

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 11, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Tony Foster, Orange County Public Schools (Non-voting)

OTHERS PRESENT: James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand, Esq., Rogers Beckett – Special Project Coordinator, Kyle Wilkes, AICP – Planner II, Robert Sargent – Public Information Officer, Robert Hafer, Dr. Tony W. Shaw, Dr. Harbinder Ghulldu, Philip R. Forde, Trevor Walfall, Christian Swann, Jeff Banker, Will Anderson, Jeremy Anderson, Nathan Wolfe, Reggie Connell, Marc Stehli, Matt Wiesenfeld, Ed Velazquez, Suzanne Kidd, Hans Pistor, Vicky Denning, Theresa Sargent, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of September 13, 2016, at 5:30 p.m. minutes.

Motion: **Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on September 13, 2016, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0).**

SWEARING-IN - Ms. Green swore-in staff, the petitioners, and affected parties.

Mr. Hand arrived at 5:37 p.m.

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Office (Max. 0.30 FAR) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Office (Max. 0.30 FAR) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. The existing use is a vacant boarding house and a single family residence. The proposed use is a mental health and rehabilitation clinic, including in-patient residential treatment. The current zoning designation is “County” R-3 (ZIP) and is being amended at the same time as the future land use amendment. The proposed zoning designation is “City” Planned Unit Development (PUD-PO/I-Residential). The existing maximum allowable development is a 29 bed boarding house and a single family home. The proposed maximum allowable development is a 1,933 sq. ft. medical office facility and a 6,896 sq. ft. in-patient rehabilitation and residential facility for up to 40 patients. The tract size is 5.6 +/- acres.

Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Office (max FAR of 0.3) to the property.

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The subject properties were annexed into the City of Apopka on February 17, 2016, through the adoption of Ordinance No. 2387. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.52 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Zoning 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 Office (max FAR 0.3) Future Land Use designation and the City's proposed PUD/PO/I/Residential Zoning so long as existing building floor area is not expanded above on the existing land area comprising the subject site.

Because this Change of Zoning represents a change to a non-residential underlying zoning classification and any residential is ancillary to medical treatment, notification of Orange County Public Schools is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 8, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from "County" Low Density Residential (0-4 du/ac) to "City" Office (max FAR 0.3) for the property owned by Apopka Holdings LLC and located at 1120 Clarcona Road & 1124 S Park Avenue.

The Planning Commission is asked to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend to amend the Future Land Use Map designation from "County" Low Density Residential to "City" Planning Unit Development allowing limited Professional Office\Intuitional uses and Residential.

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.

The applicant intends to redevelop the property for use as a mental health and substance abuse treatment facility, including inpatient residential care. The proposed future land use of Office and use for the property is compatible with the general character of the surrounding neighborhood. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Commercial and industrial uses occur in the general vicinity to the north and south along Park Avenue\Clarcona Avenue.

Abutting the subject property to the north and along Park Avenue are: a private park owned by the St. Paul AME Church, the St. Paul Church, and then parcels zoned C-1 commercial and I-1 industrial. Industrial-zoned property is located 250 feet to the north along Park Avenue, on the east side of Park Avenue. This industrial-zoned property is currently vacant along Park Avenue. Parcels abutting to the north are used for a church – the St. Paul African Methodist Episcopal Church. The commercial-zoned properties are occupied by vacant single family homes, Bethel Baptist Church, or occupied single family residential.

The Lighthouse Tabernacle church abuts part of the western (rear) property line, and single family

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residential abuts the northern half of the subject site's western property lines. Northwest of the site is New Hope Baptist Church.

On the south there are single family homes abut the subject property directly to the south. While the areas to the south are predominantly single family residential, commercial-zoned nodes do occur approximately 600 feet away.

On the east Apopka Holdings LLC, the applicant, recently purchased the two parcel directly to the northeast, on the other side of Clarcona Avenue\Park Avenue. Single family homes are located on the parcels to the southeast.

The proposed future land use designation of "City" Office serves as a transitional land use between the residential uses to the east, south and west, and to the institutional, commercial and industrial zoning and uses to the north and northeast of the subject properties.

