

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON FEBRUARY 10, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: Steve Hooks, James Greene, Mallory Walters, Teresa Roper, Robert Ryan, and Pamela Toler

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

OTHERS PRESENT: Andrew Hand, Esq., R. Jay Davoll, P.E. - Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Sam Ruth - City Commissioner, James J. Sheremeta, Alan Spencer, Les Hebert, Tara Tedrow, Greg Wilfong, Greg Ripple, Suzanne Kidd, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

INTRODUCTION – Jay Davoll, P.E., Community Development Director/City Engineer, introduced Andrew Hand. Mr. Hand is an attorney with City Attorney Cliff Shepard’s law firm, Shepard, Smith and Cassady, P.A. He will likely be attending all of the Planning Commission meetings to direct and support the Commission.

Mr. Hand stated that he would be attending the meetings to represent the Planning Commission. He stated that he will be scheduling training for the Commission to go over quasi-judicial procedures, the Sunshine Law, and other basic issues. He said he does refresher training every year with the Boards he represents. He said the refresher training keeps everything working efficiently. He said the training session will most likely be with Cliff Shepard and himself. He said he is a board certified specialist in Local Government Law.

The Commission welcomed him to the meeting and expressed their appreciation for his continued involvement.

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the January 13, 2015, at 5:01 p.m. minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on January 13, 2015, at 5:01 p.m.

Motion: **Mallory Walters made a motion to approve the Planning Commission minutes from the January 13, 2015, meeting at 5:01, and James Greene seconded the motion. Aye votes were cast by Steve Hooks, James Greene, Teresa Roper, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).**

COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE AMENDMENT – J. LESLIE AND NANCY HEBERT – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Rural (01- du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Leslie and Nancy Hebert. The property is located south of West Kelly Park Road, east of Golden Gem Road at 3600 West Kelly Park Road. The existing and proposed use is a single-family residence. The existing maximum allowable development is 1 Unit and the proposed maximum allowable development is 2 Units. The tract size is 6.11 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

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The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. 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 Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 6.11 acres. The property owner intends to use the site for a residential development.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, a Future Land Use Amendment and zoning application must first be approved by the City consistent with the Wekiva Parkway Vision Plan.

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 Rural Settlement Future Land Use designation and the City's proposed AG Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

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 January 9, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from "County" Rural (0-1 du/10 ac) to "City" Rural Settlement (0-1 du/5 ac) for the property owned by Leslie & Nancy Hebert.

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

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

Motion: James Greene made a motion to recommend approval of the Small Scale Future Land Use Amendment from "County" Rural (01- du/10 ac) to "City" Rural Settlement (0-1 du/5 ac) for the property owned by Leslie and Nancy Hebert located at 3600 West Kelly Park Road, and subject to the information and findings in the staff report. Motion seconded by Mallory Walters. Aye votes were cast by Steve Hooks, James Greene, Teresa Roper, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).

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CHANGE IN ZONING – LESLIE AND NANCY HEBERT – Mr. Moon stated this is a request to recommend approval of the Change of Zoning from “County” A-1 to “City” AG for the property owned by Leslie and Nancy Hebert. The property is located south of West Kelly Park Road, east of Golden Gem Road at 3600 West Kelly Park Road. The existing and proposed use is a single-family residence. The existing maximum allowable development is 1 Unit and the proposed maximum allowable development is 2 Units. The tract size is 6.11 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the AG zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 6.11 acres. The property owner intends to use the site for a single-family home.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, any development plan would be required to meet policies set forth in the comprehensive plan related to the Wekiva Parkway Interchange Land Use Plan, including Policy 20.4, which requires development plans to meet the development standards of an adopted form-based code for the Wekiva Parkway Interchange Vision Plan.

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

The proposed AG rezoning is consistent with the proposed Future Land Use Designation of Rural Settlement (up to one unit per five acres) for this property. Minimum lot size for property assigned the AG zoning category is 5 acres.

The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

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 January 9, 2015.

The Development Review Committee recommends approval of the change in Zoning from “County” A-1 to “City” AG for the parcel owned by Leslie & Nancy Hebert.

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

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

Motion: **Mallory Walters made a motion to recommend approval of the Change of Zoning from “County” A-1 to “City” AG for the property owned by Leslie and Nancy Hebert, located at 3600 West Kelly Park Road, and subject to the information and findings in the staff report. Motion seconded by Teresa Roper. Aye votes were cast by Steve Hooks, James Greene, Teresa Roper, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).**

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TIME-LIMITED MORATORIUM FOR LAND USE AMENDMENTS, ZONING CHANGES AND DEVELOPMENT ORDERS FOR PROPERTIES LOCATED WITHIN THE PROPOSED OCOEE-APOPKA ROAD OVERLAY DISTRICT

– Mr. Moon stated In March 2014, the City commenced a small area study for an area covering approximately 4.4 square miles in the vicinity of Ocoee Apopka Road. Completion and expansion of the State Road 429, 414, and 451 tollway system, together with proposed construction of the Florida Hospital Replacement Medical Campus, have and will generate immediate and increased pressure to develop higher density residential, commercial, and industrial uses within the Ocoee Apopka Road Small Area Study boundaries. To better manage growth and development consistent with the desired land use patterns and development standards that will emerge from the Ocoee Apopka Road Small Area Study, a temporary moratorium is proposed and will sunset on October 31, 2015. The moratorium grants City Council authority to waive the moratorium if a proposed development application is determined to meet the intent of the current draft development guidelines.

