

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JUNE 14, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Robert Ryan, Tony Foster, Jose Molina, Linda Laurendeau, and Roger Simpson

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

OTHERS PRESENT: Mark Reggentin, AICP – Community Development Director, David Moon, AICP – Planning Manager, Andrew Hand, Esq., Rogers Beckett – Senior Projects Coordinator, Robert Hippler – Interim IT Director, Bob Shelton – Network Engineer, Robert Hafer, David Stokes, Joyce Cravey, Jack Cravey, Roberto Rivera, Samuel Campbell, E. E. Aung, Jack Caolo, Daniel Hinden, Quang Lam, Steve Black, Jack Cooper, Mary Smothers, Jerry Smothers, Ed Velazquez, Ron Edenfield, Jill Cooper, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of May 24, 2016, at 5:30 p.m. minutes.

Motion: Tony Foster made a motion to approve the Planning Commission minutes from the special meeting held on May 24, 2016, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jose Molina, Linda Laurendeau, and Roger Simpson (6-0).

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

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to recommend approval of the Large Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Jack and Joyce Cravey. Properties located west of Phils Lane and east of Golden Gem Road (3815 Phils Lane and 3827 Hideaway Road).

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Comprehensive Plan Large Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Jack and Joyce Cravey. Properties located west of Phils Lane and east of Golden Gem Road (3815 Phils Lane and 3827 Hideaway Road); and transmittal to the Florida Department of Economic Opportunity. The existing use is a manufactured home and the proposed use is a single-family residence. The existing maximum allowable development is 1 unit and the proposed maximum allowable development is 3 units. The tract size is 15.04 +/- acres.

The subject parcels were annexed into the City of Apopka on May 4, 2016 through Ordinance 2495. The applicant requests a future land use designation of Rural Settlement (0-1du/5 ac). 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.

The proposed use of the property is compatible with the character of the surrounding area, which is predominantly rural in nature and has both agricultural and single-family residential uses. The Wekiva Parkway, which is currently under construction, abuts the east boundary of the subject site. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the policies below support a Rural Settlement FLUM designation at the subject site:

Future Land Use Element

1. **Policy 3.1.s** This land use designation to apply within that area defined as the “Northern Area” in the Joint Planning Area Agreement between the City of Apopka and Orange County adopted on October 26, 2004...The district is designed to facilitate single-family dwelling units and associated infrastructure which maximize the preservation of open space and promote the clustering of developments to both preserve and enhance the natural environment. This land use designation shall also include an agricultural component.”

The applicant’s intent to use the property for a single-family home is consistent with the intent of this Future Land Use Element policy. The proposed use and future land use designation is compatible with the surrounding land uses and, therefore, the proposed future land use amendment is consistent with Policy 3.1.s.

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 property for single-family residential within the Rural Settlement future land use designation is compatible with the land uses and general character of the surrounding area. The future land use designation of surrounding properties predominantly is “City” Rural Settlement or “County” Rural, making the requested future land use change is consistent with Policy 3.2.

The request for a future land use designation of Rural Settlement will result in a number of potential units that will be considered de minimus; therefore, school capacity determination 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 May 13, 2016.

The Development Review Committee recommends approval to transmit a change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Jack & Joyce Cravey, subject to the information and findings in the staff report.

Recommended Motion: Find the Rural Settlement Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from “County” Rural to “City” Rural Settlement for the property owned by Jack & Joyce Cravey, 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.

LAND USE REPORT

The properties have access to local roadways (Phils Lane and Hideaway Road).

Land Use Analysis

The subject properties are located within an area with land uses that permit both residential and

agricultural uses, which makes the request for a Rural Settlement future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Property to the west has a future land use designation of Rural Settlement and the other surrounding “county” future land use designations are Rural (0-1 du/10 ac) with single-family and agricultural uses.

The proposed “City” Rural Settlement future land use designation is consistent with the general future land use character of the surrounding area.

Wekiva River Protection Area: No

Area of Critical State Concern: No

DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Northern Area” of the JPA. Orange County government has been notified of the proposed FLUM amendment and has not objected.

Transportation: Road access to the site is from Phils and Hideaway Lanes, which connect to Ponkan Road to the south.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are karst features on this property.