Other Information:

Wekiva River Protection Area: No

Area of Critical State Concern: No

DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within "Core Area" of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The property fronts Clarcona Rd\Park Avenue. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Office (max FAR 0.3). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (County designation): 2 Unit(s) x 2.659 p/h = 5 persons

PROPOSED (City designation): N/A

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 392 GPD
3. Projected total demand under proposed designation: 1921 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka; 177 GPD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 908 GPD
3. Projected total demand under proposed designation: 2561 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita

7. Improved/expansions already programmed or needed as a result of the proposed amendment: None

8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka

2. If the site is not currently served, please indicate the designated service provider: City of Apopka

3. Projected LOS under existing designation: 20 lbs./person/day

4. Projected LOS under proposed designation: 25 lbs./day/1000 sf

5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21.981 GPD

Total design capacity of the water treatment plant(s): 33.696 GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: No

Drainage Analysis

1. Facilities serving the site: None

2. Projected LOS under existing designation: 100 year - 25 hour design storm

3. Projected LOS under proposed designation: 100 year - 25 hour design storm

4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita

2. Projected facility under existing designation: 0.015 AC

3. Projected facility under proposed designation: N/A AC

4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

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

Motion: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Small Scale Future Land Use Amendment from “County” Low Density Residential (0-4 du/ac) to “City” Planned Unit Development (PUD-PO/I-Residential) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Roger Simpson. Jose Molina voted nay. (5-1). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – EQUITY WATERS EDGE, LLC - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” R-3 (Residential) to “City” Planned Unit Development (PUD-PO/I-Residential) for property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue.

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

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

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Change of Zoning from “County” R-3 (Residential) to “City” Planned Unit Development (PUD-PO/I-Residential) for the property owned by Apopka Holding, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. The existing use is a vacant boarding house and a single family residence. The proposed use is a mental health and rehabilitation clinic, including in-patient residential treatment. The current zoning designation is “County” R-3 (ZIP) and is being amended at the same time as the future land use amendment. The proposed zoning designation is “City” Planned Unit Development (PUD-PO/I-Residential). The existing maximum allowable development is a 29 bed boarding house and a single family home. The proposed maximum allowable development is a 1,933 sq. ft. medical office facility and a 6,896 sq. ft. in-patient rehabilitation and residential facility for up to 40 patients. The tract size is 5.6 +/- acres.

The subject properties are currently in the process of being annexed into the City of Apopka. If approved by City Council, the annexations will occur on February 17, 2016, through the adoption of Ordinance No. 2387. The proposed change of zoning is being requested by the owner.

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

The applicant proposes to redevelop the property for use as a mental health and substance abuse rehabilitation center with inpatient care. An existing 1,933 sq. ft. single-family house will be converted to office and rehabilitation services, and the existing rooming house (29 bed capacity; 6,896 sq. ft.) will be converted to a residential facility for up to 40 resident patients. In addition, a community bathroom

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facilities, kitchen, and dining facilities will be provided inside an enclosed building. With a maximum floor area ratio standard of 0.30, a maximum of 6,795 sq. ft. of building floor area is allowed on the .52 acre site. The combined floor area of the two existing buildings is 8,829 sq. ft. or 2,033 square feet above the maximum allowed for acreage on this property. The current floor area ratio of existing buildings is 0.389, while the maximum floor area ratio for the zoning district is 0.30. Existing buildings cannot be expanded or additional buildings constructed until additional land is added to the subject site to meet the 0.30 FAR.

Small parcel size and use of existing buildings prevents sufficient space to accommodate the necessary parking spaces to meet anticipated demand. Temporary off-site parking is proposed at the New Hope Baptist Church on

The PUD recommendations are 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: all such uses permitted within the PO/I (Professional Office/Institutional PO\I (zoning category) except for following PO\I uses shall be prohibited:
 - 1. Hospitals, museums, libraries or cultural institutions;
 - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
 - 3. Boarding or rooming house(s);
 - 4. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
 - 5. All uses permitted through a special exception within the Professional Office/Institutional zoning district.

