

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MARCH 10, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Teresa Roper, 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, Robert Sargent – Public Information Officer, Daniel Sala-Diakanda, Eric Cain, Ed Velazquez, McCarthy McCollough, John Townsend, Dave Hoffman, Jimmy Dunn, Randy June, 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.

APPROVAL OF MINUTES:

Chairperson Hooks asked if there were any corrections or additions to the minutes of the regular meeting on February 10, 2015, held at 5:01 p.m. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on February 10, 2015, at 5:01 p.m.

Motion: James Greene made a motion to approve the Planning Commission minutes from the regular meeting on February 10, 2015, meeting at 5:01. Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).

Chairperson Hooks asked if there were any corrections or additions to the minutes of the special meeting on February 24, 2015, held at 5:01 p.m. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on February 24, 2015, at 5:01 p.m.

Motion: Pam Toler made a motion to approve the Planning Commission minutes from the regular meeting on February 10, 2015 and the special meeting on February 24, 2015, meeting at 5:01. James Greene seconded the motion. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).

COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE AMENDMENT – MCCARTHY MCCOLLOUGH – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Rural (01- du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by McCarthy McCollough. The property is located north of West Kelly Park Road, east of Foliage Way (1505 West Kelly Park Road). The existing and proposed use is a single-family residence. The existing maximum allowable development is 1 Unit and the proposed maximum allowable development is 2 Units. The tract size is 8.44 +/- acres.

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The subject parcel was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. 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 Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 8.44 acres. The property owner intends to use the site for a residential development. The applicant intends to split the lot, contingent upon future land use and rezoning approvals, and sell approximately two (2) acres of the existing subject property for an additional single-family residence. Residential development of the two acres parcel will require connection to central water and sewer.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change as indicated in the Land Use Report.

The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City's proposed AG and RCE-1 Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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 February 6, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from "County" Rural (0-1 du/10 ac) to "City" Rural Settlement (0-1 du/5 ac) for the property owned by McCarthy McCollough.

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

Chairperson 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 Small Scale Future Land Use Amendment from "County" Rural (01- du/10 ac) to "City" Rural Settlement (0-1 du/5 ac) for the property owned by McCarthy McCollough located at 1505 West Kelly Park Road, and subject to the information and findings in the staff report. Motion seconded by Robert Ryan. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).**

CHANGE IN ZONING – MCCARTHY MCCOLLOUGH – Mr. Moon stated this is a request to recommend approval of the Change of Zoning from "County" A-1 to "City" AG and RCE-1 for the property owned by McCarthy McCollough. The property is located north of West Kelly Park Road, east of Foliage Way (1505 West Kelly Park Road). The existing and proposed use is a single-family residence. The existing maximum allowable development is 1 Unit and the proposed maximum allowable development is 2 Units. The tract size is 8.44 +/- acres.

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The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. A survey of the proposed lot split is provided with the support information. The smaller proposed lot abutting Kelley Park Road is two acres and the applicant request RCE-1 zoning for this portion of the property. The minimum lot area for RCE-1 is one acre. However, a portion of the front of this parcel as well as the access portion of the parcel zoned AG will likely be acquired for right-of-way when Kelley Park Road is widened from 60 feet to up to 120 feet. In such case, the remaining portion of the RCE-1 parcel will meet the minimum lot size.

The proposed zoning change is compatible with the character of the surrounding area and the subject parcel contains an existing. The applicant has requested the AG zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 8.44 acres. The portion of the property proposed to be zoned RCE-1 is located adjacent to Kelley Park Road. The property owner intends to use both parcels a single-family home but desires to retain the larger parcel for agriculture use. Access to the larger rear parcel will occur through a flag-lot.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as indicated in the Zoning Report.

The proposed AG & RCE-1 rezoning is consistent with the proposed Future Land Use Designation of Rural Settlement (up to one unit per five acres, maximum density of one unit per acre) for this property. Minimum lot size for property assigned the AG zoning category is 5 acres, and the minimum lot size for property assigned the RCE-1 zoning classification is 1 acre.

The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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 February 6, 2015.

The Development Review Committee recommends approval of the change in Zoning from “County” A-1 to “City” AG (6.44 ac) and RCE-1 (2.0 ac) for the parcel owned by McCarthy McCollough located at 1505 West Kelly Park Road, subject to the information and findings in 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.

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 the Change of Zoning from “County” A-1 to “City” AG and RCE-1 for the property owned by McCarthy McCollough, located north of Kelly Park Road, east of Foliage Way (1505 West Kelly Park Road), and subject to the information and findings in the staff report. Motion seconded by Pam Toler. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).

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2015-2 ADMINISTRATIVE REZONING – Mr. Moon stated The 38 parcels, comprising a total of 298.42+/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed AG zoning designation. All subject properties currently have a City Future Land Use Designation of Rural Settlement (RS) or Agriculture (AG) and a County zoning category of “County” A-1 assigned to them. A summary of each zoning case is provided in Exhibits “A” and “B”. Exhibit “A” describes parcels currently assigned a “County” A-1 zoning category.

All Cases (“County A-1”)

Total # of Parcels:	34
Total # of Property Owners:	33
Total Acreage:	298.42

One parcel was pulled because the current zoning does not match those included within Cycle 2 Administrative Rezoning. The numbers above remove this case. Exhibit “A” shows this parcel deleted. The attached exhibits provide a summary of each proposed zoning amendment. Each property owner has been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. An individual zoning report has been prepared for each zoning case. All zoning reports are provided in Exhibit “B”.

Pursuant to the Interlocal Agreement between the City and Orange County (2004), policy of the City’s Comprehensive Plan (Policy 3.9) and State law (s 163.3202, F.S.), the City is required to assign a zoning category to lands that are annexed into the City’s jurisdiction. To comply with these requirements, city staff is recommending that the City assign a zoning category that is most compatible to the current zoning category that was assigned by Orange County.

The impact on the number of residential units under the proposed rezoning for each case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 6, 2015.

The Development Review Committee recommends approval of the change in Zoning from “County” A-1 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

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

Chairperson 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 2015-2 Administrative Rezoning from “County” A-1 to “City” AG subject to the information and findings in the staff report and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, James Greene, Melvin Birdsong, James Greene, Robert Ryan, Pamela Toler, and Mallory Walters (6-0).**

PRELIMINARY DEVELOPMENT PLAN – ROCK SPRINGS ESTATES – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the

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Preliminary Development Plan for Rock Springs Estates. The owner is Rock Springs Estates, LLC; the applicant is Pulte Group, c/o Doug Hoffman, P.E, and the engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E. The property is located south of West Lester Road, east of Vick Road. The future land use is Residential Low Suburban (0-3.5 du/ac) and the zoning designation is R-1. The existing use is a single family residence and vacant land. The proposed use is a single family residential subdivision with 60 lots with a minimum of 8,000 sq. ft. lot area. The tract size is 25.84 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The Rock Springs Estates Preliminary Development Plan proposes the development of 60 single family residential lots and a 0.42 acre park. The minimum typical lot width is 75 feet with a minimum lot size of 8,000 square feet. The proposed minimum living area for the subdivision is 1,500 square feet as set forth in Chapter 2 of the Land Development Code.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front*	25'
Side	10'
Rear	20'
Corner	25'

*Front-entry garage must be setback 30 feet.

Ingress/egress for the development will be via full access from West Lester Road. A second road connection is proposed at the southeast corner of the project. Extension of this second road will occur at the time the abutting eastern parcel is developed for residential use. A multi-use trail currently runs along the south side of Lester Road. The landscape buffer tract along Lester Road has taken into consideration the presence of this multi-use trail.

The two (2) retention ponds have been designed to meet the City's Land Development Code requirements.

The developer is providing a 0.42 acre (18,200 sq. ft.) tot lot and recreation area. At the time of the final development plan application, details of active and passive recreation equipment and facilities will be submitted for the City's review. The park will be owned and maintained by the homeowners association.

Buffers are provided consistent with the Land Development. The City's Land Development Code and Tree Bank policy authorize the City Council to require the applicant to make a contribution to the City's Tree Bank to mitigate the remaining tree inches for the residential section. The Applicant has committed to pay \$10.00 per deficient tree inch (totaling \$580.00) into the Tree Bank prior to issuance of the initial Arbor/Clearing permit.

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

Total inches on-site:	1,042
Total number of specimen trees:	8
Total inches removed:	602
Total inches retained:	440
Total inches replaced:	544
Total Inches (Post Development):	984

No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement.

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The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

The Development Review Committee recommends approval of the Rock Springs Estates Preliminary Development Plan, 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.

The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or approve with conditions based on consistency with the Comprehensive Plan and Land Development Code.

In response to concerns expressed by Chairperson Hooks, Mr. Davoll stated that there are approved subdivisions within the City that have the tot-lot next to the utility road for the lift station, which is walled.

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 the Rock Springs Estates Preliminary Development Plan for property owned by Rock Springs Estates, LLC and located south of West Lester Road, east of Vick Road, subject to the findings in the staff report. Robert Ryan seconded the 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).

FINAL DEVELOPMENT PLAN/PLAT – PONKAN RESERVE NORTH SUBDIVISION – Mr. Davoll stated this is a request to recommend approval of the Final Development Plan/Plat for Ponkan Reserve North Subdivision. The owner is Clyde Marie Brown, c/o Donna L. Helton. The applicant/engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn. The property is located at 301 Ponkan Road. The future land use is Mixed Use (max. 2 du/ac) and the zoning designation is Mixed Use CC. The existing uses are a single family residence, a manufactured home, and vacant land. The proposed use is a single family residential subdivision with 51 lots. The minimum lot size is 12,500 sq. ft.; the minimum lot width is 95 feet; and the minimum living area is 2,500 sq. ft. The tract size is 25.5 +/- acres. The existing and proposed density is 2 units per gross acre. The staff report and its findings are to be incorporated into and made a part of the minutes.

The Ponkan Reserve North Final Development Plan proposes the development of 51 single family residential lots and a 0.57 acre park. The park will serve this residential community and will be owned and maintained by the homeowners association.

The minimum typical lot width is 95 feet with a minimum lot size of 12,500 square feet. The proposed minimum living area for the subdivision is 2,500 square feet as set forth in Chapter 2 of the Land Development Code. The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front	30'
Side	10'
Rear	35'
Corner	25'

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Ingress/egress for the development will be via Ponkan Road. A Transportation Impact Study has been submitted and reviewed by the City. No substandard issues were identified by the report. A twenty-foot wide tract of land (Tract "G") has been reserved for future road right-of-way to allow for an expansion of Ponkan Road.

The two (2) retention ponds have been designed to meet the City's Land Development Code requirements.

The developer is providing a 0.57 acre (25,000 sq. ft.) active and passive recreation area. Recreation facilities and equipment will be proposed with the Final Development Plan application.

A habitat management plan was submitted by the applicant. Based on the results of this study, The developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity regarding protection and relocation of any identified protected species.

Exterior elevations of all proposed homes must be reviewed by the Community Development Department prior to issuance of a building permit. Exterior home elevations must meet the intent of the City's Development Design Guidelines.

Section 2.20.B.29., Land Development Code, establishes that new development must meet residential garage design standards that are applicable to the mixed use zoning district. This standard requires single-family residential development with lots 75 feet or greater to provide a mixture of garage types; and that no more than 50 percent of the lots shall be of a single garage type. Garage types include front-entry, recessed by ten feet, side-entry, detached, rear-entry. At the time building elevations are provided, the home builder must demonstrate that a diversity of garage types will be provided consistent with Section 2.20.B.29.

A ten-foot landscape tract (Tract "B" and "C") with a six-foot high brick wall is provided along Ponkan Road with a subdivision sign at the entrance. The brick wall will extend across all of Tract "B" and Tract "C" except for the area of Tract "B" fronting the Tract "A" stormwater pond. The applicant requests that the portion of the buffer tract in front of the stormwater pond occur as a wrought-iron style fence with a brick posts. Buffers are provided consistent with the Land Development Code.

Abutting the eastern boundary of Ponkan Reserve North is a field office and operations center for Duke Energy's local service facility. A buffer wall is not located along the western boundary of the Duke Energy property. A screen wall is not required by the Land Development Code, and screen wall is not proposed by within the Preliminary Development Plan. Future homeowners will have the option to install a fence along their rear lot lines.

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

Total inches on-site:	8,665
Total number of specimen trees:	19
Total inches removed:	4,590
Total inches retained:	4,043
Total specimen inches retained:	752
Total inches required:	3,885
Total inches replaced:	1,005
Total inches post development:	5,058

Based on the number of tree inches preserved and additional tree inches replaced, a tree mitigation fee is not required for this project.

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All preserved trees shall be protected during lot construction and grading. Appropriate tree barricades shall be installed around each tree or group of trees along the tree drip line. A detail of the tree protection barrier shall be included within the Final Development Plan.

The applicant requested a waiver of the requirement for a six-foot brick wall within Tract "B" landscape buffer in front of the Tract "A" stormwater pond. In lieu of a solid brick wall in front of the stormwater pond, a wrought-iron style, brick post fence will be provided. The remaining areas of Tract "B" will contain a solid brick wall.

No development activity can occur until such time that a concurrency mitigation agreement has been approved by OCPS. A school mitigation agreement has been accepted by OCPS and is currently in the process of being executed and recorded.

The Development Review Committee recommends approval of the Ponkan Reserve North – Final Development Plan/Plat, and a Waiver to allow a wrought-iron style/brick post fence in lieu of a solid brick wall in front of Tract "A" stormwater pond, subject to the findings of this staff report.

The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or approve with conditions based on consistency with the Comprehensive Plan and Land Development Code.

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

In response to a question by Chairperson Hooks, Mr. Davoll stated that staff is okay with the waiver request to install the wrought-iron style/brick post fence in lieu of a solid brick wall in front of Tract "A" stormwater pond.

In response to a question by Ms. Toler, Mr. Davoll acknowledged that all 51 lots will be accessing Ponkan Road from the one entrance.

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 Ponkan Reserve North Final Development Plan/Plat and the waiver request to allow a wrought-iron, brick post fence in front of the stormwater pond on Tract "A" in lieu of a solid brick wall; for property owned by Clyde Marie Brown, c/o Donna L. Helton and located at 301 Ponkan Road, subject to the findings in the staff report. James Greene seconded the 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).**

OLD BUSINESS:

Planning Commission

AVIAN POINTE – AOPKA CLEAR LAKE INVESTMENTS, INC. – Mr. Moon advised the Planning Commission that the large scale future land use amendment would not be brought back to the Planning Commission as requested at their meeting on July 14, 2014. The developer was unable to come to an agreement with Coca Cola, property located to the northwest of the subject property, for access to lengthen Peterson Road to North Orange Avenue. They were able to come to an agreement with the

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owner of the property to the northwest but that agreement is still being processed. Due to the State required 180-day deadline approaching for the adoption of the Future Land Use Ordinance No. 2372, staff is taking the ordinance to the March 18, 2015, City Council meeting for adoption. If the ordinance is not adopted before the end of the 180 day deadline, the property owner will be required to start the large scale future land use amendment process again. There will be a deed restriction that will limit the density to five (5) units per acre until the Peterson Road extension to North Orange Avenue is completed.

In response to questions by Chairperson Hooks, Mr. Moon stated that once the road is extended the proposed development is for mixed uses including a mix of single-family homes, apartments, townhomes. The applicant desires to reserve a small area of the master site plan for flexible use zone that can accommodate one or more of the following uses: school or day care, boutique hotel, or a senior residential housing such as an assisted living facility or age-restricted housing. The change of zoning and development plans will be presented to the Planning Commission.

Public - None.

NEW BUSINESS:

Planning Commission: None.

Public - None.

ADJOURNMENT: The meeting was adjourned at 5:27 p.m.

/s/

Steve Hooks, Chairperson

/s/

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