Analysis of the character of the Property: The current use of the Property is for a manufactured home. The dominant soil, Candler Fine Sand, has a 5-12 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on May 4, 2016 via Ordinance 2495. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if developed.

CALCULATIONS:

ADOPTED: 1 Unit(s) x 2.659 p/h = 2 persons

PROPOSED: 3 x 2.659 p/h = 8 persons

Housing Needs: This proposed Future Land Use Designation of “Rural” will at most have a net increase of two residential units, placing a small or deminimus impact on the City’s population.

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. At the time the Master Site Plan or Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPCD; 81 GPD

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 588 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 177 GPCD; 177 GPD

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 630 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPCD
6. Projected LOS under proposed designation: 177 GPCD
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None

8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 8 lbs./person/day
4. Projected LOS under proposed designation: 32 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.006 AC

3. Projected facility under proposed designation: 0.024 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None.

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

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

Motion: Robert Ryan made a motion to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Large Scale Future Land Use Amendment from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Jack and Joyce Cravey. Properties located west of Phils Lane and east of Golden Gem Road. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jose Molina, Linda Laurendeau, and Roger Simpson (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Commercial (Max. 3.0 FAR) to “City” Commercial (Max. 0.25 FAR) for the property owned by SBKP, LLC and located at 312 Old Dixie Highway.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from “County” Commercial (Max. 3.0 FAR) to “City” Commercial (Max. 0.25 FAR) for the property owned by SBKP, LLC and located at 312 Old Dixie Highway. The existing use is a single family residence and the proposed use is a professional office. The existing maximum allowable development is 1 dwelling unit and the proposed maximum allowable development is 2,831 sq. ft. The tract size is 0.26 +/- acre.

The applicant is requesting the City to assign a future land use designation of Commercial (max 0.25 FAR) to the property.

The subject property was annexed into the City of Apopka on May 4, 2016, through the adoption of Ordinance No. 2494. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Commercial is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.26 acres. The property owner intends to develop the property for a professional office.

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 Commercial (max 0.25 FAR) Future Land Use designation and the City’s proposed C-1 (Retail Commercial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed future land use is non-residential and, therefore a school capacity determination with OCPS 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 May 13, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from "County" Commercial (max. 3.0 FAR) to "City" Commercial (max 0.25 FAR) for the 0.26 +/- property owned by SBKP LLC located at 312 Old Dixie Hwy.

Recommended Motion: Motion to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from "County" Commercial to "City" Commercial for the property owned by SBKP, 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.

LAND USE REPORT

Land Use Analysis

The general character of the area surrounding the subject property is compatible with the development of commercial uses. The property lies south of Old Dixie Highway and west of N Hawthorne Avenue.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within "Core Area" of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts Old Dixie Hwy. The vegetative communities present are urban; the soils present are Smyrna; and no wetlands occur on the site, and the terrain has a 0-5 percent slope.

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The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.i Commercial Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is “City” Commercial (max 0.25 FAR). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City’s future population.

CALCULATIONS:

ADOPTED (City designation): 1 Unit(s) x 2.659 p/h = 2 persons

PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

Facilities serving the site; current LOS; and LOS standard: City of Apopka; 81 GPD/Capita; 81 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

Projected total demand under existing designation: 196 GPD

Projected total demand under proposed designation: 425 GPD

Capacity available: Yes

Projected LOS under existing designation: 81 GPD/Capita

Projected LOS under proposed designation: 81 GPD/Capita

Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

Facilities serving the site; current LOS; and LOS standard: City of Apopka; 177 GPD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

Projected total demand under existing designation: 454 GPD

Projected total demand under proposed designation: 566 GPD

Capacity available: Yes

Projected LOS under existing designation: 177 GPD/Capita

Projected LOS under proposed designation: 177 GPD/Capita

Improved/expansions already programmed or needed as a result of the proposed amendment: None

Parcel located within the reclaimed water service area: Yes

Solid Waste

Facilities serving the site: City of Apopka

If the site is not currently served, please indicate the designated service provider: City of Apopka

