

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON MAY 24, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: Mark Reggentin, AICP – Community Development Director, David Moon, AICP – Planning Manager, Andrew Hand, Esq., Rogers Beckett – Special Projects Coordinator, Kyle Wilkes, AICP – Planner II, Robert Sargent – Public Information Officer, Herbert Jones, Terri Jones, Randy June, Jimmy Dunn, Dale Feswich, 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 regular meeting minutes of May 10, 2016, at 5:30 p.m. minutes.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on May 10, 2016, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Jose Molina (6-0).

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

QUASI-JUDICIAL – SPECIAL EXCEPTION - Chairperson Greene stated that pursuant to Section 11.05.00.A. of the Code of Ordinances, the Planning Commission may review and approve special exception requests. This is a request to approve a special exception to allow a kindergarten through second grade private school within a property assigned a C-1 (Commercial) zoning designation. The property, Wekiva Corners Shopping Center, is owned by Platinum Eagles 2011, LLC, and located at 2250 and 2252 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. Mr. Ryan and Mr. Molina stated they had made site visits to the proposed project location.

The following is the staff report presented at the May 10, 2016, Planning Commission meeting:

“Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to approve a special exception to allow a kindergarten through second grade private school within a property assigned a C-1 (Commercial) zoning designation. The property, Wekiva Corners Shopping Center, is owned by Platinum Eagles 2011, LLC, and located at 2250 and 2252 East Semoran Boulevard. The future land use is Commercial (Max. 0.25 FAR) and the zoning is C-1. The existing use is a retail shopping center. The proposed use is a kindergarten through second grade private school not to exceed 50 students or 5,000 sq. ft. in size. The tract size is 5.29.

Within the C-1 (Retail Commercial) zoning category, a school is a special exception use requires Planning Commission action. The current application requests to use the commercial tenant space at 2250 and 2252 East Semoran Blvd. (Wekiva Corners shopping center) for a kindergarten through second grade private school with an anticipated enrollment of 25 to 35 students.

The property is presently assigned a Future Land Use Designation of “Commercial” and a zoning category of C-1 (Retail Commercial). School and institutional uses are allowed as a Special Exception in the C-1 zoning district per Section 2.02.02B.5.d of the Land Development Code, provided the use will not create adverse circumstances affecting the health, safety, and general welfare of the public.

- A. Relationship to Adjacent Properties: Zoning and existing land use assigned to adjacent and nearby properties appears in the attached exhibits. The character of the area surrounding the subject property is described as follows:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial (max 0.25 FAR)	C-1	Sonny’s BBQ/Wells Fargo
East (City)	Commercial (max 0.25 FAR)	C-1	Muffler Man
South (City)	Residential High (0-15 du/ac)	PUD	Oasis at Wekiva Apartments
West (City)	Commercial (max 0.25 FAR)	C-1	Retail Commercial (Stinson Center)

- B. Special Exception Development Standards. Article II of the Land Development Code establishes development standards specific to special exceptions. These standards are intended to reduce any impacts from the proposed special exception use on adjacent properties.

- C. Special Exception Conditions of Use.

1. The number of kindergarten through second grade students (full-time equivalent) shall not exceed 50.
2. The total floor area of the proposed private school shall not exceed 5,000 sq. ft., all floor area of the school shall be contiguous, and access to all classrooms shall occur from internal to the building.
3. No outdoor activities related to this proposed special exception use shall occur except for such activities authorized through a special event permit approved by the City.
4. The Special Exception Use only applies to land contained within Parcel No. 12-21-28-0000-00-014 as of the date of the adoption hearing.
5. This Special Exception authorization expires if (a) the applicant fails to obtain a certificate of occupancy or a business tax receipt within two years from the date of the Special Exception approval; and (b) the Special Exception Use has vacated the parcel for more than 180 consecutive days.

The Development Review Committee recommends approval of the Miracle Grace Academy Special Exception to allow a private Kindergarten through Second Grade school not to exceed 50 students or 5,000 sq. ft. floor area in size within a C-1 zoning district subject to the special exception conditions within the Staff Report.

The recommended motion is to approve the Miracle Grace Academy Special Exception Use to allow a private Kindergarten through Second Grade subject to the Special Exception Conditions of Use.

Planning Commission Role - Pursuant to the City of Apopka Code of Ordinances, Part III, Land Development, Article XI, Section 11.05.D.1 the Planning Commission has the authority to take final action on a special exception application. Therefore, the Planning Commission may approve, deny or approve with conditions this application. An applicant may appeal the Planning Commission action to the City Council.”

Petitioner Presentation: None provided.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

Suzanne Kidd, 1260 Lexington Parkway, Apopka, expressed her opposition to approval of the Special Exception request without requiring a site plan of the proposed building layout.

Mr. Moon stated that the Code does not require a site plan for a special exception request. Any interior build-out will be handled through the Building Permit process and will have to meet all State building codes.

Mr. Hand reminded the Commission that their decision must be based on the Special Exception code. He said that even if a site plan had been presented it would not be considered evidence.

