

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2018, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle

ABSENT: Jose Molina, Butch Stanley, Orange County Public Schools (Non-voting)

STAFF PRESENT: David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackins – City Attorney, Bobby Howell - Senior Planner, Jean Sanchez – Planner II, Phil Martinez – Planner I, and Jeanne Green – Recording Secretary.

OTHERS PRESENT: Luke Classon, Eric Wells, Jim Hanson, Julie Kendig, Adam Dyson, Sarah Maier, Mark Nelson, Derek Ryan, Eric Jay, Tracy Jay, Tom Sullivan, Dave Hoffman, Dave Stokes, Bobby Wanas, Linda Lanosa, Rodney Sapp, Valendy Purre, Fraser Gunter, Scott Banta, Bill Pigozzi, Scott Glass, Geoff Summit, and Teresa Sargeant.

OPENING AND INVOCATION: Chairperson 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 22, 2018, at 5:30 p.m.

Motion: **John Sprinkle made a motion to approve the Planning Commission minutes from the regular meeting held on May 22, 2018, at 5:30 p.m. and seconded by Roger Simpson. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0).**

QUASI-JUDICIAL – CHANGE OF ZONING – Chairperson Greene stated this is a request to request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from R-1AA to R-1 for the property owned by JTD Land at Rogers Road, LLC, and located at 1455 West Lester 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 ex parte communications occurred.

Staff Presentation: Phil Martinez, Planner I, stated this is a request to request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from R-1AA to R-1 for the property owned by JTD Land at Rogers Road, LLC, and located at 1455 West Lester Road. The applicant is Dewberry c/o Sarah Maier. The existing use is vacant land, woodlands and grasslands. The development potential is 36 single family homes. The future land use is Residential Low Suburban (0-3.5 du/ac). The current zoning is R-1AA and the proposed zoning is R-1 (Single Family Residential District). The existing and proposed maximum allowable development is 20 single family homes. The tract size is 5.75 +/- acres.

Presently, the subject property is assigned a zoning category of R-1AA. The applicant is requesting the City to assign a zoning classification of R-1 (Single Family Residential) to the northern 5.75 acres of the property. Access will occur from public roads within Carriage Hills Phase 1. The subject parcel was annexed into the city on August 22, 1990 by Ordinance Number 624.

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A request to assign a change of zoning to R-1 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. Carriage Hill Phase 1, is the west adjacent property, also zoned R-1. The subject property is intended to incorporate into Carriage Hill Phase 1 with the same R-1 zoning.

The existing and proposed zoning of the property is consistent with the proposed Residential Low Suburban (0-3.5 du / ac) Future Land Use designation.

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 April 2, 2018.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from R-1AA to R-1 for the property owned by JTD Land at Rogers Road, LLC, and located at 1455 West Lester Road.

Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from R-1AA to R-1 for the property owned by JTD Land at Rogers Road, LLC, and located at 1455 West Lester Road.

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: Sarah Maier, Dewberry, 800 North Magnolia Avenue, Orlando, stated she was representing the owner, supported the staff report, and 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: John Sprinkle made a motion to request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from R-1AA to R-1 for the property owned by JTD Land at Rogers Road, LLC, and located at 1455 West Lester Road. Motion seconded by Linda Laurendeau. Aye votes were cast by Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – CHANGE OF ZONING – MASTER PLAN – KELLY PARK ROAD PUBLIX CENTER - Chairperson Greene stated this is a request to find the proposed zoning, overlay district and Master Plan/Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning of the subject parcels from Orange County A-1 (ZIP) to Kelly Park Interchange Mixed-Use (KPI-MU) and assign the KPC Village Center and Interchange Overlay Districts, and approval of the Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report, exhibits, and City Council approval of a Development Agreement for the property owned by JD and Kathleen L. Horne Trust and located at 4966 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 ex parte communications occurred.

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Staff Presentation: Bobby Howell, AICP, Senior Planner, stated this is a request to find the proposed zoning, overlay district and Master Plan/Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning of the subject parcels from Orange County A-1 (ZIP) to Kelly Park Interchange Mixed-Use (KPI-MU) and assign the KPC Village Center and Interchange Overlay Districts, and approval of the Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report, exhibits, and City Council approval of a Development Agreement for the property owned by JD and Kathleen L. Horne Trust and located at 4966 Plymouth-Sorrento Road. The applicant is Brandon Partners, c/o Randy Holihan. The existing use is vacant land and the proposed use is a 68,231 square feet of commercial uses including a 46,031 square foot Publix supermarket. The land use is Mixed Use Interchange. The current zoning is “County” A-1 (ZIP) and the proposed zoning is (KPI-MU (Kelly Park Interchange Mixed-Use). The tract size is 18.13 +/- acres

The owner of the subject property is requesting a rezoning of 18.13 acres of property from Orange County A-1 (ZIP) to Kelly Park Interchange Mixed-Use (KPI-MU), with an Interchange and Village Center character zone to develop a 68,231 square foot commercial development including a 46,031 Publix supermarket subject to the requirements of the Kelly Park Interchange Form Based Code. The subject property is located east of SR 429 and west of Plymouth-Sorrento Road, on the southwest side of the intersection of Kelly Park Road and Plymouth-Sorrento Road. The owner of the property is JD and Kathleen L Horne Trust.

Development Profile:

Setbacks:	
Front:	Min. 8 feet – Max. 20 feet – Village Center, Min. 10 feet, Max. 20 feet - Interchange
Rear:	Min. 10 feet - Village Center, Min. 10 ft. – Interchange
Side:	Min. 0 feet – Village Center, Min. 7.5 – Interchange
Overflow Parking	None
Driveway length:	Min. 15 feet – Max. 30 ft.
On-street parking:	9 parking spaces provided
Maximum building height:	Min. 2 stories encouraged, Max. 5 stories – Village Center, Min. N/A, Max. 8 stories – Interchange
Off-street parking:	293 parking spaces

In accordance with the requirements of the Kelly Park Interchange Form Based Code, the owner has submitted a Master Plan in conjunction with the rezoning application detailing the development of the proposed commercial center. The property currently has a future land use designation of City of Apopka Mixed Use Interchange, which is a consistent future land use category with the KPI-MU zoning designation. The property is located within the one-mile radius from the SR 429/Kelly Park Road interchange.

The Master Plan/Preliminary Development Plan proposes development of the property with a total of 68,231 square feet of commercial uses including a 46,031 square foot Publix supermarket on 18.13 acres. The Master Plan/Preliminary Development Plan details design of the proposed development in accordance with the requirements of the Kelly Park Interchange Form Based Code, and the Village Center and Interchange character zones, which allows commercial development as permitted uses. The surrounding properties currently consist primarily of agricultural uses.

The Master Plan/Preliminary Development Plan proposes dividing the property into three blocks, labeled as Blocks “A”, “B”, and “C”. Block “A” will consist of a 7,200 square foot retail building, parking to serve the commercial uses, and a 0.9 acre outparcel labeled as “future development.” Block “B” will consist of a 46,031 square foot Publix supermarket, and three retail buildings ranging in size from 3,000 to 6,000 square feet, and parking to serve the commercial uses. Block “C” is 7.33 acres and

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is reserved for future development. A temporary stormwater retention pond serving Blocks “A” and “B” will be located on Block “C”. The applicant proposes to assign the Village Center character zone to Blocks “A” and “B”, and the Interchange character zone to Block “C”.

Access to the site is proposed via a full access point and a right-in/right-out located on Kelly Park Road, and a right-in/right-out and a full access located on Plymouth-Sorrento Road. The Master Plan/Preliminary Development Plan details the dedication of 100-feet of right-of-way in the center of the property to the City. This public right-of-way will facilitate the development of the internal north-south roadway to Appy Lane.

The Master Plan/Preliminary Development Plan details the development of this roadway within the subject property in accordance with street type B (Village Center Access Street) as outlined in the Kelly Park Interchange Form Based Code. A 9-foot wide on-street parking area, a 7-foot wide bike lane, an 8-foot wide sidewalk, a 12-foot wide drive lane, and an 11-foot median will be constructed on this road. A 12-foot wide bicycle/pedestrian trail will be provided along the eastern portion of the property abutting Kelly Park Road. A five foot wide sidewalk will be dedicated along Plymouth-Sorrento Road. An internal pedestrian network will be established within the commercial portion of the site. A landscape gateway with an entry feature and water feature will be provided at the main entrance to the development on Kelly Park Road. 20-percent of the total site area will remain as open space in accordance with the requirements of the Form Based Code.

That the zoning classification of the following described property be designated as Kelly Park Interchange Mixed-Use (KPI-MU), Neighborhood character zone, as defined in the Kelly Park Interchange Form Based Code, and with the following provisions:

1. Development of the property is subject to the requirements of the Kelly Park Interchange Form Based Code, Neighborhood character zone.
2. The architectural design of the buildings must be consistent with Section K.2.g, and Appendix A of the Kelly Park Interchange Form Based Code.
3. A 12-foot wide multi-purpose trail will be constructed along the portion of the development abutting Plymouth-Sorrento Road to facilitate the construction of a regional trail system. (Policy 20.19, FLUE; Sec. Q, FBC). The trail shall be placed in an easement or tract.
4. Perpetual easements dedicated to the City of Apopka shall be provided over the internal pedestrian pathways and trail networks to allow public access.
5. A development agreement shall address the extension of utilities, dedication of rights-of-way, and public access to regional trail facilities.

The proposed use of the property is consistent with the Mixed-Use Interchange Future Land Use designation and is consistent with the Kelly Park Interchange Form Based Code.

Pursuant to Section 7 of the Joint Planning Area agreement, Orange County was notified on May 11, 2018.

The Development Review Committee finds the proposed rezoning to Kelly Park Interchange Mixed-Use (KPI-MU), and assignment of a Village Center and Interchange character zones consistent with the Comprehensive Plan and Kelly Park Interchange Form Based Code, and recommends approval of the Kelly Park Publix Master Plan/Preliminary Development Plan.

Staff recommended the Planning Commission find the proposed zoning, overlay district and Master Plan/Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning of the subject parcels from Orange County A-1 (ZIP

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to Kelly Park Interchange Mixed-Use (KPI-MU) and assign the KPC Village Center and Interchange Overlay Districts, and approval of the Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report, exhibits, and City Council approval of a Development Agreement for the property owned by JD and Kathleen L Horne Trust and located at 4966 Plymouth-Sorrento Road.

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: Geoff Summit, G L Summit Engineering, Inc., 3667 Simonton Place, Lake Mary, stated he represented the owner, supported the staff report, and was available to answer any questions.

Chairperson Greene opened the meeting for public hearing.

In response to questions by Fraser Gunter, 4201 Golden Willow Circle, Apopka, Mr. Moon stated that the Master Plan/Preliminary Development Plan details the dedication of 100-feet of right-of-way in the center of the property to the City for public right-of-way that will facilitate the development of the internal north-south roadway to Appy Lane. He added that future plans include the extension of Appy Lane to SR 429.

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

In response to a question by Ms. Phillips, Mr. Moon stated that development agreement shall address the extension of utilities, dedication of rights-of-way, and public access to regional trail facilities.

Motion: Roger Simpson made a motion to find the proposed zoning, overlay district and Master Plan/Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the rezoning of the subject parcels from Orange County A-1 (ZIP) to Kelly Park Interchange Mixed-Use (KPI-MU) and assign the KPC Village Center and Interchange Overlay Districts, and approval of the Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report, exhibits, and City Council approval of a Development Agreement for the property owned by JD and Kathleen L. Horne Trust and located at 4966 Plymouth-Sorrento Road. Motion seconded by Patrice Phillips. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

LEGISLATIVE – COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to find the Future Land Use Designation consistent with the Comprehensive Plan; and recommend approval of the Future Land Use amendment to Mixed Use Interchange, subject to the information and findings in the staff report, for the properties owned by Min Sun Cho, Hong Sik, and Deok Hwa Kim and located at 4068, 4046, & 4022 Plymouth Sorrento Road.

Staff Presentation: Mr. Martinez stated this is a request to find the Future Land Use Designation consistent with the Comprehensive Plan; and recommend approval of the Future Land Use amendment to Mixed Use Interchange, subject to the information and findings in the staff report, for the properties owned by Min Sun Cho, Hong Sik, and Deok Hwa Kim and located at 4068, 4046, & 4022 Plymouth Sorrento Road. The applicants are Min Sun Cho, Hong Sik & Deok Hwa Kim. The existing uses are nurseries, single family homes and woodlands. The proposed use is a single family subdivision. The current zoning is R-1AAA and the proposed zoning is Mixed Use Interchange Zoning District with Neighborhood Overlay Zone. The existing maximum allowable development is 40 residential units and the proposed is 100 residential units. The tract size is 20 +/- acres.

The applicant requests a future land use designation of “City” Mixed Use Interchange. Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use Interchange future a land use designation must be assigned to the property.

The subject parcels are located within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore is required to adhere to the Kelly Park Crossing Form Based Code. The properties are located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation and the Overlay District covering the property within the Vision Plan.

The proposed use of the property is compatible with the character of the surrounding area, is within one mile of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange 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 Wekiva Parkway Interchange Vision Plan a (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant's request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.
7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

Transportation Element

1. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, short trip lengths and balanced trip demand.

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

2. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses... This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses.
3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

The properties are located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the Kelly Park Crossing Form-Based Code, Mixed- Use Interchange Zoning District and Neighborhood Overlay District. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

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An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on May 10, 2018. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

The Development Review Committee recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by Min Sun Cho, Hong Sik & Deok Hwa Kim subject to the information and findings in the staff report.

Staff recommended the Planning Commission find the Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation to Mixed Use Interchange subject to the information and findings in the staff report for the properties owned by Min Sun Cho, Hong Sik, and Deok Hwa Kim and located at 4068, 4046, & 4022 Plymouth Sorrento Road

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

Luke Classon, Appian Engineering, LLC, 2221 Lee Road, Suite 17, Winter Park, stated he represented the owner, supported the staff report, and was available to answer any questions.

Chairperson Greene opened the meeting for public hearing.

In response to a question by Mr. Gunter, Mr. Moon defined a mixed use development as being characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. Mixed use is a planning strategy that seeks to foster community design and development that serves the economy, community, public health, and the environment. Mixed-use development is characterized as one that provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation); fosters integration, density, and compatibility of land uses; and creates a walkable community with uninterrupted pedestrian connections. Mixed-use zoning allows for the horizontal and vertical combination of land uses in a given area. Commercial, residential, and even in some instances, light industrial are fit together to help create built environments where residents can live, work, and play.

Mr. Moon recommended that anyone wanting more information on mixed use development, schedule a meeting with Planning staff.

In response to a question by Mr. Sprinkle, Mr. Moon stated that for those properties that are intersected by the Form Based Code 1-mile radius boundary, the property owner may select to bring the portion outside the property into the Form-Base Code area.

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

Motion: Roger Simpson made a motion to find the Future Land Use Designation consistent with the Comprehensive Plan; and recommend approval of the Future Land Use amendment to Mixed Use Interchange, subject to the information and findings in the staff report, for the properties owned by Min Sun Cho, Hong Sik, and Deok Hwa Kim and located at 4068, 4046, & 4022 Plymouth Sorrento Road.. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

LEGISLATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - Chairperson Greene stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the change of Future Land Use Designation from Agriculture to Industrial, subject to the findings of the Staff Report, for the property owned by 3255 Clarcona Road LLC, and located at 3307 Clarcona Road.

Staff Presentation: Mr. Martinez stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the change of Future Land Use Designation from Agriculture to Industrial, subject to the findings of the Staff Report, for the property owned by 3255 Clarcona Road LLC, and located at 3307 Clarcona Road. The applicant is Vihlen & Associates, P.A. c/o Sidney L. Vihlen, III. The existing and proposed use is warehousing used by Randall Mechanical for commercial and industrial uses. The current zoning is AG (Agriculture). A change of zoning to I-1 is being processed in conjunction with the small scale future land use amendment. The existing maximum allowable development is 1 dwelling unit and the proposed maximum allowable development is up to 124,146 sq. ft. gross floor area. The tract size is 4.75 +/- acres.

The subject parcel was annexed in the city on February 21, 1996 by Ordinance 918. The applicant requests a future land use designation of Industrial. The site has been used for industrial purposes for several years. Parcels to the north

The proposed use of the property is consistent with the Industrial Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support an Industrial FLUM designation at the subject site:

Future Land Use Element, Policy 3.1.1, Industrial - The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be .60. Planned Unit Development uses may include: (1) All primary uses; and (2) other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

The proposed Industrial Future Land Use Designation will not generate any additional student population. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on May 10, 2018.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of Industrial for the property owned by 3255 Clarcona Road LLC, and located at 3307 Clarcona Road.

Staff recommended the Planning Commission find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the change of Future Land Use Designation from Agriculture to Industrial, subject to the findings of the Staff Report, for the property owned by 3255 Clarcona Road LLC, and located at 3307 Clarcona Road.

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.

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In response to questions by Mr. Simpson, Mr. Moon stated that while the subject property is currently designated as Agriculture, the use is industrial as reflected in the type of work done on this site. Randall Mechanical, Inc. develops fire suppression systems for customers such as Disney. There is industrial uses to the north of this property; a church to the south; and residential uses on the east and west. The industrial use being requested will have little impact on the surrounding areas as it will be conducted inside a building. He added that if there comes a time the owner of the business wants to expand they will be required to address buffering requirements.

Mr. Simpson continued to express his concern regarding the environmental impacts to the neighboring properties.

In response to questions and concerns expressed by Ms. Phillips, Mr. Moon stated that at the time there is major development a 30 to 50 foot landscape buffer would be required with a brick wall adjacent to any residential uses. Additionally, there is no direct transportation issues between the proposed industrial use and the residential uses.

Sidney L. Vihlen, III, Vihlen & Associates, P.A., 605 East Robinson Street, Suite 750, Orlando, stated he represented the owner as their legal counsel, they support the staff report, and 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: John Sprinkle made a motion to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the change of Future Land Use Designation from Agriculture to Industrial, subject to the findings of the staff report, for the property owned by 3255 Clarcona Road LLC, and located at 3307 Clarcona Road. Motion seconded by Linda Laurendeau.

In response to a question by Mr. Simpson, Mr. Moon stated that Industrial land use has two intensities. General Industrial is the heavy industrial uses that employ the processing of bulk materials and which require space for open storage of materials. These activities are usually performed outside. Restricted Industrial, such as being proposed for the subject property, is composed of those lands and structures which by their use and location, are especially adapted to wholesale distribution, storage, and light manufacturing. Restricted industrial uses are usually performed inside a structure.

Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – CHANGE OF ZONING – 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, recommending approval of the proposed Change of Zoning from Agriculture to I-1 (Restricted Industrial District) for the property owned by 3255 Clarcona Road LLC, and located east of Clarcona Road and north of Stone 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 ex parte communications occurred.

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Staff Presentation: Mr. Martinez stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the proposed Change of Zoning from Agriculture to I-1 (Restricted Industrial District) for the property owned by 3255 Clarcona Road LLC, and located east of Clarcona Road and north of Stone Road. The applicant is Vihlen & Associates, P.A. c/o Sidney L. Vihlen, III. The existing and proposed use is warehousing used by Randall Mechanical for commercial and industrial uses. The current zoning is AG (Agriculture). A future land use amendment to Industrial is being processed in conjunction with the change of zoning. The existing maximum allowable development is 1 dwelling unit and the proposed maximum allowable development is up to 124,146 sq. ft. gross floor area. The tract size is 4.75 +/- acres.

The subject parcel was annexed in the city on February 21, 1996 by Ordinance 918. The applicant requests a future land use designation of Industrial and the zoning to I-1 Industrial.

A request to assign a change of zoning to I-1 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The change of zoning request is being processed in conjunction with a future land use amendment from Agriculture to Industrial.

The existing and proposed use of the property is consistent with the proposed Industrial (Max. FAR 0.6) Future Land Use designation.

The proposed zoning change will not generate any residential units and thus not generate any additional school-age population. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on May 10, 2018.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from Agriculture to I-1 (Restricted Industrial District) for the property owned by 3255 Clarcona Road LLC, and located east of Clarcona Road and north of Stone Road.

Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the proposed Change of Zoning from Agriculture to I-1 (Restricted Industrial District) for the property owned by 3255 Clarcona Road LLC, and located east of Clarcona Road and north of Stone Road.

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

Petitioner Presentation: Sidney L. Vihlen, III, Vihlen & Associates, P.A., 605 East Robinson Street, Suite 750, Orlando, stated he represented the owner as their legal counsel, they support the staff report, and he was available to answer any questions.

Motion: **Linda Laurendeau made a motion to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the proposed Change of Zoning from Agriculture to I-1 (Restricted Industrial District) for the property owned by 3255 Clarcona**

Road LLC, and located east of Clarcona Road and north of Stone Road. Motion seconded by Patrice Phillips. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – CHANGE OF ZONING – Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the proposed Change of Zoning from “County” C-2 (General Commercial District) to “City” C-1 (Commercial Retail District) for the property owned by SunTrust Bank and located at 936 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. No ex parte communications occurred.

Staff Presentation: Mr. Martinez stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the proposed Change of Zoning from “County” C-2 (General Commercial District) to “City” C-1 (Commercial Retail District) for the property owned by SunTrust Bank and located at 936 East Semoran Boulevard. The applicant is Causseaux, Hewett, and Walpole, Inc. The existing use is vacant land and the proposed use is a 5,304 sq. ft. commercial spaces. The future land use is Commercial and the current zoning is C-2. The existing and proposed maximum allowable development is 5,304 sq. ft. of commercial space. The tract size is 0.49 +/- acres.

SunTrust Bank owns three vacant parcels east-adjacent of the bank. The eastern-most adjacent parcel, 920 E. Semoran Boulevard was annexed in the City on April 18, 2018. The City Council is scheduled to vote for a Commercial future land use designation and C-1 zoning for 920 E. Semoran Boulevard on June 6, 2018, which is located two parcels to the east. The three parcels will be assembled for a proposed Zaxxby’s restaurant. A utility easement runs across the majority of this property, and the majority of the parcel will likely be used for open space within a future site plan.

A request to assign a change of zoning for 936 E. Semoran Boulevard to C-1 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area.

The existing and proposed use of the property is consistent with the proposed C-1 (Commercial Retail) Future Land Use designation.

The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on May 10, 2018.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from C-2 (General Commercial District) to C-1 (Commercial Retail District) for the property owned by SunTrust Bank, and located at 936 E Semoran Blvd.

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Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommending approval of the proposed Change of Zoning from C-2 (General Commercial District) to C-1 (Commercial Retail District) for the property owned by SunTrust Bank, and located at 936 E Semoran Blvd.

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: Petitioner did not have a presentation.

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

Ms. Phillips left the Council Chambers at 6:20 p.m.

Motion: John Sprinkle made a motion to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the proposed Change of Zoning from “County” C-2 (General Commercial District) to “City” C-1 (Commercial Retail District) for the property owned by SunTrust Bank and located at 936 East Semoran Boulevard. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, Roger Simpson, and John Sprinkle (4-0). (Vote taken by poll.)

Ms. Phillips re-entered the Council Chambers at 6:22 p.m.

QUASI-JUDICIAL – CHANGE OF ZONING – VISTA RESERVE - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the proposed Change of Zoning from R-1AA (Residential Single Family District) to PUD (Planned Unit Development); and approval of the PUD Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits for the property owned by Mikhail Wafaa, George Abdelsayed, Lucy Abdelsayed, and Wafeek Abdelsayed and located east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester 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 ex parte communications occurred.

Staff Presentation: Mr. Howell stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the proposed Change of Zoning from R-1AA (Residential Single Family District) to PUD (Planned Unit Development); and approval of the PUD Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits for the property owned by Mikhail Wafaa, George Abdelsayed, Lucy Abdelsayed, and Wafeek Abdelsayed and located east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road. The applicant is Pulte Home Corporation. The existing use is vacant land and the proposed is a 153 single family home subdivision to be developed in one phase. The future land use is Low Density Residential and the current zoning is R-1AA (Residential Single Family District). The tract size 61.1 +/- acres.

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The subject property is approximately 61.1 acres in size and is zoned R-1AA (Residential Single Family District) and has a future land use designation of Low Density Residential. The subject property is located on the east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road. The proposed change of zoning to PUD (Planned Unit Development) is being requested by the prospective developer, Pulte Homes who proposes to construct 153 single-family units in one phase on the property. The subdivision is proposed to be developed at a density of 2.53 dwelling units per acre. The Low Density Residential future land use designation permits up to 3.5 dwelling units per acre.

The Master Plan proposes 153 lots consistent of 140 65-foot wide lots and 13 90-foot wide lots, a community park with a swimming pool and cabana and tot-lot, and a buffer tract along the entire perimeter of the community. Further, is proposed to be accessed via Rogers Road. The surrounding properties consist primarily of single-family residential subdivisions and include the Carriage Hills subdivision located to the south which is currently under construction, Oak Hill Reserve to the south and east, and Wekiva Run to the west. Average lot widths in the Carriage Hills subdivision is 75-foot, Oak Hill Reserve is 95-foot, and 95-foot in Wekiva Run.

A. Lot Size.

Typical Lot Width	Number of units	Percentage of development	Typical lot area (minimum size)
65-foot	140	91.5%	8,125 square feet
90-foot	13	8.5%	11,250 square feet
Total	153	100%	

While a PUD zoning requires a minimum lot width of 70 feet with a minimum lot area of 7,500 sq. ft., Vista Reserve proposes 65-foot and 90-foot wide lots with a minimum average lot area of 8,125 square feet for the 65-foot wide lots and 11,250 square feet for the 90-foot wide lots, contained within an open space tract not less than 15 feet wide on the north, east, and south project lines and 10 feet wide on the western project line abutting Rogers Road. The minimum lot depth is proposed at 125-feet. The minimum living area is proposed at 2,190 square feet. The subdivision will be accessed via Rogers Road. Rogers Road will terminate at the main entrance of the development. The developer will be dedicating a 0.68 acre portion of right-of-way along Rogers Road to the City. The subdivision will consist of public roads and infrastructure that is owned and maintained by the City. Vehicular and pedestrian connections are provided to the property to the north and to the Carriage Hills subdivision located to the south. A continuous open space tract is provided around the perimeter of the subdivision to buffer the homes from the surrounding existing subdivisions. Thirty percent of the site, or 18.13 acres of open space is provided, and will be owned and maintained by the homeowners association. Two tracts located on the northwestern and northeastern corners of the site are reserved for stormwater retention. The stormwater retention areas will be owned and maintained by the homeowners association. A 1.67 acre tract is reserved for the community recreation facility that will be owned and maintained by the homeowners association. Included within the recreation facility is a picnic area, pool, pool cabana building, play structure, open play area, bicycle parking, and a parking area for 8 cars.

B. Deviations. The applicant is requesting one deviation to the City’s required development standards. For a PUD Master Plan, a deviation from the City’s Land Development Code does not represent a variance but a development standard or zoning condition unique to and approved as part of the Planned Unit Development zoning. PUD’s are required to satisfy the requirements of the Land Development Code unless the City Council finds that, based on substantial evidence, a proposed alternative development guideline is adequate to protect to the public health safety, and welfare. Any deviations must be consistent with the policies of the Comprehensive Plan.

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1. Typical Lot Width Standard, Land Development Code Section 2.02.18.D.11. Requires a minimum lot size within a PUD to be 70-feet in width, and to have a minimum site area of 7,500 square feet. The developer is proposing 140, 65-foot and 13, 90-foot wide lots with minimum lots sizes of 8,125 square feet and 11,250 square feet respectively. These lot sizes exceed the required single-family minimum lot area of 7,500 square feet.

C. Justification for Deviations/Development Standard. The following justifications are provided for the three deviations that are proposed.

1. Reduced Density. The future land use designation of the property is Low Density Residential which allows up to 3.5 dwelling units per acre. The PUD Master Plan proposes a density of 2.53 dwelling units per acre, which is 0.97 dwelling units per acre less than the maximum density permitted in the Low Density Residential future land use category.
2. Dedication of right-of-way for the extension of Rogers Road. The PUD Master Plan proposes the dedication to the City of a 0.68 acre tract for right-of-way for Rogers Road. This will allow for the future extension of Rogers Road to the north to allow Rogers Road to serve as a future connector road between Ponkan Road and Lester Road.
3. An improved recreation amenities package is proposed. The recreation package will consist of a picnic area, pool, pool cabana building, play structure, open play area, bicycle parking, and a parking area for 8 cars. The recreation area is proposed at 1.67 acres in size, which is in excess of the 1.43 acres required by code.
4. Preservation of Open Space. The PUD master plan provides a continuous open space tract is around the perimeter of the subdivision to buffer the homes from the surrounding existing subdivisions. This area will consist of Bahia sod and Live Oak and Magnolia trees, which upon maturity is anticipated to ensure the homes within the development are not visible from the surrounding existing residential subdivisions.
5. Increased minimum living area size. The applicant is proposing a minimum living area of 2,190 square feet. The R-1AA zoning district requires a minimum living area of 1,700 square feet. Also, the larger lots, the 90-foot width, are located on the eastern project perimeter consistent with lot width and size occurring in the Oak Hill Reserve community abutting to the east.

That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be single-family residential uses.
- B. Terms of Expiration for this PUD shall be as follows:

If a Final Development Plan associated with the PUD district has not been approved by the City within three years, and site development has not commenced within four years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

1. Permit a single six-month extension for submittal of the required Final Development Plan;
2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or

3. Rezone the property to a more appropriate zoning classification.

The proposed use of the property is consistent with the Low Density Residential Future Land Use designation and is consistent with the Land Development Code.

Per Orange County Public Schools, the project is vested to satisfy capacity, however there are outstanding concurrency issues that will be required to be satisfied prior to approval of a plat.

Pursuant to Section 7 of the Joint Planning Area agreement, notification to Orange County is not required for a rezoning application as the subject parcels are not adjacent to unincorporated Orange County.

The Development Review Committee finds the proposed rezoning to Planned Unit Development (PUD), PUD Master Plan, and the Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Vista Reserve Planned Unit Development Master Plan and Preliminary Development Plan.

Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the proposed Change of Zoning from R-1AA (Residential Single Family District) to PUD (Planned Unit Development); and approval of the PUD Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits for the property owned by Mikhail Wafaa, George Abdelsayed, Lucy Abdelsayed, and Wafeek Abdelsayed and located east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road.

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 Mr. Simpson, Mr. Moon stated that there are no plans in the near future to improve Rogers Road. The applicant has proposed dedication of right-of-way for the extension of Rogers Road. The PUD Master Plan proposes the dedication to the City of a 0.68 acre tract for right-of-way for Rogers Road. This will allow for the future extension of Rogers Road to the north to allow Rogers Road to serve as a future connector road between Ponkan Road and Lester Road. The City would have to install sidewalks along Rogers Road.

In response to a question by Mr. Sprinkle, Mr. Moon stated the minimum lot width in this PUD category is 70 feet or greater.

In response to concerns expressed by Ms. Laurendeau, Mr. Moon stated that since properties that are in the City straddle Rogers Road, Public Services could make a determination to improve Rogers Road if the budget allows.

In response to a question by Ms. Phillips, Mr. Moon stated that the applicant was required to provide a traffic study; however the study determined that improvements on Rogers Road were not warranted at this time.

Mr. Simpson expressed his concerns that Rogers Road is very challenging for pedestrian and bike traffic.

Ms. Laurendeau added that there is a no visibility when exiting onto Rogers Road from Grace Point Church.

Petitioner: Doug Hoffman, Pulte Homes, 4901 Vineland Road, Suite 500, Orlando, stated that the traffic study indicated that Rogers Road met with the level of service. He stated that they plan to

improve Rogers Road along their portion. Additionally, by going to small lots, it allowed more open space between this development and adjacent residential uses.

Mr. Simpson stated that Pulte was providing a good product, but the development is inconsistent with the safety of Rogers Road.

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 proposed amendment consistent with the Comprehensive Plan and recommend approval of the proposed Change of Zoning from R-1AA (Residential Single Family District) to PUD (Planned Unit Development); and approval of the PUD Master Plan/Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits for the property owned by Mikhail Wafaa, George Abdelsayed, Lucy Abdelsayed, and Wafeek Abdelsayed and located east side of Rogers Road, approximately one half mile north of the intersection of Rogers Road and Lester Road. Motion seconded by James Greene. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, and John Sprinkle; Roger Simpson voted No. (4-1). (Vote taken by poll.)

QUASI-JUDICIAL - VARIANCE – BRIDLEWOOD - Chairperson Greene stated this is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05(H)(2) to allow a 6-foot tall composite fence within a 5-foot wide bufferyard in lieu of the required 6-foot tall brick, stone or decorative block wall within a 5-foot wide bufferyard on the western, northern and eastern perimeters of the property owned by Laura R. Murphy and located at 359 West Lester 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 ex parte communications occurred.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05(H)(2) to allow a 6-foot tall composite fence within a 5-foot wide bufferyard in lieu of the required 6-foot tall brick, stone or decorative block wall within a 5-foot wide bufferyard on the western, northern and eastern perimeters of the property owned by Laura R. Murphy and located at 359 West Lester Road. The land use is Residential Low Suburban (0-3.5 unit(s)/acre) and the zoning is R-1 (Single Family Residential). The existing use is vacant land and the proposed use is a single family residential subdivision. The tract size is 19.94 +/- acres.

Variance Request Summary: Section 2.02.05 (H)(2) – Bufferyard requirements. Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall. The applicant proposes to install a 6-foot tall composite fence in lieu of the required brick or decorative wall block on the western, northern and eastern perimeters abutting existing agricultural zoning districts or activities.

Variance Request - Code Standard, Sec. 2.02.05(G)(5) – Bufferyard requirements – Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall.

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- *Applicant Request* - Allow a 6-foot tall composite fence in lieu of the required brick or decorative wall block on the western, northern and eastern perimeters abutting existing agricultural zoning districts or activities.

Variance Process: Per Land Development Code Section 10.02.00, the Planning Commission shall follow two steps to approve a variance:

Step 1: Section 10.02.02.A, Limitations on Granting Variances. The Planning Commission “shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” This is known as a physical hardship. If the Planning Commission makes this determination, then it must take action on the seven variance criteria set forth in Section 10.02.02.B.

Step 2: Section 10.02.02.B, Required Findings. Once a “physical hardship” has been determined, the Planning Commission shall not vary from the requirements of any provision of the LDC unless it makes a positive finding, based on substantial competent evidence, on the seven variance criteria.

Applicable City Codes: Section 2.02.15(G)(3) – Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard.

Variance Hardship Determination (Step 1): The first step of the variance determination process is to determine if a hardship occurs pursuant to Section 10.02.02.A, “whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.”

Staff Response Summary -- While active agricultural uses occur on property abutting to the east, west, and north, growth trends in the surrounding areas show transition to residential uses within the near future. These growth pressures will likely result in rising land prices and expanding housing demands pressuring adjacent properties to develop as residential communities in the near future. Furthermore, unincorporated parcel to the west and north presently have a “County” Future Land Use Designation of Low Density Residential assigned to them. This means that the County’s Growth Management Plan, its Comprehensive Plan, supports and encourages residential development on the western and northern parcels.

Ponkan Road to the north is a dividing line between urban densities to the south and lower residential densities to the north. Policy in the City’s Comprehensive Plan limits residential development to no more than two units per acre unless within the Wekiva Parkway Interchange Vision Plan Area. Development is encouraged by policies in the City’s Comprehensive Plan to concentrate higher residential density south of Ponkan Road. This policy further encourages the transition of agriculturally zoned lands south of Ponkan Road to residential use.

Other trends supporting residential development along Lester Road include: close proximity to existing and planned commercial retail and grocery stores as well as schools and regional recreation facilities (West Orange Trail). Water, sewer and reclaimed lines are accessible to the proposed Bridlewood parcel.

The parcel to the east, the Avian Recondition Center, is within the City of Apopka and assigned an Agriculture Future Land Use and Zoning.

Seven Variance Criteria Findings (Step 2): If the Planning Commission accepts the hardship in Paragraph A. above, the second step is to make a finding on the seven criteria below. The Planning Commission must make a positive finding, based on substantial competent evidence, on each of the following seven criteria:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

Applicant's Response: Yes. The variance has also previously been discussed with City Staff to ensure it will conform to the intended outline of the City's comprehensive plan.

Staff's Response: No objection.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant's Response: No, the request is based on what the surrounding properties with eventually become based on the City of Apopka's comprehensive plan.

Staff's Response: No objection.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant's Response: No. The proposed variance will not increase congestion at all on surrounding public streets.

Staff's Response: No objection.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant's Response: No, the proposed variance will not diminish property values at all. The proposed variance in conjunction with the proposed development will increase surrounding property values. The variance will also not result in any alteration of the essential character of the area surrounding the site.

Staff's Response: City staff does not hold professional expertise to address property values.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

Applicant's Response: Yes. The proposed variance is in harmony with the general intent of the current code and the specific intent of the relevant subject area.

Staff Response: No objection.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: No special conditions or circumstances do not result from the actions of the applicant.

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Staff Response: No objection. The applicant does not have control over development trends along Lester Road to residential uses.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: Yes. The proposed variance is minor to what the current code specifies. The proposed variance will not create any safety hazards or other detriments to the public.

Staff Response: No objection.

Based on the information provided by the applicant at the hearing for the variance requested, Planning Commission must first determine that sufficient substantially competent information indicates “whether a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” If so, then the Planning Commission must find that substantially competent information occurs to accept each of the seven variance criteria.

Planning Staff has no objection to the proposed request. Based on recent residential development existing and proposed in this area, as well as neighborhood commercial uses proposed in the northwest intersection of Lester Road and Rock Springs Road, Staff anticipates residential development will continue on Lester Road.

The Planning Commission has the authority to approve, deny, or approve with conditions.

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 Chairperson Greene, Mr. Moon stated the proposed use is residential.

In response to a question by Mr. Sprinkle, Mr. Moon stated that Agriculture zoning requires larger lots.

In response to a question by Ms. Laurendeau, Mr. Moon stated the Avian Reconditioning Center is on the east side of the subject property. The code requires buffering between residential and agricultural uses.

Petitioner: Luke Classon, Appian Engineering, LLC, 2221 Lee Road, Suite 17, Winter Park, stated that he and Eric Wells, Avex Homes, LLC, 28 East Washington Street, Orlando, were available to answer any questions.

Mr. Classon explained that they were requesting the variance because if they are required to put up a wall there would be a 5-foot wide no man's land between their wall and the adjacent residential fences. The issue then becomes how to maintain that area. He clarified that they were proposing a composite fence and not PVC fencing.

Mr. Wells stated that he had met with the McCorkles of the Avian Reconditioning Center three times and they specifically asked that composite fence be installed and Ms. McCorkle picked out the color. There would still be a masonry wall along Lester Road.

Mr. Moon stated that staff has not seen the composite fencing being proposed and is unable to comment on the appearance or construction of this type of fencing.

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

Motion: Roger Simpson made a motion to determine a hardship does occur pursuant to Section 10.02.02.A, that the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property owned by Laura R. Murphy and located at 359 West Lester Road. Motion seconded by Patrice Phillips. Aye votes were cast by James Greene, Patrice Phillips, and Roger Simpson; Linda Laurendeau and John Sprinkle voted No. (3-2). (Vote taken by poll.)

Motion: Rogers Simpson made a motion to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05(H)(2) to allow a 6-foot tall composite fence within a 5-foot wide bufferyard in lieu of the required 6-foot tall brick, stone or decorative block wall within a 5-foot wide bufferyard on the western, northern and eastern perimeters of the property owned by Laura R. Murphy and located at 359 West Lester Road. Motion seconded by Patrice Phillips. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

At 7:17 p.m. the Planning Commission recessed for a 10-minute break.

At 7:27 p.m. the Planning Commission reconvened.

QUASI-JUDICIAL - VARIANCE REQUEST – HIDDEN LAKE RESERVE SUBDIVISION -

Chairperson Greene stated this is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.07(H)(1)(a) to allow a 6-foot high aluminum fence with masonry columns for portions of the proposed wall length and a 6-foot high vinyl fence as part of screening in areas adjacent to North Bradshaw Road or eastern property line in lieu of the required 6-foot tall brick, stone or decorative block wall for property owned by TGINF, LLC, c/o Alan Goldberg and located at 501 Old Dixie Highway.

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

Eric Jay, 227 North Bradshaw Road, Apopka, requested affected party status due to his property being across Bradshaw Road from the subject property.

The Planning Commission unanimously agreed to consider Mr. Jay an affected party.

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

Staff Presentation: Ms. Sanchez stated this is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.07(H)(1)(a) to allow a 6-foot high aluminum fence with masonry columns for portions of the proposed wall length and a 6-foot high vinyl fence as part of screening in areas adjacent to North Bradshaw Road or eastern property line in lieu of the required 6-foot tall brick, stone or decorative block wall for property owned by TGINF, LLC, c/o Alan Goldberg and located at 501 Old Dixie Highway. The land use is Medium Low Density Residential (0 – 7.5 du/ac) and the zoning is R-3 (Residential Multiple-Family). The existing use is vacant land and the proposed use is a townhome development. The tract size is 15.88 +/- acres.

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Variance Request Summary: Section 2.02.07(H)(1)(a) – Bufferyard requirements. A six-foot-high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape material shall be placed adjacent to the right-of-way on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish.

Variance Request - Code Standard, Sec. 2.02.07(H)(1)(a) – Bufferyard requirements – A six-foot-high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard..

- *Applicant Request* - Allow a 6' high masonry wall or 6' high aluminum fence with columns for 50% of the proposed wall length and the use of a 6' high vinyl fence or a landscape barrier as a screening method in areas with excessive sloping conditions for a substitute to the required six-foot-high brick, stone or decorative block finished wall adjacent to the North Bradshaw Road or eastern property line.

Variance Process: Per Land Development Code Section 10.02.00, the Planning Commission shall follow two steps to approve a variance:

Step 1: Section 10.02.02.A, Limitations on Granting Variances. The Planning Commission “shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” This is known as a physical hardship. If the Planning Commission makes this determination, then it must take action on the seven variance criteria set forth in Section 10.02.02.B.

Step 2: Section 10.02.02.B, Required Findings. Once a “physical hardship” has been determined, the Planning Commission shall not vary from the requirements of any provision of the LDC unless it makes a positive finding, based on substantial competent evidence, on the seven variance criteria.

Applicable City Code: Section 2.02.15(G)(3) – Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard.

Variance Hardship Determination (Step 1): The first step of the variance determination process is to determine if a hardship occurs pursuant to Section 10.02.02.A, “whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.”

Staff Response: Staff supports a physical and environmental condition hardship because wetlands extend across the North Bradshaw Road right-of-way, and grade. A staff recommendation is provided herein.

Seven Variance Criteria Findings (Step 2): If the Planning Commission accepts the hardship in Paragraph A. above, the second step is to make a finding on the seven criteria below. The Planning Commission must make a positive finding, based on substantial competent evidence, on each of the following seven criteria:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

Applicant's Response: Yes. The variance has also previously been discussed with City Staff to ensure it will conform to the intended outline of the City's comprehensive plan. The Hidden Lake Reserve eastern property line abuts the existing 25' wide North Bradshaw Road right-of-way. Currently, North Bradshaw Road is an unimproved right-of-way. Wetlands extend across the right-of-way, creating a difficulty to construct a ten-foot buffer and a brick wall. In addition, the Hidden Lake Reserve natural topography has excessive slopes to the unnamed waterbody. This sloping condition is most prominent along the eastern property line (North Bradshaw Road).

Staff's Response: No objection.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant's Response: The Hidden Lake Reserve grading must address excessive sloping while meeting existing grades along the eastern property line. This sloping condition provides challenges in the constructability of a brick, stone or decorative block wall to screen an unimproved right-of-way, while dealing with an existing waterbody.

Staff's Response: No objection.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant's Response: The Hidden Lake Reserve eastern bufferyard proposes a screening option and will not increase congestion on any surrounding public streets. Additionally, there is no increase in the proposed PDP application units or traffic distribution to the unimproved North Bradshaw Road.

Staff's Response: No objection.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant's Response: The proposed Hidden Lake Reserve eastern bufferyard will not diminish property values, nor alter the essential character of the area surrounding the site. The subject property will provide the code required bufferyard width along the eastern property line.

Staff's Response: City staff does not hold professional expertise to address property values.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

Applicant's Response: The proposed Hidden Lake Reserve eastern bufferyard is in harmony with the intent of this code. The subject property will provide a 10' wide landscaped bufferyard with optional forms of screening methods, which is the intent of the minimum 10' wide bufferyard with six-foot-high brick, stone or decorative block finished wall.

Staff Response: No objection.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: The proposed Hidden Lake Reserve eastern bufferyard will not create a special condition or circumstance. The subject property will provide a 10' wide landscaped bufferyard with optional forms of screening methods.

Staff Response: No objection.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: The proposed Hidden Lake Reserve eastern bufferyard will provide a 10' wide landscaped bufferyard with a minimum 6' high vinyl fence or landscape barrier as a screening method on excessively sloped areas of the site. Utilizing the use of a fence or landscape barrier will allow a more constructible screening method on the excessive slopes, thus providing a minimum variance from the code. The subject property will provide the code required bufferyard width and will not create a safety hazard or detriment to the public.

Staff Response: No objection.

Based on the information provided by the applicant at the hearing for the variance requested, Planning Commission must first determine that sufficient substantially competent information indicates "whether a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved." If so, then the Planning Commission must find that substantially competent information occurs to accept each of the seven variance criteria.

The Planning Commission has the authority to approve, deny, or approve with conditions the requested variance.

If Planning Commission approves the Variance, the following language is recommended:

Staff supports the following:

- (a) North of the lake -- A six-foot high brick wall and ten-foot buffer tract shall run from the northeast corner to a point nearest the lift station. From that point south, a wrought-iron style fence or brick wall shall extend southward to a point no closer than 25 feet from the wetland line. Staff supports variance to waive the brick wall from the southern-most upland buffer line to the northern-most 25-foot upland buffer line); and
- (b) South of the Lake: A six-foot high brick wall shall extend from the southwest corner to the north-south apex, and a wrought-iron or brick wall shall be constructed to a point within 25 feet of the wetland line.

Applicant requests: Approve a variance from Section 2.02.07(H)(1)(a), Land Development Code, to allow a 6-foot tall vinyl fence 239 feet from the most southeastern point of the parcel along N. Bradshaw Road to the conservation point, 282 feet at length. As well as, a vinyl fence after 273 feet from the most northeastern point to the lift station on N. Bradshaw Road to the conservation point, 141 feet at length. The variance shall expire at the time the site redevelops, allowing conformance to the buffer requirements applicable at that time.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2018, 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.

Petitioner Presentation: Bob Wanas, Madden, Moorhead, & Stokes, Inc., 431 E. Horatio Ave, Suite 260, Maitland, stated that he represents the owner. He explained the topography of the location along the eastern side of the property and why they are requesting a variance of the brick wall.

Affected Party: Eric Jay, 227 North Bradshaw Road, Apopka, stated that his property is directly across Bradshaw Road from the subject property and requested the Planning Commission require a brick wall on the southeastern corner across from his home and his next door neighbor's home.

Mr. Moon reviewed the map provided by the applicant that depicts the buffering being requested on all four sides of the property. In particular the eastern side where the wetlands are located.

A lengthy discussion ensued between staff, the City Attorney, the developer, and the Planning Commission regarding the variance request and whether the Planning Commission could place a condition on the variance requiring a brick wall along the western side between the property and Apopka Elementary.

Mr. Brackins advised the Planning Commission that they could only address the variance that was requested.

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 determine a hardship does occur pursuant to Section 10.02.02.A, that the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property due to the wetland area owned by TGINF, LLC, c/o Alan Goldberg and located at 501 Old Dixie Highway. Motion seconded by John Sprinkle. An Aye vote was cast by James Greene; No votes were cast by Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (4-1). (Vote taken by poll.)

The Motion failed.

QUASI-JUDICIAL – PRELIMINARY DEVELOPMENT PLAN – HIDDEN LAKE RESERVE SUBDIVISION - Chairperson Greene stated this is a request to find the Hidden Lake Reserve Subdivision Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Hidden Lake Reserve Subdivision Preliminary Development Plan subject to the Conditions of Approval, findings of this staff report, and findings of the buffer/wall variance for the property owned by TGINF, LLC and located at 501 Old Dixie Highway.

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 ex parte communications occurred.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the Hidden Lake Reserve Subdivision Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Hidden Lake Reserve Subdivision Preliminary Development Plan subject to the Conditions of Approval, findings of this staff report, and findings of the buffer/wall variance for the property owned by TGINF, LLC and located at 501 Old Dixie Highway.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2018, AT 5:30 P.M.

The applicant and engineer is Madden, Moorhead and Stokes, Inc., c/o Chad Moorhead, P.E. The future land use is Medium Low Density Residential (0 – 7.5 du/ac) and the zoning is R-3 (Residential Multiple Family). The existing use is vacant land. The proposed use is a 92 Townhome development with 18 buildings. There will be 8 buildings with 4 units each and 10 buildings with 6 units each. The minimum lot size is one acre and the minimum living area is 1,350 square feet. The building height is up to 35 feet. The proposed density is 6.78 du/ac. The tract size is 13.57 +/- acres (developable area); 15.88 +/- acres total.

The Hidden Lake Reserve Subdivision Preliminary Development Plan proposes a gated, townhome community with a maximum of 92 townhome units, private streets, and a community pool and cabana. The minimum typical lot for a townhome building is one acres with a required minimum living area of 1,350 square feet for each residential units as set forth in Chapter 2 of the Land Development Code.

Setbacks: The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front	25’*
Side	0, 10’**
Rear	20’***
Corner	25’

*Front-entry garage must be setback 30 feet and 50 feet from to front between buildings

**20 feet distance requirement between structures.

***50 feet from rear to rear between buildings.

Access: Ingress/egress access point for the development will occur via full access onto Old Dixie Highway. In addition, an emergency road and gate connects the internal street with Shirley Drive within Clayton Estates. The emergency road will provide additional access points for emergency vehicles for both Clayton Estates and for Hidden Lake Reserve. A cross access easement is placed across the internal streets within Hidden Lake Reserve to allow students from Apopka Elementary School to walk from Clayton Estates to the school without having to use Vick Road. Further, the children and families within Clayton Estates and Hidden Reserve can walk a short distance to visit friends in the abutting community. Otherwise, the walk between the communities is a much as 1.3 miles via Old Dixie Highway and Vick Roads instead of a few hundred feet in some cases.

Stormwater: The retention ponds, located on the north and south of existing water body or conservation area of the site, have been designed to meet the City’s Land Development Code requirements.

Bufferyard: Along Old Dixie Highway -- A 6-foot tall masonry and or 6-foot tall wrought iron fence with masonry columns within a 10-foot wide buffer tract is proposed by the applicant along Old Dixie Highway. Along Old Dixie Highway the Code requires a six foot-brick wall but the City may accept up to 50% of the wall to comprise wrought-iron style fence with columns. As the applicant has not identified where the 50% wrought-iron type fence will be place, planning staff does not support the wrought-iron-style fence.

Northern Perimeter next to Clayton Estates -- A 6-foot high brick wall exists on the north perimeter within a 10-foot wide buffer tract within the Clayton Estates Residential Subdivision, which is owned and maintained by Clayton Estates.

Eastern Project Line -- The City Code requires a ten-foot buffer and a six-foot high wall along Bradshaw Road. The applicant has applied for a variance to allow a six foot vinyl fence along the eastern property line in lieu of a brick wall within the 10 foot landscape buffer. The buffer and wall type shall be presented and determined through the variance application process.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2018, AT 5:30 P.M.

Western Project Line -- Also proposed is a 6-foot tall vinyl fence within a ten-foot wide buffer tract abutting the single-family homes at the southwestern corner of the project and along Apopka Elementary School. The Code requires a brick wall within a 10-foot landscape buffer adjacent to single-family residential. The Code does not require residential development to provide a buffer wall between the proposed residential homes and the school property. A gate for cross access during school hours/sessions will also be provided between the school and Hidden Lake Reserve. OCPS supports the gate and pedestrian cross access easement within Hidden Lake. Both OCPS planning staff and City planning staff have asked the applicant to provide a brick wall in lieu of a vinyl fence next to the school for safety and appearance purpose, but the applicant states the he will only provide a vinyl fence. The Code does not require residential development to provide a buffer wall between residential homes and the public school.

A minimum of two spaces within the lot is required for each townhome unit. Applicant does not propose any requirement to have one- or two- car enclosed garages. All parking, then, can occur within the driveway. The garage is setback 30 feet from the front property line. No over-flow parking is provided and no parking is provided at the pool facility. Guests and cars not parked in the driveway will park in the street.

Conditions of Approval: (1) Wall within Old Dixie Highway bufferyard shall be a six-foot high brick or masonry wall. Not wrought-iron fence will be allowed unless approved by the City at the Final Development Plan, and no more than 50% of the wall length along Old Dixie Highway shall be wrought-iron. (2) A six-foot high brick wall shall be placed within a 10-foot wide bufferyard adjacent to the single-family homes at the southeastern corner of the project.

This development has an executed and recorded Capacity Enhancement Agreement with Orange County Public Schools (OCPS). School concurrency shall be required at Final Development Plan approval and no development activity can occur until such time that a concurrency mitigation agreement has been approved by OCPS.

The Development Review Committee recommends approval of the Hidden Lake Reserve Subdivision Preliminary Development Plan/Plat subject to the findings of this staff report and the buffer/wall variance public hearing for VAR18-06 TGINF.

Staff recommended the Planning Commission find the Hidden Lake Reserve Subdivision Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Hidden Lake Reserve Subdivision Preliminary Development Plan subject to the Conditions of Approval, findings of this staff report, and findings of the buffer/wall variance public hearing for VAR18-06 TGINF for the property owned by TGINF, LLC and located at 501 Old Dixie Highway.

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.

Mr. Moon stated that a cross access easement is placed across the internal streets within Hidden Lake Reserve to allow students from Apopka Elementary School to walk from Clayton Estates to the school without having to use Vick Road. Further, the children and families within Clayton Estates and Hidden Reserve can walk a short distance to visit friends in the abutting community.

In response to questions by Mr. Sprinkle, Mr. Moon stated that the applicant may be able to coordinate with Orange County Public Schools to install gates that would be open during school hours and then locked when school is closed.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2018, AT 5:30 P.M.

In response to concerns by Mr. Sprinkle, Pam Richmond, AICP, Senior Planner, stated that a traffic study was completed and it was found that the project does not generate enough traffic to require any turn lanes into or out of the project.

Mr. Sprinkle disagreed and stated that due to the heavy traffic along Old Dixie Highway, especially around the school, the Wawa and Bradshaw Road, there should be turn lanes.

Ms. Richmond reiterated that the traffic study specifically addressed a left turn lane but it was found to be unwarranted.

Mr. Moon added that it was his understanding that Old Dixie Highway is maintained by Orange County and any improvements would require Orange County approval.

In response to a question by Chairperson Greene, Ms. Sanchez stated that currently the school children have to walk all the way around the property due to heavy brush on the subject property.

In response to a question by Mr. Sprinkle, Ms. Sanchez stated there would be a brick wall along Old Dixie Highway.

During the discussion of the buffers, the Planning Commission decided to revisit the previous variance request.

Motion: Linda Laurendeau made a motion to Table the request to recommend approval of the Preliminary Development Plan for the property owned by TGINF, LLC, c/o Alan Goldberg and located at 501 Old Dixie Highway. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

Motion: John Sprinkle made a motion to reopen Item #8, Variance Request, Hidden Lake Reserve Subdivision, for the property owned by TGINF, LLC, c/o Alan Goldberg and located at 501 Old Dixie Highway. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

Motion: Chairperson Greene made a motion to reconsider the Motion to find a Hardship for Item #8, Variance Request, Hidden Lake Reserve Subdivision, for the property owned by TGINF, LLC, c/o Alan Goldberg and located at 501 Old Dixie Highway. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

Mr. Brackins, City Attorney, advised the Planning Commission that if they found a hardship, they needed to specify in the motion what the hardship was.

Motion: Chairperson Greene made a motion to determine the wetlands located on the eastern side of the subject property a hardship pursuant to Section 10.02.02.A, that states the need for a variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property owned by TGINF, LLC, c/o Alan Goldberg, and located at 501 Old Dixie Highway. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

Motion: John Sprinkle made a motion to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.07(H)(1)(a) to allow, north of the lake, a six-foot high brick wall and ten-foot buffer tract shall run from the northeast corner to a point nearest the lift station. From that point south, a brick wall shall extend southward to a point no closer than 25 feet from the wetland line; to waive the brick wall from the southern-most upland buffer line to the northern-most 25-foot upland buffer line; and south of the Lake to allow a six-foot high brick wall to extend from the southwest corner to the north-south apex, and a brick wall shall be constructed to a point within 25 feet of the wetland line for property owned by TGINF, LLC, c/o Alan Goldberg and located at 501 Old Dixie Highway.

In response to questions about requiring a wall along the western side of the property, Mr. Brackins advised the Planning Commission that they could only address the specifics in the variance request.

Motion: John Sprinkle revised his motion to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.07(H)(1)(a) to allow a six-foot high brick wall be constructed to a point within 25 feet of the wetland line for property owned by TGINF, LLC, c/o Alan Goldberg, and located at 501 Old Dixie Highway. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

Motion: Linda Laurendeau made a motion to remove from the Table the request to recommend approval of the Preliminary Development Plan for the property owned by TGINF, LLC, c/o Alan Goldberg, and located at 501 Old Dixie Highway. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

Petitioner: In response to concerns raised by Mr. Sprinkle and Mr. Simpson, Mr. Wanas stated the traffic study did not require turn lanes or pedestrian access.

Mr. Moon advised the Planning Commission that Old Dixie Highway was an Orange County maintained roadway.

Mr. Wanas stated that the entrance will allow a stacking distance for two vehicles.

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

Motion: John Sprinkle made a motion to find the Hidden Lake Reserve Subdivision Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code; to recommend approval of the Hidden Lake Reserve Subdivision Preliminary Development Plan subject to the Conditions of Approval; subject to a six-foot high brick wall to be placed within a 10-foot wide bufferyard adjacent to the single-family homes at the southeastern corner of the project; subject to the findings of the buffer/wall variance; and subject to the recommended additional condition for the construction of a six-foot high brick or masonry wall along the western property line for the safety and welfare of students attending the adjacent school, for the property owned by TGINF, LLC and located at 501 Old Dixie Highway. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN/PLAT – STATON RIDGE - Chairperson Greene stated this is a request to find the proposed Stanton Ridge Final Development Plan and Plat consistent with the Land Development Code and Comprehensive Plan, and recommend approval of Final Development Plan and Plat, subject to the findings of this staff report for the property owned by Central Florida Expressway Authority and located astride S.R. 429, west of the intersection of Belgian Street and 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 ex parte communications occurred.

Staff Presentation: Mr. Moon stated this is a request to find the proposed Stanton Ridge Final Development Plan and Plat consistent with the Land Development Code and Comprehensive Plan, and recommend approval of Final Development Plan and Plat, subject to the findings of this staff report for the property owned by Central Florida Expressway Authority and located astride S.R. 429, west of the intersection of Belgian Street and Plymouth Sorrento Road. The applicant is the Central Florida Expressway Authority. The existing use is a vacant single-family residential subdivision. The proposed development is a replat of the existing subdivision to accommodate 33 single family lots impacted by S.R. 429 right-of-way. The lot sizes are 95' x 130'. The land use is Residential Low Suburban (0-3.5 du/ac) and the zoning is R-1AA. The project size is 20.59 +/- acres.

Stanton Ridge was platted as a 65 lot subdivision in 2007 with access to Plymouth Sorrento Road from Belgian Street. Before homes were constructed in the platted Stanton Ridge subdivision, the Central Florida Expressway Authority (then the Orlando-Orange County Expressway Authority) acquired the subdivision to use the eastern portion for S.R. 429 right-of-way. By minor redesign of the subdivision, thirty-three of the original lots can be saved, all on the west side of S.R. 429. Access to the subdivision will continue from Belgian Street, which now has a bridge extending over S.R. 429. Belgian Street is a public road owned and maintained by the City. The bridge will be maintained by the Central Florida Expressway Authority.

Lots range from the smallest at 12,350 sq. ft. to the largest at 23,862 sq. ft. Majority of lots exceed 12,500 sq. ft.

A development agreement will accompany the new final development plan and plat when they appear before City Council at a public hearing. Development agreement is to address the following:

1. Delay landscaping and tree planting along the streets and common areas until a homebuilder acquires the project from the Central Florida Expressway Authority.
2. Delay completion of the park and recreation facilities until a homebuilder acquires the project.
3. Belgian Street landscape maintenance by the Stanton Ridge HOA.
4. Maintenance of the bridge.
5. Assurances to the future homebuilder that entitlements are in place, allowing home construction to proceed.

Development Profile:

No. of residential lots:	33	single family residential lots
Minimum lot width:	95	feet
Minimum lot depth:	130	Feet
Minimum lot size:	12,350	square feet
Minimum house livable area:	1,700	square feet

Setbacks:

Front:	Min. 25 feet
Rear:	Min. 20 feet
Side:	Min. 10 feet
Garage:	30 feet (front entry)

The proposed use of the property is consistent with the Residential Low Suburban Future Land Use Designation and the R-1AA zoning category.

A School Capacity Enhancement Agreement has been approved by OCPS. The location is served by the following schools: Wolf Lake Elementary, Wolf Lake Middle, and Apopka High School. As the plat was previously recorded, school capacity enhancement and concurrency have already been satisfied.

Notification occurred to Orange County occurred through the Development Review Committee agenda distribution, of which Orange County is on the notification list.

The Development Review Committee recommends approval of the Stanton Ridge Final Development Plan and Plat.

Staff recommended the Planning Commission find the Stanton Ridge Final Development Plan and Plat consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Stanton Ridge Final Development Plan and Plat, subject to City Council approval of a Development Agreement.

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: Scott Glass, Shutts & Bowen LLP, 300 South Orange Avenue, Suite 1600 Orlando, stated he did not have a presentation.

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

Motion: Roger Simpson made a motion to find the proposed Stanton Ridge Final Development Plan and Plat consistent with the Land Development Code and Comprehensive Plan, and recommend approval of Final Development Plan and Plat, subject to the findings of this staff report for the property owned by Central Florida Expressway Authority and located astride S.R. 429, west of the intersection of Belgian Street and Plymouth Sorrento Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – WEKIVA RIVERWALK SHOPPING CENTER - Chairperson Greene stated this is a request to find the proposed Wekiva Riverwalk Shopping Center Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Wekiva Riverwalk Shopping Center Final Development Plan, subject to the findings of this staff report for the property owned by Woolbright Wekiva, LLC and located at 2121 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. No ex parte communications occurred.

Staff Presentation: Mr. Howard stated this is a request to find the proposed Wekiva Riverwalk Shopping Center Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Wekiva Riverwalk Shopping Center Final Development Plan, subject to the findings of this staff report for the property owned by Woolbright Wekiva, LLC and located at 2121 East Semoran Boulevard. The engineer is Sun-Tech Engineering, Inc., Clifford R. Loutan, P.E. The land use is Commercial and the zoning is C-1. The existing use is a retail shopping plaza and the proposed use is a grocery store. The development size is 28,600 square feet.

The Wekiva Riverwalk Shopping Center Final Development Plan proposes a 28,600 square foot grocery store in the northeastern corner of the existing Wekiva Riverwalk shopping center building. Currently located in this tenant space is a restaurant and retail space. The Final Development Plan details an 8,500 square foot addition to the portion of the existing building where the grocery store is proposed. The addition will be constructed in an area that is currently used for parking and a drive aisle. The drive aisle leads into a driveway opening that currently allows access into the shopping center from Wekiwa Springs Road. The Final Development Plan proposes relocation of the driveway opening 90-feet to the south along Wekiwa Springs Road to accommodate the proposed building addition. Wekiwa Springs Road is an Orange County maintained road. Orange County has provided correspondence to the City indicating approval of the relocation of the driveway opening 90-feet to the south along Wekiwa Springs Road, and will issue a permit for the driveway relocation upon the City of Apopka's approval of the Final Development Plan.

The Final Development Plan provides a demolition plan which proposes the removal of 52 parking spaces to allow for the 8,500 square foot building addition. Upon removal of the existing parking spaces to allow for the building addition, a total of 1,237 parking spaces will be provided in the Wekiva Riverwalk shopping center. This is a sufficient amount of parking to accommodate the proposed grocery store and the existing uses located in the shopping center. The applicant has submitted a parking statement prepared by a professional engineer which concludes there will be a sufficient amount of parking provided in the shopping center with the removal of the parking spaces that will accommodate the building addition. Staff has accepted and is in agreement with this parking statement.

Access to the site will be provided via a relocated driveway opening located 90-feet to the south along Wekiwa Springs Road, and existing driveway openings located along Semoran Boulevard. Wekiwa Springs Road is an Orange County maintained road. Orange County has provided correspondence to the City indicating approval of the relocation of the driveway opening 90-feet to the south along Wekiwa Springs Road.

Staff found the proposed building elevations to be designed in accordance with the City's Development Design Guidelines.

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Stormwater run-off and drainage is accommodated by an existing on-site stormwater drainage system.

The applicant has provided a detailed landscape and irrigation plan for the portion of the parking lot in front of the proposed grocery store. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The Development Review Committee recommends the approval of the Wekiva Riverwalk Shopping Center Final Development Plan.

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.

Staff recommended the Planning Commission find the Wekiva Riverwalk Shopping Center Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Wekiva Riverwalk Shopping Center Final Development Plan, subject to the findings of this staff report for the property owned by Woolbright Wekiva, LLC and located at 2121 East Semoran Boulevard.

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: Julie Kendig, GreenbergTraurig, 450 South Orange Avenue, Orlando, stated she represented the owner as their legal counsel, they support the staff report, and she 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: Roger Simpson made a motion to find the proposed Wekiva Riverwalk Shopping Center Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Wekiva Riverwalk Shopping Center Final Development Plan, subject to the findings of this staff report for the property owned by Woolbright Wekiva, LLC and located at 2121 East Semoran Boulevard. Motion seconded by Patrice Phillips. Aye votes were cast by James Greene, Linda Laurendeau, Patrice Phillips, Roger Simpson, and John Sprinkle (5-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 9:19 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt, FRA-RA
Community Development Director