

**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JUNE 28, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

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

**ABSENT:** Robert Ryan, Roger Simpson, 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, Roger Sargent – Public Information Officer, Matthew Wiesenfeld, Jim Hanson, Matthew McFadden, Alan Sheppard, Mike Gai, Juan Ortega, Donald Stiller, Ed Velazquez, Suzanne Kidd, 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 meeting minutes of June 14, 2016, at 5:30 p.m. minutes.

Chairperson Greene asked for a motion to approve the minutes, with the following correction, of the Planning Commission meeting held on June 14, 2016, at 5:30 p.m.

Page 16 - Motion: Jose Molina made a motion to find the 640 East 13<sup>th</sup> 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.....

**Motion:** Tony Foster made a motion to approve the revised Planning Commission minutes from the regular meeting on June 14, 2016, meeting at 5:30. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jose Molina, and Linda Laurendeau (5-0).

**AGENDA MODIFICATION** - The Planning Commission unanimously agreed to hear the Piedmont Plaza Redevelopment/Final Development Plan before the presentation of the amendment to the Code of Ordinances, Part III, Land Development Code “Development Design Guidelines.”

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

**QUASI-JUDICIAL – REDEVELOPMENT/FINAL DEVELOPMENT PLAN – PIEDMONT PLAZA** – Chairperson Greene stated this is a request to recommend approval of the Redevelopment/Final Development Plan (Major Site Plan) for Piedmont Plaza owned by G & I VIII Piedmont Plaza, LLC; the engineer is Sun-Tech Engineering, Inc., c/o Clifford R. Loutan, P.E.; and the architect is Architecture/Planning, c/o Marc Weiner, AIA. The property is located at 2326 East Semoran Boulevard.

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Redevelopment/Final Development Plan (Major Site Plan) for Piedmont Plaza owned by G & I VIII Piedmont Plaza, LLC; the engineer is Sun-Tech Engineering, Inc., c/o Clifford R. Loutan, P.E.; and the architect is

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JUNE 28, 2016, AT 5:30 P.M.

Architecture/Planning, c/o Marc Weiner, AIA. The property is located at 2326 East Semoran Boulevard. The land use is Commercial and the zoning designation is C-1. The existing and proposed development is a retail shopping center. The tract size is 23.07 +/- acres. The building size is 245,300 sq. ft. and the Floor Area Ratio (FAR) is 0.24.

Piedmont Plaza currently provides 221,024 sq. ft. of retail space on four parcels under three different owners. After implementation of the Redevelopment Plan, the shopping plaza will have a total of 245,130 sq. ft., an increase of 24,106 sq. ft. of retail space. Also, a tree planter will be removed at the northern retail building facing Semoran Blvd. and driveway improvements will be constructed at the northern-most driveway along Piedmont Wekiwa Road. The driveway improvements include a north-bound deceleration lane along Piedmont Wekiwa Road.

The applicant requests three hardship waivers following the procedures set forth in Section 6.07.00A. of the Land Development Code. The hardship waiver is specifically intended to apply to redevelopment projects that have existing buildings. These three waivers are described below with a response from the applicant and from staff. LDC 6.07.00.A. Hardship Waiver Criteria (also provided in the exhibits) and Response. In order for the plan to be eligible for hardship waivers the site must meet all of the following criteria:

1. Existing structure ten years of age or greater.

**Applicant's Response:** The current structure on the property was built in approximately 1985.

**Staff's Response:** Records of the Orange County Property Appraiser's Office indicate that the buildings on the applicant's parcel were constructed in 1985, making them approximately thirty years old.

2. The proposed improvements enhance the economic value of the property.

**Applicant's Response:** It is estimated that the assessed value will increase by approximately 2 to 3 times the current amount after revitalization of the shopping center.

**Staff's Response:** The Redevelopment Plan proposes an additional 24,000 sq. ft. above the current building floor area. Staff does not object to the applicant's response.

3. The proposed improvements enhance the esthetics of the project site.

**Applicant's Response:** As part of this redevelopment there will be a new façade on the building and additional landscaping, thereby increasing the esthetic value of the property.

**Staff's Response:** Staff has not objections to the Applicant's response.

4. The developer/owner demonstrates to the satisfaction of the DRC the proposed improvements would not adversely impact any surrounding properties.

**Applicant's Response:** The property is surrounded by commercial uses and uses that are similar in nature to that of the proposed redevelopment plan. A copy of the City of Apopka future land use and zoning maps are attached as "Exhibit A".