Projected LOS under existing designation: 8 lbs./person/day

Projected LOS under proposed designation: 6 lbs./person/day

Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

Facilities serving the site: None

Projected LOS under existing designation: 100 year - 24 hour design storm

Projected LOS under proposed designation: 100 year - 24 hour design storm

Improvement/expansion: On-site retention/detention pond

Recreation

Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita

Projected facility under existing designation: 0.006 AC

Projected facility under proposed designation: 0.024AC

Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

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

Motion: **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” Commercial (Max. 3.0 FAR) to “City” Commercial (Max. 0.25 FAR) for the property owned by SBKP, LLC and located at 312 Old Dixie Highway. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jose Molina, Linda Laurendeau, and Roger Simpson (6-0). (Vote taken by poll.)**

QUASI-JUDICIAL - CHANGE OF ZONING – SBKP, LLC – Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” R-1 (ZIP) to “City” C-1 (Retail Commercial) for property owned by SBKP, LLC, and located at 312 Old Dixie Highway.

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Change of Zoning from “County” R-1 (ZIP) to “City” C-1 (Retail Commercial) for property owned by SBKP, LLC, and located at 312 Old Dixie Highway. The existing use is a single family residence. The proposed use is a professional office. The existing maximum allowable development is 1 dwelling unit and the proposed maximum allowable development is 2,831 sq. ft. The tract size is 0.26 +/- acre.

Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of C-1 (Retail Commercial) to the property.

The subject property was annexed into the City of Apopka on May 4, 2016, through the adoption of Ordinance No. 2494.

A request to assign a change of zoning to C-1 (Retail Commercial) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the C-1 zoning classification to accommodate the use of the property for a professional office development. (The change of zoning request is being processed in conjunction with a future land use amendment for a Commercial future land use map designation (max 0.25 FAR). The proposed use is consistent with the proposed Commercial FLUM designation and compatible with the general character of surrounding zoning and uses. Abutting the east property line is a half acre parcel also

owned by the applicant. The change of zoning application covers approximately 0.26 +/- 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 existing and proposed use of the property is consistent with the proposed Commercial (max 0.25 FAR) Future Land Use designation and the City's proposed C-1 (Retail Commercial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed change of zoning is to a non-residential zoning district and, therefore, a school capacity enhancement agreement with OCPS 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 May 13, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in zoning from "County" R-1 (ZIP) to "City" C-1 (Retail Commercial) for the property owned by SBKP LLC at 312 Old Dixie Hwy.

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" R-1 (ZIP) to "City" C-1 (Retail Commercial).

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.

ZONING REPORT

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a county collector (Old Dixie Hwy.).

Comprehensive Plan Compliance: The proposed C-1 (Retail Commercial) zoning is consistent with the proposed "City" Commercial (max 0.25 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The proposed C-1 (Retail Commercial) zoning classification is one of the acceptable zoning categories allowed within the Commercial Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

C-1 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 10 ft.
	Rear: 10 ft. (30 ft. from residential)
	Side: 10 ft.
	Corner 15 ft.

Based on the above zoning standards, the subject parcel complies with code requirements for the C-1

district with exception to the lot width, which is 75 feet. When coupled and combined with the parcel to the east under the same ownership, the site meets the minimum lot width.

Bufferyard Requirements: (1.) Areas adjacent to all road rights-of-way shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to nonresidential uses or districts shall provide a five-foot landscaped bufferyard. (2.) Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. (3.) Areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard.

Allowable Uses: Any nonresidential permitted use in the PO/I or CN districts. Retail establishments, banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provides such activities and facilities are enclosed within a sound-proof building. Churches and schools, day nurseries, kindergartens and other child care centers and other similar uses.

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: Robert Ryan made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from “County” R-1 (ZIP) to “City” C-1 (Retail Commercial) for property owned by SBKP, LLC, and located at 312 Old Dixie Highway. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

AGENDA MODIFICATION - The Planning Commission unanimously agreed to hear the Final Development Plan for 640 E. 13th Street before the Florida Land Trust #111 – ZDA at Sandpiper, LLC PUD Master Plan Amendment.

QUASI-JUDICIAL - FINAL DEVELOPMENT PLAN – 640 EAST 13TH STREET – Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for 640 East 13th Street owned by Rivera Roberto. The engineer is Lam Civil Engineering, c/o Quang T. Lam, P.E. The existing use is vacant land and the proposed use is an industrial warehouse for a construction company. The proposed building size is 4,800 sq. ft. and the height is 24 feet. The tract size is 0.59 +/- acre.

