

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON FEBRUARY 14, 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)

OTHERS PRESENT: James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand – City Attorney, Kyle Wilkes, AICP – Planner II, Elizabeth Florence – Planner I, Robert Sargent – Public Information Officer, Jeff Welch, Mike Cooper, Rocky Carson, Ed Velazquez, Dr. Harbinder Ghulldu, William Lucas, Jennifer Cotch, Suzanne Kidd, Wendy Packer, Neil Kleproth, Robert Hafer, 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 January 10, 2017, at 5:30 p.m.

Motion: Linda Laurendeau made a motion to approve the Planning Commission minutes from the regular meeting held on January 10, 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).

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the combined City Council and Planning Commission workshop held on January 25, 2017, at 4:00 p.m.

Motion: Melvin Birdsong made a motion to approve the combined City Council and Planning Commission workshop minutes held on January 25, 2017, at 4:00 p.m. and seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0).

LEGISLATIVE - COMPREHENSIVE PLAN AMENDMENT – CAPITAL IMPROVEMENT ELEMENT (CIE) - Chairperson Greene stated this is a request to recommend approval of the annual update to the City of Apopka, five-year capital improvements plan and incorporate into the City of Apopka Comprehensive Plan, Capital Improvement Element.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated the City's annual update to the Five-Year Capital Improvement Plan was adopted recently by City Council. This annual update of the five-year CIP is intended to schedule capital projects that are necessary to meet accepted levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development. The City is pursuing a Florida Department of Environmental Protection – Office of Operation, Lands and Recreation grant. This grant request is for \$200,000 to fund the installation of a fitness trail/track at Kit Land Nelson Park to complement the future park improvements to Kit Land Nelson Park and Edwards Field. The grant requires as part of the application process that the proposed grant project be included in the City's Five-Year Capital Improvement Plan. Further, should the City be awarded grant funding, grant fund disbursement will require a 40 percent match from the City's Recreation general fund in the amount of \$80,000. Exhibit 'A' of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital

Improvements Element.

The proposed CIP changes (additions) are included in the 'General Fund' and 'FDEP Grant Fund' sections of the Recreation CIP (shown in Exhibit 'A'). Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP by ordinance, and is not considered a comprehensive plan policy amendment. Therefore, incorporation of the updated CIP into the Capital Improvements Element does not require transmittal to the Florida Department of Economic Opportunity for state agency review.

The Development Review Committee recommends approval of the update of the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element. Staff asks that the Commission find the proposed amendment of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan, recommend approval of the Five-Year Capital Improvements Plan amendment and the incorporation into the Capital Improvements Element of the Comprehensive Plan.

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.

In response to a question by Ms. Laurendeau, Mr. Wilkes stated that this request only addresses the City's pursuit of a Florida Department of Environmental Protection – Office of Operation, Lands and Recreation grant to fund the installation of a fitness trail/track at Kit Land Nelson Park to complement the future park improvements to Kit Land Nelson Park and Edwards Field. It does not include any roadway projects. Any questions regarding roadways may be directed to the Public Services Department.

In response to a question by Mr. Foster, Mr. Wilkes states this request is for \$200,000 to fund the installation of a fitness trail/track at Kit Land Nelson Park to complement the future park improvements to Kit Land Nelson Park and Edwards Field. Future park improvements will be considered annually during the Capital Improvements Element review.

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 proposed annual update of the Apopka Five-Year Capital Improvements Plan consistent with the Apopka Comprehensive Plan and recommend approval of the Five-Year Capital Improvements Plan annual update, and incorporation into the Capital Improvements Element of the Comprehensive Plan. 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)

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – PROJECT ORLANDO, LLC - Chairperson Greene stated this is a request to recommend approval of the Large Scale Future Land Use amendment from Rural Settlement (0-1 du/5 ac) to Residential Very Low Suburban (0-2 du/ac); and recommend transmittal to the Department of Economic Opportunity for review. The property is owned by the Project Orlando, LLC and located north of Ponkan Road, east of Golden Gem Road.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Comprehensive Plan Large Scale Future Land Use amendment from Rural Settlement (0-1 du/5 ac) to Residential Very Low Suburban (0-2 du/ac) and recommend transmittal to the Department of Economic Opportunity for review.

