James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand – City Attorney, Kyle Wilkes, AICP – Planner II, Robert Sargent – Public Information Officer, Christine Gates, William J. Gates, Joseph M. Gates, Adeline Collot, George Kramer, Ronnie Phillips, Chris Louden, Michelle Bell, Suzanne Kidd, Luis J. Cordero, Shalette Daugherty, John Peery, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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: Linda Laurendeau nominated James Greene as Chairperson of the Planning Commission and seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle (5-0).

Vice - Chairperson:

MOTION: Tony Foster nominated Melvin Birdsong as Vice-Chairperson of the Planning Commission and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle (5-0).

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of December 13, 2016, at 5:30 p.m. minutes.

Motion: Linda Laurendeau made a motion to approve the Planning Commission minutes from the regular meeting held on December 13 2016, at 5:30 p.m. and seconded by Roger Simpson. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson and John Sprinkle (5-0).

LEGISLATIVE - COMPREHENSIVE PLAN - LARGE SCALE - FUTURE LAND USE AMENDMENT - JOSEPH & SWANA GATES AND OAK ROYAL PROPERTIES, LLC - Chairperson Greene stated this is a request to recommend approval of the Large Scale Future Land Use amendment from Office (Max. 0.3 FAR) and Residential Low (0-5 du/ac) to Mixed Use (0-15 du/ac and/or 1.0 FAR) for the properties owned by Joseph and Swana Gates and Oak Royal Properties, LLC, located east of Ocoee-Apopka Road, north of Keene Road; and recommend approval to transmit to the Florida Department of Economic Opportunity for review.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Large Scale Future Land Use amendment from Office (Max. 0.3 FAR) and Residential Low (0-5 du/ac) to Mixed Use (0-15 du/ac and/or 1.0 FAR) for the properties owned by Joseph and Swana Gates and Oak Royal Properties, LLC, located east of Ocoee-Apopka Road, north of Keene Road; and to recommend approval to transmit to the Florida Department of Economic Opportunity for review. The Applicant is Littlejohn Engineering. The existing use are container nurseries and single-family residential home. The current zoning is PO/I (Professional Office/Institutional) & AG (Agriculture). Once approval has been received from the State, a change of zoning from PO/I and AG to Mixed-EC (Mixed Use Employment Center) will be brought before the Planning Commission and City Council for consideration. The tract

size is 22.4 +/- acres. The existing maximum allowable development is 518 units. The proposed maximum allowable development will be 975,744 sq. ft. of non-residential uses and 336 multi-family units.

The subject parcels were annexed into the City of Apopka on December 5, 2001 through Ordinance 1421. The applicant requests a future land use designation of Mixed Use. The request is compatible with surrounding future land use designations and adjacent uses. As a "Large-Scale" Future Land use Amendment (i.e., ten or more acres), this application will be transferred to State agencies for consistency review with State policies. Ocoee-Apopka Road will likely need to be widened to a four lane, divided road in the future, likely requiring land from the western edge of the subject site to accommodate the future improvements.

The proposed use of the property is compatible with the character of the surrounding area, is within close proximity to the SR 429/Ocoee Apopka Road interchange, and is consistent with the Mixed Use Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Ocoee Apopka Road Small Area Study (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses...This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses.

The applicant's wish to develop the properties for a vertical mix or commercial and residential development is consistent with Policy 3.1.r.

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

The proposed use for the subject properties as mixed use residential/non-residential development is consistent with the current and future proposed development of the surrounding area. Mixed Use future land use designation is immediately adjacent to the north (Emerson Park traditional neighborhood-style residential development), as well as High Density Residential across Ocoee Apopka Road to the west. In addition, the proposed development is consistent with the small study area recommendations for these uses.

Transportation Element

1. Policy 4.2 The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.

The proposed Commercial future land use designation and subsequent mixed-use residential and non-residential development would support existing and proposed residential development, the future Florida Hospital Apopka campus, as well as ancillary professional office development within the Ocoee Apopka Road Small Area Study. The study area recommendations promote the development of walkable, village-style development within the area surrounding the new hospital campus. The applicant's proposal would be consistent with Policy 4.2 by providing support

office/retail for adjacent residential communities and employment and reduce trips by providing a vertical mix of uses.