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Final Development Plan for 640 East 13th Street owned by Rivera Roberto. The engineer is Lam Civil Engineering, c/o Quang T. Lam, P.E. The existing use is vacant land and the proposed use is an industrial warehouse for a

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construction company. The proposed building size is 4,800 sq. ft. and the height is 24 feet. The tract size is 0.59 +/- acre.

The 640 East 13th Street - Final Development Plan proposes a 4,800 square foot industrial warehouse. The proposed building will be used to store construction materials and equipment. The proposed use of the property is consistent with permissible uses for the I-1 zoning district. As the building's floor area is less than 10,000 sq. ft., a preliminary development plan approval is not required, allowing the project to move directly to a Final Development Plan.

A total of 11 parking spaces are provided, one (1) of which is reserved as a handicapped parking space. Access to the site is provided by a driveway cut onto 13th Street.

Design of the building exterior meets the intent of the City's Development Design Guidelines.

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

A twenty-five foot landscape buffer is provided along 13th 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:	56
Total inches replaced:	66
Total inches post development:	66

The Development Review Committee recommends approval of the 640 East 13th Street – Final Development Plan, subject to the findings of this staff report.

Planning Commission Recommended Motion: Recommend approval of the 640 East 13th Street – Final Development Plan, subject to the findings of this staff report.

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

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

In response to a question by Mr. Molina, Mr. Moon stated that the applicant would be storing construction equipment and materials in the building.

Petitioner Presentation: Jack Caolo, Esq., 131 E. Woodland Drive, Sanford, stated that he is the attorney for the applicant. He said the applicant will be storing dry painting machines in the warehouse. The warehouse would not be a work place. It would only be used for storage. No hazardous material will be

stored in the warehouse. The warehouse is needed because the applicant was storing his equipment outside and there has been problems with theft occurring on the site.

In response to a question by Mr. Foster, Mr. Caolo stated the cleaning of the paint machines will occur on the job site. No cleaning, other than normal maintenance of the machines, will occur at the warehouse.

Robert Rivera, 640 E. 13th Street, Apopka, stated he is the owner/applicant and reiterated that the cleaning occurs on the job site, not at the warehouse. Additionally, the paint used is water based.

In response to questions by Mr. Molina, Sam Campbell, President of Petratch Construction, 11217 Water Spring Circle, Jacksonville, stated that materials are stored on the job site. He said that if there were any paint left over, it would remain on the job site to be used for needed touch-ups, etc. Additionally, they only use water based and not oil based paint.

Mr. Molina reiterated his concern regarding the storage of paint on the site.

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: Jose Molina made a motion to find the 640 East 13th Street Final Development Plan is consistent with the Comprehensive Plan and Land Development Code; and to recommend approval subject to the findings in the staff report and the condition that no paint will be stored on the site for the property owned by Rivera Roberto. The motion was seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jose Molina, Linda Laurendeau, and Roger Simpson (6-0). (Vote taken by poll.)

QUASI-JUDICIAL – PUD MASTER PLAN AMENDMENT/PRELIMINARY DEVELOPMENT PLAN – FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – Chairperson Greene stated this is a request to recommend approval of the amendment to the Planned Unit Development (PUD) Master Plan/Preliminary Change of Zoning for property owned by Florida Land Trust #111 – ZDA at Sandpiper, LLC and located south of Sandpiper Street, west of North Thompson Road, and east of Ustler 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 sent an e-mail on Wednesday to Mr. Moon and then visited him at his office on Thursday regarding the Sandpiper PUD Master Plan.

Mr. Moon stated that Mr. Ryan was pointing out an error in the staff report that indicated there would be no sidewalk along Sandpiper Street. That was incorrect. There will be a sidewalk along Sandpiper Street.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the amendment to the Planned Unit Development (PUD) Master Plan/Preliminary Change of Zoning for property owned by Florida Land Trust #111 – ZDA at Sandpiper, LLC and located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road. The existing use is vacant land. The proposed use is a single-

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family residential development. The existing and proposed maximum allowable development is 49 dwelling units. The tract size is 58.23 +/- acres with 48.4 +/- developable acres.