The property is owned by the Project Orlando, LLC and located north of Ponkan Road, east of Golden Gem Road. The existing use is a container nursery. No other development is proposed at this time. The current Zoning is AG (Agriculture). The existing maximum allowable development is 4 dwelling use and the proposed maximum development is 46 dwelling unit. The tract size is 23.43 +/- acres.

The subject parcels were annexed into the City of Apopka on September 7, 2007. The applicant requests a future land use designation of Residential Very Low Suburban. The request is compatible with surrounding future land use designations and adjacent uses. As a "Large-Scale" Future Land use Amendment (i.e., ten or more acres), this application will be transferred to State agencies for consistency review with State policies. The proposed use of the property is compatible with the character of the surrounding area and is consistent with the Residential Very Low Suburban land use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the proposed development as a single-family residential community see (Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. Policy 3.1.c The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

The applicant's wish to develop the properties for a single-family residential subdivision, which is consistent with Policy 3.1.c.

2. Policy 3.14 The City shall consider the following when evaluating land use amendments, especially changes from very low density categories to higher density categories and voluntary annexation requests:
 - Whether the amendment demonstrates a functional relationship of the proposed amendment to other more densely or intensely designated or development lands;
 - The availability of public facilities and water supplier to service a more dense or intense land use; and
 - Multi-modal transportation linkages between proposed residential use and neighborhood.

The request for single-family residential development at two (2) dwelling units per acre provides for a transition between the Zellwood Station mobile home and golf development to the south and the rural and single-family homes at lower densities adjacent to the subject properties. Any future residential development will require connection to city water/sewer.

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

The proposed use for the subject properties as a low-density single-family residential development is consistent with the current and future proposed development of the surrounding area. Residential Very Low Suburban future land use designation is within proximity to the subject properties, and is compatible with single-family residential homes immediately adjacent to the subject properties. Any future single-family community will require as part of residential

zoning requirements to provide landscape buffers and walls as part of the zoning site requirements to mitigate any adverse impacts.

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

The subject properties are located north of Ponkan Road and west of Rock Springs Road. These sites are not within the Wekiva Parkway Interchange Vision Plan area; the request for a Residential Low future land use designation, which allows for a maximum density of two dwelling units per acre is consistent with this policy.

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 January 13, 2017.

The Development Review Committee recommends approval to transmit a change in Future Land Use from Rural Settlement (0-1 du/5 ac) to Residential Very Low Suburban (0-2 du/ac) for the property owned by Project Orlando, LLC, subject to the information and findings in the staff report. Staff requests that the Planning Commission find the Residential Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation from Rural Settlement (0-1 du/5 ac) to Residential Very Low Suburban (0-2 du/ac) for the properties owned by Project Orlando, LLC, 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.

Jeff Welch, Rochelle Holdings, 1900 Summit Tower Boulevard, Suite 820, Orlando, stated he was representing Project Orlando, LLC. He thanked staff and stated he was available to answer any questions.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and the Land Development Code; and to recommend approval of the Large Scale Future Land Use Amendment from Rural Settlement (0-1 du/5 ac) to Residential Very Low Suburban (0-2 du/ac) and recommend transmittal to the Department of Economic Opportunity for review for the properties owned by Project Orlando, LLC and located north of Ponkan Road, east of Golden Gem Road. 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.)

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

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – 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 (4 du/ac) to “City” Office (Max. 0.3 FAR) for the property owned by the Apopka Holdings, LLC and located at 1109 South Park Avenue and 157 Rand Court.

Staff Presentation: Mr. Wilkes stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from “County” Low Density Residential (4 du/ac) to “City” Office (Max. 0.3 FAR) for the property owned by the Apopka Holdings, LLC and located at 1109 South Park Avenue and 157 Rand Court. The existing use is a single-family residence. The current Zoning is “County” R-3 (ZIP) and a zoning amendment to “City” Planned Unit Development (PUD/PO/I) is being processed along with the request to change the future land use. The existing maximum allowable development is 10,715 sq. ft. of office use for a 0.3 floor area ratio. The maximum allowable development under the existing zoning district is one single-family residence; and maximum allowable development under the proposed zoning district is up to 10,715 sq. ft. of office use. The tract size is 0.82 +/- acre.

Applicant intends to use the subject property for a parking lot to meet minimum parking requirements for the Central Florida Recovery Center, located on the opposite side of Park Avenue\Clarcona Road. 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.