- B. Over-night inpatient rooming facilities shall be permitted as an ancillary use if the site is used for medical care; all other residential uses shall be prohibited. Permitted residential shall be limited as follows:
 - 1. Full-time residential shall be permitted for an on-site caretaker or property manager.
 - 2. Residents at the site shall only be patients served by the on-site medical services.
 - 3. Residents typically will not have automobiles parked at the residential facilities (Parcels 09-21-28-0197-10-211 & 09-21-28-0197-10-213). As insufficient land area occurs at the business site. Satellite parking will be provided at the New Hope Missionary Baptist Church subject to a parking agreement acceptable to the city attorney. A certificate of occupancy shall not be issued to the applicant until off-site parking is confirmed through a permanent parking agreement, recorded with the land, and acceptable to the city attorney. Any other off-site parking location shall require approval by City Council.
 - 4. No outdoor group activities shall occur from 10 p.m. to 7 a.m. due to the proximity of residential homes abutting and near the site.

- C. If the mental health facility ceases to operate at the subject property for more than 180 consecutive days, such use shall not continue and the PUD ordinance shall expire. In such case, the City at its

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discretion may assign another zoning category to the subject property.

- D. If a Final Development Plan associated with the PUD district has not been approved by the City within three 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.
- E. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health, safety and welfare, the following zoning and development standards shall apply to the development of the Property and for the master site plan:
1. A rooming house\boarding house is not allowed at the subject site after a zoning category of PUD zoning is assigned to it by the City.
 2. Any new structures shall meet the architectural design standards set forth in the Apopka Development Design Guidelines dated May 2000, or as amended by the Apopka City Council. Any building, whether residential or non-residential, shall be designed with a residential architecture style and shall have a pitched roof. Any new building shall require the site to comply with the maximum floor area ratio of 0.30.
 3. The existing two buildings may be used for medical treatment and residential facilities but the gross building floor area shall not be expanded. Buildings may be used for medical office (drug, alcohol and mental health medical treatment and associated residential care uses only). No new buildings or expansion of existing buildings shall occur unless the total floor area of all buildings complies with the floor area ratio for the Professional Office\Institutional (.i.e., .030 FAR).
 4. The site shall provide a six-foot brick/masonry wall along the western and southern portions of the subject properties adjacent to residential uses.
 5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code, to the greatest extent practical.
 6. All services occurring at the site, including dining and cooking facilities, shall occur inside an enclosed building.
 7. At the Final Development Plan, if the subject site cannot accommodate the required number of parking spaces, applicant must either obtain long-term contracts with abutting churches to use their parking spaces to meet the parking requirement, or the Final Development Plan shall not be approved. Medical patients residing at the residential facility shall not be allowed to park at the site unless a Final Development Plan demonstrates sufficient parking is available.
 8. No more than 40 patients or the maximum number of occupants allowed by building code,

whichever is lower, shall reside at the residential facilities. Only patients and employees of the medical provider may reside at approved residential facilities.

9. Connection to City central water and sewer service is required prior to issuance of a certificate of occupancy.

10. Unless otherwise provided herein, the design of the site through a Master Plan\Final Development Plan shall occur consistent with development standards for the POI zoning district. Modifications to the Final Development Plan may be approved by the Development Review Committee if determined to be an insubstantial change by the Community Development Director.

The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City's proposed Planned Unit Development (PUD/PO/I) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Change of Zoning represents a change to a non-residential underlying zoning classification and any residential is ancillary to medical treatment, notification of Orange County Public Schools is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 8, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from R-3 (ZIP) to Planned Unit Development (PUD/PO/I/Residential) subject to the PUD zoning and developments standards for the property owned by Apopka Holdings, LLC.

The recommended motion is to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the change in zoning from R-3 (ZIP) to Planned Unit Development (PUD/PO/I/Residential) and the Master Plan\Final Development Plan subject to the PUD zoning and developments standards for the property owned by Apopka Holdings, LLC.

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.

The proposed zoning and use is compatible with adjacent zoning districts and the general character of the surrounding area. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Parcels abutting to the north are used for a church – the St. Paul African Methodist Episcopal Church, and Lighthouse Tabernacle church abuts part of the western (rear) property line, which are both institutional uses. In addition, the area contains other non-residential land uses, including industrial to the northeast and commercial to the south of the subject sites. Furthermore, the applicant – Apopka Holdings LLC – has recently purchased properties east of the sites, across Park Avenue, to incorporate into the proposed use at a later date.