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

In response to a question by Chairperson, Greene, Ms. Jones stated that she would not have a problem with the Commission adding a condition of approval that required a parent or legal guardian to drop off or pick up the children.

Motion: **Tony Foster made a motion to approve the Special Exception request, as presented, to allow a Kindergarten through Second Grade Private School at the property located at 2250 and 2252 East Semoran Boulevard. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Jose Molina (6-0). (Vote taken by poll.)**

Commission member Roger Simpson arrived at 5:40 p.m.

The Commission unanimously agreed to rearrange the Agenda to hear the Wekiva Parkway Industrial Park Preliminary Development Plan before the Mass Grading Plan.

QUASI-JUDICIAL – PRELIMINARY DEVELOPMENT PLAN – WEKIVA PARKWAY INDUSTRIAL PARK – Chairperson Greene stated this is a request to recommend approval of the

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON MAY 24, 2016, AT 5:30 P.M.

Preliminary Development Plan for Wekiva Parkway Industrial Park owned by Mid-Florida Freezer Warehouse, Ltd., and located south of General Electric Road, west of the Western Beltway (S.R. 429). The applicant and engineering firm is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff, P.E. This request is quasi-judicial and all testimony before the Planning Commission is sworn testimony.

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: Rogers Beckett, Special Projects Coordinator, stated this is a request to recommend approval of the Preliminary Development Plan for the Wekiva Parkway Industrial Park owned by Mid-Florida Freezer Warehouse, Ltd., and located south of General Electric Road, west of the Western Beltway (S.R. 429). The applicant and engineering firm is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff, P.E. The future land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is an industrial park. The overall tract size is 140.47 +/- acres.

The Wekiva Parkway Industrial Park - Preliminary Development Plan is a 140 +/- acres industrial site, which will consist of seven (7) individual lots ranging from nine (9) to fifteen (15) acres in size and developed in four (4) phases. This site is located south of General Electric Road, east of Hermit Smith Road and west S.R. 429.

The site will be serviced by City water, sewer and reclaimed water. There are two proposed access points to the site with the primary entrance point being located on General Electric Road and a secondary access point located onto Hermit Smith Road. There is currently an unnamed and unmaintained road right-of-way-running through the center of the property. Prior to final plat approvals the applicant will be requesting to vacate of the right-of-way.

The stormwater management system will be handled by three on-site dry retention ponds. The stormwater ponds have been designed to meet the City's Land Development Code requirements.

Landscaping for the all lots, tracts and roadway buffers will occur at the construction of each individual lot. The applicant proposes that the construction of all buffer requirements will be constructed on a lot-by-lot basis. As each lot owner is responsible for construction of the buffer wall at the time each lot is developed. The planting materials and irrigation system design shall be consistent with the water-efficient landscape standards set forth in Ordinance No. 2069. A fifty (50) foot wide natural buffer will be maintained around the perimeter of the site.

The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program, if applicable.

Total inches on-site:	38,771
Total number of specimen trees:	124
Total inches removed:	35,784
Total inches retained:	2,863
Total inches required:	20,869
Total inches replaced:	0

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON MAY 24, 2016, AT 5:30 P.M.

Total inches post development: 2,863
Tree inches deficit: 18,006

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 (\$108,060) dollars.

The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

CONDITIONS OF APPROVAL:

1. A plat shall not be recorded until City has approved right-of-way vacate for unnamed road right of way within the project site.
2. An eighty foot-wide public right-of-way shall be provided within the Preliminary Development Plan for Peterson Road within the lands owned by Mid-Florida Freezer.
3. A development agreement must be approved by City Council that addresses opportunities for a right-of-way land swap regarding extension of north-south road through Mid-Florida Freezer Parcel Number 06-21-28-7177-00-011, King Street ROW, and public ROW to be vacated within the Preliminary Development Plan.
4. Fern Industrial Drive shall be constructed in one phase and the lift station shall be dedicated to the City.
5. Stormwater management system must meet the requirements of the City's development standards, as determined by the city engineer.

The Development Review Committee recommends approval of the Wekiva Parkway Industrial Park - Preliminary Development Plan, subject to the findings of this staff report and the conditions of approval.

The role of the Planning Commission for this development application is to advise the City Council to approve, deny or approve with conditions based on consistency with the Comprehensive Plan and Land Development Code. Recommend approval of the Preliminary Development Plan for the Wekiva Parkway Industrial Park owned by Mid-Florida Freezer, LTD, and located south of General Electric Road, east of Hermit Smith Road and west of the Western Beltway (S.R. 429).

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: Randy June, June Engineering Consultants, Inc., 32 W. Plant Street, Winter Garden, stated they were in agreement with staff and he was available to answer any questions.

In response to a question by Mr. Simpson, Mr. June stated that there has been a lot of interest in the property; however, at this time they don't have any specific users.

Affected Party Presentation: None.