The subject properties were annexed into the City of Apopka on February 1, 2017, through the adoption of Ordinance No. 2546. 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 0.82 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 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 Office (max 0.3 FAR) Future Land Use designation and the City’s proposed PUD/PO/I Zoning. Because this request represents a change to a non-residential future land use designation and zoning classification, school capacity determination by 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 13, 2017.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from “County” Low Density Residential (0-4 du/ac) to “City” Office (max 0.3 FAR) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

Staff requests the Commission 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” Office.

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 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” Office (max 0.3 FAR) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court. 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.)

QUASI-JUDICIAL - CHANGE OF ZONING – APOPKA HOLDINGS, 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) for the property owned by the Apopka Holdings, LLC and located at 1109 South Park Avenue and 157 Rand Court.

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 (ZIP) to “City” Planned Unit Development (PUD/PO/I) for the property owned by the Apopka Holdings, LLC and located at 1109 South Park Avenue and 157 Rand Court. The existing use is a single-family residence. The current Small Scale Future Land Use amendment from “County” Low Density Residential (4 du/ac) to “City” Office (Max. 0.3 FAR) is being processed along with the request to change the zoning. The existing maximum allowable development is 10,715 sq. ft. of office use for a 0.3 floor area ratio. The maximum allowable development under the existing zoning district is one single-family residence; and maximum allowable development under the proposed zoning district is up to 10,715 sq. ft. of office use. The tract size is 0.82 +/- acre.

The subject properties were annexed into the City of Apopka on February 1, 2017 via Ordinance 2546. The applicant requests the change of zoning to PUD/PO/I to accommodate off-site parking to serve the existing Central Florida Recovery Center properties owned by the applicant. If the subject site accommodates the parking requirements for Central Florida Recovery Center, applicant may desire to construct a 2,000 sq. ft. office building on the site as well, subject to demonstrating that sufficient parking is available for the subject property and for the Central Florida Recovery Center. In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change.

The recommended PUD zoning and development standards 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: the subject property shall be used for parking to accommodate the parking requirements for the Central Florida Recovery Center located on Parcel Numbers 09-21-28-0917-10-211 and 09-21-28-0917-10-213. If another site is used and developed to accommodate this parking need for Central Florida Recovery, then the following all uses permitted within the PO/I (Professional Office/Institutional PO/I (zoning category) are allowed 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. Pharmacy;
6. All uses permitted through a special exception within the Professional Office/Institutional zoning district.

B. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the Final Development/master site plan:

Building Design Standards:

1. New development shall have architectural features and materials that are residential in character.
 - a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
 - b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
 - c. Windows shall include fenestration detail and/or shutters.
 - d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
 - e. A main building entrance shall face a public street.

Building Design Guidelines:

1. Building exterior design uses residential-scale fenestration that may include:
 - i. Windows with multi-pane glazing
 - ii. Dormers or similar architectural features
 - iii. Roof overhang, cornice, eaves, soffits
2. Building façades that are modulated into house-sized segments or broken into separate buildings are encouraged.
3. A portico or porch is encouraged to define a main building entrance.

4. The total area of the first floor of a building shall not exceed 12,000 sq. ft. and the total gross floor area of a building shall not exceed 18,000 sq. ft. The minimum and maximum floor area does not apply to churches.

Site Design Standards:

1. The front façade and primary entrance of the building shall be oriented toward the front of the property.
 2. Minimum front setback of 15 ft. and a maximum of 25 ft.
 3. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
 4. Parking is located at the rear or side of any building.
- C. 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.
 4. The site shall provide a six-foot brick/masonry wall along the southern and eastern 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.
 6. The applicant must demonstrate through the Final Development Plan that sufficient parking exists to support off-site parking requirements for existing Central Florida Recovery Center properties west of Park Avenue, as well as any future professional office development on-site.
 7. Connection to City central water and sewer service is required prior to issuance of a certificate of occupancy for any future office development.
 8. The applicant must receive approval for the location of a crosswalk from the subject properties to the existing Central Florida Recovery Center properties; the approved crosswalk location shall be identified on the Final Development Plan.
 9. Unless otherwise provided herein, the design of the site through a Master Plan\Final Development Plan shall occur consistent with development standards for the PO/I 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, a capacity enhancement agreement with 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 13, 2017. 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 west across S Park Avenue are for a church – the St. Paul African Methodist Episcopal Church, as well as the existing Central Florida Recovery Center owned by the applicant, institutional and office uses, respectively. In addition, the area contains other non-residential land uses, including industrial north and commercial to the south of the subject sites. The underlying PO/I zoning serves as a transitional zoning between the residential uses to the east and south, to the institutional and industrial zoning uses and zoning to the west and north of the subject properties. 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 (S. Park Avenue/ 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. The underlying PO/I zoning standards within the proposed PUD are as follows:

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.