The underlying PO/I and Residential zoning serves as a transitional zoning between the residential uses to the east, south and west, and to the institutional, commercial and industrial zoning and uses to the north and northeast of the subject properties.

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The Land Use Compatibility supporting information from the Future Land Use amendment is incorporated into the findings of the Zoning Report.

The property has access to a Minor Arterial roadway (Clarcona Road). A medical office/clinic is a permissible use within the PO/I zoning category. Future land use designations and zoning categories assigned to properties to the north, south, east, and west is predominantly residential, industrial and commercial.

The proposed PUD/PO/I/Residential zoning is compatible with policies set forth in the Comprehensive Plan.

PO/I District Requirements:

FAR:	0.30 (max.)
Open Space:	30 percent
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width:	85 ft.
Setbacks: Front:	25 ft.
Side:	10 ft.
Corner:	25 ft.
Rear:	10 ft.
Adjacent to Residential:	25 ft.

Areas adjacent to all road rights-of-way shall provide a minimum ten (10) foot landscaped bufferyard. Areas adjacent residential use shall provide a minimum six (6) foot masonry wall within a ten (10) foot landscaped bufferyard.

Allowable uses are professional offices, medical or dental clinics and offices, establishments for the retail sale of pharmaceutical, medical and dental supplies, hospitals, museums, libraries, churches and educational facilities.

Petitioner Presentation: Robert Hafer, 1325 Welch Ridge Terrace, Apopka, stated that Central Florida Recovery Centers has been in existence since 2001. Their out-patient facility is located at 6900 Turkey Lake Road. Between Dr. Ghulldu, Dr. Shaw, and himself they have approximately 75 years of experience in recovery treatment facilities. We goal is to help people recover from addictions or minor mental health issues. Most of the clients that come in will be ready to make changes in their lives and embrace recovery. Some will come in with minor mental health issues but that will be addressed at the facility. We are proposing that the front building be the offices and all the medical facilities. The back building will be for people recovering and they will be there from 5 to 30 days.

In response to questions by Ms. Laurendeau, Dr. Harbinder Ghulldu, Central Florida Rehabilitation Center, stated that this will be a residential facility. The front building will be used for the primary mental health unit. We will provide a whole comprehensive medical and mental health unit. The back building will be used as a detox and residential unit. Our clients will be local and as well as from all over the country. The clients will admit themselves voluntarily. He said they will provide services to walk-ins as well. They will being treating all types of addictions but mostly alcohol and opioids.

In response to a question by Mr. Birdsong, Dr. Ghulldu stated that there will be security procedures and that the clients will be persons who are there voluntarily seeking help.

Mr. Hafer stated that the Center will be licensed through the Florida Department of Children and Families Substance Abuse and Mental Health Program Office and will have to abide by all of their regulations as required by Rule 65-D-30 of F.S. 397.321(5).

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In response to a question by Ms. Laurendeau, Mr. Hafer stated they are licensed through the Florida Department of Children and Families Substance Abuse and Mental Health Program Office.

Dr. Ghulldu stated they will be accredited with the Commission on Accreditation of Rehabilitation Facilities (CARF) and will also have the Joint Commission on the Accreditation of Hospitals (JCAH) accreditation.

In response to questions by Mr. Molina:

Dr. Tony Shaw, Central Florida Treatment Centers, stated the Center will only be assisting clients who have mild to moderate addictions. There will be security but not raised to the level of intensified law enforcement onsite. We comply with the national standards provided by the American Society of Addiction Medicine (ASAM) criteria for placement. There will not be security officers. There will be residence assistances who will provide security.

Dr. Ghulldu stated that when patients are in detox they are not permitted to leave the facility. When in residence there are designated areas the patients may go to that will be staffed. There will also be doors with alarms that will be monitored. The patients being served will be people who have voluntarily admitted themselves will also be able to walk out of the facility. It is not a prison. He said that drugs will not be sold or accessible from this location. The facility provides short term rehabilitation of approximately 30 days.

Mr. Hafer stated there are Florida Department of Children and Families mandates for residential treatment centers that includes 24-hour supervised care and the number of staff.

Dr. Shaw stated that the state of mind of the client will dictate what, if any, actions are taken if they want to leave the facility.

