

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON DECEMBER 11, 2018, 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: Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, Richard Earp, P.E. – City Engineer, Raymond Marsh, CBO – Building Official, Jacob Schumer – 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: Jeff Jackard, Curt Ostrodka, Rocky Carson, David Henning, Craig Richardson, Analiese Hock, Gregory Kelsee, Michael Farrell, Derek Ryan, Linda Marsh, Teresa Sargeant, Kyle Wilkes, and Frank Cawthon.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of November 13, 2018, at 5:30 p.m.

Motion: **Robert Ryan made a motion to approve the Planning Commission minutes from the regular meeting held on November 13, 2018, at 5:30 p.m. and 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 – REPLAT – CHANDLER ESTATES TRACTS “S” AND “T” - Chairperson Greene stated this is a request to find the Chandler Estates Tracts “S” and “T” Replat consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Chandler Estates Tracts “S” and “T” Replat for property owned by Chandler Estates Homeowners Association Inc. and located on the south side of Chandler Estates Drive.

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. Howell stated this is a request to find the Chandler Estates Tracts “S” and “T” Replat consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Chandler Estates Tracts “S” and “T” Replat for property owned by Chandler Estates Homeowners Association Inc. and located on the south side of Chandler Estates Drive. The applicant is American Surveying and Mapping, Inc. c/o Kirk Lippi/Adam Christenberry. The future land use designation is Low Density Residential (0-5 du/ac) and the zoning is R-1A. The existing use is vacant land and the proposed use is a buffer and Community Recreation Tract. The tract size is 0.455 +/-

acre.

The purpose of the re-plat is to relocate an undeveloped public road right-of-way within Chandler Estates approximately 100 feet to the west to a position where it aligns with a proposed new public road within a planned new residential community to the south known as Apopka Farms. Chandler Estates is an existing platted and developed residential community. An exhibit at the end of the staff report illustrates the relocation.

The approved plat for Chandler Estates, recorded in Plat Book 74, Pages 111-118 reserves Tracts "S" and "T" for a Community Recreation Area and 10-foot buffer tract respectively. These tracts are owned and maintained by the Chandler Estates Homeowners Association. Adjacent to these tracts is Chandler Estates Drive, which is a 50-foot public right-of-way. The plat of Chandler Estates depicts a point of interconnectivity leading from Chandler Estates Drive to the property to the south, adjacent to Lot 64.

City staff has received a development proposal for the property to the south, which is a single-family development consisting of 101 single-family homes called Windward Hills, of which a PUD Master Plan was approved in 2016 under the name Apopka Farms. The PUD Master Plan provides interconnectivity between the proposed Windward Hills development and Chandler Estates to the west of Lot 64. During the preparation of the Windward Hills Final Development Plan it was determined that the interconnection point depicted on the Chandler Estates plat should be relocated to the west to align with the location depicted on the approved PUD Master Plan and proposed Final Development Plan. Additionally, relocation of the access point further to the west will help alleviate potential adverse impacts that may be created on Lot 64 of Chandler Estates such as vehicle lights shining into the windows of a future residence located on the lot. To allow for this interconnection to line up with the location shown on the approved PUD Master Plan and the proposed Final Development Plan, a replat of Tracts "S" and "T" of Chandler Estates is proposed which shifts the point of interconnection to the west to line up with the roadway depicted on the Windward Hills Final Development Plan. The proposed replat for does not propose the creation of any new residential lots in the subdivision.

School concurrency is not applicable to this project as no residential lots are being created by the replat to relocate a public right-of-way.

The County was notified through the DRC agenda distribution.

The Development Review Committee recommends approval of the replat for Chandler Estates Tracts "S" and "T" subject to the final review by the City surveyor and City Engineer prior to recording the plat.

Staff recommended Planning Commission find the proposed replat consistent with the Comprehensive Plan; and recommend approval of the Chandler Estates Tracts "S" and "T" replat, 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.

