

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 8, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau

**ABSENT:** Jose Molina, Roger Simpson, John Sprinkle, and Orange County Public Schools (Non-voting)

**STAFF PRESENT:** James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackins – City Attorney, Deputy Police Chief Randall Fernandez, Erin De Young – Apopka Police Department Attorney, Fire Chief Chuck Carnesale, Pamela Richmond – Senior Planner, Robert Sargent – Public Information Officer, and Jeanne Green – Recording Secretary.

**OTHERS PRESENT:** Peggy Dionne, Jamie Boerger, Gene Cowart, Richard Geller, Sandra Gorman, Suzanne Kidd, Ed Velazquez, Laura Kelly, Derek Ryan, Teresa Sargeant, Joel Avery, David Evans, Jason Revelle, Malcolm Jones

**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 regular meeting minutes of July 11, 2017, at 5:30 p.m.

**Motion:** **Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on July 11, 2017, at 5:30 p.m. and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0).**

**APPROVAL OF MINUTES:** Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of July 25, 2017, at 6:00 p.m.

**Motion:** **Tony Foster made a motion to approve the Planning Commission minutes from the special meeting held on July 25, 2017, at 6:00 p.m. and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0).**

The Planning Commission unanimously agreed to change the order of the agenda to hear Item #8 first.

**LEGISLATIVE – CODE OF ORDINANCES – PART III – LAND DEVELOPMENT CODE AMENDMENT – ARTICLE III, SECTION 3.06 – MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES** - Chairperson Greene stated this is a request to recommend approval of Ordinance No. 2582 amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article III, Section 3.05, to establish a prohibition of medical marijuana treatment center dispensing facilities within the boundaries of the City as authorized by Section 381.986, Florida Statutes.

The City of Apopka adopted Ordinance 2388 on May 6, 2015, to regulate and govern the location and extent of the cultivation, processing and dispensing of cannabis and medical marijuana within the City of Apopka. A need to regulate medical marijuana emerged on June 16, 2014, when Governor Scott signed the Compassionate Medical Cannabis Act of 2014 into law, allowing for the cultivation, processing and dispensing of low THC cannabis statewide, subject to local government zoning laws.

The Florida Legislature pass new laws in 2017 regarding medical marijuana is reaction to a state-wide referendum approved in November 2016 to expand opportunities for the availability of marijuana for medical purposes. Section 381.986 (11) of the Florida Statutes now states if medical marijuana treatment center

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dispensing facilities are not banned in the municipality, the municipality may not enact any ordinance which limits the number or the location of the dispensing facilities which are more restrictive than how a pharmacy is regulated in that municipality. In summary, local governments can only regulate medical marijuana dispensaries in the same and equal manner that is regulates pharmacies. The two must be treated the same under a local governments zoning laws and development standards.

However, the Florida Legislature in 2017 also gave local governments the opportunity to ban medical marijuana dispensaries. Whereas Florida law limits a local government's ability to govern the location and extent of medical marijuana dispensaries within the City of Apopka; and whereas the impacts of such use on adjacent or nearby residential areas, schools, religious facilities, and government properties is uncertain; the Development Review Committee and City staff recommend that the City Council ban dispensaries until the City gains more information and knowledge regarding the impacts generated by medical marijuana dispensaries.

Cultivation and processing of cannabis\medical marijuana is not affected by proposed Ordinance 2582. These activities are allowed subject to regulations established through Ordinance 2388.

The Development Review Committee recommends approval of the Proposed Ordinance 2582, Prohibiting Medical Marijuana Dispensaries within the City of Apopka.

Staff recommended the Planning Commission recommend approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article III, Section 3.05, to establish a prohibition of medical marijuana treatment center dispensing facilities.

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

Mr. Moon stated that Deputy Police Chief Randy Fernandez and the Police Department attorney, Erin De Young, were present to answer any questions.

In response to questions by Mr. Foster, Deputy Police Chief Fernandez stated that research was conducted using studies done in Colorado; however, because Colorado has allowed recreational use of marijuana, some of the information did not exactly equate to the current situation in Florida. It was found that these types of dispensaries in Colorado did have a negative impact on property tax values and surrounding areas. Additionally, a number of municipalities within the surrounding areas are banning or proposing bans on dispensaries. This is due to the new state regulations that require local governments to treat dispensaries in the same manner they would treat pharmacies thus tying the hands of local governments to regulate specific areas dispensaries can be located. The ban would not affect the cultivation or processing of medical cannabis in the designated grow areas; and it would not affect patients having the medical cannabis delivered to their homes. He said the police department was not taking a position on the medical marijuana. It is a lawful drug within Florida, accepted by the electorate and legislated by representatives. The concern is the ability to set zoning regulations and since the state limited the local government control and created the choice of regulating like a pharmacy or ban, the recommendation is to ban.