The property is located within the boundaries of Ocoee-Apopka Road Small Area Study. Prepared in February 2015, this study recommends mixed-use town center or multi-family development for the subject site. A Mixed Use Future Land Use Designation supports this recommendation. A copy of the concept plan\vision plan for the Ocoee-Apopka Road Study is provided with the support material.

An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

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 December 9, 2016.

The Development Review Committee recommends approval to transmit a change in Future Land Use from Office (max 0.3 FAR) to Mixed Use for the property owned by Joseph & Swana Gates and Oak Royal Properties, LLC, subject to the information and findings in the staff report.

Staff recommends that the Planning Commission find the Commercial Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from Office and Residential Low Density to Mixed Use for the properties owned by Joseph & Swana Gates and Oak Royal Properties, LLC, subject to the information and findings in the staff report.

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

In response to a question by Ms. Laurendeau, Mr. Moon stated that as a part of the development plan process, a soil study will be required to identify specific karst features.

Chairperson Greene opened the meeting for public hearing.

In response to questions by Suzanne Kidd, 1260 Lexington Parkway, Apopka, George Kramer of Littlejohn Engineering Associates, stated that the increase to the floor area ratio does not affect the green space. As far as developing the property they will be following the guidelines set forth in the Ocoee Apopka Road Small Area Study. The change of land use is the first step of many steps to be able to develop anything on the property.

Shalette Daugherty, 1455 West Keene Road, Apopka, expressed her concerns regarding the impacts to her equine stable and riding business located adjacent to the subject property.

In response to comments by Ms. Daugherty, staff asked that she leave her contact information and staff will include her on the list for notifications of public hearings as the project progresses.

Mr. Moon stated that based on the requested Mixed Use future land use the zoning for the property will probably be Planned Unit Development or Mixed Use. The applicant will be encouraged to hold community meetings before the public hearings are held. This will allow the applicant to present to the area property owners their proposal and to get feedback.

Mr. Kramer stated that they had sent out notices as required.

Mr. Foster reminded the petitioner about their due diligence when notifying the abutting public.

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

Motion:

Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan; Ocoee Apopka Road Small Area Study; and the Land Development Code; and to recommend approval of the Large Scale Future Land Use Amendment from Office (Max. 0.3 FAR) and Residential Low (0-5 du/ac) to Mixed Use (0-15 du/ac and/or 1.0 FAR) for the properties owned by Joseph and Swana Gates and Oak Royal Properties, LLC, located east of Ocoee-Apopka Road, north of Keene Road; and to recommend approval to transmit to the Florida Department of Economic Opportunity for review. Motion seconded by Roger Simpson.

In response to a question by Mr. Sprinkle, James Hitt, FRA, Community Development Director, stated that St. Johns River Water Management District permits water usage by local governments. The City has been issued a Consumptive Use Permit (CUP) by SJRWMD and reviews the permits every five to ten years.

Mr. Moon stated that SJRWMD would be one of the state agencies that will be reviewing the Large Scale Future Land Use amendment to ensure compliance with the CUP Permit.

Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

SWEARING-IN – Attorney Hand swore-in staff, petitioners, and affected parties for the quasi-judicial items to be discussed.

LEGISLATIVE - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - ADAMS BROTHERS CONSTRUCTION - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from "County" Industrial to "City" Industrial (Max. 0.6 FAR) for the property owned by Adams Brothers Construction and located south of East 13th Street, west of Sheeler Avenue.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from "County" Industrial to "City" Industrial (Max. 0.6 FAR) for the property owned by Adams Brothers Construction and located south of East 13th Street, west of Sheeler Avenue. The existing use is a modular office, single-family residential and vacant commercial. The current zoning is "County" C-3 (ZIP) and a change of zoning is being processed along with the future land use amendment to "City" I-1 (Restricted Industrial). The proposed development will be Industrial, Commercial or Office Development that is consistent with the I-1 (Restricted Industrial) zoning. The tract size is 3 +/- acres. The existing and proposed maximum allowable development is 78,408 Sq. Ft.

The subject parcel was annexed into the City of Apopka on November 16, 2016, through the adoption of Ordinances No. 2528. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign an I-1 (Restricted Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 3 acres, exceeding the minimum development site area of 15,000 sq. ft. The property owner owns the property immediately adjacent to the east of the subject properties, and intends to use the recently-annexed parcels for light industrial as part of their existing construction business.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report).

