

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON APRIL 14, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: Steve Hooks, James Greene, Melvin Birdsong, Tony Foster, Robert Ryan, Pamela Toler, and Mallory Walters

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: Glenn Irby – City Administrator, Andrew Hand, Esq., R. Jay Davoll, P.E. - Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Carol Matthews, Tom Matthews, Linda Laurendeau, Mark Stroup, Jennifer Wandersleben, Jeong Park, Jody Barry, Dick Davis, John Townsend, Borron Owen, Matt Manning, Suzanne Kidd, Ray Moe, Tony Luke, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

Chairperson Hooks introduced Tony Foster as a new member of the Planning Commission.

APPROVAL OF MINUTES:

Chairperson Hooks asked if there were any corrections or additions to the minutes of the regular meeting on March 10, 2015, held at 5:01 p.m.

Chairperson Hooks asked for a motion to approve the minutes, with the following corrections, of the Planning Commission meeting held on March 10, 2015, at 5:01 p.m.

Page 6: MOTION: ... Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, ~~Ben Dreiling~~, James Greene, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).

Page 8: MOTION: ... Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, ~~Ben Dreiling~~, James Greene, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).

Motion: **Mallory Walters made a motion to approve the revised Planning Commission minutes from the regular meeting on March 10, 2015, meeting at 5:01. Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, Tony Foster, Robert Ryan, Pamela Toler, and Mallory Walters (7-0).**

MORATORIUM – RESTAURANTS OR FOOD SERVICE OPERATIONS WITH DRIVE-THRU OR DRIVE-IN SERVICE – David Moon, AICP, Planning Manager, stated that the City of Apopka will soon embark upon a Community-Wide Visioning Process to identify current and long-term preferences for the development and character of neighborhoods and the Apopka community as a whole. Recent trends in the fast-food service industry utilize dual and stacked service lanes for which current development standards and design guidelines did not anticipate additional needs for land area, their associated on-site land use impacts, or potential nuisances to abutting properties. Inadequate site design of fast-food services restaurants and associated drive-through lanes has led to business practices placing employees, some of whom are teenagers, outdoors standing within service lanes or drive aisles to take customer orders, creating potential public health and safety concerns for the employee. In the course of recent evaluation of development plan applications for fast food restaurants with drive through lanes, staff

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has identified land use impacts incompatible to the size of the business and their potential impacts adjoining and surrounding land uses. Staff has determined that restaurant and/or food service operations devoted to providing food and beverage products to customers in drive through lanes have the potential to negatively impact adjoining land uses due to certain common operational characteristics. The Community-wide Visioning Process may find that residents of some neighborhoods find fast food restaurants with drive a through service incompatible with the residential character of the surrounding area, including traffic impacts and noise levels that may degrade the desired environ of such residential areas.

Per Section 1.08.13, Definitions, of the Land Development Code (LDC), a fast food restaurant means: an establishment whose principal business is the sale of food or beverage in a ready-to-consume state for consumption within the building, within a motor vehicle parked on the premises or off the premises as carry out orders. The principal method of operation includes, but is not limited to, the following characteristics: food or beverages are usually served in paper, plastic or other disposable container; there is generally not waiter or waitress service; food and beverages are served at a counter or window to be consumed elsewhere; drive-through service is often available.

The proposed ordinance is applicable to the entire jurisdictional area of the City. Fast-food restaurants are currently a prohibited use within the Downtown Development District (Sec. 3.03.E.1., LDC,) and restaurants are prohibited in the Neighborhood Commercial (CN) zoning district (Sec. 2.02.11.C, LDC.). Elsewhere, drive-in (drive-through) restaurants within C-1, C-2, and C-3 must be at least 200 feet from residential areas, as measured from the property line.

The proposed ordinance is currently under review by the city attorney's office. Any significant changes will be forwarded to the City Council prior to the hearing date. If changes are considered minor, they will be presented at the hearing.

Recommend approval to establish a Time-Limited Moratorium on the issuance of building permits and/or the receipt of preliminary or final development plan submittals for restaurant or food service operations with drive through lane or drive-in service, such moratorium to extend until January 7, 2016.

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.