In response to a question by Ms. Laurendeau, Deputy Chief Fernandez stated that if the City did not ban dispensaries, they could be located next to playgrounds. He said the State regulations only restrict them from being within 500 feet of schools.

Chairperson Greene opened the meeting for public hearing.

Derek Ryan, 2466 Peterson Road, voiced his opposition to the ban on dispensaries. He stated that the Planning Commission should take into consideration how the use of medical cannabis could reduce the over use of opiates; and asked that the Planning Commission take into account the City's agricultural history

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

**Motion:** Linda Laurendeau made a motion to recommend approval of Ordinance No. 2582 amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article III, Section 3.05, to establish a prohibition of medical marijuana treatment center dispensing facilities within the boundaries of the City as authorized by Section 381.986, Florida Statutes. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0). (Vote taken by poll.)

**LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – GEORGE THUM, JR. AND PHILLIP & PEGGY DIONNE** - 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” Agriculture (0-1 du/5 ac); and recommend transmittal to the Department of Economic Opportunity for review for the properties is owned by George Thum, Jr. and Phillip and Peggy Dionne, and located west of Jason Dwelley Parkway, south of West Kelly Park 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” Agriculture (0-1 du/5 ac); and recommend transmittal to the Department of Economic Opportunity for review for the properties is owned by George Thum, Jr. and Phillip and Peggy Dionne, and located west of Jason Dwelley Parkway, south of West Kelly Park Road. The existing use is single-family residences and the proposed use is an elementary school. The current zoning is “County” A-1 (ZIP) & “City” AG (Agriculture) and the proposed zoning is “City” PO/I (Professional Office/Institutional). The tract size is 15.17 +/- acres.

The applicant intends to use the subject properties for a public elementary school, and requests the City to assign a future land use designation of Institutional/Public Use to the property. Elementary schools are permitted within the Institutional/Public Use Future Land Use Designation.

The subject properties were annexed into the City on November 16, 2005 via Ordinance 1787 and on June 21, 2017 via Ordinance 2573. The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Institutional/Public Use is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 15.17 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 Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

The existing and proposed use of the property is consistent with the Institutional/Public Use designation and the proposed Professional Office/Institutional zoning.

Since the proposed use as a public elementary school is a non-residential use, a 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 July 13, 2017.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in

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Future Land Use from “County” Rural (0-1 du/10 ac) and “City” Agriculture (0-1 du/5 ac) to “City” Institutional/Public Use for the properties owned by George Thum, Jr., and Phillip and Peggy Dionne.

Staff recommends the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from “County” Rural and “City” Agriculture to “City” Institutional/Public Use to the Florida Department of Economic Opportunity.

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 questions by Mr. Foster, Mr. Moon stated that the school entrance roadway is yet to be determined. The preference is that one access be off of Spinfisher Drive. Typically elementary schools have two access points. One for buses and one for parents who are dropping off their children.

In response to a question by Ms. Laurendeau, Jamie Boerger, Orange County Public Schools, 6501 Magic Way, Building 200, Orlando, stated they are anticipating the school to open in 2021.

In response to questions by Mr. Foster, Ms. Boerger stated that there are no plans to combine this school with Wolf Lake Elementary. This school would be in addition to the Wolf Lake Elementary and Middle Schools. Most of the schools currently in this area are at or above capacity.

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

**Motion:** Melvin Birdsong made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment from “County” Rural (0-1 du/10 ac) to “City” Agriculture (0-1 du/5 ac); and recommend transmittal to the Department of Economic Opportunity to review for the properties owned by George Thum, Jr. and Phillip and Peggy Dionne, and located west of Jason Dwelley Parkway, south of West Kelly Park Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0). (Vote taken by poll.)

**QUASI-JUDICIAL – PUD MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – OAK POINTE SOUTH (AKA THOMPSON HILLS ESTATES)** - Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the PUD Master Plan and Preliminary Development Plan for the property owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road.

Attorney Bracken swore-in staff, the petitioners, and affected parties.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Richard Geller, Esq., and Gene Cowart stated that they were representing Jason Revelle who was asking for affected party status because his property is located in the center of the subject project.

The Planning Commission acknowledged Mr. Revelle as an affected party.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

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Staff Presentation: Mr. Moon stated this is a request to recommend approval of the PUD Master Plan and Preliminary Development Plan for the property owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road. The existing use is vacant land and the proposed use is a single-family and townhome development. The future land use is Mixed Use. The proposed development is 118 single family homes and 106 townhomes. The tract size is 67.7 +/- acres.