The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City's proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

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 December 9, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from "County" Industrial to "City" Industrial (0.6 FAR) for the property owned Adams Brothers Construction.

The recommended Motion is to find the future land use amendment consistent with the Comprehensive Plan and recommend adoption of the small scale future land use amendment from "County" Industrial to "City" Industrial (max 0.60 FAR), for properties owned by Adams Brothers Construction.

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.

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

Motion:

Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from "County" Industrial to "City" Industrial (Max. 0.6 FAR) for the property owned by Adams Brothers Construction and located south of East 13th Street, west of Sheeler Avenue. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING - ADAMS BROTHERS CONSTRUCTION - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from "County" C-3 (ZIP) to "City" I-1 (Restricted Industrial) for the property owned by Adams Brothers Construction and located south of East 13th Street, west of Sheeler Avenue.

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.

<u>Staff Presentation</u>: Mr. Wilkes stated this is a request to recommend approval of the Change in Zoning from "County" C-3 (ZIP) to "City" I-1 (Restricted Industrial) for the property owned by Adams Brothers Construction and located south of East 13th Street, west of Sheeler Avenue. The existing use is a modular office, single-family residential and vacant commercial. The current future land use is "County" Industrial and a Small Scale Future Land Use Amendment to "City" Industrial (Max. 0.6 FAR) is being processed along with the change of zoning. The proposed development will be Industrial, Commercial or Office Development that is consistent with the I-1 (Restricted Industrial) zoning. The tract size is 3 +/-acres. The existing and proposed maximum allowable development is 78,408 Sq. Ft.

The subject parcels were annexed into the City of Apopka on November 16, 2016 through the adoption of Ordinances No. 2528. The proposed change of zoning is being requested by the owner/applicant. Presently, the subject property has not yet been assigned a "City" zoning category. Applicant is requesting the City to assign a zoning classification of I-1 (Restricted Industrial) to the property.

A request to assign a change of zoning to I-1 (Restricted Industrial) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the I-1 zoning classification to accommodate the use of the property for light industrial, commercial or office development allowed under the I-1 zoning district. This use is consistent with the proposed Industrial Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses. The change of zoning application covers approximately 3 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

The proposed use of the property is consistent with the Industrial (max 0.60 FAR) Future Land Use designation and the City's proposed I-1 (Restricted Industrial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning is to a non-residential zoning district and, therefore, a capacity enhancement agreement with OCPS is not necessary.

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 December 9, 2016

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from "County" C-3 (ZIP) to "City" I-1 (Restricted Industrial), subject to the adoption of the associated small scale future land use amendment, for the property owned by Adams Brothers Construction.

The recommended Motion is to find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend a change of zoning from "County" C-3 (ZIP) to "City" I-1 (Restricted Industrial), for property owned by Adams Brothers Construction, subject to the adoption of the associated small scale future land use amendment.

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. Sprinkle, Mr. Wilkes stated the applicant will continue the current industrial uses on the site.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from "County" C-3 (ZIP) to "City" I-1 (Restricted Industrial) for property owned by Adams Brothers Construction and located south of East 13th Street, west of Sheeler Avenue. Motion seconded by Linda Laurendeau. Aye votes

were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – **FINAL DEVELOPMENT PLAN/PLAT** – **MAGNOLIA COMMERCE CENTER** - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan and Plat for Magnolia Commerce Center owned by Vistas at Waters Edge owned by Property Industrial Enterprises, LLC, and located at 445 West 1st Street.

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.

<u>Staff Presentation</u>: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Final Development Plan and Plat for Magnolia Commerce Center owned by Property Industrial Enterprises, LLC, and located at 445 West 1st Street. The Applicant is Michael R. Cooper and the Engineer is Kenneth H. Ehlers, P.E. The land use is Commercial and the zoning is C-3. The existing use is vacant land and the proposed use is Commercial Warehouses (20,000 S.F.) w/ Office Space (2,455 S.F.). The tract size is 2.43 +/- acres and the combined building size is 22,445 sq. ft. (Three (3) 7,485 S.F. Buildings) with a Floor Area Ratio (FAR) of 0.21.

The Magnolia Commerce Center - Final Development Plan proposes to construct three (3) 7485 S.F. buildings for a total of 22,445 square feet of warehouse and office space. A re-plat of the property will occur to eliminate any future potential conflict with the current antiquated plat and the previously vacated public right-of-way abutting the railroad track.

A total of 53 parking spaces are provided of which 3 are reserved as a handicapped parking spaces. Access to the site is provided by a driveway cut along Bradshaw Road and 1st Street.

The design of the building exterior shall be consistent with Section 4.2.1 of the Development Design Guidelines Commercial Design Standards.

Stormwater run-off and drainage will be accommodated by an on-site retention pond through a cross access easement agreement. The off-site stormwater management system will be designed according to standards set forth in the Land Development Code.

A ten-foot landscape buffer is provided along Bradshaw Road and West 1st Street. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

Total inches on-site:	0
Total number of specimen trees:	0
Total inches removed	0
Total inches retained:	0
Total inches required:	162
Total inches replaced:	162
Total inches post development:	162

The Development Review Committee recommends approval of the Magnolia Commerce Center – Final Development Plan and plat, subject to the findings of the staff report.

The recommended motion is to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Magnolia Commerce Center – Final Development Plan and plat, subject to the findings of the staff report.

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.

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

Motion:

John Sprinkle made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan and Plat for Magnolia Commerce Center owned by Property Industrial Enterprises, LLC, and located at 445 West 1st Street. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – **REPLAT** – **COOPER PALMS LOTS 10 AND 11** - Chairperson Greene stated this is a request to recommend approval of the Replat of Cooper Palms Lots 10 and 11 owned by Property Industrial Enterprises, LLC and located south of West 2nd Street and west of South Hawthorne Avenue.

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.

<u>Staff Presentation</u>: Mr. Moon stated this is a request to recommend approval of the Replat of Cooper Palms Lots 10 and 11 owned by Property Industrial Enterprises, LLC and located south of West 2nd Street and west of South Hawthorne Avenue. The Applicant is Michael R. Cooper and the Surveyor is Nieto-Whittaker Surveying, LLC c/o Ralph A. Nieto, P.S.M. The land use is Industrial and the zoning is I-1. The existing use is Vacant Land and the proposed use is Industrial Warehouses. The tract size is 2.81 +/- acres.

The Cooper Palms Lots 10 & 11 is proposing to combine lots 23, 24, 25 & 26 of Block "A" Bradshaw and Thompson's addition into two individual parcels being incorporated into the Cooper Palms Plat. The applicant will be bring forth a Final Development Plan in the upcoming months for the construction of an industrial warehouses with offices.

The Development Review Committee recommends approval of the Cooper Palms Lots 10 & 11 – Plat, subject to the findings of this staff report.

The recommended motion is to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Cooper Palms Lots 10 & 11 – Plat, subject to the findings of this staff report.

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.

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

Motion:

Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Replat of Cooper Palms Lots 10 and 11 owned by Property Industrial Enterprises, LLC and located south of West 2nd Street and west of South Hawthorne Avenue. Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: Chairperson Greene announced that there will be two workshops for the City Council and the Planning Commission held in January. The first will be held on Wednesday, January 18, 2017, from 5:30 p.m. to 6:30 p.m. in the City Council chambers and is a review of the quasi-judicial process by the City Attorney. The second workshop is scheduled for Wednesday, January 25, 2017, from 4:00 p.m. to 6:00 p.m. at the VFW Community Center and will comprise a presentation from Clarion, the City's consultant working on the Land Development Code amendment.

Mr. Hitt stated that the workshop on January 18th will be a review of the Sunshine Laws and quasi-judicial procedures with the City Attorney. The workshop on January 25th will be an opportunity for the Commission to provide feedback on the Land Development Code amendment. One issue that staff will be looking at revising the section regarding the development review process. For instance if an applicant has a development plan that meets all of the City codes and regulations, there is no reason to not administratively approve the development rather than having them bring their projects before the Planning Commission or City Council. This will save time and money.

ADJOURNMENT: The meeting was adjourned at 6:21 p.m.

/s/
James Greene, Chairperson
/s/
James K. Hitt
Community Development Director