Chairperson Hooks opened the meeting for public hearing.

In response to questions by Ms. Walters, Mr. Moon stated the proposed ordinance's development standards will address compatible types of uses within the small area overlay district. There are five character zones that include the gateway zone, the new market area, the residential areas, and the research, technology and education zones. Within each of those will identify what is compatible land uses. For example in the new market area, where the hospital is proposed, there will likely be language that requires any new funeral home to be so many feet away from the hospital or a barbeque restaurant because of the smoke it generates. The design guidelines will also address the physical form of development in the area such as the architectural design of the buildings. The Planning Commission will get the opportunity to make comments on those types of decisions. However, the standards can't be too specific to discriminate against any certain type of businesses. There will likely be exclusionary language in terms of distance requirements or performance standards.

In response to a question by Chairperson Hooks, Mr. Moon agreed that is the whole purpose of the moratorium. To allow enough time for the development of the development design guidelines and provide an opportunity for the Planning Commission and City Council to participate in the development of those guidelines.

Alan Spencer, 1367 Alston Bay Boulevard, Apopka, stated his concerns regarding the traffic and development impacts to his and surrounding neighborhoods with all the proposed development in the area.

Chairperson Hooks stated that by adopting a temporary moratorium on development in the Ocoee Apopka Road Study Area will allow the City time to put in place development standards that will address issues like the traffic and development impacts.

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

Motion: James Greene made a motion to recommend approval of the Time-Limited Moratorium for Land Use Amendments, Zoning Changes and Development Orders for properties located within the proposed Ocoee-Apopka Road Overlay District. Motion seconded by Pam Toler. Aye votes were cast by Steve Hooks, James Greene, Teresa Roper, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).

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PLAT – SAM’S CLUB – Mr. Davoll stated this is a request to recommend approval of the Plat for the Sam’s Club #6189-00 owned by Sam’s East, Inc. The engineering firm is Kimley-Horn and Associates, Inc., c/o Greg Ripple, P.E. The property is located south of U.S. 441, west of North Hiawassee Road, and east of Lake Pleasant Road. The existing use and proposed use is the Sam’s Club #6189-00 retail center under construction. The future land use is Commercial and the zoning is C-2. The tract size is 33.3 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

The Sam’s Club #6189-00 Final Development Plan was approved on September 18, 2013. A condition of this Final Development Plan approval requires “approval and recording of a plat prior to issuance of a certificate of occupancy.” To accommodate the land design needs for the Sam’s Club site plan, a land swap was made between the City and the property owner to accommodate relocation of the City’s stormwater pond and a drainage easement. Lot 2 shown in the Plat establishes the boundary of the property owned by the City. The Plat is consistent with the Final Development Plan.

The Development Review Committee recommended approval of the Sam’s Club #6189-00 Plat for the property owned by Sam’s Inc. East and located south of U.S. 441, west of North Hiawassee Road, subject to the information and findings 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.

In response to questions by Ms. Toler, Mr. Davoll stated that the reason the retention pond was moved from the previous location on the site was to accommodate the location of the Sam’s Club building. Without moving the retention pond the building could not be built. Sam’s has extended the stormwater pipes to the new retention pond location.

In response to a question by Ms. Walters, Mr. Davoll stated that the gas pumps will be located on the northeastern side of the property along US 441 and North Hiawassee Road.

In response to a question by Chairperson Hooks, Mr. Davoll stated that the small, triangular piece of property along US 441 is for sale and is currently in unincorporated Orange County. The owner said he will probably eventually annex into the City.

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

Motion: **Mallory Walters made a motion to recommend approval of the Plat for Sam’s Club #6189-00 Plat owned by Sam’s East, Inc., subject to the information and findings in the staff report. Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, James Greene, Teresa Roper, Robert Ryan, Pam Toler, and Mallory Walters (6-0).**

TRAINING SESSION – Mr. Moon asked the Commission if they would like to have the workshop at a regularly scheduled meeting or would they rather have a special meeting?

The consensus of the Commission was to have the training session at a regularly scheduled meeting.

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OLD BUSINESS:

Planning Commission – None.

Public - None.

NEW BUSINESS:

Planning Commission: None.

Public - None.

ADJOURNMENT: The meeting was adjourned at 5:29 p.m.

/s/

Steve Hooks, Chairperson

/s/

R. Jay Davoll, P.E.

Community Development Director