The subject property is located on the south side of Sandpiper Street, west of North Thompson Road, and east of Ustler Road. Development Standards for the Master Site Plan\ Preliminary Development Plan are provided in Exhibit "F". A general description of the proposed residential community is provided below:

- Lots: 49 single family lots.
- Min. Lot Area: PUD sets the lots size ranging from 12,800 to 26,000 sq. ft. Min. lot size of 12,800 sq. ft.
- Min. Lot Width: 75 ft.
- Min. Living Area: 2,200 sq. ft.
- Density: 1.01 dwelling units (du) per acre (49 du\48.4 developable acres)
- Access: All lots access an internal road. A single entrance road connects to Sandpiper Road. No lots or new roads will connect to Ustler Road.
- Park: A minimum area of 15,000 sq. ft. will be provided for active recreation. The park site plan will be submitted with the final development plan. Park to be located in Tract "A".
- Buffers:
1. Sandpiper Road. A ten foot wide landscape tract, owned by the HOA, follows the south side of Sandpiper Road from the northeast corner of the project site to the project entrance. In lieu of a wall, a six foot high hedge and canopy trees will be required. The hedge must reach a height of six-feet within two years of planting and must create a near-opaque screen. No buffer wall is proposed as is typically required for residential subdivisions abutting a public road.
 2. Eastern project line. No buffer tract or easement. The residential lots in this development project abut residential lots typically 1.3 to 1.7 acres in size. No buffer is required by code.
 3. Southern project line. A thirty foot wide conservation easement follows the rear of Lots 18 through 28 and 13, side and rear yard of Lot 14. This conservation easement is to be left in it natural vegetation and is assigned to the HOA. No pools, fences, or other accessory structures can be placed within the 30-foot wide conservation easement.
 4. Western project line. Approximately 15 acres are preserved as open space\recreation along Ustler Road.
- Lake Access: Only owners of Lots ~~30~~ 29 through 37 – ~~eight~~ nine lots -- are allowed access to Lake McCoy. Boat docks are allowed only for these eight lots. A maximum 15 foot wide path can be cleared across wetlands to reach the lake, subject to Water Management District approval.

Sidewalks: Sidewalks are provided on both sides of internal streets. Sidewalks are proposed along Sandpiper Street.

Summary Proposed PUD and Master Plan\PDP Amendments:

- A. Internal roads. Western cul-de-sac move east of the creek.
- B. Lot layout. Lots are relocated from the end of the eastern and western cul-de-sacs to the entrance road south of Sandpiper Street. Lots along the southern project line have been sifted eastward. A few lots within the Oakwater community to the south have a conservation easement and residential lots behind them while the previous plan
- C. Stormwater System. The pond at the southeastern side of the development has been expended to accommodate stormwater drainage capacity. No stormwater ponds are located adjacent to Ustler Road.
- D. Other. Project area along Ustler Road will not be disturbed by proposed residential development. PUD zoning ordinance and its exhibits were also modified to make reference to Lot numbers consistent with the new Master Plan.

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

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to City approval of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Affected Schools: Dream Lake ES, Apopka MS, Apopka HS.

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on August 15, 2014.

The Development Review Committee recommends approval of Amendment to the Sandpiper Road Planned Unit Development and the Master Plan\Preliminary Development Plan

Recommended Motion: Find the Amendment to the Sandpiper Road Planned Unit Development Zoning and the Master Plan\Preliminary Development Plan to be consistent with the Comprehensive Plan and Land Development Code, and recommend to approve.

This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting. Role of the Planning Commission in this case is advisory to the City Council.

ZONING REPORT

Land Use & Traffic Compatibility: The properties are located south of Sandpiper Road and west of Ustler Road. A transportation study was prepared with the adopted Sandpiper Road PUD, and the number of residential units has not increased. No additional transportation study is needed. The amendment to the PUD zoning and Master Plan\PDP changes the subdivision design and stormwater management plan,

but no increase in residential units or density is proposed. The proposed development remains at a total of 49 single family homes.

Bufferyard Requirements: Sandpiper Proposed PUD requirements:

- a. 30-foot wide buffer easement along the south property line as set forth in the Master Plan. Easement dedicated to the HOA.
- b. 10-foot wide buffer tract with six-foot high hedge (within 2 years from planting) that creates a near-opaque screen, canopy trees, and a tri-rail fence with masonry or brick posts.

Allowable Uses: Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with Section 2.02.01 of the LDC.

In response to a question by Mr. Simpson, Mr. Moon stated the proposed tot lot is approximately 15,000 sq. ft. that is the same minimum requirement that is in the currently approved plan. The type of playground equipment will be included in the Final Development Plan.

In response to a question by Mr. Ryan, Mr. Moon stated that there will be no parking at the tot lot. The subdivision is designed to be walkable.

In response to a question by Mr. Molina, Mr. Moon stated that the types of trees along the right of way will be determined during the Final Development Plan phase and be based on code requirements.

Petitioner Presentation: Allan Goldberg, ZDA at Sandpiper, LLC, 100 S. Virginia Avenue, Unit 201, Winter Park, stated he concurs with staff's presentation; however, would like to make one correction. There are nine (9) lots that will have access to Lake McCoy. Those include Lots 29 through 37.

In response to a question by Mr. Molina, Mr. Goldberg stated they are not far enough along in the Final Development Plan process to determine what types of trees will be along the right of way. The types of trees in the yards will be determined by the home builders.

In response to a question by Mr. Molina, David Stokes, Madden Moorhead Stokes, 431 E. Horatio Avenue, Maitland, stated that the pond on the west side was lower than the pond on the east side. This was the only option because changing the elevations would impact Sandpiper Street. The pond on the east side will retain the designed storm event and the pond on the west side will pop-off to Sandpiper and will drain at the same rate and volume as does the current undeveloped site.

In response to a question by Mr. Simpson, Mr. Goldberg stated that design of the tot lot would be left to the home builder that buys the property.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

Mary Smothers, 1005 East Sandpiper Street, Apopka, expressed her opposition to the project. She read the following letter, dated June 14, 2016, into the record: "We understand the reason for a requested amendment to last year's approved plans for the Sandpiper Street project due to natural water run-off and drainage patterns. However, in the process of redrawing the lots, we find the reduction of the size of lots too numerous and frankly, quite unacceptable. We find the smaller lots far too small to make the "average half acre" lot size palatable. Even half acre lots do not conform to the adjacent and abutting rural residential (estates) properties. As is on record, we much prefer "minimum half acre lots." There is

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also concern about the four lots facing the entrance to the project coming off Sandpiper Street. Driveways this close to traffic entering and exiting Sandpiper Street poses real danger. Unfortunately, Sandpiper Street has become a popular cut through road and drivers do not obey speed limits or the no passing double lines. These driveways may slow down the drivers entering or exiting putting them at risk and those four homeowners at the entrance at peril when using their own driveways.”

In addition to the letter, Ms. Smothers provided a map indicating lot sizes in the proposed development as well as the lots adjacent to the project.

Mr. Moon stated that all internal streets will have sidewalks. In order to preserve trees and open space, the lot sizes were reduced. This will be mitigated by the setbacks and buffers along adjacent properties.

Jack Cooper, 954 Oakpoint Circle, Apopka, stated that he resides along Lake McCoy across from the nine lots that will have access to the lake. He expressed his support for the project; however, requested that there be no trails in the wetland area. He stated he appreciated the better engineering design.

In response to a question by Chairperson Greene, Mr. Moon stated the Final Development Plan, once complete, would go directly to City Council.

Mr. Cooper added that this project was discussed at a recent Oakwater Homeowners Association meeting and there were no objections to the changes.

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

Motion: **Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the amendment to the Planned Unit Development (PUD) Master Plan/Preliminary Change of Zoning for property owned by Florida Land Trust #111 – ZDA at Sandpiper, LLC and located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Jose Molina, Linda Laurendeau, and Roger Simpson (6-0). (Vote taken by poll.)**

OLD BUSINESS: None.

NEW BUSINESS: None.

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

/s/

James Greene, Chairperson

/s/

Mark Reggentin, AICP
Community Development Director