A Planned Unit Development (PUD) zoning currently is assigned to the subject property. The PUD Master Plan associated with the subject property expired several years ago. A PUD new master plan must be approved through a rezoning hearing process. As part of the PUD

The PUD Master Plan includes 106 townhomes and 118 single family homes within a gated community with private streets. A single master homeowners association will serve both the single family homes and townhomes.

- Single family lots typically have a minimum width of 70 feet and a minimum lot area of 8,400 sq. ft., a minimum house livable area of 1,500 sq. ft., and a minimum two-car enclosed garage. A small percent of single family lots (6.8% totaling 8 lots) have a minimum typical lot width of 65 feet and a minimum lot area of 7,800 sq. ft., also with a minimum house livable area of 1,500 sq. ft. and a minimum two-car enclosed garage. No three-car garages are allowed.
- Townhomes will have a minimum lot width of 23 feet and a minimum lot area of 2,530 sq. ft. All townhome units offer a one-car enclosed garage. No two-car enclosed garages are proposed by the developer. Some (75 units have a one-car driveway; some (31 units) have a two-car driveway.
- Two parks are provided and will be accessible to all residents. Tract N-1 provides a community swimming pool and a cabana with a parking lot. A second community park provides outdoor recreation on 2.03 acres (Tract K-6) and includes a fenced-in dog park.
- To accommodate a private, gated community, the applicant requests to vacate the right-of-way for Irmalee Road, a gated paved public right-of-way ranging in width from 80 feet to as much as 250 feet. One other property owner (not associated with the PUD application) is surrounding by the PUD Master Plan and accesses Irmalee Lane. This one-acre parcel will be granted access rights to the private road if the Irmalee ROW is vacated by City Council.
- Access will occur through a road connection to McCormick Road and a future road connection to Ocoee-Apopka Road. A gate will be located at both the north and south entrances. An emergency gate will be located on the eastern boundary, connecting to Pelock Drive within the Apopka Woods community.
- Perimeter buffers include: a ten foot buffer with a six-foot high brick wall along the western property line adjacent to S.R. 429, a six-foot high vinyl fence within a ten foot buffer next to the Apopka Woods community and next to the County's Northwest Reclamation facility.

The Oak Point property owner also owns 69.89 acres serviced by a gated public road – Irmalee Lane. The site typically has a flat topography with no wetlands. Located along the north side of McCormick Road, the PUD Master Plan The City of Ocoee is situated along the south side of McCormick Road. The proposed residential PUD Master Plan abuts land zoned commercial. The commercial land sites between McCormick Road and the single family residential Master Plan are not part of the PUD application. An existing public road – Irmalee Lane – extends from McCormick Road northward through the property. Apopka Woods is a 76

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lot, single family residential neighborhood that abuts most of the eastern boundary of Oak Pointe. Typical lots within Apopka wood have a minimum width of 70 feet and a minimum land area of 7,500 sq. ft.

The Orange County Northwest Reclamation Water Facility on portions of its north and northwest boundary, the Apopka Woods residential community (R-2 zoning, 70 foot wide lots),

Directly to the south of Oak Pointe is a private gated residential community – McCormick Woods – with typical lots of 70 x 125 (8,750 sq. ft.).

Annexation History: The subject properties were annexed into the City via Ordinance 1651 on December 18, 2002. A public road with a right-of-way width ranging from 80 to 150 feet extends from McCormick Road to the Tract L-1 of the project.

Recreation Amenities:

Tract N-1

- Swimming Pool.
- Pool area surrounded by a 36" viburnum hedge, crepe myrtles, magnolia trees, live oak trees, and approved ground cover.
- Pool parking lot - 13 parking plus one handicap parking space.
- Bike rack located adjacent to parking lot.
- 2,200 +/- SF Cabana located next to the pool surrounded by landscaping that blends with the pool landscaping.
- The cabana will be partially open, with the open area surrounded by a four foot metal guardrail/fence.
- A paved sidewalk from the Cabana connects to the sidewalk along Street I.
- An outdoor shower will be placed on both the east and west sides of the building.
- The pool and cabana are appropriately located near the center of the development, easily accessible to both the single family residential units and the townhome.