Dr. Ghulldu explained that a discharge nurse handles the discharge of a client; however, it is unlikely there will be an unplanned discharge, such as someone walking out, because most of the clients will be from out of town and will have to have a plan. If we deem that the person should not be allowed the leave then we would call located authorities. They follow the Florida Department of Children and Families minimum staffing requirements for residential treatment centers.

Mr. Hafer stated that all of the counselors are going to be certified addiction professionals, or CABs, and/or licensed mental health counselors or social workers. There is always going to be a professional available to assist a patient. The nursing staff requirements is one nurse for every fifteen patients.

Dr. Ghulldu stated that there will be a resident assistant, a nurse, and a counselor available. At night there will be a minimum of four people on duty.

Mr. Molina reiterated his concerns regarding security and staffing.

Dr. Shaw stated that each client goes through a risk assessment and the standard of care will be based on that assessment.

Mr. Hafer stated there will be Certified Addiction Professionals (CAPs) on staff at all times to supervise people.

Dr. Ghulldu stated there will also be a night nurse and resident assistants.

Mr. Molina requested copies of the rules and regulations for this type of facility.

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In response to questions by Mr. Simpson, Dr. Ghulldu stated that if someone leaves the facility unexpectedly and then wishes to come back they would be required to go through the risk assessment process to determine if their program would be appropriate for the patient. They treat with non-addictive drugs such as *Vivitrol* which takes away the cravings for alcohol or opioids. When a patient comes in they go through an intake process where everything is checked out. All of their belongings are taken away from them and they just get what is provided by the facility. This includes any prescription medications that may be harmful and are destroyed.

Mr. Hafer stated that if a patient walks out it would be noticed because all patients are checked every fifteen minutes by staff.

In response to a question by Mr. Molina, Mr. Hafer stated when a patient is admitted they sign a document that they will be searched if staff deems it necessary.

Further discussion occurred regarding the safeguards to be implemented by the Center and the safety of the public and the patients.

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: **Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from “County” R-3 (Residential) to “City” Planned Unit Development (PUD-PO/I-Residential) for property owned by Apopka Holdings, LLC, and located at 1120 Clarcona Road and 1124 South Park Avenue. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, and Roger Simpson. Jose Molina voted nay. (5-1). (Vote taken by poll.)**

QUASI-JUDICIAL – PLATS – PHASES 1 & 2 – SILVER OAK SUBDIVISION - Chairperson Greene stated this is a request to recommend approval of the plats for Phases 1 and 2 of the Silver Oak Subdivision owned by Development Solutions SH, LLC, c/o Christian Swann and located north of East Keene Road, west of Sheeler Avenue.

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

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

Staff Presentation: David Moon, AICP, Planning Manager stated this is a request to recommend approval of the plats for Phases 1 and 2 of the Silver Oak Subdivision owned by Development Solutions SH, LLC, c/o Christian Swann and located north of East Keene Road, west of Sheeler Avenue. The engineer is Poulos & Bennett, LLC, c/o Mark Stehli, P.E. The future land use is Residential High (0-15 du/ac) and the zoning is R-3 (Residential). The property has been designated a Small Lot Overlay District. The proposed development for Phase 1 is 116 lots and 66 lot in Phase 2. The tract size is 50.83 +/- acres.

The Silver Oaks Subdivision proposes a total of 210 single family residential units separated into phases. Phase 1 will consist of 116 residential lots and Phase 2 will have 66 residential lots in phase 2. The developer has placed a blanket easement across all residential lots to allow HOA access for lawn maintenance. All residential lawns will be maintained by the HOA. The Phase 1 and 2 plats are

consistent with the Final Development Plan and the Preliminary Development Plan.

Ingress/egress for the development will occur from internal public roads connecting at two locations -- Sheeler Avenue and East Keene Road. All subdivision roads are publicly owned and maintained. All alleyways are owned and maintained by the homeowners association.

The stormwater management system includes on-site retention areas designed to meet the City's Land Development Code requirements.

Phase 1 and 2 plats do not create any additional residential lots, resulting in no additional impacts to public schools.

Phase 1 and 2 plats do not create any additional residential lots, nor creates impacts on any County utilities or road, notification of the County is not necessary.