Allowed 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.

David Moon, AICP, Planning Manager, stated that prior to any permits being issued for construction, the applicant must show that there is sufficient parking for the Central Florida Recovery Center across the street.

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) subject to the PUD zoning and developments standards for the property owned by Apopka Holdings, LLC. Staff requested the Commission 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) 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.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommended adoption of the change of zoning from “County” R-3 (ZIP) to “City” Planned Unit Development (PUD/PO/I) for the property owned by the Apopka Holdings, LLC, and located at 1109 South Park Avenue and 157 Rand Court subject to the adoption of the Future Land Use amendment. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – ADMINISTRATIVE FUTURE LAND USE AMENDMENT – SMITH FAMILY REVOCABLE TRUST - Chairperson Greene stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Agriculture (0-1 du/5 ac) for the property owned by the Smith Family Revocable Trust and the applicant is the City of Apopka. The property is located east of Mt. Plymouth Road, south of Boch Road.

Staff Presentation: Elizabeth Florence, Planner I, stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Agriculture (0-1 du/5 ac) for the property owned by the Smith Family Revocable Trust and located east of Mt. Plymouth Road, south of Boch Road. The applicant is the City of Apopka. The existing and proposed uses are for manufactured Homes and grazing. The current zoning is “County” A-2 (ZIP) and request to change the zoning to “City” AG (Agriculture) is being processed along with the future land use amendment. The existing maximum allowable development under the current zoning designation is one dwelling unit per 10 acres. The proposed maximum allowable development under the proposed zoning designation is one dwelling unit per 5 acres. The tract size is 4.01 +/- acres.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning and future land use classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 29, 2010, through the adoption of Ordinance No. 2202. Staff is requesting an administrative small scale future land use amendment for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city future land use designation is comparable to the densities and intensities and uses allowed under the existing “county” future land use designation, and the proposed future land use amendment is compatible with the character of the surrounding area. The subject property is located in an area characterized as agricultural in nature, with “County” Rural future land use to the north and west of the subject property, and single-family residential to the east and proposed S.R. 429\Wekiva Parkway south of the site. The existing and proposed use of the subject site for manufactured homes is a permitted use in the proposed AG zoning district and future land use designation and compatible with the surrounding zoning and uses. Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change. The existing and proposed use of the property is consistent with “City” Agriculture Future Land Use designation and the City’s proposed Agriculture Zoning. The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties. The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area. The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 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” Rural (1 du/ 10 ac) to “City” Agriculture (1 du/5 ac) for the property owned by Smith Family Revocable Living Trust.

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.

Mr. Moon stated that the Administrative items are all consistent with the County land use and zoning designations.

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” Rural (0-1 du/10 ac) to “City” Agriculture (0-1 du/5 ac) for the property owned by the Smith Family Revocable Trust and located east of Mt. Plymouth Road, south of Boch Road. 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.)

QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – SMITH FAMILY REVOCABLE TRUST - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-2 (ZIP) (0-1 du/10 ac) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by the Smith Family Revocable Trust and the applicant is the City of Apopka. The property is located east of Mt. Plymouth Road, south of Boch Road.

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

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

Staff Presentation: Ms. Florence stated this is a request to recommend approval of the change of zoning from “County” A-2 (ZIP) (0-1 du/10 ac) (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by the Smith Family Revocable Trust and located east of Mt. Plymouth Road, south of Boch Road. The applicant is the City of Apopka. The existing and proposed uses are for manufactured Homes and grazing. The current the Small Scale Future Land Use amendment from “County” Rural (0-1 du/10 ac) to “City” Agriculture (0-1 du/5 ac) is being processed along with the change of zoning. The existing maximum allowable development under the current zoning designation is one dwelling unit per 10 acres. The proposed maximum allowable development under the proposed zoning designation is one dwelling unit per 5 acres. The tract size is 4.01 +/- acres.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject properties were annexed into the City of Apopka on December 29, 2010, through the adoption of Ordinance No. 2202. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area. The subject property is located in an area characterized as agricultural in nature,

with “County” A-2 zoning to the north and west of the subject property, and single-family residential to the east and proposed 429 south of the site. The existing and proposed use of the subject site for manufactured homes is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses. Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change. The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property. The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties. The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area. The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 2016. The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing. The subject property fronts and is accessed by a local roadway (Boch Rd). The land use is compatible with the surrounding properties because it is agricultural in nature. The zoning change will not affect traffic in the area. The proposed AG zoning is consistent with the City’s Agriculture Future Land Use designation, which will be assigned along with this rezoning and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Agriculture Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation. The buffers for the requested zoning designation requires that uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines. The allowable uses for the requested zoning designation are single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.