Tract L-6

- Two multi-purpose playing fields.
- Mulched walking trail around the perimeter of the Tract.
- Paved sidewalk will placed along the west side of the park, connecting Street I with the Tot Lot, Dog Park, and parking lot.
- Paved sidewalk will connect the parking lot at Tract O-1 with the paved sidewalk along the west side of the park.
- Three picnic tables.
- Litter receptacle - 24" X 30" size.
- Eight benches, each with armrests.
- Tot Lot with playground equipment – slides, climbing equipment.
- Dog park with five foot high vinyl coated chain link fence, screened with a viburnum hedge.
- Dogipot aluminum pet station with pet waste receptacle.
- Dog park will be handicap accessible.
- Bike rack located in Tract K-5, between the parking lot and sidewalk along the west side of the park.
- Pedestrian level lighting
- Park area surrounded by a viburnum hedge, sabal palms, crepe myrtles, magnolia trees, live oak trees, and approved ground cover.

**RECOMMENDED PUD CONDITIONS OF APPROVAL:**

1. A development agreement must be approved by City Council that addresses dedication of a 60-foot wide right-of-way from the northern project line to Ocoee-Apopka Road following alignment delineated in the Oak Pointe North Master Plan; addresses the construction of the southern road from PUD south to McCormick Road; address access rights for the owner and subsequent owners of parcel number 29-21-28-0000-00-037 and addresses project phasing and development conditions.
2. For all recreation and park improvements, a performance bond in an amount acceptable to the City is required if such improvements do not receive a certificate of completion by the first building permit issued for a residential development.
3. Tree removal and arbor mitigation fee shall be determined at the time of the Final Development Plan.
4. Number and location of handicapped parking spaces shall be determined at the time of the Final Development Plan.
5. All recreation areas\parks shall be irrigated.
6. Townhome and single family home architectural design shall be determined at the Final Development Plan. The current renderings shall be removed from the PUD Master Plan and are not part of the Master Plan approval.
7. Current gate at south end of Irmalee Lane at McCormick Road shall be removed by Oak Pointe owner within 14 days of written request of the city engineer.
8. Irmalee Road vacate is approved by City Council upon adoption of the Oak Pointe PUD Ordinance. The road vacate shall be processed as part of the platting process.
9. The spine road from McCormick Road to the northern property line shall be completed prior to the issuance of the first certificate of occupancy for a residential unit.
10. All infrastructure that will be dedicated to the City and all roads and sidewalks shall be constructed to city standards as demonstrated in the Final Development Plan.
11. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
  - a. Permit a single one-year extension for submittal of the required Final Development Plan;
  - b. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  - c. Rezone the property to a more appropriate zoning classification.
12. Unless otherwise addressed within the PUD development standards, the R-3 zoning standards will apply to the Townhomes and R-2 zoning standards to the single family lots. No residential duplex units are allowed.

The existing and proposed use of the property is consistent with the Residential Low Future Land Use designation and is not consistent with the Land Development Code subject to the recommended DRC

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development conditions.

A capacity enhancement agreement and/or school mitigation agreement with OCPS or a letter exempting the project from school capacity enhancement is required prior to submittal of a final development plan.

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 19, 2017.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Oak Pointe Planned Unit Development Master Plan and Preliminary Development Plan subject to the DRC Conditions of Approval.

Staff recommended the Planning Commission recommend approval of the Planned Unit Development Zoning and the Master Plan and Preliminary Development Plan based on the Conditions of Approval and 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.

Ms. Laurendeau commended everyone that worked together on this project.

Petitioner Presentation: David Evans, Evans Engineering, Inc., 719 Irma Avenue, Orlando, he said a couple of points to note is that they will have access on the south side via McCormick Road and it functions by itself with a secondary access to the Apopka Woods subdivision. The Owner is interested in developing the north portion and we have provided adequate facilities in addition to what was already designed. There is a gate system that goes up north to SR 429 and it will connect to the right of way that extends up to Ocoee Apopka Road. We are negotiating with staff on the width of the right of way in the developer agreement. There is a 12' bike trail that will connect to Orange County's bike trail. We have worked with the property owner in the middle of the project. There is a buffer area around the property. He said they are available to answer any questions.

Affected Party Presentation: Gene Cowart, 12638 Scottish Pine Lane, Clermont, stated that he was representing his uncle Jason Revelle. He stated that he and Mr. Revelle has met with Planning & Zoning staff who gave them the information they needed. He said they have tried to contact the owner's representative through e-mails and phone calls. He said Mr. Revelle has the following concerns: the multi-family development proposed being so close to his property; and the privatizing of Irmalee Lane, a public right of way. He stated that he knows, being a mortgage broker, it would be very difficult for Mr. Revelle to sell his property with the privatizing of Irmalee Lane. He said that Mr. Revelle is asking that the Planning Commission protect his property but only allowing single-family homes on this property and not allowing the privatizing of Irmalee Lane.

In response to a question by Chairperson Greene, Mr. Cowart stated that the property owner had approached Mr. Revelle to purchase his property. He said he offered him \$90,000 but Mr. Revelle has a \$300,000 mortgage. He added that the property owner had sent an agreement to Mr. Revelle that, if he had signed it, would have waived his rights to represent himself.

Richard Geller, Fishback & Dominick Law Firm, 1947 Lee Road, Winter Park, stated that he was Mr. Revelle's attorney. He provided a presentation that is included in the record. He said the Mr. Revelle had recently invested \$70,000 for a remodeled kitchen, tile floors, new carpeting, new air conditioning, and solar panels.

Mr. Geller went on to say the gated public right of way is illegal under the Florida Statutes and the Apopka



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City Code. A Florida Attorney General Advisory Legal Opinion from July 10, 1990, states that “A municipality is not authorized to install a security gate on a public road which limits access to the road...” It further stated “Those areas susceptible of local regulation, however, do not, in my opinion, empower a municipality to install a security gate across a public street or highway. Such construction would appear to obstruct the free, convenient and normal use of the public road by impeding or restraining traffic on such road in a manner not authorized by Ch. 316 F.S. [8] From the information supplied to this office, it appears that the Department of Transportation and the State Attorney’s Office have already advised the town that the installation of such a gate would be illegal.”

Mr. Geller said that obstructing any public road is a First Degree Misdemeanor as indicated in F.S. § 861.01 that reads: “Obstructing highway – Whoever obstructs any public road... by fencing across or into the same or by willfully causing any other obstruction in or to such road... or any part thereof, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the judgement of the court shall also be that the obstruction be removed.”

Mr. Geller added that the Apopka City Code, Chapter 70, Article 1, Section 70-1 reads: “Obstruction of street or sidewalk. (c) Any person who shall place any... obstruction in any public street... shall remove the obstruction within six hours after being notified to do so by the chief of police or any police officer.”

Mr. Geller stated that the developer has proposed an easement access to Mr. Revelle’s homestead; however, an easement access is illegal because in the City Code it reads: “Article VI. 6.02.05 – Rights of Way. D. Vacation of rights of way. Applications to vacate a right of way shall be subject to approval by the city council. Recommendations by the DRC [Development Review Committee] shall be based on the following requirements:... 2. The right of way does not provide the sole access to any property in the case of an entire right of way being proposed to be vacated. Remaining access shall not be by easement... 4. The proposed vacation is not detrimental to the public interest.”

Mr. Geller stated that contrary to City Code, a traffic study was not completed. The code states “Application of private streets. Private streets shall comply with the following standards and criteria: ... 2. Private streets will only be permitted in a project which generates an average daily trip (ADT) rate of 1,500 or less according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.” He stated this project is proposing 224 residential units and trips generated could be in excess of the 1,500 ADT. He went on to point out that Policy 3.2 of the Apopka Comprehensive Plan states “Development... 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.” He stated that the proposed development does not meet the standards listed in items 1 and 2, and there has been no mitigation of adverse impacts to Mr. Revelle’s property.

Mr. Geller stated the adverse impacts to Mr. Revelle’s property are the developer’s proposal to surround a one acre homestead with 45 high density dwelling units. The highest density, 45 of 106 units, would surround Mr. Revelle’s homestead on three sides. Instead of providing adequate buffering for Mr. Revelle, his homestead is the buffer to the single family homes that are proposed. He said Policy 3.3 of the City’s Comprehensive Plan states that new development must mitigate the adverse, visual, impacts created by that development upon all adjacent land uses that are not alike to the proposed development. He said the inadequate buffering includes the perimeter buffers that include a ten foot buffer with a six-foot high brick wall along the western property line adjacent to SR 429, a six-foot high vinyl fence within a ten foot buffer next to the Apopka Woods community and next to the County’s Northwest Reclamation Facility. There is no wall to buffer Mr. Revelle’s property and viewshed. The developer proposes to destroy all of the mature trees around Mr. Revelle’s property and replace them with new, smaller trees. The City should require a tree survey and site plan revision with an aim of preserving the mature trees around Mr. Revelle’s homestead to mitigate the adverse visual impacts.

Mr. Geller stated that Mr. Revelle is requesting that the Planning Commission recommend denial of the proposed Oak Pointe PUD as incompatible and inconsistent with both the comprehensive plan and the

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Apopka City Code; recommend that Irmalee Lane remain a public road to avoid violating the Florida Statutes and the Apopka City Code, Article VI, Sec. 6.02.05; recommend that a traffic study be completed; recommend immediate removal of the date and cattle gap blocking Irmalee Lane and require the developer to repair the road; recommend a tree survey and site plan revision with an aim of preserving mature trees and relocating the townhomes so as to not surround his homestead; and to recommend a brick wall around his property.