Ms. Walters commented that staff stated the dual menu boards need additional space. She said she knows that the McDonald's down the street didn't need additional space. Staff also talks about safety issues. She said she thinks the dual menus mitigate that safety issue but not having one long line. She asked what is next. Dollar stores? These are businesses. The City has a Land Development Code right now that addresses this. It comes before the Commission. We have planning meetings to say yes this meets our code or doesn't. Are we changing the code and land use and? In the whole City of Apopka we have land use and we have zoning where a restaurant cannot build or develop. That's already there so are we changing the code to accommodate something that we don't want more of. She said that she thinks this is restricting commerce that is not as big a problem as has been perceived. That problem is people say we have too many of them but what we have now, she does not feel that there are safety issues. She stated that she hasn't been to any fast food restaurant where there has been somebody standing outside taking orders.

In response to questions by Chairman Hooks, Mr. Moon stated that during the moratorium time frame, staff will review the Land Development Code, prepare changes to present to the Planning Commission

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and they will have the opportunity to make changes or recommendations and then those will be forwarded to City Council as amendments to the Land Development Code and development standards. The City Attorney has completed their review of the ordinance and the revised ordinance was incorporated into the Planning Commission packet. They feel that the City is on good legal footing to proceed with something like this. He stated that Mr. Hand may wish to speak on behalf of the Attorney's office, but their changes were incorporated into the ordinance.

In response to a question by Chairperson Hooks, Mr. Hand stated the City Attorney's office is comfortable with the ordinance.

In response to a question by Ms. Walters, Mr. Moon stated that in the last few weeks, staff has not received any preliminary or final development plans for fast-food restaurants in the City of Apopka.

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

Motion: James Greene made a motion to recommend approval of a Time-Limited Moratorium on the issuance of building permits and/or the receipt of preliminary or final development plan submittals for restaurant or food service operations with drive through lane or drive-in service, such moratorium to extend until January 7, 2016. Motion seconded by Pamela Toler. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, and Pamela Toler; Robert Ryan and Mallory Walters voted nay; and Tony Foster abstained from voting. (4-2).

FINAL DEVELOPMENT PLAN – ADVENTIST HEALTH SYSTEM/SUNBELT, INC. – FLORIDA HOSPITAL APOPKA – R. Jay Davoll, P.E., Community Development Director/City Engineer stated this is a request to recommend approval of the Final Development Plan for Adventist Health System/Sunbelt, Inc. DBA Florida Hospital Apopka. The owner is Adventist Health System/Sunbelt, Inc. The applicant is Florida Hospital Apopka, c/o Raymond Moe. The engineer is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E. The property is located south of Harmon Road, west of Ocoee Apopka Road and east of S.R. 429. The future land use is Mixed Use and the zoning designation is Planned Unit Development (PUD/Mixed EC). The existing use is vacant land. The proposed use is a hospital with ancillary uses and medical offices (including a medical helipad. The hospital to be a seven-story, 120-bed, with 80,000 square feet of medical offices. The tract size is 33.7 +/- acres. The proposed density is what is allowed by the PUD Master Plan adopted on November 19, 2004.

The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2013. Development of the hospital site must occur consistent with the PUD Master Plan and its adopted PUD development standards. The Florida Hospital Final Development Plan is consistent with the PUD Master Plan.

Transportation infrastructure improvements shall occur consistent with the Transportation Infrastructure Agreement. As this Agreement has not yet been signed by the City, and as the optional transportation improvements have not yet been identified, staff is recommending that a building permit not be issued until these matters are resolved. Modification of the Final Development Plan to address any improvements within the Transportation Infrastructure Agreement shall only require review by the Development Review Committee unless any such plan changes are determined by the Community Development Director to be substantial modifications warranting Planning Commission and/or City Council review.

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The proposed Final Development Plan is consistent the Florida Hospital Replacement Campus Master Plan, Land Development Code, Comprehensive Plan and Development Design Guidelines.

Stormwater run-off and drainage will be accommodated by on-site stormwater management system that complies with the City’s stormwater drainage standards.

Buffers are provided consistent with the PUD Master Plan Sheets. Landscape buffers along Ocoee Apopka Road, Harmon Road, and SR. 429 are 13, 11, and 15 feet in width, respectively.

Based on the number of new trees planted to replace those removed, a mitigation fee will not apply to this project. The table appearing below denotes the tree inches removed and replaced.