The Development Review Committee finds the change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG. Staff requests the Commission find the change of zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG for the Smith Family Revocable Living Trust properties.

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

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: Roger Simpson 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” A-2 (ZIP) (0-1 du/10 ac) (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by the Smith Family Revocable Trust and located east of Mt. Plymouth Road, south of Boch Road subject to the adoption of the Future Land Use amendment. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau,

Jose Molina, and Roger Simpson (6-0). (Vote taken by poll.)

QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – MARY M. ASHBURN BALLINGS - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-2 (ZIP) (0-1 du/10 ac) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by the Mary M. Ashburn Ballings and the applicant is the City of Apopka. The property is located east of Mt. Plymouth Road, south of Boch Road.

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

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

Staff Presentation: Ms. Florence stated this is a request to recommend approval of the change of zoning from “County” A-2 (ZIP) (0-1 du/10 ac) (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by the Mary M. Ashburn Ballings and located east of Mt. Plymouth Road, south of Boch Road. The applicant is the City of Apopka. The existing and proposed use is a manufactured home. The current the Small Scale Future Land Use is “City” Agriculture (0-1 du/5 ac). The existing and proposed maximum allowable development is one dwelling unit. The tract size is 2.10 +/- acres.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 29, 2010 through the adoption of Ordinance No. 2201. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area. The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-2 zoning to the north, south, east and west of the subject property. The existing and proposed use of the subject site for a manufactured home is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses. Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change. The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property. The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties. The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area. The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 2016. The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing. The subject property fronts and is accessed by a local roadway (Boch Rd). Its land use is similar to the surrounding agricultural area, and will not affect traffic because there is an existing home on the property. The proposed AG zoning is consistent with the City’s Rural Settlement Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation. Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines. Allowable uses include single-family dwellings, including mobile homes, and their customary Accessory structures, apiaries, kennels, crops and animal production and structures necessary for support

and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.

The Development Review Committee finds the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG. Staff requests that the Commission find the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG.

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

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: **Melvin Birdsong 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” A-2 (ZIP) (0-1 du/10 ac) (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by Mary M. Ashburn Billings and located east of Mt. Plymouth Road, south of Boch Road. 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.)**

QUASI-JUDICIAL – ADMINISTRATIVE CHANGE OF ZONING – TIITF/DEP (Trustees of the Internal Improvement Trust Fund/Florida Department of Environmental Protection) - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from “County” A-1 (ZIP) (0-1 du/10 ac) (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by TIITF/DEP and the applicant is the City of Apopka. The property is located west of Mt. Plymouth Road, north of Swain Road.

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

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

Staff Presentation: Ms. Florence stated this is a request to recommend approval of the change of zoning from “County” A-1 (ZIP) (0-1 du/10 ac) (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by TIITF/DEP and the applicant is the City of Apopka. The property is located west of Mt. Plymouth Road, north of Swain Road. The applicant is the City of Apopka. The existing and proposed uses are buildings and State land. The current the Small Scale Future Land Use amendment is “City” Agriculture (0-1 du/5 ac). The existing and proposed maximum allowable development under the current zoning designation is one nonresidential unit. The tract size is 9.27 +/- acres.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1962. Staff is requesting an administrative rezoning for

the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area. The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-1 zoning to the east, north, south, and west of the subject property, and mobile home park to the east of the site. The existing and proposed use of the subject site for a nonresidential building is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses. Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change. The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property. The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties. The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area. The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 2016. The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing. The subject property fronts and is accessed by a local roadway (Swain Rd). It is similar in nature to the surrounding agricultural and natural land areas, and there should be no impact on traffic. The proposed AG zoning is consistent with the City’s Rural Settlement Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation. Buffering for proposed uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines. Allowable uses under the proposed zoning designation include single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.