In response to questions by Mr. Foster, Mr. Geller stated that Irmalee Lane is a public road and should not become a private road. There have been discussions with the developer but they want to provide an easement to Mr. Revelle but he is not looking for easement rights and wants his property reasonable buffered from the proposed development by putting up a brick wall around Mr. Revelle's property and moving the townhomes towards the commercial portion of the project.

In response to questions by Chairperson Greene, Jason Bracken, City Attorney, stated that without research and further study of what the developer is proposing he was unable to provide a legal opinion at this time. He did suggest that the Planning Commission could add a condition to their decision that a legal opinion be obtained prior to this project going to City Council.

Petitioner Rebuttal: Malcolm Jones, 207 Island Drive, Jupiter, stated he was the owner of the property. He said the gate was installed because the site had become a dump site. The gate was installed prior to Mr. Revelle purchasing his property. He said a gated community would enhance the properties. The offer made to Mr. Revelle was the land value as they were not interested in purchasing the home. He said that there would be buffering by way of a retention pond that would be around Mr. Revelle's property in addition of landscape buffering. The trees have to be removed because of grading issues with the site; and to move the trees would be expensive.

In response to a question by Chairperson Greene, Mr. Jones stated that they would grant an easement for Mr. Revelle to have full access to his property.

After a short discussion the Planning Commission agreed to add the condition that a legal opinion be obtained regarding Mr. Geller's arguments to what is proposed for this property.

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 recommend approval of the Planned Unit Development Zoning and the Master Plan and Preliminary Development Plan based on the Conditions of Approval and findings and facts presented in the staff report subject to a legal opinion from the City Attorney regarding the request being consistent with the Apopka Comprehensive Plan and Land Development Code for the property owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong and Linda Laurendeau; Tony Foster voted nay (3-1). (Vote taken by poll.)

Attorney Bracken swore-in staff, the petitioners, and affected parties for the following Administrative Change of Zoning cases.

**QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – RICHARD CHANDLER -** Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from "County" A-1 (ZIP) to "City" R-1AAA (Residential) for the property owned by Richard Chandler and the applicant is the City of Apopka. The property is located west of Mt. Plymouth Road, south of Boch Road.

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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. Moon stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” R-1AAA (Residential) for the property owned by Richard Chandler and the applicant is the City of Apopka. The property is located west of Mt. Plymouth Road, south of Boch Road. The future land use is Residential Very Low Suburban (0 - 2 du/ac). The existing and proposed use is a Residential Single-Family Home. The maximum and proposed allowable development is 1 residential unit. The tract size is 5.118 +/- acres.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” R-1AAA zoning to the north, south, and west of the subject property, and PUD to the east of the site. The existing and proposed use of the subject site for a residential building is a permitted use in the proposed R-1AAA zoning district and compatible with the surrounding zoning and uses.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

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 July 7, 2017.

The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

The Development Review Committee finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA.

Staff recommended the Planning Commission find the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA for the Chandler Richard property.

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:** **Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area, and recommend adoption of the change of zoning from “County” A-1 (ZIP) to “City” R-1AAA (Residential) for the property owned by Richard Chandler and located west of Mt. Plymouth Road, south of Boch Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0). (Vote taken by poll.)**

**QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – BOBBY & JESSICA SANDERS**

- Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” R-1AAA (Residential) for the property owned by Bobby and Jessica Sanders. The applicant is the City of Apopka. The property is located west of North Rock Springs Road, south of West Kelly Park Road.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” R-1AAA (Residential) for the property owned by Bobby and Jessica Sanders. The applicant is the City of Apopka. The property is located west of North Rock Springs Road, south of West Kelly Park Road. The future land use is Residential Very Low Suburban (0 - 2 du/ac). The existing use is vacant and there is no proposed use at this time. The maximum and proposed allowable development is 1 residential unit. The tract size is 2.501 +/- acres.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” R-1AAA zoning to the north, south, and west of the subject property, and vacant, A-1 (ZIP) to the east of the site. The existing and proposed use of the subject site for a residential building is a permitted use in the proposed R-1AAA zoning district and compatible with the surrounding zoning and uses.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

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The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

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 July 7, 2017.

The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

The Development Review Committee finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA.

Staff recommended the Planning Commission find the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA for the Sanders property.

