

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON APRIL 11, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand – City Attorney, Pamela Richmond, AICP – Senior Planner, Kyle Wilkes, AICP – Planner II, Elizabeth Florence – Planner I, Robert Sargent – Public Information Officer, Suzanne Kidd, Ed Elkes, John Albers, Linda Albers, Paul Dietrich, Jonathan Huels, Deborah Maclaughlin, Sarah Daniels, Larry Dean Daniels, David Emmel, Jean Emmel, Ken Yeager, Nancy Yeager, Nancy Ellis, Lydia Rosario, Aldalila Rosario, Gwendolyn Turso, Paul Holmes, Joan Holmes, Theresa Sargent, and Linda Goff – City Clerk.

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 March 14, 2017, at 5:30 p.m.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on March 14, 2017, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (7-0).

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – AMERIGO FARMS, INC. - Chairperson Greene stated this is a request to find the Large Scale Future Land Use amendment consistent with the Comprehensive Plan; recommend approval of the change in Future Land Use Designation from Mixed Use to Agriculture (0-1 du/5 ac); and transmittal to the Florida Department of Economic Opportunities for review for the property owned by Amerigo Farms, Inc. and located at 3477 Plymouth Sorrento Road.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to find the Large Scale Future Land Use amendment consistent with the Comprehensive Plan; recommend approval of the change in Future Land Use Designation from Mixed Use to Agriculture (0-1 du/5 ac); and transmittal to the Florida Department of Economic Opportunities for review for the property owned by Amerigo Farms, Inc. and located at 3477 Plymouth Sorrento Road. The existing use is a container nursery. The applicant is Jonathan Huels, Esquire, - Lowndes, Drosdick, Doster, Kantor & Reid. The existing use is vacant land and the proposed use is future agricultural and single-family residences. The current zoning is Mixed-CC (Mixed Use Community Center). The existing maximum allowable development is 242 units and the proposed maximum allowable development is 6 single-family units. The tract size is 32.33 +/- acres.

The subject parcels were annexed into the City of Apopka on December 16, 1992. The applicant\property owner requests a future land use designation of Agriculture to accommodate container nurseries. The proposed amendment compatible with surrounding future land use designations and adjacent uses. As a “Large-Scale” Future Land use Amendment (i.e., ten or more acres), this application will be transferred to State agencies for consistency review with State policies.

The proposed use of the property for future agricultural production or single-family residential is compatible with the character of the surrounding area and is consistent with the Agriculture land use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the proposed development as a single-family residential community see (Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.2** Development and redevelopment shall be integrated with the adjacent land uses through: (1) the creation of like uses; or (2) creation of complementary uses; or (3) mitigation of adverse impacts.

The proposed Agriculture future land use designation for the subject property is compatible with the adjacent "County" Rural future land use designations and consistent with the existing uses within the surrounding area. Therefore, the proposed future land use designation is consistent with Policy 3.2.

2. **Policy 3.5** Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.

The subject property is located north of Ponkan Road and west of Rock Springs Road. This site is not within the Wekiva Parkway Interchange Vision Plan area; the request for an Agriculture future land use designation, which allows for a maximum density of one dwelling units per five acres is consistent with this policy.

The proposed future land use designation will permit a maximum density of residential units that is considered de minimus and, therefore, a school capacity determination is not required. Potential school children generated from any home construction at the subject site will decrease.

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 March 10, 2017.

The Development Review Committee recommends approval to transmit a change in Future Land Use from Mixed Use to Agriculture (0-1 du/5 ac) for the property owned by Amerigo Farms, Inc., subject to the information and findings in the staff report.

Staff recommended that the Planning Commission find the proposed Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from Mixed Use to Agriculture (0-1 du/5 ac) for the properties owned by Amerigo Farms, Inc., subject to the information and findings in the staff report.

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

Petitioner Presentation: Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reid, 215 North Eola Drive, Orlando, stated he is the representative for Amerigo Farms, Inc. This is the start of a long process where the future land use amendment being presented this evening goes to City Council next and then to the State for their review. Once the state review is complete, the future land use amendment will come back to City Council for final action. Then the change of zoning will be brought before the Planning

Commission and City Council. He concurs with staff's recommendation of approval. He asked to reserve time to answer any questions.

Mr. Moon stated if the City Council authorizes the transmittal of the large scale future land use amendment to the State for review it will not come back to the Planning Commission unless there are significant comments made by the State agencies that would require staff to change the policies then it would be brought back to the Planning Commission.

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 Large Scale Future Land Use amendment consistent with the Comprehensive Plan; recommend approval of the change in Future Land Use Designation from Mixed Use to Agriculture (0-1 du/5 ac); and transmittal to the Florida Department of Economic Opportunities for review for the property owned by Amerigo Farms, Inc. and located at 3477 Plymouth Sorrento Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (7-0). (Vote taken by poll.)

SWEARING-IN – Attorney Hand swore-in staff, the petitioners, and affected parties for the quasi-judicial items to be discussed.

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – COMMUNITY HEALTH CENTERS, INC. - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in Future Land Use from Residential Medium (0-10 du/ac) to Office (Max. 0.3 FAR) for property owned by Community Health Centers, Inc. and located south of E. 6th Street and east of S. Park Avenue.

Staff Presentation: Elizabeth Florence, Planner I, stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in Future Land Use from Residential Medium (0-10 du/ac) to Office (Max. 0.3 FAR) for property owned by Community Health Centers, Inc. and located south of E. 6th Street and east of S. Park Avenue. The current Zoning is R-3 (Residential) and a zoning amendment to PO/I (Professional Office/Institution) is being processed along with the request to change the future land use. The current use is vacant land and the proposed use is a parking lot for the adjacent clinic campus. The existing maximum allowable development is 10,715 sq. ft. of office use for a 0.3 floor area ratio. The maximum allowable development under the existing zoning district is one single-family residence; and maximum allowable development under the proposed zoning district is up to 3,920 sq. ft. The tract size is 0.30 +/- acre.

The proposed future land use amendment is being requested by the owner/applicant to create additional parking for the Community Health Center within the abutting lot. Applicant is requesting the City to assign a future land use classification of Office to the property, which is compatible with the character of the surrounding area.

The subject property is located in an area characterized as urban in nature, with "City" Residential Medium future land use to the north, east and south of the subject property, and "City" Office to the west of the site. The existing and proposed use of the subject site for a parking lot for the adjacent health care

offices is a permitted use in the proposed PO/I zoning district and Office future land use designation 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 as depicted in the Land Use Report.

The existing and proposed use of the property is consistent with “City” Office Future Land Use designation and the City’s proposed PO/I Zoning. The proposed rezoning is to a non-residential zoning district and, therefore, a capacity enhancement agreement with OCPS is not necessary. The subject property is located within the “Core 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 March 10, 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 approval of the change in Future Land Use from “City” Residential Medium (10 du/ 1 ac) to “City” Office (.30 FAR) for the property owned by Community Health Centers, Inc.

Staff recommended that the Planning Commission find the proposed future land use amendment consistent with the Comprehensive Plan and consistent with the character of the surrounding area, and to recommend a change in the Future Land Use Designation from “City” Residential Medium (10 du/ 1 ac) to “City” Office (.30 FAR) for the property owned by Community Health Centers, Inc.

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.

Petitioner Presentation – Paul Dietrich, Swann Hadley Stump Dietrich & Spears, P.A., 1231 Via Capri, Winter Park, stated the property is currently zoned residential and the applicant has had the tree removed and the house removed. They have applied to a change of zoning for additional parking and for an expansion of their current facility closer to the lot line. There is no plan to bring the current facility into this property. He said he was available to answer any questions.

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 the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from Residential Medium (0-10 du/ac) to Office (Max. 0.3 FAR) for property owned by Community Health Centers, Inc. and located south of E. 6th Street and east of S. Park Avenue.

Lydia Rosario, 2829 Ponkan Pines Drive, stated that due to coming in late and not realizing that the first presentation was the Large Scale Future Land Use amendment for Amerigo Farms, Inc., she did not speak when the item was opened for public hearing but had concerns regarding the project.

Ms. Rosario was informed that the item would be presented at the City Council meeting on May 3, 2017, and she would have an opportunity to express her concerns at that time.

Chairperson Greene suggested that Ms. Rosario contact Mr. Moon with any concerns she has.

Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – COMMUNITY HEALTH CENTERS, INC. - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in zoning from R-3 (Residential) to PO/I (Professional Office/Institutional) for property owned by Community Health Centers, Inc. and located south of E. 6th Street and east of S. Park Avenue.

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: Ms. Florence stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in zoning from R-3 (Residential) to PO/I (Professional Office/Institutional) for property owned by Community Health Centers, Inc. and located south of E. 6th Street and east of S. Park Avenue. The current future land use is Residential Medium (0-10 un/ac) and a future land use amendment to Office (Max. 0.3 FAR) is being processed along with the request to change the future land use. The current use is vacant land and the proposed use is a parking lot for the adjacent clinic campus. The existing maximum allowable development is 10,715 sq. ft. of office use for a 0.3 floor area ratio. The maximum allowable development under the existing zoning district is one single-family residence; and maximum allowable development under the proposed zoning district is up to 3,920 sq. ft. The tract size is 0.30 +/- acre.

The proposed change of zoning is being requested by the owner/applicant. Applicant is requesting the City to assign a zoning classification of PO/I to the property. Minimum lot size for PO/I zoning is 10,000 sq. ft.; the lot is approximately 13,000 sq. ft.

A request to assign a change of zoning to PO/I is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the PO/I zoning classification to accommodate the use of the property for a parking lot for their clinic allowed under the PO/I zoning district. This use is consistent with the proposed Office Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses. The change of zoning application covers approximately 0.30 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Zoning Report).

The proposed use of the property is consistent with the Office (max 0.30 FAR) Future Land Use designation and the City's proposed PO/I Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed rezoning is to a non-residential zoning district and, therefore, a capacity enhancement agreement with OCPS is not necessary.

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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 March 10, 2017.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from “City” R-3 to “City” PO/I, subject to the adoption of the associated small scale future land use amendment, for the property owned by Community Health Centers, Inc.

Staff recommended that the Planning Commission find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend a change of zoning from “County” R-3 to “City” PO/I, for property owned by Community Health Centers, Inc., subject to the adoption of the associated small scale future land use amendment.

The subject property fronts and is accessed by a local roadway (E 7th Street). The proposed PO/I (Public Office/Institutional) zoning district is consistent and compatible with the adjacent zoning classifications and uses within the surrounding area. Property owned by the same owner to west is used currently for health care use, and properties to the north, south, and east have “City” R-3 (Residential) zoning classifications.

The proposed PO/I zoning is consistent with the City’s Office (max 0.30 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The PO/I zoning classification is one of the acceptable zoning categories allowed within the Office Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

PO/I District Requirements: Minimum Living Area is not applicable. The minimum site area is 10,000 sq. ft. The minimum lot width is 85 feet. The setbacks are as follows: front – 25 feet; rear – 10 feet; side – 10 feet; and corner – 25 feet. Based on the above zoning standards, the subject parcels comply with code requirements for the PO/I district.

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. Areas adjacent to nonresidential uses or districts shall provide a minimum of five-foot landscaped bufferyard. Landscaping requirements for existing platted lots of record and structures may be approved in a lesser amount than required after review by the development review committee.

Allowable Uses: Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc. Medical or dental clinics and offices. Establishments for the retail sale of pharmaceutical, medical and dental supplies and other hospital-related items such as wheelchairs, braces, crutches, etc., for the handicapped, and other similar merchandise. Parks and recreational areas owned and operated by nonprofit organizations. Hospitals, museums, libraries, and cultural institution. General government offices, including, but not limited to, fire stations, police stations, and post offices. Churches and attendant educational facilities. Educational facilities and day nurseries. Public and private utilities. Supporting infrastructure and public facilities. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based on the community development director's recommendation.

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: Paul Dietrich, Swann Hadley Stump Dietrich & Spears, P.A., 1231 Via Capri, Winter Park, concurs with staff.

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 Land Development Code, and recommended adoption of the change of zoning from R-3 (Residential) to PO/I (Professional Office/Institutional) for the property owned by Community Health Centers, Inc. and located south of E. 6th Street and east of S. Park Avenue, subject to the adoption of the Future Land Use amendment. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (7-0). (Vote taken by poll.)

QUASI-JUDICIAL – DEVELOPMENT OF REGIONAL IMPACT (DRI) AMENDMENT - KELLY PARK CROSSING - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and to recommend the proposed amendment to the Kelly Park Crossing Development of Regional Impact (DRI) for the several properties owned by property owners identified within the DRI Application for Development Approval; and generally located north of W. Ponkan Road, south of Ondich Road, east of Round Lake Road, and west of W. Plymouth Sorrento 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: David Moon, AICP, Planning Manager, stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and to recommend the proposed amendment to the Kelly Park Crossing Development of Regional Impact (DRI) for the several properties owned by property owners identified within the DRI Application for Development Approval; and generally located north of W. Ponkan Road, south of Ondich Road, east of Round Lake Road, and west of W. Plymouth Sorrento Road. The applicant is Project Orlando, LLC. The property is generally located north of W. Ponkan Road, south of Ondich Road, east of Round Lake Road, and west of W. Plymouth Sorrento Road. The existing uses are vacant land; agriculture; and single family homesteads. The future land use is Mixed Use as set forth in Exhibit “B” of the Development Order. The purpose of the amendment is to extend the expiration date of the DRI Development Order as well as dates associated with phasing and build-out time frames; to include a statement regarding the protection historical and archaeological sites, if discovered; and to address any amendments necessary to update, modify or adjust requirements that may be obsolete or outdated over the six years since the Development Agreement was adopted in 2011.

The development of the subject lands are proposed as follows:

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Land Use	Phase 1	Phase 2	Phase 3	Phase 4	Total Development	FAR	Approximate Acres*
Office	100,000 SF	540,000 SF	641,000 SF	639,996 SF	1,920,996 SF	0.4	84.25
Light Industrial	200,000 SF	3,330,000 SF	1,000,000 SF	727,200 SF	5,227,200 SF	0.6	178.00
Retail/Commercial	100,000 SF	450,000 SF	550,000 SF	272,140 SF	1,372,140 SF	0.3	77.00
Community College	130,680 SF	--			130,680 SF	0.3	20.00
Medical	--	250,000 SF	272,720 SF		522,720 SF	0.4	30.00
Residential	300 DU	400 DU	400 DU	450 DU	1,550 DU	10du/ac	58.00
<u>Conservation</u>							<u>*See footnote below.</u>
Parks	40 Acres	33 Acres	20.75 Acres	--	93.75 Acres	15 %	93.75
Institutional	50,000 SF	50,000 SF	60,000 SF	14,240 SF	174,240 SF	0.4	8.00
Hotel	--	100 RMS	100 RMS	200 RMS	400 RMS	0.4	15.00

(* Conservation land use is estimated at 35 to 45 acres and will be identified at the Master Site Plan submittal. Conservation acreage assigned internal to the DRI may result in reduced acreage for those land uses affected by the designation of conservation acreage. The acreage for any land use may be modified and the location of the conservation lands altered without the need for further development-of-regional-impact review if implemented by Condition 5 or 6 contained herein, as applicable. As set forth in Condition 5, designation of conservation lands may also be satisfied through off-site mitigation.)

The total number of acres is 564 +/- acres and that has not changed.

The Development Review Committee finds the Amended Kelly Park Crossing DRI Development Order to be consistent with the Apopka Comprehensive Plan and recommends approval.

Staff recommended that the Planning Commission find the amendment to the Kelly Park Crossing Development of Regional Impact Development Order to be consistent with the Comprehensive Plan and recommend approval.

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: Joel Ivey, Ivey Planning Group, 691 Keeneland Pike, Lake Mary, stated that he was the consultant for the original DRI and was responsible for helping put together the master plan. As far as a planning exercise this was relatively straight forward and we basically copied the City's own plan. What we have is more consistency with the comprehensive plan and an adopted DRI that is still valid. What they are now doing is editing the adopted DRI. In particular the phasing and time therein. The original development order divided the project into five year increments with the first phase expiring in 2016. The DRI was approved in 2011. The two reasons for the proposed changes to the phasing have to do with the progress of the Wekiva Parkway not occurring as quickly as originally thought it would. The second is that the original plan stated that development would abide by the adopted form based code; however the City has not adopted the form-based code. What is being proposed is that the expiration date for phase one change to 2023, which is 6 years from now, and then the 5-year increments would begin

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again. The reason for this request is because the Wekiva Parkway has not been built yet and the form-based code has not been adopted.

In response to a question by Mr. Foster, Mr. Ivey stated, if adopted phase one would expire in 2023 and then the next three phases would be divided into 5-year increments.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

In response to concerns expressed by David Emmel, 3536 Ondich Road, Chairperson Greene stated that the item before the Planning Commission at this time was the revision of phasing dates within the DRI. The form-based code will be discussed at a special meeting on April 25, 2017, and that would be the time for Mr. Emmel to present his concerns.

Mr. Moon concurred with Chairperson Greene.

In response to questions by Mr. Emmel, Mr. Moon stated during each phase of the DRI, the developer or developers will be required to update the traffic studies and that is addressed within the development order. The DRI is reliant on the form-based code so it can't develop by policy within the comprehensive plan until the form-based code is approved. So it would be relevant for the City to proceed with these amendments at this time and then proceed with the hearings on the form-based code. The laws are already in place within the development order it extends certain dates that the developer has to complete for roads, sewer lines, or certain studies to be completed.

Chairperson Greene explained that whatever is decided by the Planning Commission is a recommendation to the City Council. City Council will take that recommendation into consideration when this is presented to them on May 3, 2017. He said that if the decision tonight does not satisfy Mr. Emmel is he should participate on the City Council level.

In response to further questions by Mr. Emmel, Mr. Moon stated the DRI is subject to zoning and master plan requirements. If the amended DRI is adopted the next steps would be land use changes and then zoning changes by way of a master plan.

In response to a question by Mr. Foster, Mr. Moon said the amendment is to clean up the document and address the time changes.

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

Ms. Laurendeau stated that on page 67 there is a matrix of candidate roadways for modeling and monitoring, and on the next to last line it says "going from Lake Francis Drive to Lake Ardin Drive." She wanted to know if that was meant to be Lake Alden Drive. She really appreciated that the preservation of any historical sites was addressed in the amendments.

In response to concerns expressed by Mr. Sprinkle, Chairperson Greene stated that the DRI has already been approved, and the changes that are being proposed have been identified.

In response to questions by Mr. Sprinkle, Mr. Moon stated that DRI was adopted in 2011. With the exception of the changes in the proposed amendment that are identified by strike-through for removal or underlined for adding, the DRI is the same. Those amendments are what the Planning Commission is being voted on.

Ms. Laurendeau pointed out that the staff report states that DRI applicant\owners desire to amend the DRI Development Order for the primary reasons of extending the expiration date of the DRI Development Order as well as dates associated with phasing and build-out time frames; to include a statement regarding protection

historical and archaeological sites, if discovered; and to address any amendments necessary to update, modify or adjust requirements that may be obsolete or outdated over the six years since the Development Agreement was adopted in 2011.

In response to a question by Mr. Foster, Mr. Moon stated that as of the time of the DRI adoption, the right-of-way for the Wekiva Parkway had not been acquired. Now we know where the highways are to be built.

In response to a question by Mr. Simpson, Mr. Moon stated that, if adopted, the back-logged facilities will be exempt from mitigation requirements. The back-logged facilities are roads that already have level of services issues due to increasing development in the area. What this means is that this developer is not responsible for traffic impacts created by other developments. They are only responsible for the impacts associated with their development.

James Hitt, RA-FRA, Community Development Director, stated pursuant to Florida Statutes, if another development or issue creates a level of service issue with the road, you can't make other people responsible for those issues. A lot of the changes being proposed would be considered insubstantial because they would require traffic studies. Traffic studies result in identifying issues with roadways or connection features throughout the development as well as development that may be outside of the DRI. Other amendments include language that is superfluous such as on page 21, "A trip length study shall also be conducted to verify model results." has been stricken because that will be a part of the traffic study.

In response to a question by Mr. Foster, Mr. Hitt stated that this is updating the DRI.

Motion: Roger Simpson made a motion to find the proposed amendment consistent with the Comprehensive Plan and to recommend the proposed amendment to the Kelly Park Crossing Development of Regional Impact (DRI) for the several properties owned by property owners identified within the DRI Application for Development Approval; and generally located north of W. Ponkan Road, south of Ondich Road, east of Round Lake Road, and west of W. Plymouth Sorrento Road.. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (7-0). (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – AUDIOR ENHANCEMENT OFFICE/WAREHOUSE – LOT 6 (COOPER PALMS COMMERCCE CENTER) - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Audio Enhancement Office/Warehouse – Lot 6 (Cooper Palms Commerce Center). The owner/applicant is Property Industrial Enterprises, LLC, c/o Michael Cooper, and the property is located south of Cooper Palms Parkway, east of South Bradshaw 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 recommend approval of the Final Development Plan for Audio Enhancement Office/Warehouse – Lot 6 (Cooper Palms Commerce Center). The owner/applicant is Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of Cooper Palms Parkway, east of South Bradshaw Road. The engineer is William F. Stuhcke, P.E. The future land use is Industrial and the zoning is PUD/I-1. The existing use is vacant land and the proposed use is industrial warehouses and commercial services. The tract size is 0.86 +/- acre or 37,248 sq. ft.

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The Audio Enhancement Office/Warehouse – Lot 6 site plan proposes an industrial office/warehousing building with 7,490 sq. ft. A total of twenty parking spaces are provided plus one handicap parking space. Per City Code, a minimum of 19 parking spaces must be provided and 1 handicap space. A total of 21 spaces are provided, one of which is a handicapped parking space.

The Development Review Committee finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Cooper Palms Commerce Center (Lot 6) Final Development Plan, subject to the findings of this staff report.

Staff recommended that the Planning Commission find the Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Audio Enhancement Office/Warehouse – Lot 6 Final Development Plan, subject to the findings of 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.

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: Jose Molina 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 Audio Enhancement Office/Warehouse – Lot 6 (Cooper Palms Commerce Center), owned by Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of Cooper Palms Parkway, east of South Bradshaw Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle. (7-0) (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:30 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt
Community Development Director