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: Linda Laurendeau made a motion to find the Emerson Park, Tract G replat, consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Chandler Estates Tracts “S” and “T” replat, subject to the findings of this staff report for the property owned by Chandler Estates Homeowners Association Inc. and located on the south side of Chandler Estates Drive. 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.)

QUASI-JUDICIAL – REPLAT – EMERSON PARK TRACT “G” - Chairperson Greene stated this is a request to find the Emerson Park Tract “G” Replat consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Emerson Park Tract G Replat for property owned by Alston Bay Boulevard, LLC and the Residences at Emerson Park, LLC; and located at 1601 Alston Bay 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. No one spoke.

Staff Presentation: Mr. Howell stated this is a request to find the Emerson Park Tract “G” Replat consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Emerson Park Tract G Replat for property owned by Alston Bay Boulevard, LLC and the Residences at Emerson Park, LLC; and located at 1601 Alston Bay Boulevard. The applicant/engineer is Donald W. McIntosh Associates, Inc., c/o Michael Farrell, P.E. The future land use designation is Mixed Use and the zoning is Mixed-EC. The existing use is vacant land and the proposed use is a 108,567 square foot skilled nursing facility on Lot 1 and Mixed-EC uses. The tract size is 24.046 +/- acres.

The purpose of the Emerson Park Tract G Replat is to divide Tract G into two parcels. One to be owned by Greystone Skilled Nursing Facility and the second to remain under the current owner.

The subject property is approximately 24.046 acres in size and is zoned Mixed EC, and is located at the northeast corner of the intersection of Ocoee-Apopka Road and Alston Bay Boulevard, specifically at 1601 Alston Bay Boulevard. The proposed replat is to create a two lot subdivision on Tract G of Emerson Park which will reserve Lot 1 for a Skilled Nursing Facility and Lot 2 for future uses that are permitted in the Mixed EC zoning district. Both lots will be accessed via Alston Bay Boulevard.

On July 18, 2018 the City Council approved a Master Preliminary Development Plan/Preliminary Site Plan and Subdivision Plan for a two lot commercial subdivision consisting of one 9.77 acre parcel with a 108,567 square foot Skilled Nursing Facility and a 14.23 acre vacant parcel that will be reserved for uses that are permitted in the Mixed EC zoning district.

A total of 218 parking spaces will be provided on site for the skilled nursing facility. Two parking spaces are reserved for emergency vehicles. Ten spaces are handicapped parking spaces. Additional

parking spaces are available along Alston Bay Blvd.

Access to both lots will be provided via Alston Bay Boulevard. Access to the Skilled Nursing Facility, which is proposed to be located on Lot 1, is provided via two full access points located on Alston Bay Boulevard.

Stormwater run-off and drainage will be conveyed to the existing master stormwater system for the Emerson Park subdivision. This stormwater system was sized for development of Tract G, and was permitted by St. John's River Water Management District (SJRWMD) permit #4-095-101Q65.

The applicant has provided a detailed landscape and irrigation plan with the Final Development Plan that complies with the requirements of the City's Land Development Code. The planting materials and irrigation system design are consistent with the water-efficient, Florida-friendly landscape standards set forth in Ordinance No. 2069. Landscaping including Live Oaks, Red Maple, Southern Magnolia, Dahoon Holly, Crepe Myrtle, Zoysia and Bahia sod are provided on site.

There is one pine on the site that is 9-inches D.B.H. The landscape plan proposes replacing this tree with three, three-inch D.B.H trees. The site currently has Agricultural Property Tax Credit status as young pine trees are planted in rows throughout the site. Planted pines are not subject to the City's arbor ordinance when planted for agriculture/silvaculture purposes.

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 Emerson Park, Tract G replat, subject to final review by the City surveyor and City Engineer prior to recording the plat.

Staff recommended Planning Commission find the proposed replat consistent with the Comprehensive Plan; and recommend approval of the Emerson Park, Tract G replat, 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.

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: **John Sprinkle made a motion to find the Emerson Park, Tract G replat, consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Emerson Park, Tract G replat, subject to the findings of this staff report for the property owned by Alston Bay Boulevard, LLC and the Residences at Emerson Park, LLC; and located at 1601 Alston Bay Boulevard. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Robert Ryan, and John Sprinkle (5-0). (Vote taken by poll.) As President of the Emerson Park Homeowner's Association, Butch**

Stanley abstained from voting and will file a Form 8-B with the Recording Secretary.

QUASI-JUDICIAL – ADMINISTRATIVE - CHANGE OF ZONING – ORLANDO BELTWAY ASSOCIATES – 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 “County” A-1 (ZIP) to “City” KPI-MU; recommend approval of the assignment of Kelly Park Employment – MedTech Campus Over District; and Master Plan for the property owned by Orlando Beltway Associates and located at 5401 Effie Drive.

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: Bobby Howell, AICP, Senior Planner, 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 “County” A-1 (ZIP) to “City” KPI-MU; recommend approval of the assignment of Kelly Park Employment – MedTech Campus Over District; and Master Plan for the property owned by Orlando Beltway Associates and located at 5401 Effie Drive. The applicant is VHB, c/o Erica Hughes. The existing use is vacant land. The future land use designation is Mixed Use Interchange. The current zoning is “County” A-1 (ZIP) and the proposed zoning is Kelly Park Employment/MEdTech Campus Overlay District. The tract size is 51.0 +/- acres.

The subject property is 51.0 acres in size and is located on the west side of SR 429, north of Kelly Park Road, specifically at 5401 Effie Drive. The owner of the subject property is requesting a rezoning from Orange County A-1 (ZIP) to Kelly Park Interchange Mixed-Use (KPI-MU), with Employment-MEdTech overlay zones to allow for the development of a range of uses as outlined within Appendix B, Section A. Permitted Uses, MEdTech Campus Overlay, Kelly Park Interchange Form Based Code. The intent of the MEdTech Campus Overlay District is to allow for the development of major educational, governmental and medical facilities and other complementary and supporting uses such as office developments. The MEdTech Campus Overlay District encourages a campus-type character, which includes landscaped open space between buildings, a green buffer at the perimeter and uniform site design and details. The MEdTech Campus Overlay District can only be applied to property in the Employment Overlay District of the Wekiva Parkway Interchange Vision Plan or where the Employment Overlay is assigned to a property.

In accordance with the requirements of the Kelly Park Interchange Form Based Code, the applicant has submitted a Master Plan in conjunction with the rezoning application detailing the development of the property. The property has a future land use designation of City of Apopka Mixed Use Interchange, which is a consistent future land use category with the proposed KPI-MU zoning designation. The property is located within the one-mile radius from the SR 429/Kelly Park Road interchange, and is subject to the requirements of the Kelly Park Interchange Form Based Code.

The subject property is 51.0 acres in size and is located on the west side of SR 429, north of Kelly Park Road, specifically at 5401 Effie Drive. The Master Plan proposes development pursuant to the

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standards as outlined within Appendix B. MEdTech Campus Overlay District Development Standards, Kelly Park Interchange Form Based Code. The MEdTech Campus Overlay District can only be applied to property in the Employment Overlay District. Permitted uses within the MEdTech Campus Overlay District include the following:

- Hospitals
- Freestanding Emergency Departments
- Urgent Care Facilities
- Skilled Nursing Facilities
- Senior Housing/Assisted Living Facilities
- Educational facilities/training
- Medical and Professional Office
- Imaging/Diagnostic Centers
- Surgery Centers
- Birthing Centers
- Central Energy Plants (Hospitals)
- Parking structures
- Helipads are permitted and shall be in compliance with FAA safety requirements
- Other complementary Health & Wellness uses
- High Tech - Scientific technology involving the use, production or research of advanced or sophisticated devices, or software technologies in the field of electronics, robotics, laser, medical or computers
- Public use (library, post office, Police, Fire and other municipal offices, and similar uses)

The following uses are permitted as accessory uses when contained within a primary structure:

- Commercial retail
- Pharmacies
- Restaurants

The Master Plan proposes creating five development parcels on the property. An additional area labeled as “Potential Open Space” abuts SR 429 and the properties to the south. Access to the site is proposed via four access points that are located on Effie Drive. The southernmost access point is noted as a main access point. The three northern access points are note as secondary access points. These access points will lead to an internal roadway network which the Master Plan establishes. Pursuant to the requirements of the Form Based Code, internal private streets and drives must be interconnected for vehicle, bicycle and pedestrian circulation. In addition a 5-foot wide sidewalk is proposed along the portion of the property that abuts Effie Drive.

Approval of the Master Plan does not constitute any development approvals on the subject property. Development of the subject property will be in accordance with the Kelly Park Interchange Form Based Code and the Land Development Code, and will be required to obtain all approvals noted therein.

The proposed zoning classification of the subject property is to be designated as Kelly Park Interchange Mixed-Use (KPI-MU), Employment and MEdTech Campus overlay zone, as defined in the Kelly Park Interchange Form Based Code, with the following provisions:

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1. Development of the property is subject to the requirements of the Kelly Park Interchange Form Based Code, Employment and MEdTech Campus Overlay District character zones.
2. A development agreement may be required in the future to addresses the extension of utilities, dedication of rights-of-way, and public access to regional trail facilities.

The proposed use of the property is consistent with the Mixed-Use Interchange Future Land Use designation and is consistent with the Kelly Park Interchange Form Based Code.

Pursuant to Section 7 of the Joint Planning Area agreement, Orange County was notified on October 26, 2018.

The Development Review Committee finds the proposed rezoning to Kelly Park Interchange Mixed-Use (KPI-MU), and assignment of Employment-MEdTech Campus overlay zone consistent with the Comprehensive Plan and Kelly Park Interchange Form Based Code, and recommends approval of the Orlando Beltway West Master Plan.

Staff recommended the Planning Commission find the proposed zoning, overlay district and Master Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning of the subject parcels from Orange County A-1 (ZIP) to Kelly Park Interchange Mixed-Use (KPI-MU), approval of the Employment-MEdTech Campus Overlay District, and approval of the Master Plan based on the findings and facts presented in 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.

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 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 “County” A-1 (ZIP) to “City” KPI-MU; recommend approval of the assignment of Kelly Park Employment – MedTech Campus Overlay District; and Master Plan for the property owned by Orlando Beltway Associates and located at 5401 Effie Drive. 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). (Vote taken by poll.)

LEGISLATIVE – AMENDING THE CODE OF ORDINANCES – PART III – LAND DEVELOPMENT CODE IN ITS ENTIRETY - Chairperson Greene stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan, and recommend approval of the amendment subject to the findings of the staff report.

Staff Presentation: James Hitt, FRA-RA, Community Development Director, stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan, and recommend approval of the amendment subject to the findings of the staff report.

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The City's Land Development Code (LDC) has gone through numerous amendments and small revisions over the last several years but had never taken a comprehensive assessment and complete update. City staff recommended an assessment and update be completed with the following themes as the base:

- Create a user-friendly Code
- Implement the Comprehensive Plan, Vision Plan and Small Area Plans by restructuring and modernizing the Zoning Districts
- Modernize the Development Standards.

The RFQ for the update was awarded to Clarion on December 7, 2016.

A joint meeting between the City Council and the Planning Commission was held on January 25, 2017 to review the process and help establish a timeline. Until Clarion and staff had the opportunity to review the assessment and the extent of the work needed, staff had hoped to complete the update in about a year and a half.

At the May 25, 2017 Assessment joint meeting, it was more apparent that additional time would be needed. The Articles were reviewed at which time staff and Clarion were able to assess the code more thoroughly to allow for additional time to make sure all articles worked together and covered the update properly. New graphics were also added for corner situations dealing with signs, fences, and setbacks.

The October 18, 2018 joint meeting presented the completed LDC Update at which time Clarion and City staff highlighted to new Code. A few things were pointed out and updated since that meeting, and staff reached out to the various builder associations for comments, which were addressed.

Some of the highlights of the update include the following:

- New graphics that depict the written requirements have been added.
- Incorporated the Design Guidelines, and Form-Based Code into exhibits that are now part of the
- LDC, rather than complete separate documents.
- New and concise Zoning Categories.
- Updated the principal use table for permitted uses in the various zoning districts.
- Consolidated the Mixed-Use districts into one area.
- Consolidated the downtown into one Mixed-Use Downtown Overlay District, rather than all the other "tacked-on" mapped areas. (CRA, Downtown Development Overlay District, Central Business District)
- Updated terms and conditions to modern zoning and land terminology. (PD now rather than PUD)
- Restructured the approval process for developments, making them easier to follow, and shortened the timeframe for review.
- New Complete Streets section.
- New and revised bicycle development standards.
- New Airport District and regulation maps
- Provision for Green Building development requirements.

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The zoning map will also be updated after the LDC Update is approved with input from Orange County and Orange County Public Schools, both of which Apopka has review agreements for zoning that have to be utilized at that stage.

The Comprehensive Plan will also be updated in the next year to better conform to the requirements of Florida Statutes, and allow the LDC to regulate how development is completed.

Staff recommended the Planning Commission recommend approval of the Apopka Land Development Code update to the Apopka City Council.

Craig Richardson, Clarion Associates, 101 Market Street, Suite D, Chapel Hill, North Carolina, provided background information and an overview of the updates to the Land Development Code. (PowerPoint presentation made a part of the record.)

In response to questions by Mr. Ryan, Mr. Hitt stated staff would look into the American with Disabilities Act (ADA) regarding van accessible parking and add language to the revised code as necessary. Mr. Hitt explained that composite fencing is made through a process of binding two or more dissimilar materials together such as wood fibers and plastic. Composite fencing can be made to look like wood, metal, brick, stone, etc.

Mr. Ryan suggested that the term “composite fencing” in the code is too vague and needs to be clarified.

Mr. Ryan suggested that the threshold for major and minor development plans be lowered from the 12 to 300 units to maybe 50 to 100. He added that it could be changed later if that was not feasible.

Chairperson Greene opened the meeting for public hearing.

Derek Ryan, 2466 Peterson Road, Apopka, stated that he is a commercial landscape maintenance business owner. He said that many times when a property is developed there are issues with how the properties are landscaped and the challenging maintenance requirements. This includes issues such as bad soils, the wrong types of plants being used, and trees too close to buildings or being planted under power lines. He suggested that the City include landscape maintenance to the review process as this would keep landscape maintenance costs down and reduce the need for fertilizers.

Mr. Hitt stated that site plans were required to include landscaping/irrigation plans prepared by landscape architects.

Gregory Kelsoe, 1321 Apopka Airport Road, Apopka, stated that he is on the Board of Directors for the Orlando Apopka Airport and is very pleased with the additional of the Airport Zoning District. He expressed concern regarding the boilerplate language in the code and how it is privately owned by classified as public use.

Mr. Hitt stated that the code amendment was vetted through Orange County and they did not have any issues. He said that the major and minor development thresholds were vetted through City Council. He added that there is a new requirement for neighborhood meetings for major developments.

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

Motion: Butch Stanley made a motion to find the proposed Land Development Code Amendment consistent with the Comprehensive Plan, and recommend approval subject to the findings of the staff report and the inclusion of language from the 2012 Americans with Disabilities Act (ADA) standards regarding van accessible parking spaces. 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.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 7:02 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt, FRA-RA
Community Development Director