The Development Review Committee finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG. Staff requests the Commission finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG for the TIIFT – Florida DEP property.

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

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: Tony Foster 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” A-1 (ZIP) (0-1 du/10 ac) (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) for the property owned by TIITF/DEP, and located west

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

SWEARING-IN – Attorney Hand swore-in Michael Cooper, Property Industrial Enterprises, LLC for the quasi-judicial items to be discussed.

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – COOPER PALMS COMMERCE CENTER, LOT 5 - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Cooper Palms Commerce Center, Lot 5, owned by Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of Cooper Palms Parkway, east of South Bradshaw Road.

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Final Development Plan for Cooper Palms Commerce Center, Lot 5, owned by Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of Cooper Palms Parkway, east of South Bradshaw Road. The engineer is Hossein Tehraini, P.E. The future land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is industrial warehouses and commercial services. The tract size is 0.82 +/- Acre. The Cooper Palms Commerce Center (Lot 5) site plan proposes an industrial warehousing building with sq. ft. A total of 25 parking spaces are provided. Per City Code, each a minimum of 17 parking spaces must be provided.

The Development Review Committee finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Cooper Palms Commerce Center (Lot5) Final Development Plant, subject to the findings of this staff report. Staff requests that the Commission find the Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Cooper Palms Commerce Center (Lot 5) Final Development Plan, subject to the development condition and findings of the staff report, for the property owned by Property Industrial Enterprises, LLC, and located south of Cooper Palms Parkway, east of South Bradshaw Road.

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

Petitioner Presentation: Michael Cooper, Property Industrial Enterprises, LLC, 564 Cooper Commerce Drive, Suite 500, Apopka, thanked staff for expediting this project and stated he 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 Cooper Palms Commerce Center, Lot 5, owned by Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of Cooper Palms Parkway, east of South Bradshaw Road. Motion seconded by 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.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – COOPER PALMS COMMERCCE CENTER, LOTS 10 & 11 - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Cooper Palms Commerce Center, Lots 10 & 11, owned by Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of West 2nd Street, west of South Hawthorne 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 Final Development Plan for Cooper Palms Commerce Center, Lots 10 & 11, owned by Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of West 2nd Street, west of South Hawthorne Avenue. The engineer is Hossein Tehrani, P.E. The future land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is industrial warehouses and commercial services. The tract size is 2.81 +/- Acre. The Cooper Palms Commerce Center (Lots 10 and 11) proposes two industrial warehousing buildings each approximately 6,800 sq. ft. gross floor area. Lot 10 is 60,694 sq. ft. and Lot 11 62,110 sq. ft. Lot 10 provides 25 parking spaces and Lot 11 20 parking spaces. Per City Code, each site will need a minimum of 15 parking spaces. Prior to issuance of a certificate of occupancy for a building on Lots 10 and 11, the property owner must provide a cross access easement over the portion of the vacated 2nd Street that allows owner of Lot 8 and the other owners of Coopers Commerce Park to travel upon the road.

The Development Review Committee finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Cooper Palms Commerce Center (Lots 10 & 11) Final Development Plant, subject to the findings of this staff report. Staff requested the Commission to find the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommend approval of the Cooper Palms Commerce Center (Lots 10 & 11) Final Development Plant, subject to the findings and development conditions of this staff report.

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

Petitioner Presentation: Michael Cooper, Property Industrial Enterprises, LLC, 564 Cooper Commerce Drive, Suite 500, Apopka, thanked staff for expediting this project and stated he 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: Tony Foster 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 Cooper Palms Commerce Center, Lots 10 & 11, owned by Property Industrial Enterprises, LLC, c/o Michael Cooper, and located south of West 2nd Street, west of South Hawthorne Avenue. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson. (6-0) (Vote taken by poll.)

QUASI-JUDICIAL – PLAT – EMERSON NORTH TOWNHOMES - Chairperson Greene stated this is a request to recommend approval of the Plat for Emerson North Townhomes, owned by the Pulte Group, c/o Doug Hoffman, and located at 1701 Ocoee Apopka Road south of S.R. 414, west of Marden Road.

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Plat for Emerson North Townhomes, owned by the Pulte Group, c/o Doug Hoffman, and located at 1701 Ocoee Apopka Road south of S.R. 414, west of Marden Road. The future land use is Mixed Use (0-15 du/ac) and the zoning is Mixed- EC. The current use is planted pine trees and the proposed use is a residential townhome community with 136 units and future public right-of-way. The total tract size is 21.42 +/- Acres. The residential community will encompass 17.1 +/- acres and 4.24 +/- acres will be used for East Harmon Road. The density is 7.95 units per acre (136 units/17.1 acres). City Council approved a Final Development on December 7, 2017. The Planning Commission recommended approval of the Preliminary Development Plan on August 9, 2016. The Plat is consistent with the approved Preliminary and Final Development Plans. After review of the Plat, the Development Review Committee found the Plat to be consistent with the Final Development Plan and Land Development Code. The Emerson North Townhomes development is a two phase project proposing 136 townhome units with 3.12 +/- acres of active and passive recreation and open space within a 17.1 +/- acre site. Comprising a total of 21.42 acres, the Final Development Plan reserves the northern eighty feet of the northern project line for a future public right-of-way. A developer's agreement establishes a process for the dedication of the right-of-way to the City and addresses fair-share compensation of the right-of-way dedication and road construction. Proposed design plans for the Harmon Road East Extension include aesthetic brick pavers at intersections and a concept landscape plan. Final details of the roadside and median landscaping and materials will be addressed by the end of January 2017.

Except for any plat application that addresses only the northern public right-of-way to be dedicated to the City of Apopka, a plat or building permit involving a residential structure shall not be released for recording with the County Comptroller until such time that a concurrency mitigation agreement has been approved by Orange County Public Schools (OCPS). The County was notified at the time of the land use amendment and rezoning applications for this property. Coordination occurred with County planning staff regarding impact on adjacent parcels. Orange County also receives a copy of the Development Review Committee agenda.

The Development Review Committee finds the Plat to be consistent with the approved Final Development Plan and Land Development Code, recommending approval of the Emerson North

Townhomes Plat. Staff requests that the Commission find the Emerson North Townhomes Plat consistent with the Land Development Code and recommend approval of the Plat subject to the findings of the staff report.

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

Petitioner Presentation: Rocky Carson, Donald W. McIntosh Associates, Inc., 2200 Park Avenue North, Winter Park, thanked staff for expediting this project and stated he 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: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Plat for Emerson North Townhomes, owned by the Pulte Group, c/o Doug Hoffman, and located at 1701 Ocoee Apopka Road south of S.R. 414, west of Marden Road. 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.)

QUASI-JUDICIAL – PLAT – ORCHID ESTATES - Chairperson Greene stated this is a request to recommend approval of the Plat for Orchid Estates, owned by JTD Land at Orchid Estates, LLC, and located south of Kelly Park Road, west of Jason Dwelley Parkway.

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 Plat for Orchid Estates, owned by JTD Land at Orchid Estates, LLC, and located south of Kelly Park Road, west of Jason Dwelley Parkway. The future land use is Residential Very Low Suburban (0-2 du/ac) and the zoning is Planned Unit Development (PUD/R-1). The current use is vacant land and the proposed use is a 112 lot single family residential subdivision. The tract size is 60.82 +/- Acres. The Orchid Estates Plat proposes 112 single family residential lots and is consistent with the amended Master Plan/Preliminary Development Plan approved by City Council on October 19, 2016. The Orchid Estates Subdivision is located within a Planned Unit Development Zoning District and will consist of a minimum 70 feet wide lots with a minimum lot size of 7,500 S.F. and a minimum living area of 1,500 S.F. The subdivision has two access points off of Jason Dwelley Parkway. The property owner has control over the lands adjacent to the north. An ingress/egress easement in favor of the applicant for legal access to the project runs along the southern property line of the Ever Meadow LLC parcel. The stormwater management system includes on-site retention areas designed to meet the City's Land Development Code requirements. This residential project is exempt from school concurrency because development applications were submitted to the City prior to the effective date of the school concurrency program. School impact fees will be collected with each building permit application. The developer is providing a total of 19.17 +/- acres of

passive (Tract "F") and active (Tract "B") recreational areas which includes a tot lot and common open space areas. The developer must obtain a habitat management plan and gopher tortoise relocation permit application to the Florida Fish and Wildlife Commission prior to commencing any site construction activity. The JPA requires the City to notify the County any public hearing or advisory board consideration of a Subdivision Plan that is adjacent to Unincorporated Orange County. The County has been notified via DRC agenda. A 17.2 acre site (Tract "F") was reserved for open space to preserve trees, and the City exempted the PUD\Master Plan from the arbor preservation requirements.