Tree Program: The following is a summary of the tree replacement program:

Total tree inches on-site(*):	11,154
Total number of specimen trees (24” or greater):	9
Total number of specimen trees (24” or greater) retained:	1
Total number of specimen trees (24” or greater) removed:	8
Total tree inches removed:	10,018
Total tree inches retained:	1,136
Total tree inches replaced:	6,170
Maximum tree stock formula and calculations:	
$1,468,538.2 - 6,000 = 1,462,538.2/1,000 = 1,462.54 \times 3.5 = 5,118.89 + 21 = 5,139.89$	
Total inches post development:	7,306
Site clearing area in square feet:	1,462,538.2

(*) Pine and Camphor trees are not included.

A total of 884 parking spaces are provided, of which 795 are standards spaces, 57 handicapped spaces, 2 electric car recharge stations, and 10 motorcycle spaces. The main entrance to the site is from Ocoee Apopka Road with a second access from Harmon Road. A delivery-only entrance is also provided along Harmon Road. A future LYNX bus transit shelter and pull-off lane are also planned along Ocoee Apopka Road. Helicopter approach and departure are limited to the flight path lines appearing in the Final Development Plan.

The Final Development Plan includes a master sign plan. Approval of the Final Development Plan includes the master sign plan.

The design of the building exterior meets the intent of the City’s Development Design Guidelines and was provided with the PUD Master Plan. The three other sides of the building exterior will be in keeping with the elevation shown and will be applicable to the Small Area Overlay District, as reviewed by staff.

The Development Review Committee recommends approval of the Florida Hospital Replacement Campus Final Development Plan Phase subject to the findings of the staff report and the condition that a building permit will not be issued until the Transportation Improvement Agreement has been signed by the City.

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.

Jennifer Wandersleben, Florida Hospital, stated that she and several experts were available to answer any questions the Commission or public had on their project. The complimented staff and said that they

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worked diligently with Florida Hospital on this project.

Mr. Davoll stated it was a pleasure working with Florida Hospital and their contractors.

In response to a question by Mr. Foster, Ms. Wandersleben stated that the decision to move the hospital from its current location was the accessibility to S.R. 429 and 414 as well as the Wekiva Parkway for better access. She stated that currently approximately 50% of current patients are transported to other Florida Hospitals for services not being provided at the current location. The new hospital will keep patients in Apopka rather than transferring them to other hospitals.

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

Motion: **Mallory Walters made a motion to recommend approval of the Florida Hospital Replacement Campus Final Development Plan Phase subject to the findings of the staff report and the condition that a building permit will not be issued until the Transportation Improvement Agreement has been signed by the City and subject to the information and findings in the staff report. Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, Tony Foster, Robert Ryan, Pamela Toler, and Mallory Walters (7-0).**

OLD BUSINESS:

Planning Commission:

Wekiva [Riverwalk] Shopping Center – Chairperson Hooks commended Mr. Moon on his work getting the new sign for the center. He said the new sign looks great.

Public - None.

NEW BUSINESS:

Planning Commission:

Letter from Mary Pinson – Chairperson Hooks stated that the letter was addressed to the Planning Commission and the City Administrator. Upon review of the letter Ms. Pinson's concerns should be addressed by Code Enforcement and not the Planning Commission.

In response to a question by Chairperson Hooks, Mr. Davoll stated that staff was in agreement.

Resignation – Chairperson Hooks announced that this would be his last meeting as he has submitted his resignation to Mayor Kilsheimer for a number of reasons. He stated that he has been here for a long time and served for over 25 years on this commission or Land Development Review Board and it is time for new blood in the City. He said he wanted to make it clear that he was not asked to resign. It was his decision and he spoke with the Mayor and feels that it is in the best interest of the City that we move in that direction. He thanked the Commissioners that he has worked with for the last few years and those who he has worked with for many years past that who are no longer with us on the Commission and some are not with us at all. He stated that he appreciated Mayor Land and Richard Anderson and the confidence

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they had in him to do this for so long. He said he has enjoyed immensely representing the residents of Apopka. That was what he felt was their responsibility and to the best of his abilities he has done that. He leaves happy to know that he is leaving it in good hands with those of you that remain. He thanked Mr. Davoll and Mr. Moon for the years they have worked together.

Public - None.

ADJOURNMENT: The meeting was adjourned at 5:20 p.m.

/s/

James Greene, Vice-Chairperson

/s/

R. Jay Davoll, P.E.
Community Development Director