

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JUNE 10, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. – Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Jim Stelling, Ed Hampden, Vernon Priest, Steve Boyd, Luke Classon, Suzanne Kidd, Merry Lovern and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES:

May 13, 2014 Regular Planning Commission Meeting: Chairperson Hooks asked if there were any corrections or additions to the minutes from the regular meeting held May 13, 2014. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission regular meeting held May 13, 2014.

Motion: Mallory Walters made a motion to approve the Planning Commission minutes from the Regular meeting on May 13, 2014. Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan (7-0).

June 3, 2014 Planning Commission Workshop - Small Lot Overlay Zoning District: Chairperson Hooks asked if there were any corrections or additions to the minutes from the Small Lot Overlay Zoning District Workshop held June 3, 2014.

The following corrections were made to the June 3, 2014 workshop minutes:

Page 2: Item 6. Require that 75% of the lots in a development designated as a small lot overlay district must have a minimum living area of 1,700 square feet or higher; and no more than 25% may have living areas of 1,500 square feet ~~or less~~ up to 1,699 square feet.

Page 2: Item 8. Include language in the ~~Covenants, Conditions, and Restrictions (CCR) documents~~ ordinance that ensures that if the homeowners' association fails to maintain the lawns and commons areas of a subdivision, the City ~~may enforce the City codes and~~ will hold the HOA responsible for enforcing the HOA Codes.

With no one having any additional corrections or additions, he asked for a motion to approve the minutes with corrections of the Planning Commission Small Lot Overlay Zoning District Workshop held June 3, 2014.

Motion: James Greene made a motion to approve the Planning Commission minutes from the Regular meeting on May 13, 2014, and the Small Lot Overlay Zoning District Workshop held June 3, 2014. Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan (7-0).

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FINAL DEVELOPMENT PLAN/PLAT – APOPKA WOODS – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the Final Development Plan/Plat for the Apopka Woods subdivision. The owner/applicant is Apopka Woods LLC, c/o Jim Stelling. The engineer is IBI Group (Florida) Inc., c/o Luke Classon. The property is located north of McCormick Road and east of Irmalee Lane. The existing use is vacant land, planted pine, and a vacant single family home. The proposed use is a 76 lot single family residential subdivision. The future land use is Residential Low Density (0-5 du/ac) and the zoning is R-2 residential. The minimum lot width is 70 feet and the minimum lot size is 7,500 square feet. The existing maximum allowable development is 124 residential lots and the proposed maximum allowable development is 76 residential lots. The tract size is 24.82 +/- acres. 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 Preliminary Development Plan for this project was approved by City Council on October 16, 2013. During that meeting, and as part of the Preliminary Development Plan approval, City Council approved a waiver request to waive the brick wall required along the eastern and northern property line but in lieu thereof required a uniform vinyl fence. The Final Development Plan and Plat are consistent with the approved Preliminary Development Plan.

The subject property was annexed into the City of Apopka on July 6, 2006, through the adoption of Ordinance No. 1827. The applicant proposes to develop 76 single family residential lots with a minimum lot width of 70 feet and a minimum lot area of 7,500 sq. ft. A brick wall within a ten foot wide buffer tract is proposed adjacent to McCormick Road. A five-foot wide fence easement is proposed along the eastern and north property line to buffer the Apopka Woods subdivision from the Orange County Northwest Water Reclamation Facility. The plat has been coordinated with Orange County planners and engineers.

The Apopka Woods, LLC subdivision plan plat proposes the development of 76 single family residential lots. The minimum typical lot width is 70 feet with a minimum lot size of 7,500 square feet. The minimum living area for the subdivision is 1,350 square feet as set forth in Chapter 2 of the Land Development Code.

One driveway connection from McCormick Road is proposed and includes a left turn lane. An entrance feature for Apopka Woods will be constructed within the ten-foot wide buffer near McCormick Road. There is right-of-way set aside for an egress/ingress point near the northwest corner of the subdivision to allow for future connection to the undeveloped parcel abutting the western project boundary.

The stormwater management system is located at the north end of the project site (dry retention pond - 2.48 acres) that meets the City of Apopka Land Development Code, Section 6.05.00 guidelines.

The proposed development is located within the Orange County Utility service area.

The developer is providing a 0.43 +/- acre (18,853 square-feet) active/passive recreation space next to the stormwater retention pond at the northern end of the project. The LDC requires a minimum recreation space of 18,750 square feet, which is an area equivalent to that covered by two and a half lots.)

Buffers provided are consistent with the Land Development Code. The planted pine is exempt from the arbor requirements and will be harvested for silviculture purposes. The developer is required to pay tree mitigation fee of \$16,170 into the tree bank fund.

The following is a summary of the tree inventory for Apopka Wood Subdivision:

Maximum Tree Replacement Required:	3,784
Total inches replaced:	2,167
Tree Inches to be Mitigated:	1,617

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Prior to the Final Development Plan\Plat appearing on a City Council agenda, the applicant must modify the plans to correct a few scrivener errors identified by the Development Review Committee as well as necessary documentation from Orange County government, including additional of test assigning the northern and eastern fence easement to the HOA; providing written evidence from Orange County Utilities (OCU) that OCU has approved the utility plan design noted on these Final Development Plans; and submittal of an Easement Vacation application for the existing 8 ft. FPC easement across Lot 14 and travels north behind Lots 15 through 21 or to address such vacation within the FDP and plat.

The applicant has coordinated with Orange County Public Schools and addressed school concurrency review requirements to support the development of 76 single family residential units.

The Development Review Committee recommends approval of the Apopka Woods, LLC, Final Development Plan\Plat, subject to the information and findings in the staff report.

Mr. Davoll stated that 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 a question by Chairperson Hooks, Mr. Davoll stated that the City's Utility Service Area does not extend to this location. Additionally, the Orange County Northwest Reclamation Facility is adjacent to the subject property.

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 Apopka Woods Final Development Plan/Plat for property owned by Apopka Woods, LLC, located north of West McCormick Road and east of Irmalee Lane, subject to the findings in the staff report. Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan (7-0).

FINAL DEVELOPMENT PLAN/PLAT – OAK RIDGE, PHASE 2 – Mr. Davoll stated this is a request to recommend approval of the Final Development Plan/Plat for the Oak Ridge, Phase 2, subdivision. The owner is The Ryland Group, c/o Vernon Priest. The applicant/engineer is Boyd Civil Engineering, c/o Steve Boyd, P.E. The property is located east of Plymouth Sorrento Road and north of Appy Lane. The future land use is Residential Very Low Suburban (0-2 du/ac) and the zoning is R-1AAA. The existing use is vacant land and the proposed use is a 94 lot single family residential subdivision. The minimum lot width is 120 feet, the minimum lot size is 16,000 square feet, and the minimum living area is 1,800 square feet. The tract size is 56.64 +/- acres and the density is 1.60 units per gross acre. 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 Oak Ridge, Phase 2 Final Development Plan proposes the development of 94 single family residential lots. The minimum typical lot width is 120 feet with a minimum lot size of 16,000 square feet. The proposed minimum living area for the subdivision is 2,200 square feet (1,800 square feet) minimum is set forth in Chapter 2 of the Land Development Code and approved with the Preliminary Development Plan.

Ingress/egress for the development will be via Plymouth Sorrento Road and Apply Lane. The primary entrance connects with Plymouth Sorrento Road.

There are three dry retention basins on site that have been designed to meet the City's Land Development Code requirements.

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The developer is providing a 42,688.80 square foot active and passive recreation area. The Land Development Code requires a minimum recreation space of 40,000 square feet based on 94 residential lots.

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.

Mr. Davoll notified the Commission that the tree replacement information in the staff report was not correct and would be corrected prior to going to City Council. He provided the following information.

Buffers provided are consistent with the Land Development Code. The developer is required to pay tree mitigation fee of \$910.00 into the tree bank fund.

The following is a summary of the Oak Ridge, Phase 2, tree replacement program:

Total inches on-site:	2,910
Total number of specimen trees:	21
Total inches removed:	1,925
Total inches replaced:	1,834
Total tree inches to be mitigated:	91
Total inches (post development):	2,786

No development activity and can occur and a plat cannot be recorded until such time that a concurrency mitigation agreement has been approved by OCPS.

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.

Variance Request: Section 2.02.01.A. Minimum Lot Area. For the R-1AAA zoning district the minimum lot area is 16,000 sq. ft. The applicant requests a reduction in lot area for the following.

Lot #	Proposed Lot Area (sq. ft.)	Variance (sq. ft.)	Net Decrease in Lot Area (%)
195	15,794.16	205.84	1.29%
196	15,794.16	205.84	1.29%
202	15,554.79	445.21	2.78%
203	15,527.99	472.01	2.95%
204	15,507.76	492.24	3.08%
205	15,984.00	16.00	0.10%

After the preliminary development plan was approved by the City of Apopka, Orange County Public Works required that an additional twenty (20) feet of right-of-way dedication be provided along the eastern side of Plymouth Sorrento Road. Ten feet of right of way was originally proposed to be dedicated for right-of-way. To accommodate a future expansion of Plymouth Sorrento Road to a four lane divided street, a 120 foot wide right-of-way is planned. Thirty additional feet of right-of-way is needed on both sides of Plymouth Sorrento Road, from U.S. 441 to Kelly Park Road, to achieve this future need. For the Oak Ridge Phase 2 project, only an additional 20 feet is necessary for right-of-way as ten feet was previously reserved.

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A modification to the subdivision plan to accommodate the additional twenty feet of right-of-way causes the primary subdivision entrance and western portions of the original subdivision plan to be shifted eastward. This change resulted in a slight reduction in the lot area of six residential lots, as described in the above table.

City staff finds that a reasonable hardship has been demonstrated, and does not object to the variance request.

The Development Review Committee recommends approval of the Oak Ridge, Phase 2 - Final Development Plan/Plat, subject to approval of the variance requests and 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.

In response to a question by Chairperson Hooks, Steve Boyd, Boyd Civil Engineering, 6824 Hanging Moss Road, Orlando, stated that the requirement for the extra right-of-way by Orange County, caused them to move the entrance feature back by 20 feet. This affected interior lots by decreasing the width of the lot but maintaining the lot depth. Previously, the lots were wider than the minimum 120 feet which allowed the size to meet the 16,000 square foot minimum lot area.

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 Oak Ridge, Phase 2, Final Development Plan/Plat; and to approve the request for variance of The Apopka Code of Ordinance, Part III, Land Development Code, Article II, Section 2.02.01(a) – Minimum Lot Width for Lots 195, 196, 202, 203, 204, and 205, to accommodate Orange County’s request for 20’ of right-of-way for the future widening of Plymouth Sorrento Road for property owned by The Ryland Group and located east of Plymouth Sorrento Road and north of Appy Lane subject to the findings in the staff report. Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan (7-0).

OLD BUSINESS:

Planning Commission:

JUNE 10, 2014 WORKSHOP - AMENDMENT TO THE CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – OVERLAY DISTRICTS – David Moon, AICP, Planning Manager reviewed the following changes to the draft Small Lot Zoning Overlay District as had been suggested at the workshop.

Section 3.04.04 - Review Process

Application for a Small Lot Overlay District shall follow the same review and hearing process as a change of zoning application. A master site plan and development standards shall accompany the zoning application for the Overlay District and shall address the requirements of Section 2.02.18.K. Design details and illustrations for all residential structures, accessory structures, recreation facilities and equipment, mailbox and mail kiosks, walls and fences, and other structures as requested by the Community Development Director, shall be included with the development standards.

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Section 3.04.05 - Location Criteria

2. A boundary line of a Small Lot Overlay District must satisfy one (1) of the following location criteria:
 - a. Located within a half mile from a commercial, office, or industrial use or zoning district center comprising more than ten acres;

Section 3.04.06 - Development Standards

6. Alleyways. Street lighting shall be provided along alleyways, particularly at intersections of an alley and a street.
7. Amenities and Recreational Facilities. The type and value of amenities and recreation facilities or equipment shall be evaluated based on the number of dwelling units within a proposed in the master site plan.
8. Vehicle Access Points.
 - a. All lots with a width less than fifty (50) feet (including townhome and duplex dwellings) shall have vehicle access points via a rear alley. All townhome and duplex dwelling lots shall have vehicle access points via a rear alley; no less than two thirds of the single family lots with a width less than fifty (50) feet shall have vehicle access points via a rear alley.

9. Building Setbacks

	Min. Lot width (feet) ⁽¹⁾	Min. Yard Setbacks (feet)				Maximum Lot Coverage (%)
		Front ⁽²⁾	Rear ⁽³⁾	Side ⁽⁴⁾	Corner	
Small Lot	40	15/10	20	4 min./10 total	15	75%
Small Lot	50	20	20	5	20	70%
Small Lot	60	20	20	5	20	70%
Townhome	18, 20, 22, 25	15/10	15	⁽⁵⁾	15	80%

- 1) Width of a single family or duplex lot shall not be less than forty (40) feet along any point of the length of the lot.
- 2) Setback to primary structure/setback to porch.
- 3) Setback to primary structure.
- 4) Side yard setback is zero where duplex and townhome walls separate dwelling unit.
- 5) Twenty feet between buildings.

10. Garage Setbacks

- a. Front-entry garage: 30 feet.
- b. Rear-entry garage: Same as primary structure.

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Mr. Moon suggested that if a driveway is less than 20 feet, then two parking spaces must be provided in either on-street parking or in a designated parking area.

Due to concerns expressed about residents not being able to maneuver larger vehicles in a 20 to 15 foot setback, they recommended a 22 foot setback for small lots and a maximum of 10 feet for townhomes.

Chairperson Hooks recommended requiring language in the covenants, codes, and restrictions (CCRs) that parking on the grass is prohibited.

11. Individual townhome buildings shall have no more than six dwelling units. Apartment buildings abutting or near single family dwellings shall not exceed twelve (12) dwelling units unless otherwise approved by City Council. The apartment building mass shall be limited to a size and character that is compatible with nearby single family and townhome buildings.

Section 3.04.07 - Design Guidelines

1. Subdivision design and site layout to avoid the appearance of a long row of ~~homes~~ dwelling units. Open space and street pattern shall be designed to establish breaks between housing rows.
3. Front facades of buildings facing an abutting common area or park typically have the front walls that follow a similar building line.
6. Pedestrian systems are an integral part of each development. Community design shall be incorporate street and pathway systems that are pedestrian and bicycle friendly.
7. Unless otherwise accepted by the local U.S. Postal Service Office, mail delivery for small lots with a width less than fifty (50) feet, apartment and townhome mail boxes shall occur at a sheltered mailbox kiosk. Mail box kiosks shall be covered by a shelter structure sufficient to project the patron and delivery personnel from inclement weather. Development applicant must obtain letter from local U.S. Postal Service Office accepting proposed mailbox or kiosk system.
8. Mailboxes located at the front of a single family lot shall be uniform in color and appearance.

The Planning Commission unanimously agreed that an illustration depicting the types of acceptable mail kiosks be included in the amendment.

Section 3.04.08 – Architectural Appearance and Building Design

1. Minimum Residential Livable Area.

<u>Residential Type</u>	<u>Minimum Livable Area</u>	<u>Minimum Number of Bedrooms</u>	<u>Maximum Number of Bedrooms</u>
<u>Single Family Home</u>	<u>1,500 sq. ft.</u>	<u>2</u>	<u>4</u>
<u>Duplex Unit</u>	<u>1,500 sq. ft.</u>	<u>2</u>	<u>3</u>
<u>Townhome Unit</u>	<u>1,350 sq. ft.</u>	<u>2</u>	<u>3</u>
<u>Apartment Unit</u>	<u>750 sq. ft.</u>	<u>1</u>	<u>3</u>

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2. Diversity in Residential Livable Area. A minimum of seventy-five percent (75%) of all residential units, excepting apartment buildings, shall have a minimum livable area not less than 1,700 square feet. Not more than twenty-five percent (25%) of all residential units, excepting apartment buildings, shall have a livable area less than 1,500 square feet.
3. ~~Maximum number of bedrooms allowed for a house constructed on a small lot is four (4) and three (3) bedrooms for duplex, townhome or apartment. Single family, duplex, and townhome dwellings shall have a minimum of two bedrooms. No more than twenty-percent (20%) of apartment units shall have one-bedroom or a suite design.~~
4. Duplexes, townhomes and apartment buildings must be designed to architecturally blend with the surrounding single-family dwellings.
5. Front building entrance shall be featured with a porch, portico, or similar entry-feature. A porch must have a minimum depth of five (5) feet and must be designed to accommodate at least two humans. A portico shall be flush with or extend beyond the front wall of the dwelling unit.
6. The rear of any residential building facing a public street or adjacent established residential neighborhood shall be treated with the same architectural quality as the front façade regarding fenestration, articulation and roofline. Substantial window areas shall overlook streets.
7. Single family and duplex units are limited to two stories; townhome and apartment buildings abutting or near single family residential shall be limited to two stories.
8. Architectural exterior elevations shall vary among all housing types but have color unified schemes to create diversity in exterior appearances and style.
7. A front entry garage does not extend beyond the front building wall. ~~If a useable front porch is provided, then the garage may extend as far as the porch but no further than the front yard setback.~~

Section 3.04.11 – Maintenance and Community Management

1. All residential development with the Small Lot Overlay District shall be subject and beholden to a single master property owner association.
2. All common areas and lawn areas within any lot less than fifty (50) foot wide lot shall be maintained the property owners association unless another maintenance program is approved by the City Council. Any shared residential driveways shall be maintained by the Property Owners Association. All parking spaces adjacent to or outside the travel lanes shall be maintained by the Property Owners Association.
3. A disclaimer statement shall be incorporated into the Property Owners Association's Code, Covenant, and Restrictions document notifying the property owners that should the Association fail to maintain commons areas or required laws, both the City may hold the Association or the property owner responsible.

Upon Mr. Moon's recommendation, the Commission requested that the disclaimer language be removed and for staff to contact the City Attorney for language that would allow enforcement of the HOA's restrictions.

In response to a question by Ms. Walters, Mr. Moon stated that he had researched other cities and how they were handling small lot districts.

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Ms. Walters expressed her continuing concerns that any HOA may become defunct and the subdivisions would deteriorate.

In response to questions by Suzanne Kidd, 1260 Lexington Parkway, Apopka, Mr. Moon stated that studio apartments would fall under the one-bedroom.

Ms. Kidd expressed concerns that requiring small lot districts to be gated would cause the price to increase. She suggested looking at each development on a case by case basis to determine if it should be gated.

Chairperson Hooks stated that the idea to require gates was to increase the cost thereby providing an incentive for the property owners to want to take care of the property.

In response to a question by Chairperson Hooks, Mr. Moon stated that developers want the option of apartments.

Chairperson Hooks mentioned that none of the developments they toured had apartments on site. He said they all had duplexes, townhomes, and single family residences.

In response to a concern expressed by Mr. Greene, Mr. Moon stated that, while it was very complicated, apartment complexes could have HOAs.

The Commission expressed their desire to take apartments out of the small lot overlay district all together.

Ed Hampden, Tallman Development Company, 604 S. Lake Sybelia Drive, Maitland, stated that it did not make much difference is the garage setbacks were 22 feet or if the developer was required to provided two parking space on-street on in a designated parking area.

Ms. Kidd suggested requiring language in the CCRs that limits the number of investor homes.

Public: None.

NEW BUSINESS:

Planning Commission: None.

Public: None.

ADJOURNMENT: The meeting was adjourned at 6:17 p.m.

____|s|_____
Steve Hooks, