

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 10, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

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

**ABSENT:** John Sprinkle, Orange County Public Schools (Non-voting)

**STAFF PRESENT:** James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackins – City Attorney, Pamela Richmond – Senior Planner, Phil Martinez – Planner I, Jean Sanchez – Planner I, Fire Chief Carnesale, and Jeanne Green – Recording Secretary.

**OTHERS PRESENT:** Ellon Munos, Lisa Hodge, Virginia Hodge, Rodney D. Sapp, Carmen Stern, Nancy Pridemore, Larry Poliner, Gary Singer, Michael Stenzel, Kathy Hattaway, Sandra Martinez, Denise Prescott, Jesus Arredondo, Asma Boukadoun, Sue Stenzel, Todd Spangler, Lori Spangler, Lisa Ramlal, Miranda Fitzgerald, Richard A. Newburn, Ed Velazquez, Matthew Hill, Lee Barnes, Richard C. Wohlfarth, Aydee Saravia, Jose Luccioni, Stephen Allen, Wilner Noisette, Ashish Kapadia, Jun H. Kim, Sofia Sierra-Gil, William Henry, Teresa Sargeant – Apopka Chief, Les Hebert, Frank Bombeeck, John Mock, Suzanne Kidd, Sonia Rodriguez, Tom Sullivan

**OPENING AND INVOCATION:** Chairman Greene called the meeting to order and asked for a moment of silent prayer. The Pledge of Allegiance followed.

**APPROVAL OF MINUTES:** Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of August 8, 2017, at 5:30 p.m.

**Motion:** **Tony Foster made a motion to approve the Planning Commission minutes from the regular meeting held on August 8, 2017, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0).**

**LEGISLATIVE – COMPREHENSIVE PLAN – FUTURE LAND USE ELEMENT – POLICY 20.10 AND TABLE 20.10** - Chairperson Greene stated this is a request to find the proposed Future Land Use Element Amendment consistent with the Comprehensive Plan; to recommend approval of the amendment to the City of Apopka Comprehensive Plan, Future Land Use Element, Policy 20.10 to reduce the minimum floor area ratio within the Village Center Core Character District from a minimum of 0.30 FAR to 0.015 FAR; and recommend transmittal to the Florida Department of Economic Opportunities for review.

David Moon, Planning Manager, introduced the two new Planners, Phil Martinez and Jean Sanchez. He also thanked Pamela Richmond for all of her assistance.

Mr. Moon stated the current minimum floor area ratio (FAR) for the Village Center, Core Area is .030 FAR. Planning staff recommends a reduction in the FAR standard from .030 to .015 FAR until 2,000 residential units are constructed within the area comprising the one-mile radius from the Kelly Park Road Interchange at the Wekiva Parkway.

For the village Center Core Area of the Future Land Use Element, a minimum and maximum floor area ratio are required to encourage commercial and office buildings and uses to concentrate within higher intensity clusters. In theory, the intent is to concentrate commercial buildings into typically smaller development site to promote a more walkable urban environment. To influence development to achieve the desired urban character, a minimum floor area ratio is required for the Village Center Core Area. The “Core” area includes the lands within close proximity to the Plymouth-Sorrento Road\Kelly Park Road intersection and the Golden Gem\Kelly Park Road Intersection, as illustrated in Exhibit “B”.

Presently, a concentration of residential homes within one mile radial distance from the Village Center Core Area does not create market characteristics capable to support a population density and patronage

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necessary for higher intensity retail commercial. In other words, there are not enough homes or offices (i.e., day-time and night-time population density) within reasonable walking distance from the “Core Areas”, at this time or anticipated within the next three years to justify a reduction in parking spaces and the area to accommodate them. Retail customers will have to be captured from a wider market area than a one-mile radial distance to support the financial feasibility of operating retail within the “Core Areas”. Once a sufficient number of homes and business and professional offices are constructed near the Core Areas, residents and employees will be able to walk or ride bikes to commercial retail, allowing parking spaces to be replaced by more retail buildings or parking garages.

The proposed amendment to Policy 20.10, Table 20.10, of the Future Land Use Element is to add:

**\*\* Upon the effective date of Ordinance 2605 the minimum floor-area-ratio shall be 0.15 for the Village Center. The Village Center minimum floor area ratio shall increase to .03 FAR after 2,000 new dwelling units are constructed after the effective date of Ordinance 2605 and within the one-mile radius area appearing in the Wekiva Parkway Interchange Area Vision Plan Map.**

The Development Review Committee recommends approval of the amendment to the City of Apopka, Comprehensive Plan, Future Land Use Element, Policy 20.10, Table 20.10, to revise the minimum floor area ratio from 0.03 to 0.15 for the Village Center, as recommended by Planning staff.

Staff recommends approval of the amendment to the City of Apopka, Comprehensive Plan, Future Land Use Element, Policy 20.10, Table 20.10, to revise the minimum floor area ratio from 0.03 to 0.15 for the Village Center, as recommended by Planning staff.

Mr. Molina expressed his concern regarding how this amendment would affect projects like the proposed Publix that may be constructed in this particular area.

Chairperson Greene explained that the amendment would make the new Publix development more viable.

Miranda Fitzgerald, an attorney with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 North Eola Drive, Orlando, Florida, expressed concerns regarding the temporary amendment stating that imposing a timeline is an artificial restriction. She said the market will dictate the intensity so that this restriction is not necessary and seems to be arbitrary. Additionally, the staff report references “Village Center Core” when the form-based code only references the Village Center. She expressed concern that this is an ambiguity that may cause confusion when the item is sent to the State for review. She stated that their preference is to reduce the FAR (Floor Area Ratio) but not the restriction that after 2,000 homes are built, the FAR increases to its original number.

Mr. Moon stated that prior to the item going before City Council staff will revise the staff report to change any reference from “Village Center Core” to “Village Center.” He went on to say that the reasoning for lowering the FAR at this time is that there needs to be between 8,000 and 10,000 people living in the area to support a grocery store use and currently there aren’t that many. Once the threshold of 2,000 homes is reached, the population will be able to support the original 0.3 FAR. Additionally, we are in the process of preparing an Evaluation and Appraisal Report (EAR) based amendment which will include future trends and whether the current codes are sufficient for future development.

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

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

**Motion:** Linda Laurendeau made a motion to recommend approval of the amendment to the City of Apopka, Comprehensive Plan, Future Land Use Element, Policy 20.10, Table 20.10, to revise the minimum floor area ratio from 0.03 to 0.15 for the Village Center, as recommended by Planning staff. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda

**Laurendeau, and Roger Simpson; Jose Molina voted nay. (5-1) (Vote taken by poll.)**  
**LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – J. D. AND KATHLEEN L. HORNE** - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (7.5 – 25 du/ac and/or Max. 1.0 FAR) for the property owned by J.D. and Kathleen L. Horne Trust and located on the southeast corner of Plymouth-Sorrento Road and West Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to from “County” Rural to “City” Mixed Use Interchange (7.5 – 25 du/ac and/or Max. 1.0 FAR) for the property owned by J.D. and Kathleen L. Horne Trust and located on the southwest corner of Plymouth-Sorrento Road and West Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review. The existing use is a single-family residence and the proposed use is commercial. The current zoning is “County” A-1 (ZIP) and the proposed zoning is “City” Mixed Interchange with a Village Center Overlay District. The tract size is 18.13 +/- acres.

Presently, the subject property does not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Mixed Use Interchange. Presently, the applicant proposes a commercial retail center that includes a grocery store.

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 property is adjacent to the future Wekiva Parkway and the Wekiva Parkway/Kelly Park Road interchange, and is located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 through 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.

The proposed use of the property is compatible with the character of the surrounding area, is adjacent to 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. 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.

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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 property is 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 Village Center Overlay District. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

If residential development is proposed through a zoning or development application, 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 August 15, 2017. 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 the City of Apopka Comprehensive Plan, Future Land Use Element to Mixed Use Interchange for the property owned by J. D. and Kathleen L Horne Trust, subject to the information and findings in the staff report.

Staff recommends the Planning Commission find the Commercial Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from “County” Rural to “City” Mixed Use Interchange for the properties owned by J. D. and Kathleen L Horne Trust subject to the information and findings in the staff report.

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

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

**Motion:** **Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment to Mixed Use Interchange (7.5 – 25 du/ac and/or Max. 1.0 FAR) for the property owned by J. D. and Kathleen L. Horne Trust and located on the southeast corner of Plymouth-Sorrento Road and West Kelly Park Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)**

**LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – SABBATH GRACE FELLOWSHIP, INC.** - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use (0 – 15 du/ac) for the property owned by Sabbath Grace Fellowship, Inc. and located at 890 Johns Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to “City” Mixed Use (0 – 15 du/ac) for the property owned by Sabbath Grace Fellowship, Inc. and located at 890 Johns Road; and recommend transmittal to the Florida

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Department of Economic Opportunities for review. The existing use is vacant land and the proposed use are up to 597 dwelling units. The current zoning is I-1 (Industrial) and the proposed zoning is Planned Unit Development (PUD). The tract size is 39.85 +/- acres.

The applicant proposes to combine the Sabbath Grace Fellowship Parcel with two other parcels, one owned by the City of Apopka and the other by James and Deborah Lyda. The proposed development boundary map is provided in the exhibits. Maximum proposed number of single family homes distributed over the three properties is 298 dwelling units.

The proposed Large Scale Future Land Use Amendment is being requested by the r/applicant, who has a contract with all three property owners to purchase the properties if entitlements are obtained (Future Land Use and Zoning). Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies. A request to assign a Future Land Use Designation of Mixed Use is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 39.85 acres.

The existing and proposed use of the property is consistent with the Mixed Use designation and the proposed Planned Unit Development zoning if single family development occurs as proposed by the applicant.

As residential units for the entire project will not exceed the number of residential units that could yield from the City of Apopka and the Lyda properties, no net increase in residential units will be achieved over the combined three parcels. Therefore, school capacity enhancement determination is not necessary. However, school concurrency will be required at the time of the final development plan (i.e., construction plans and plat)

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 August 15, 2017.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from Industrial and Mixed Use for the property owned by Sabbath Faith Fellowship Inc.

Staff recommends that the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from Industrial to Mixed Use to the Florida Department of Economic Opportunity.

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.

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

**Motion:** Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment to “City” Mixed Use (0 – 15 du/ac) for the property owned by Sabbath Grace Fellowship, Inc. and located at 890 Johns Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

**LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – WON CHUL LEE ET. AL.** - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (0-5 du/ac) for the properties

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owned by Won Chul Lee, Bong Jin Choe, Soon Chong, And Sea Myog, located on the north side of West Kelly Park Road, west of Jason Dwelley Parkway; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (0-5 du/ac) for the properties owned by Won Chul Lee, Bong Jin Choe, Soon Chong, And Sea Myog, located on the north side of West Kelly Park Road, west of Jason Dwelley Parkway; and recommend transmittal to the Florida Department of Economic Opportunities for review. The existing use is a horticultural nursery and the proposed use is a single-family development with up to 78 units. The current zoning “County” A-1 (ZIP) and the proposed zoning is Mixed Use Interchange with a Neighborhood Residential Overlay District. The tract size is 39.48 +/- acres.

Presently, the subject property does not have a “City” future land use designation or “City” zoning classification assigned. The applicant requests a future land use designation of “City” Mixed Use Interchange. Presently, the applicant proposes a residential subdivision consistent with the Neighborhood Overlay Zoning District, as defined in the Kelly Park Crossing Form-Based Code.

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 property straddles the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore eligible to be within the Kelly Park Crossing Form Based Code Area. The two parcels 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*

5. **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.

6. **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.
7. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as



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mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.

8. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

The property is 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.

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 August 15, 2017. 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 Chul Lee et.al, subject to the information and findings in the staff report.

Staff recommended the Planning Commission find the Commercial Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation to Mixed Use Interchange for the properties owned by Chul Lee et. Al. subject to the information and findings in the staff report.

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

Chairperson Greene opened the meeting for public hearing.

Larry Poliner, RCE Consultants, LLC, 617 Avern Drive, Altamonte Springs, expressed his concerns regarding the changes to the densities in this area that is adjacent to the Rainbow Ridge Rural Settlement. He said he was a part of the group that worked to create the Rainbow Ridge Rural Settlement which was implemented to reduce, not increase density. He asked that the Planning Commission table this item until City and County staff could meet to discuss the proposed changes and how it will affect the Rainbow Ridge Rural Settlement area.

In response to questions by Chairperson Greene, Mr. Moon stated that the City and Orange County entered into a Joint Planning Agreement some time ago and as it required by that agreement, the County was notified of the proposed amendments. As a part of that agreement, a property owner has the option to pull all of their property into the Mixed Use category.

Mr. Poliner further expressed his concern regarding how the increased density in the area will affect the Wekiva Recharge Protection Basin.

Mr. Foster advised Mr. Poliner that the item would be presented at City Council where Mr. Poliner may express any concerns his may have.

William Henry, 35 W. Laurel Street, Apopka, expressed his concerns and stated that the Wekiva Parkway Protection Act required that any development at the intersection of Kelly Park Road and Plymouth Sorrento Road was to transition to lower densities. He asked the Commission to table the item until a meeting could be held with Orange County.

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Mr. Moon stated that the City adopted the Wekiva Parkway Interchange Form Based code and it is consistent with issues such as open space and lot sizes. Once the State has reviewed the proposed amendment and any issues they have addressed the ordinance will be presented to City Council for adoption. Once the land use has been assigned the next step would be the change of zoning which will require a master Plan. The zoning will be Mixed Use Interchange and may include some type of overlay district. Issues such as open space and lot sizes will be addressed during the rezoning process.

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

**Motion:** Tony Foster made a motion to find the proposed Future Land Use Designation consistent with the Comprehensive Plan and compatible with the character of the surround area; to recommend approval of the Large Scale Future Land Use Amendment to Mixed Use Interchange (0-5 du/ac) for the properties owned by Won Chul Lee, Bong Jin Choe, Soon Chong, And Sea Myog, located on the north side of West Kelly Park Road, west of Jason Dwelley Parkway. The motion was seconded by Linda Laurendeau.

Mr. Simpson expressed his concern regarding the issues that Mr. Poliner and Mr. Henry brought up; however, given the growth in the area it is unlikely that the densities they propose are sustainable.

Chairperson Greene agreed stating that there has been a lot of growth in the last few years.

In response to a question by Mr. Simpson, Chairperson Greene confirmed that Orange County Public Schools has proposed an elementary school on Jason Dwelley Parkway.

Chairperson Greene added that the Planning Commission makes a recommendation to the City Council and it will be at the time that this item is before City Council that the gentlemen will have an opportunity to voice their concerns.

Mr. Foster stated that he looks at this as having been vetted by staff ensuring that Orange County was notified.

Mr. Moon asked the Commission to amend the motion to recommend transmittal of the amendment to the Florida Department of Economic Opportunity for review.

**Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Roger Simpson; Jose Molina voted no (5-1). (Vote taken by poll.)**

**Ms. Laurendeau made a motion to amend the motion to include recommending transmittal of the amendment to the Florida Department of Economic Opportunity for review. The motion was seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)**

Attorney Bracken swore-in staff, the petitioners, and any affected parties for the following quasi-judicial item.

**QUASI-JUDICIAL – PUD MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – AVIAN POINTE** - Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the amendment to the development standards for the Avian Pointe Planned Unit Development Zoning and Master Plan to allow a maximum building height of 50-feet and a maximum of four-stories for multi-family buildings located within Phase B-2 of Avian Pointe, owned by Apopka Clear Lake Investments, LLC & Lust Grant\WD Long Family Farms and located east of S.R. 429, south of Peterson Road, and north of Lust Road.

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the amendment to the development standards for the Avian Pointe Planned Unit Development Zoning and Master Plan to allow a maximum building height of 50-feet and a maximum of four-stories for multi-family buildings located within Phase B-2 of Avian Pointe. The owners are Apopka Clear Lake Investments, LLC & Lust Grant\WD Long Family Farms. The applicant is Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg. The engineering/planning firm is Tannath Design, Inc., c/o Holly Swanson. The property is located east of S.R. 429, south of Peterson Road, and north of Lust Road. The current future land designations are Residential Medium Density (90.7 ac) and Residential Low Density (30.3 ac). The current zoning is “City” Planned Unit Development (PUD) and “County” A-2 (ZIP); and the proposed zoning is “City” Planned Unit Development (PUD/R-3). The current use is vacant land and the proposed uses are: 58 Single Family Homes; 216 townhomes; 484 apartments; a community park; and a 6.09 +/- acres of flex use area to may be used for a 100 bed boutique hotel, a school, or an ALF. The tract size is 125.27 +/- acres total project (Parcel B-2 – 39.83 acres)

A summary of the proposed amendment is as follows:

**BUILDING DESIGN/ARCHITECTURE**

1. Townhomes: entrance to each unit must access a public sidewalk. Refer to landscape plans for proposed sidewalk locations.
2. Townhomes abutting a street shall have their main entry from that street. This applies to perimeter units on Parcels B-1 and B-3. Internal block units shall have their primary entrance off of the common greenspace with rear access from internal streets or alleys. Refer to enlarged landscape plans for graphic information.
3. Refer to parking notes above for single family home front entry garage requirements.
4. Standards for apartment mix are listed in tabular format on sheet za.02.
5. A minimum of one of the two required parking spaces occur within an enclosed garage space.
6. Single family residences shall have a minimum of two (2) enclosed garage spaces.
7. Maximum building height for multiple-family residential buildings constructed in the area defined as “Parcel B-2” is fifty (50) feet. Within Parcel “B-2” the maximum number of stories in a multi-family residential building is four (4).

Development Profile:

Total Residential Units	758 units		Min. Livable Area	
Single Family (70' width; 8,400 sq.ft. min.)	58 units	7.65%	1,700 sq. ft.	
Townhomes	216 units	28.50%	1,350 sq. ft.	
Apartments	484 units	63.85%	1-bedroom:	750 sq. ft.
			2-bedroom:	900 sq. ft.
			3-bedroom:	1,050 sq. ft.

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Flex Use			
Public\private school; ALF\Senior housing; 100-bed boutique hotel	6.09 ac		
Community Park	10.36 ac		
Open Space	30%		
Park & Recreation	Each residential phase has its own park and recreation facility plan.		
Building Height			
Apartments	<del>3 stories; 45 ft.;</del> <b>4 stories; 50 ft.</b>		
Townhomes	3 stories; 45 ft.		

The proposed amendment does not increase the number of residential units.

The Development Review Committee recommends to amend the development standards for the Avian Pointe Planned Unit Development zoning and master plan to allow a maximum building height of fifty feet and a maximum of four stories for phase b-2.

Staff recommended the Planning Commission recommend the amendment to the development standards for the Avian Pointe Planned Unit Development zoning and master plan to allow a maximum building height of fifty feet and a maximum of four stories for Phase B-2.

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

In response to questions by Ms. Laurendeau, Mr. Moon stated that part of the property will be at a lower elevation than S.R. 451 with a natural landscape buffer in between. The highway height is great at the south end and gets greater at the north end. Between the highway and Avian Point there is a 100' CSX railroad spur and will like serve as a natural landscape buffer. The PUD was approved with a maximum height of 45' which will help to accommodate the four floors. He said that typically when a building goes from three to four stories, elevators are required.

Petitioner Presentation: Tom Sullivan, Gray Robinson Law Firm, 301 East Pine Street, Suite 1400, Orlando, stated he was representing the owners of the property Apopka Clear Lake Investments. He stated that the proposed plans have a townhomes phase, an apartment phase, and the flex space. He said the reason the application was filed was because of the interest Orange County Public Schools has for a K-8 school on the south side. The School Board has minimum size requirements and right now it is 25 acres. Right now those phases, B-4, B-5 & B-6, have a total of 19 acres and we need to add another 6 acres. So in order to obtain that 6 acres we decreased the acreage for the townhome phase and increased the height so that there will be no change to the density. He introduced Frank Bombeeck, one of the owners, who would like to add something to the discussion. He said the concern with the recommended motion regarding the phase line. In order to keep the momentum going for this project with the School Board we would like to clarify that Phases B-4, B-5, and B-6 will total 25 acres. We have to show them that as a part of this process. He does not believe that it clear in the staff report. It is the phase lines that are important to highlight.

Frank Bombeeck, 1810 West Kennedy Boulevard, Suite 232, Tampa, Florida, stated he is the owner of the property. He has been dealing with Orange County for quite some time and we have made good head way. They have come to an agreement with the school board. He asked that they be allowed to change the acreage for Phases B-4, B-5, and B-6 to 25 acres. He has a contract with a nationally recognized home builder for Phases B-1 and B-3; but has held off because the parcel lines for B-3 are affected by the

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need to reduce the acreage of that phase. He said that is the reason they are requesting the additional height and stories so that they will be able to keep the density.

Mr. Moon stated that what was advertised to be presented was the building heights and the additional stories.

In response to a question by Mr. Molina, Mr. Moon stated that the building height and additional stories are normally addressed during the site plan review.

Affected Party Presentation: None

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

**Motion:** **Roger Simpson made a motion to recommend approval of the amendment to the development standards for the Avian Pointe Planned Unit Development Zoning and Master Plan to allow a maximum building height of 50-feet and a maximum of four-stories for multi-family buildings located within Phase B-2 of Avian Pointe, owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road. Motion seconded by Linda Laurendeau . Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)**

**LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – CURTIS & KAREN PUMPHREY AND A. D. RAULERSON, SR. & A. D. RAULDERSON, JR.** - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Medium Density (7.5 du/ac) for the properties owned by Curtis and Karen Pumphrey, located at 251 Lester Road; and A. D. Raulerson Sr. and A. D. Raulerson, Jr., located at 213 West Lester Road and 2122 Rock Springs Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Medium Density (7.5 du/ac); and recommend transmittal to the Florida Department of Economic Opportunities for review. The owners are A. D. Raulerson, Sr. & A. D. Raulerson, Jr.; and Curtis & Karen Pumphrey. The applicant is Apopka Development II, LLC, c/o Richard C. Wohlfarth, P.E. The property is located north of Lester Road and west of Rock Springs Road. The existing use on the Pumphrey parcel is warehousing; and on the Raulerson parcels warehousing and vacant land. The potential use is a residential development with either townhomes; 40’wide single-family lots; or a mixed use of both. The current zoning is “County” A-1 and the proposed zoning is “City” Planned Unit Development. The combined tract size is 23.2 +/- acres

The applicant intends to use the subject properties for a residential community with single family homes on 40 foot wide lots, townhomes, or both. While the County zoning assigned to the property is A-1 (minimum half acre lots), the County Future Land Use Designation assigned to its in Low Density Residential, allowing up to four units per acre. A narrow strip of land within the Pumphrey parcel isolates a parcel that is not within the proposed project boundary. A solution will be addressed at the zoning application.

The subject properties were annexed into the City under Ordinance 2594 and 2595 on October 4, 2017. The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

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A request to assign a Future Land Use Designation of Medium Low Density is compatible with the character of the existing land use to the south, and anticipated commercial development to the east

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

The existing and proposed use of the property is consistent with the Residential Medium Low Future Land Use Designation and anticipated future development of vacant properties within the nearby areas.

School capacity determination must be completed with Orange County Public Schools prior to the adoption hearing for this Future Land Use Amendment application.

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 September 22, 2017.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from "County" Low Density Residential to Residential Medium Low Density for the properties owned by A.D. Raulerson and A.D. Raulerson, Jr, Curtis and Karen Pumphrey.

Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from "County" Low Density Residential to "City" Residential Medium Low Density to the Florida Department of Economic Opportunity.

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.

Chairperson Greene opened the meeting for public hearing.

Richard C. Wohlfarth, P.E., Apopka Development II, LLC, 1642 Bridgewater Drive, Lake Mary, Florida, stated that he was representing the applicants and was available to answer any questions.

Michael Stenzel, 2308 Pond Cove Way, Apopka, expressed his opposition to the number of units and the possibility of a decrease in the adjacent property values.

John Mock, 124 Alexandria Place Drive, Apopka, expressed his opposition to the number of units and the possibility of a decrease in the adjacent property values.

In response to a question by Chairperson Greene, Mr. Moon stated that only the land use is before the Commission at this time. The applicant has submitted a couple of concept plans. One is for single family homes on 40' wide lots and the other is for townhomes. The market will dictate what they develop.

Mr. Wohlfarth stated the concept plan for the single-family homes on 40' wide lots, with two-story units, a 30' buffer that is wider than is required, and a concrete wall with landscaping along the north. The homes would be a minimum of 1,700 sq. ft. and will cost in the mid-200s or 300s. It will be a gated community that is maintenance free.

Ms. Laurendeau expressed her opposition to the density being proposed. She stated the homes in Alexandria Place are huge homes on small lots; however, the homes on Lester and Vick Roads, the homes and the lots are large. The Avian Reconditioning Center is on Lester and the equestrian center in on Lester.

Mr. Moon stated that the property owner of the equestrian center is requesting a change in zoning to R-1

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for single family residential subdivision with 8,000 sq. ft. lots.

In response to a question by Mr. Foster, Mr. Moon stated that this was advertised in the Apopka Chief. The applicant sent out notices of the public hearings to those persons owning property within 300 feet of the property and provide to staff proof of the certified mail that was sent; and the applicant is required to post the property.

Mr. Moon stated that the request being presented is only for the land use amendment. At the time a development plan is submitted the Planning Commission will have an opportunity to review the plan.

In response to a question by Mr. Simpson, Mr. Moon stated that the project this size, at the time of development review, will be required to provide a traffic study that will identify any traffic impacts.

Mr. Foster commended staff for their work on this project.

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

**Motion:** Roger Simpson made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Medium Density (7.5 du/ac) for the properties owned by Curtis and Karen Pumphrey, located at 251 Lester Road; and A. D. Raulerson Sr. and A. D. Raulerson, Jr., located at 213 West Lester Road and 2122 Rock Springs Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jose Molina, and Roger Simpson; Linda Laurendeau voted nay (5-1). (Vote taken by poll.)

**LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – TGINF, LLC** - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from Commercial to Residential Medium-Low Density (0-3.5 du/ac) for the property owned by TGINF, LLC, located at 501 Old Dixie Highway; and to recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from Commercial to Residential Medium-Low Density (0-3.5 du/ac); and recommend transmittal to the Florida Department of Economic Opportunities for review. The owner is TGINF LLC and the applicant is Old Dixie 15 LLC, c/o Allan Goldberg. The property is located at 501 Old Dixie Highway. The existing use is vacant land and the potential development are a maximum of 102 townhomes. The current zoning is C-1 (Commercial) and the proposed zoning is R-3 (Residential). The overall tract size is 15.8 +/- acres with 13.7 +/- acres being developable.

The applicant intends to use the subject properties for a residential community with townhomes. Presently the subject property is assigned a Commercial future land use designation and a C-1 commercial zoning.

The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Medium Low Density is as compatible or more compatible with the character of the existing land use to the west, north, and east. A public elementary school (Apopka Elementary) is situated to the west, and single family residential to the east and north. Commercial retail occurs to the south across Old Dixie Highway.

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In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

The existing and proposed use of the property is consistent with the Residential Medium Low Future Land Use Designation.

School capacity determination must be completed with Orange County Public Schools prior to the adoption hearing for this Future Land Use Amendment application.

The JPA requires the City to notify before any public hearing or advisory board. The City properly notified Orange County on September 25, 2017.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from Commercial to Residential Medium Low Density for the property owned by TGNIF LLC

Staff recommended that the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend transmittal of the Future Land Use Map designation from Commercial to Residential Medium Low Density to the Florida Department of Economic Opportunity.

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.

In response to questions by Ms. Laurendeau, Mr. Moon stated that at the time of development a traffic study, a habitat study, and a soil study will be requirements for the development review process. He stated that access would be off of Old Dixie Highway. The intersection at Old Dixie Highway and Bradshaw Road will likely be a part of the traffic study.

Chairperson Greene opened the meeting for public hearing.

Gary Singer, 205 Spring Lake Hills Drive, #D, Altamonte Springs, stated he was representing the developer and was available to answer any questions.

Ellon Munos, 302 N. Maine Avenue, Apopka, has a home adjacent to the subject property. She said she is 91 years old and loves her home.

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

**Motion:** **Tony Foster made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; to recommend approval of the Large Scale Future Land use amendment from Commercial to Residential Medium-Low Density (0-3.5 du/ac) for the property owned by TGINF, LLC, located at 501 Old Dixie Highway; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)**

Attorney Bracken swore-in staff, the petitioners, and affected parties for the following quasi-judicial item.

**QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – JOHN’S CORNER GROCERY STORE -** Chairperson Greene stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the John’s Corner



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Grocery Store Final Development Plan. The owners are Jun H. Kim and Yun D. Kim and the property is located at 41 E Michael Gladden 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 one spoke.

Staff Presentation: Pamela Richmond, AICP, Senior Planner stated this is a request to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code and to recommend approval of the John's Corner Grocery Store Final Development Plan. The owners are Jun H. Kim and Yun D. Kim. The engineering firm is Civil Corp Engineering, Inc., c/o Stephen Allen, P.E. The property is located at 41 E Michael Gladden Boulevard. The land use is Commercial and the zoning is C-1. The existing use is vacant land and the proposed use is a neighborhood grocery store. The proposed building size is 2,400 sq. ft. and the building height is 22 ft. The FAR is 0.13. The tract size is 0.43 +/- acres.

Ms. Richmond stated that Mr. Kim had initially intended the grocery store for another location; however, that property was taken by eminent domain.

Mr. Bracken advised the Commission to disregard this information as it was not relevant to the request before the Commission at this time.

This request is for the Final Development Plan\Site Plan for John's Corner Grocery Store located on the north side of Michael Gladden Boulevard, west of S. Park Avenue. The plan calls for a 2,400 square feet gross floor area grocery store. Per City Code, the site will have ten parking spaces plus one handicap parking space. A six-foot masonry wall will be placed at the rear of the site and along the eastern boundary as a buffer between this commercial use and surrounding residential uses.

The Development Review Committee finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of John's Corner Grocery Store Final Development Plan, subject to the findings of this staff report.

Staff recommended the Planning Commission find the Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of John's Corner Grocery Store Final Development Plan.

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: Stephen Allen, P.E., Civil Corp Engineering, Inc., 630 N. Wymore Road, Suite 310, Maitland, stated he represents the owners and was available to answer any questions.

Affected Party Presentation: None.

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

**Motion:** **Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for John's Corner Grocery Store owned by Jun H. and Yun D. Kim and located at 41 E. Michael Gladden Boulevard Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0) (Vote taken by poll.)**

**OLD BUSINESS:** None.

**NEW BUSINESS:**

Resignation: Chairperson Greene announced that just prior to the start of the meeting he received a letter from Mr. Birdsong resigning from the Planning Commission. He read the letter into the record:

“City of Apopka: To the members of the City of Apopka Planning Commission and the Honorable Joe Kilsheimer, I am submitting my letter of resignation. I, Melvin L. Birdsong, would like to inform you that as of this day, October 10, 2017, will be my last time for serving on the Planning Commission for the City of Apopka. I must say I have been truly blessed to serve this great city for many years as a part of the Planning Commission. It has also been an honor and privilege to have served and to grow the administrations of former Mayor John Land and present Mayor Joe Kilsheimer. Thank you for this opportunity. However, the path I am taking leads me in a different direction at this time. Who knows, one day I may be back to serve again with the City of Apopka in another capacity. With best regards, Melvin L. Birdsong.”

Mr. Birdsong briefly spoke about his appreciation for having the opportunity to serve his community and being able to see the growth of the City over the years.

The Commission members expressed their appreciation for Mr. Birdsong’s service to the City.

Introduction: Mr. Foster introduced Denise Prescott, a former co-worker, to the Commission.

**ADJOURNMENT:** The meeting was adjourned at 7:43 p.m.

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

/s/  
\_\_\_\_\_  
James K. Hitt  
Community Development Director