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

Motion: Robert Ryan made a motion to find the Wekiva Parkway Industrial Park Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the Preliminary Development Plan subject to the following conditions: (1.) A plat shall not be recorded until City has approved right-of-way vacate for unnamed road right of way within the project site; (2.) An eighty foot-wide public right-of-way shall be provided within the Preliminary Development Plan for Peterson Road within the lands owned by Mid-Florida Freezer; (3.) A development agreement must be approved by City Council that addresses opportunities for a right-of-way land swap regarding extension of north-south road through Mid-Florida Freezer Parcel Number 06-21-28-7177-00-011, King Street ROW, and public ROW to be vacated within the Preliminary Development Plan; (4.) Fern Industrial Drive shall be constructed in one phase and the lift station shall be dedicated to the City; and, (5.) Stormwater management system must meet the requirements of the City's development standards, as determined by the city engineer. The motion was seconded by Tony Foster. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (7-0). (Vote taken by poll.)

QUASI-JUDICIAL – MASS GRADING PLAN – WEKIVA PARKWAY INDUSTRIAL PARK –

Chairperson Greene stated this is a request to recommend approval of the Mass Grading Plan for Wekiva Parkway Industrial Park owned by Mid-Florida Freezer Warehouse, Ltd., and located south of General Electric Road, west of the Western Beltway (S.R. 429). The applicant and engineering firm is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff, P.E. This request is quasi-judicial and all testimony before the Planning Commission is sworn testimony.

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. Beckett stated this is a request to recommend approval of the Mass Grading Plan for Wekiva Parkway Industrial Park owned by Mid-Florida Freezer Warehouse, Ltd., and located south of General Electric Road, west of the Western Beltway (S.R. 429). The applicant and engineering firm is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff, P.E. The future land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is an industrial park. The excavation area is 136.89 +/- acres. The overall tract size is 140.47 +/- acres.

The mass grading plan is the first phase of the Final Development Plan and is consistent with the Wekiva Parkway Industrial Park Preliminary Development Plan. It allows site grading to occur consistent with the ground elevations and contours established within the Preliminary Development Plan and the Final Development Plan, when it is submitted to the City within the next year. All required permits from the St. Johns Water Management District and other state agencies must be obtained by the applicant prior to commencing any grading activities.

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON MAY 24, 2016, AT 5:30 P.M.

The haul route is from General Electric Road west to Hermit Smith Road north to Orange Blossom Trail or General Electric Road east to West Orange Ave north to Orange Blossom Trail to Keene Road; as illustrated on Sheet 20 of the Mass Grading Plan.

Clearing and grading of site will occur according to the Phasing Plan established within the Mass Grading Plan. Clearing and grading shall occur one phase at a time for the six planned phases. Each phase must be restored (i.e., re-vegetated) prior to commencing clearing and grading activity on the next phase.

A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any grading or further site construction activity.

The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program, if applicable. Payment will occur at a phase-by-phase basis prior to commencing any clearing or grading activity.

Total inches on-site:	38,771
Total number of specimen trees:	124
Total inches removed:	35,784
Total inches retained:	2,863
Total inches required:	20,869
Total inches replaced:	0
Total inches post development:	2,863
Tree inches deficit:	18,006

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 is estimated at \$108,060 dollars.

CONDITIONS OF APPROVAL

1. A development agreement must be approved by City Council and recorded prior to any clearing or grading activity.
2. Preliminary Development Plan must be approved by the City Council and must not expire for the Mass Grading Plan to remain in valid. If the Preliminary Development Plan expires, the Mass Grading Plan will also expire.

The Development Review Committee recommends approval of the Wekiva Parkway Industrial Park - Grading Plan for the property owned by Mid-Florida Freezer, LTD subject to the Conditions of Approval.

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

Recommend approval of the Mass Grading Plan for the Wekiva Parkway Industrial Park for property owned by Mid-Florida Freezer, LTD. Subject to the Conditions of Approval.

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON MAY 24, 2016, AT 5:30 P.M.

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

In response to a question by Mr. Molina, Mr. June stated that the vegetation being removed would either be sent to a company located on Hermit Smith Road to be turned into mulch or burned on the site. The burns would be very controlled and monitored very closely by the State Fire Marshall.

In response to questions by Mr. Foster, Mr. June stated that there could be a variety of users for the industrial lots. The zoning designation of I-1 restricts the types of users that would be allowed. They do not have an active list of potential users.

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 Wekiva Parkway Industrial Park Mass Grading Plan consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the Wekiva Parkway Industrial Park Mass Grading Plan subject to the following conditions: 1. A development agreement must be approved by City Council and recorded prior to any clearing or grading activity; and, 2. The Preliminary Development Plan must be approved by the City Council and must not expire for the Mass Grading Plan to remain in valid. If the Preliminary Development Plan expires, the Mass Grading Plan will also expire. The motion was seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (7-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 5:59 p.m.

/s/

James Greene, Chairperson

/s/

Mark Reggentin, AICP
Community Development Director