A condition of approval is that the applicant will need to revise Phase 1- Note 11 on Sheet 1 to read, "Tract LS-1 (Lift Station Tract) and the 5.00 foot wide utility easement (U.E) adjacent to Tract LS-1 is hereby dedicated to the City of Apopka. Tract LS-1 shall be maintained by the City of Apopka. The 5.00 U.E. shall be maintained by the Silver Oaks Homeowners Association, Inc."

The Development Review Committee recommends approval of the Silver Oak Subdivision - Phase 1 and 2 Plats, subject to the finding of this staff report and 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.

Petitioner Presentation: Marc Stehli, Poulos & Bennett, LLC, 2602 East Livingston Street, Orlando, concurred with staff and stated the request is to clean up the plat so that it can be processed.

Affected Party Presentation: None.

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

Motion: **Robert Ryan made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Plats for Phases 1 and 2 of the Silver Oak Subdivision located north of East Keene Road, west of Sheeler Avenue. Motion seconded by Roger Simpson.**

In response to a question by Mr. Molina, Mr. Moon stated the driveways will be 50 to 70 feet in length and 30 feet in width which should provide adequate parking. On street parking will be available and the parking spaces provided far exceed the requirements.

In response to a question by Mr. Simpson, Mr. Moon stated the closest City recreational facility to this property would be either Alonzo Williams's park or Kit Land Nelson park. The subject project will provide a pool, club house, dog park and a dry retention area with a trail.

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

QUASI-JUDICIAL - PRELIMINARY DEVELOPMENT PLAN – TRACTOR SUPPLY – Chairperson Greene stated this is a request to recommend approval of the Preliminary Development Plan for the Tractor Supply owned by Michael L. Hart, Margie A. Hart, and Apopka Regional Properties, LLP. The engineer is Hanlex Civil, LLC, c/o Nathan Bullard, MBA, P.E. and the architect is Rabits and

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Romano Architecture. The property is located at 180 West 1st Street.

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

Paul Faircloth, Mosquito Creek, 620 East 6th Street, Apopka, requested affected party status due to his business is located adjacent to this project and the owners are his relatives.

Vicky Denning, 5604 Bear Lake Circle, Apopka, stated that she owns property adjacent to the project.

The Commission unanimously agreed to grant affected party status to Mr. Faircloth and Ms. Dennings.

Mr. Hand swore-in the affected parties.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item.

Mr. Ryan stated that he had made a site visit and then called Mr. Moon with some questions. He said that he was advised by Mr. Moon that his questions would be answered during the public hearing on the project.

Staff Presentation: Rogers Beckett, Special Projects Coordinator, stated this is a request to recommend approval of the Preliminary Development Plan for the Tractor Supply owned by Michael L. Hart, Margie A. Hart, and Apopka Regional Properties, LLP. The engineer is Hanlex Civil, LLC, c/o Nathan Bullard, MBA, P.E. and the architect is Rabits and Romano Architecture. The property is located at 180 West 1st Street. The land use is Commercial and the zoning is C-2. The existing use is a horticultural nursery and the proposed use is a retail center. The building size is 19,027 sq. ft. with an 18,000 sq. ft. outdoor display area and the building height is 30 feet. The floor area ratio (FAR) is 0.14. The tract size is 3.09 +/- acres.

The Tractor Supply - Apopka Preliminary Development Plan proposes 19,027 square feet of commercial retail space with an 18,000 square feet outdoor display area. The 3.9 acres site is located south of West 1st Street and East of Washington Ave.

A total of 89 parking spaces are being proposed (133 required by code) of which three (3) are reserved as handicapped parking spaces. In accordance with LDC 6.03.02, the number of proposed parking spaces are 24 less the required amount. The applicant is requesting a waiver to adjust the parking requirements in accordance with LDC 6.03.01.H. Traffic & Mobility Consultants (TMC) has prepared a parking analysis in response to the applicant's parking waiver request.

The design of the building exterior meets the intent of the City's Development Design Guidelines.

Stormwater run-off and drainage will be accommodated by an on-site retention pond. The on-site stormwater management system shall be designed to meet standards set forth in the Land Development Code prior to Final Development Plan approval.

A minimum ten foot landscape buffer is provided along 1st, Washington Ave and 2nd Street. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The following is a summary of the tree replacement program for this project:

Total inches on-site:	606
Total number of specimen trees:	8
Total specimen removed:	5

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Total specimen inches retained:	130
Total specimen inches removed:	150
Total non-specimen inches removed:	274
Total non-specimen inches retained:	52
Total inches replaced:	243.5
Total inches post development:	485.5

The City's Land Development Code and Tree Bank policy permit the applicant to make a contribution to the City's Tree Bank to mitigate the remaining deficient tree inches at \$10.00 per inch. The total amount required to be paid into the Tree Bank will be (\$1700) dollars.

The applicant has submitted a variance application requesting to install a monument sign at the southwest corner of the site and to increase the height. The variance requests are handled through a separate application and stand along separate from the Preliminary Development Plan. Should the variance fail, the applicant must modify the Preliminary Development Plan to comply with the Land Development Code. The proposed sign locations shown on the site plan are subject to Planning Commission approval.

A condition of approval is that the Applicant will need to provide the City's Public Service Department with an on-site stormwater management plan consistent with the Land Development Code prior to Final Development Plan being reviewed by City Council.

The Development Review Committee recommends approval of the – Tractor Supply-Apopka Preliminary Development Plan, subject to the findings of this staff report and conditions of approval.

The recommended motion is that the Planning Commission finds the application and parking waiver request consistent with the Comprehensive Plan and Land Development Code; and to recommend approval of the Tractor Supply-Apopka Preliminary Development Plan and parking waiver request, subject to the findings of this staff report and conditions of approval.

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

Mr. Moon stated that due to this being a stand-alone site, staff required the applicant to provide comparisons of the number of parking spaces required for other comparable Tractor Supply locations. He said that most are in shopping centers.

Petitioner Presentation: Jeremy Anderson, Hanlex Development, LLC, 1000 Colour Place, Apopka, stated he was the representative for the project. He said the outdoor display is not very dense. He said the three Tractor Supply locations used for the parking comparison are all new and have met the most current codes. He stated the older stores have less parking. He stated that he did not understand why staff was requiring so many parking spaces.

Will Anderson, Hanlex Development, LLC, 1000 Colour Place, Apopka, provided a history of Tractor Supply and an overview of the company's community involvement.

In response to Jeremy Anderson's comment regarding the number of parking spaces being required, Mr. Beckett stated staff compared the two most recently approved projects that are comparable to Tractor Supply. Those are the Home Depot and Lowes. For the parking required at Home Depot the outdoor display square footage was included in the overall building square footage. This was not the case for Lowes because they kept the large oak trees in place. Based on that comparison, higher restrictions were placed on the parking requirements for this project. Additionally, the outdoor display was included in the square footage for this project because it is an integral part of the project.

Affected Party Presentation:

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Paul Faircloth, expressed his support for the project and community involvement by Tractor Supply such as sponsoring 4-H Clubs.

Vicky Dennings, 5604 Bear Lake Circle, Apopka, expressed her concerns regarding property values and the possibility of one of the side streets being closed to traffic.

In response to concerns expressed by Mr. Ryan, Mr. Moon stated that the City, through its traffic consultant, HDR, will be coordinating with the Florida Department of Transportation on reconfiguring the intersection of U.S. 441, Washington Avenue, and 2nd Street.

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Mr. Moon added that due to the configuration of the intersection, the applicant is claiming a hardship and has requested a sign variance that will be brought to the Planning Commission at the November 14, 2016, meeting.

In response to a question by Ms. Laurendeau, Mr. Moon stated that 2nd Street will not be closed.

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

Motion: **Melvin Birdsong made a motion to find that the Tractor Supply – Apopka Preliminary Development Plan is consistent with the Comprehensive Plan and Land Development Code; and recommends approval of the Preliminary Development Plan with the parking waiver request subject to the findings and information in the staff report for the property owned by Michael L. Hart, Margie A. Hart, and Apopka Regional Properties, LLP, and located at 180 West 1st Street. The motion was seconded by Jose Molina. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)**

OLD BUSINESS: None.

NEW BUSINESS: Mr. Moon announced that due to the General Election to be held on Tuesday, November 8th, the Planning Commission meeting had been rescheduled to Monday, November 14th at 5:30 p.m.

ADJOURNMENT: The meeting was adjourned at 7:25 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt
Community Development Director