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:** **Melvin Birdsong made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area, and recommend adoption of the change of zoning from “County” A-1 (ZIP) to “City” R-1AAA (Residential) for the property owned by Bobby and Jessica Sanders and located west of North Rock Springs Road, south of West Kelly Park Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0). (Vote taken by poll.)**

**QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – JOLLY PRODUCTS AND SERVICES** - Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Jolly Products and Services. The applicant is the City of Apopka. The property is located east of Round Lake Road, north of West Kelly Park Road.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Jolly Products and Services. The applicant is the City of Apopka. The property is located east of Round Lake Road, north of West Kelly Park Road. The future land use is Rural Settlement (0 - 2 du/acres). The existing and proposed use is the Round Lake Road Nursery. The maximum and proposed allowable development is 1 non-residential unit. The tract size is 6.86 +/- acres.

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Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” A-1 (ZIP) zoning to the east and south of the subject property, and “County” A-1 to the west and north. The existing and proposed use of the subject site for a nonresidential building is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

The request of the proposed rezoning would result in no residential units, therefore, a school capacity determination is not required for the subject properties.

The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

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 July 7, 2017.

The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

The Development Review Committee finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

Staff recommended the Planning Commission find the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG for the Jolly Products and Services property.

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 compatible with the character of the surrounding area, and recommend adoption of the change of zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Jolly Products and Services located east of Round Lake Road, north of West Kelly Park Road. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and

**Linda Laurendeau (4-0). (Vote taken by poll.)**

**QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – EDGEL, LLC** - Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Edgel, LLC. The applicant is the City of Apopka. The property is located east of North Rock Springs Road, south of East Ponkan Road.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Edgel, LLC. The applicant is the City of Apopka. The property is located east of North Rock Springs Road, south of East Ponkan Road. The future land use is Agriculture (1 du/5 acres). The existing is a nursery and a mobile home. The proposed use is agriculture or residential. The maximum and proposed allowable development is 1 residential unit. The tract size is 4.95 +/- acres.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-2 zoning to the east and north of the subject property, and “City” AG to the south and CN to the west. The existing and proposed use of the subject site for a nonresidential building is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses. This parcel is located in the Wekiva River Protection Area and north of Lester Road, and is limited to a maximum density of one unit per five acres pursuant to the Joint Planning Agreement with Orange County government.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

The request of the proposed rezoning would result in no residential units, therefore, a school capacity determination is not required for the subject properties.

The subject property is located within the “Northern Central Area” of the Joint Planning Area with Orange County and the Wekiva River Protection Area.

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 July 7, 2017.

The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

The Development Review Committee finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from

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“County” A-1 (ZIP) to “City” AG.

Staff recommended the Planning Commission find the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG for the Edgel parcel.

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:** **Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area, and recommend adoption of the change of zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Edgel, LLC and located east of North Rock Springs Road, south of East Ponkan Road.. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0). (Vote taken by poll.)**

**QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – DEBORAH HALM** - Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates) for the property owned by Deborah Halm. The applicant is the City of Apopka. The property is located west of Mt. Plymouth Road, north of West Kelly Park Road.

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

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the Change of Zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates) for the property owned by Deborah Halm. The applicant is the City of Apopka. The property is located west of Mt. Plymouth Road, north of West Kelly Park Road. The future land use is Rural Settlement (0 - 2 du/acres). The existing and proposed use is a Residential Single-Family Home. The maximum and proposed allowable development is 1 residential unit. The tract size is 0.91 +/- acre.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “City” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “County” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” AG zoning to the west, north, and south of the subject property, and “County” R-CE to the east. The existing and proposed use of the subject site for a residential building is a permitted use in the proposed RCE-1 zoning district and compatible with the surrounding zoning and uses.



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Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

The request of the proposed rezoning would result in a number of residential units considered 'de minimus' and, therefore, a school capacity determination is not required for the subject properties.

The subject property is located within the "Northern Area" of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

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 July 7, 2017.

The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

The Development Review Committee finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from "County" A-1 (ZIP) to "City" RCE-1.

Staff recommended that the Planning Commission find the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change in Zoning from "County" A-1 (ZIP) to "City" RCE-1 for the Halm property.

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:** Melvin Birdsong made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area, and recommend adoption of the change of zoning from "County" A-1 (ZIP) to "City" RCE-1 (Residential Country Estates) for the property owned by Deborah Halm and located west of Mt. Plymouth Road, north of West Kelly Park Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau (4-0). (Vote taken by poll.)

**QUASI-JUDICIAL – PLAT – FIRST STREET RETAIL CENTER (AKA TRACTOR SUPPLY) -** Chairperson Greene stated this is a request to recommend approval of the Plat for First Street Retail Center (aka Tractor Supply) located at 180 East 1<sup>st</sup> 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

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this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Plat for First Street Retail Center (aka Tractor Supply) located at 180 East 1<sup>st</sup> Street. The engineer is Hanlex Civil, LLC. The future land use is Commercial and the zoning is C-2. The existing use is a horticultural nursery and the proposed use is a retail center. The building size is 19,027 sq. ft. with an 18,000 sq. ft. of outdoor display area. The building height is 30 feet. The tract size is 3.09 +/- acres.

The First Street Retail Center Plat covers the property occupied by the Tractor Supply- Apopka - Final Development Plan, which was approved by City Council on December 21, 2016 for 19,027 square feet of commercial retail space with and 18,000 square feet outdoor display area. To consolidate existing lots into one parcel, the plat performs as a replat to create one unified development parcel. The 3.9 acres site is located south of West 1st Street and East of Washington Ave. The plat will consolidate several lots into one lot to unify the property ownership and eliminate lot lines crossing the development site.

The Development Review Committee the First Street Retail Center Plat to be consistent with the Comprehensive Plan, Land Development Code, and Tractor Supply Final Development Plan and recommends the approval of the First Street Retail Center Plat, subject to the findings of this staff report and conditions of approval.

Staff recommended the Planning Commission find the First Street Retail Center Plat consistent with the Comprehensive Plan, Land Development Code, and Final Development Plan, and recommend approval of the First Street Retail Center Plat, subject to the findings of this staff report and conditions of approval.

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

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

In response to a question by Mr. Foster, Mr. Moon stated that the replat will not affect the current building. It is a legal issue to clean up the antiquated plat.

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, Land Development Code, and Final Development Plan; and recommend approval of the Plat for First Street Retail Center (aka Tractor Supply) located at 180 East 1<sup>st</sup> Street. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau. (4-0) (Vote taken by poll.)**

**QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – SHOOT STRAIGHT WAREHOUSE ADDITION** - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for the Shoot Straight Warehouse Addition owned by Shoot Straight Holding Co., LLC, and located at 1351 Tropicana Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail).

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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: Pamela Richmond, AICP, Senior Planner stated this is a request to recommend approval of the Final Development Plan for the Shoot Straight Warehouse Addition owned by Shoot Straight Holding Co., LLC, and located at 1351 Tropicana Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail).

The Final Development Plan proposes 32,856 square feet of additional commercial retail next to an existing 30,000 +/-sq. ft. of retail commercial\warehousing. The site is located north of Tropicana Circle and east of Orange Blossom Trail

A total of 39 parking spaces are being added to the site to for Phase 4 in accordance with LDC 6.03.02. Two (2) of the 39 parking spaces are reserved as handicapped parking spaces. The overall combined number of parking spaces for Phases 1-4 is 117. The total is also in accordance with LDC 6.03.02.

The design of the building exterior meets the intent of the City's Development Design Guidelines. Architectural renderings appear at the last page of the Final Development Plan. Exterior colors will be the same as the existing buildings.

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

A minimum ten foot landscape buffer is provided along Orange Blossom Trail and Tropicana Circle. 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.

The following is a summary of the tree replacement program for this project:

Total inches on-site:	1,054
Total number of specimen trees:	28
Total specimen removed:	13
Total specimen inches retained:	48
Total specimen inches removed:	357
Total non-specimen inches removed:	551
Total non-specimen inches retained:	98
Total inches replaced:	27
Total inches post development:	1,054

The City's Land Development Code and Tree Bank policy permit the applicant to make a contribution to the City's Tree Bank to mitigate the remaining deficient tree inches at \$10.00 per inch. The total amount required to be paid into the Tree Bank will be \$4,068 dollars.

The Development Review Committee finds the Final Development Plan to be consistent with the approved Preliminary Development Plan and Land Development Code, recommending approval of the Shoot Straight Warehouse Phase 4 - Final Development Plan subject to the findings of this staff report.

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Staff recommended the Planning Commission recommend approval of the Shoot Straight Final Development Plan, 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: John Herbert, American Civil Engineering, 207 North Moss Road, Suite 211, Winter Springs, concurred with staff and said he was available to answer any questions.

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 Final Development Plan for the Shoot Straight Warehouse Addition owned by Shoot Straight Holding Co., LLC, and located at 1351 Tropicana Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail). Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, and Linda Laurendeau. (4-0) (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 7:29 p.m.

/s/

\_\_\_\_\_  
James Greene, Chairperson

/s/

\_\_\_\_\_  
James K. Hitt  
Community Development Director