The Development Review Committee finds the Orchid Estates Plat to be consistent with the Comprehensive Plan, Land Development Code, and PUD Master Plan; and recommends the approval of the Orchid Estates Plat. Staff requests the Commission find the Orchid Estates Plat to be consistent with the Land Development Code and recommend approval of the Orchid Estates Plat.

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

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: Roger Simpson made a motion to find the application consistent with the Apopka Comprehensive Plan, Land Development Code, and the PUD Master Plan; and recommend approval of the Plat for Orchid Estates, owned by JTD Land at Orchid Estates, LLC, and located south of Kelly Park Road, west of Jason Dwelley Parkway. Motion 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.)

QUASI-JUDICIAL – PLAT – SANDPIPER ROAD SUBDIVISION - Chairperson Greene stated this is a request to recommend approval of the Plat for the Sandpiper Road Subdivision, owned by Florida Land Trust #111, ZDA at Sandpiper, LLC, and located north of East Votaw Road, west of North Thompson Road.

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

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

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Plat for the Sandpiper Road Subdivision, owned by Florida Land Trust #111, ZDA at Sandpiper, LLC, and located north of East Votaw Road, west of North Thompson Road. The applicant/engineer is Madden, Moorhead & Stokes, Inc., c/o David A. Stokes, P.E. The future land use is Residential Very Low Suburban (0-2 du/ac) and the zoning is PUD/R-1A (Residential). The current use is vacant land and the proposed use is a 49 lot single family residential subdivision. The tract size is 58.23 +/- Acres. The Sandpiper Road Subdivision Plat proposes 49 single family residential units and is consistent with the Master Plan\Preliminary Development Plan approved by City Council on July 20, 2016. The Sandpiper Road Subdivision is located within a Planned Unit Development Zoning District and will consist of a minimum 85 feet wide

lots with a minimum lot size of 11,500 S.F. and a minimum living area of 2,200 S.F. Minimum developable lot area is 10,000 S.F. for lots 29 to 37. Development standards for the subdivision are based on the approved Sandpiper Road Subdivision Master Plan and the Land Development Code. Ingress/egress for the development will occur from internal public roads connecting at one location – Sandpiper Road. All subdivision roads 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. A school concurrency mitigation agreement must be obtained from the Orange County Public Schools prior to recording of the plat. The developer is providing a total of 21.51 acres of passive and active recreational areas which includes a tot lot and common open space areas. The developer must obtain a habitat management plan and gopher tortoise relocation permit application to the Florida Fish and Wildlife Commission prior to commencing any site construction activity. The JPA requires the City to notify the County any public hearing or advisory board consideration of a Subdivision Plan that is adjacent to Unincorporated Orange County. The County has been notified via DRC agenda. Residential lots will be cleared on a lot-by-lot basis, as required by development standards within the Master Plan\ Preliminary Development Plan. The Master Plan reserves over 18 acres for open space within Tract “A”, and a thirty foot wide conservation easement on the south and east project line protects trees located therein. Residential lots will be cleared on a lo-by-lot basis with a tree survey provided with the residential plot plan. A mitigation fee, if required, shall be calculated and paid prior to the recording of a plat.

The Development Review Committee finds the Sandpiper Road Subdivision Plat to be consistent with the Comprehensive Plan, Land Development Code, and Master Plan\ Preliminary Development Plan and recommends the approval of the Sandpiper Road Subdivision- Plat, subject to submittal of a School Concurrency with Orange County School Board. Staff requests the Commission find the Sandpiper Road Subdivision Plat to be consistent with the Land Development Code and recommend approval of the Sandpiper Road Subdivision- Plat, subject to submittal of a School Concurrency with Orange County School Board.

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

Petitioner Presentation: None.

Affected Party Presentation: None.

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

Motion: **Roger Simpson made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Plat for the Sandpiper Road Subdivision, owned by Florida Land Trust #111, ZDA at Sandpiper, LLC, and located north of East Votaw Road, west of North Thompson Road. Motion seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and Roger Simpson. (6-0) (Vote taken by poll.)**

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:26 p.m.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON FEBRUARY 14, 2017, AT 5:30 P.M.

/s/

Melvin Birdsong, Vice-Chairperson
for:
James Greene, Chairperson

/s/

James K. Hitt
Community Development Director