**Staff's Response:** Staff does not object to the applicant's response. Refer to each of the waiver requests listed below for more specific information

5. Proposed improvements are less than 50 percent of the value of the property improvements.

**Applicant's Response:** Please refer to "Exhibit B" for an analysis of the value of the proposed improvements versus the property improvements. The proposed improvements are 45% of the property improvements.

**Staff's Response:** Staff has no objection to the applicant's response.

#### **WAIVER REQUESTS:**

1. **Building Height.** LDC Section 2.02.013.B.: No building height shall exceed 35 feet. Applicant requests a maximum height of 65 feet for Building "E" identified within the Redevelopment Plan Application.

**Staff Response:** The Holiday Inn Express and Hampton Inn were approved for a height of up to 75 feet in their PUD Master Plan. Proximity of the nearest single family residential homes is approximately 1,000 lineal feet to the southeast within the Piedmont Lakes residential community, and approximately 750 lineal feet to the west at the Oasis at Wekiva apartment complex for multi-family residential.

**Staff Response:** Staff does not object to the requested waiver of the maximum height standard to allow a maximum building height of 65 feet for Building "E" subject to the City receiving a letter or agreement from Agree Apopka FL, LLC accepting the site plan and setback waivers.

2. **Setbacks. LDC Section 2.02.01.A. Minimum Requirements for Setbacks.** Minimum side yard setback for C-1 Commercial Zoning District is 10 feet from the property line. Applicant requests to demolish an existing retail building and replace it with a larger building with a building side wall abutting the building wall for the existing Hobby Lobby building, which is on a separate parcel owned by Agree Apopka FL, LLC. For Building "D", applicant is requesting a waiver from the ten (10) foot side yard buffer to create a zero lot line setback.

For Building "G", a proposed new 8,000 sq. ft. retail building along Piedmont Wekiwa Road, the northeast corner of the building encroaches the ten (10) foot side yard setback and is approximately 2 feet from the property line of the Agree Apopka FL, LLC parcel. Therefore, applicant requests an eight foot waiver from the sideyard setback standard, placing Building "G" as close as two (2) feet to the parcel line.

**Staff Response:** Staff does not object to the requested side yard setback waivers subject to the City receiving a letter or agreement from Agree Apopka FL, LLC accepting the site plan and setback waivers.

3. **Parking. LDC Section 6.03.02.A.** Required parking is one (1) space per 200 sq. ft. of gross retail area. A total of 987 parking spaces are being proposed (1227 required by code) of which thirty (30) are reserved as handicapped parking spaces. In accordance with LDC Section 6.03.05, the number of proposed parking spaces are 240 less the required amount. The applicant is

**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JUNE 28, 2016, AT 5:30 P.M.**

requesting a waiver to adjust the parking requirements in accordance with LDC 6.07.00.C. The Wartman Group Inc. (WGI) has prepared a parking analysis in response to the applicant's parking waiver request. This parking study is provided as an exhibit.

Mr. Moon turned the presentation over to Mr. Beckett.

Rogers Beckett, Senior Projects Coordinator, stated that the applicant proposes to redevelop the Piedmont Plaza by demolishing (a) a 27,698 sq. ft. building located between the Hobby Lobby building and (b) the Bealls building and the outdoor center on the west side of the Bealls building (9,200 sq. ft. covered outdoor storage). A 17,500 sq. ft. building for retail space for tenant bays will be constructed on the north wall of the Bealls building. A two-story fitness center building (38,640 sq. ft.) and a one-story retail building (13,600 sq. ft.) constructed at the south wall of the Hobby Lobby building. In addition, a new 8,000 sq. ft. retail building is proposed along Piedmont-Wekiwa Road and just south of the retention pond

The Piedmont Plaza - Major Development Plan proposes 245,130 square feet of commercial retail space. The proposed site plan increases the square footage of the existing shopping center by approximately 24,100 sq. ft. and increases the building height of the center building (i.e., the proposed fitness center) to sixty-five (65) feet. City development standards limit maximum building height to 35 feet. The proposed site plan is being processed as a redevelopment plan in accordance with Section 6.07.00.A., Hardship Waiver, of the Land Development Code. The applicant requests three waivers under Section 6.07.00.A.

A total of 987 parking spaces are being proposed (1227 required by code) of which thirty (30) are reserved as handicapped parking spaces. In accordance with LDC 6.03.05, the number of proposed parking spaces are 240 less the required amount. The applicant is requesting a waiver to adjust the parking requirements in accordance with LDC 6.07.00.C. The Wartman Group Inc. (WGI) has prepared a parking analysis in response to the applicant's parking waiver request.

The design of the building exterior meets the intent of the City's Development Design Guidelines. Façade improvements are also proposed for Hobby Lobby buildings and the retail building facing Semoran Blvd.

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 minimum ten foot landscape buffer is provided along Semoran Boulevard and Piedmont Wekiwa Road. 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:	1616
Total number of specimen trees:	13
Total specimen removed:	1
Total specimen inches retained:	408
Total specimen inches removed:	35
Total non-specimen inches removed:	356
Total inches replaced:	216

**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JUNE 28, 2016, AT 5:30 P.M.**

Total inches post development: 1441

Signage for the shopping plaza will be addressed through a separate development application.

Mr. Moon stated the Development Review Committee recommends approval of the Piedmont Plaza-Redevelopment Plan/Final Development Plan (Major Site Plan) and the three hardship waivers, subject to the findings of this staff report and the following conditions:

1. Agree Apopka FL, LLC, or the subsequent property owners, provides written documentation, in a form and content acceptable to the City Attorney, that joint use parking and cross access can occur between the Agree Apopka FL, LLC parcel and the G & I VIII Piedmont Plaza parcel (applicant).
2. Agree Apopka FL, LLD provides a letter to the City accepting the Redevelopment Plan and the waivers.

Recommended Motion: Approval of the Piedmont Plaza- Redevelopment Plan/Final Development Plan (Major Site Plan) and the three hardship waivers, subject to the findings of this staff report and the following conditions:

1. Agree Apopka FL, LLC, or the subsequent property owners, provides written documentation, in a form and content acceptable to the City Attorney, that joint use parking and cross access can occur between the Agree Apopka FL, LLC parcel and the G & I VIII Piedmont Plaza parcel (applicant).
2. Agree Apopka FL, LLD provides a letter to the City accepting the Redevelopment Plan and the hardship waivers.

Mr. Moon stated that the third condition has been removed due to the applicant having re-designed the northern-most entrance along Piedmont-Wekiwa Road as follows:

- a) The northern-most driveway access to Piedmont-Wekiwa road shall be re-aligned to be perpendicular at the stop bar to the centerline of Piedmont-Wekiwa Road. The channelizing median of this driveway must be at least 8 feet wide to allow for landscaping, inside of curb to inside of curb.
- b) The northern most driveway access to Piedmont-Wekiwa Road shall be marked and signed consistent with the MUTCD 3B-17 to indicate to drivers not to block the driveway access point.

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

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

Petitioner Presentation: Alan C. Sheppard Jr., Greenberg Traurig, 450 South Orange Avenue, Suite 650, Orlando, stated he is the attorney for the applicant. He reviewed the waiver requests and reiterated the applicant's reasons. Additionally, he provided a handout to the Commission members while going over

**MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JUNE 28, 2016, AT 5:30 P.M.**

some of the details of the project. (A copy of the handout has been incorporated into the record.)

Mike Gai, Sun-Tech Engineering, Inc., 1600 West Oakland Park Boulevard, Suite 200, Ft. Lauderdale, reviewed the traffic improvements and the impacts to the site and surrounding roadways.

In response to a question by Ms. Laurendeau, Mr. Gai stated that both of the entrances on the southwest side of the property, along Piedmont Wekiwa Road are now open.

Mr. Moon stated that Piedmont Wekiwa Road was an Orange County road and any needed approvals would have to be through the County.

Donald Stiller, Woolbright Development, Inc., 3201 NW 28<sup>th</sup> Way, Boca Raton, provided a brief history of the current and possible future acquisition of the parcels at this site. He explained that while the parking area will be revised, the ratio of available parking and the proposed parking is the same. Due primarily to the number of unusable parking spaces that are now on the site. He provided a detailed description of each step of the project.

In response to a question by Mr. Molina, Mr. Stiller stated that there is a lighting plan which was not included in the packet. The lighting plan follows the same standards used by Publix shopping centers and are more stringent than those of most municipalities.

In response to questions by Mr. Molina, Mr. Gai stated that there will be no parking behind the buildings and emergency vehicles will have unencumbered access when needed.

In response to a question by Chairperson Greene, Mr. Moon stated that the third condition has been removed due to the applicant having re-designed the northern-most entrance along Piedmont-Wekiwa Road. The northern-most driveway access to Piedmont-Wekiwa road shall be re-aligned to be perpendicular at the stop bar to the centerline of Piedmont-Wekiwa Road. The channelizing median of this driveway must be at least 8 feet wide to allow for landscaping, inside of curb to inside of curb. The northern most driveway access to Piedmont-Wekiwa Road shall be marked and signed consistent with the MUTCD 3B-17 to indicate to drivers not to block the driveway access point.

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 Redevelopment/Final Development Plan for Piedmont Plaza consistent with the Comprehensive Plan and Land Development Code; recommend approval of the Piedmont Plaza - Redevelopment Plan/Final Development Plan (Major Site Plan); the three hardship waivers, subject to the findings of this staff report and the following conditions: (1) Agree Apopka FL, LLC, or the subsequent property owners, provides written documentation, in a form and content acceptable to the City Attorney, that joint use parking and cross access can occur between the Agree Apopka FL, LLC parcel and the G & I VIII Piedmont Plaza parcel (applicant) and (2) Agree Apopka FL, LLD provides a letter to the City accepting the Redevelopment Plan and the hardship waivers for the property owned by G & I VIII Piedmont Plaza, LLC, and located at 2326 East Semoran Boulevard.

**The motion was seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jose Molina, and Linda Laurendeau (5-0). (Vote taken by poll.)**

**LEGISLATIVE – AMENDMENT TO THE CODE OF ORDINANCES – LAND DEVELOPMENT CODE** - Chairperson Greene stated this is a request to recommend approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article VI – *Development Design and Improvement Standards*, to create a new Section 6.09.00 entitled “Development Design Guidelines.”

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article VI – *Development Design and Improvement Standards*, to create a new Section 6.09.00 entitled “Development Design Guidelines.”

In May of year 2000 the City of Apopka began applying architectural design standards and site design preferences, or guidelines, to new development and redevelopment. These standards and guidelines are found in the document title “City of Apopka Development Design Guidelines.” Although the City has been enforcing the Development Design Guidelines since May 2000, the City did not follow hearing and notification procedures to inform property owners, business owners, residents, and other affected parties of development standards that may affect the use of their property or to address general policy direction that guides overall development within the City. Until the City holds the required public hearings set forth in State law and within the City’s Land Development Code, there are concerns regarding the enforceability of the architectural standards and design guidelines within the Development Design Guideline document.

As Apopka has gained status as the fastest growing City in Orange County, local concern has grown over the design and aesthetics of new development. Many municipalities have taken a citywide approach to achieving an attractive urban form. Our local officials have chosen to set standards that will improve the image and appearance of Apopka’s community. The basic premise is that a quality appearance will beget a quality lifestyle. Design guidelines will also mutually protect everyone’s investment. When the image of a community is maintained or improved, a sense of pride develops for the residents, property owners, and merchants. The appearance of the community also must to be maintained for Apopka to stay competitive in the market. In the absence of standards to ensure attractive development, other areas in the region may position themselves with a more competitive advantage to attract residents and merchants away from Apopka.

The design criteria contained in these guidelines are intended to apply to all residential, commercial, office, institutional and industrial development, including both public and private facilities. The criteria set out local objectives for site planning (such as, setbacks, site coverage, and building heights), architectural design, signage and graphics. In addition, examples are provided to evaluate the scale, mass, bulk and proportion of new development and redevelopment. The guidelines are intended to be flexible and encourage design diversity and variations.

The Development Review Committee recommends approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article VI – *Development Design and Improvement Standards* - to create a new section 6.09.00 entitled “Development Design Guidelines.”

Recommend approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article VI – *Development Design and Improvement Standards* - to create a new section 6.09.00 entitled “Development Design Guidelines.”

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.

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 recommend approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article VI – *Development Design and Improvement Standards*, to create a new Section 6.09.00 entitled “Development Design Guidelines.” Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jose Molina, and Linda Laurendeau (5-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:**

In response to a question by Mr. Foster, Mark Reggentin, AICP, Community Development Director, explained that the City is working on several projects to improve downtown development based on the Visioning Plan recently completed. There is the Town Center project, the Station Street project, and connecting the two via 6<sup>th</sup> Street as a promenade.

**ADJOURNMENT:** The meeting was adjourned at 6:25 p.m.

/s/  
\_\_\_\_\_  
James Greene, Chairperson

/s/  
\_\_\_\_\_  
Mark Reggentin, AICP  
Community Development Director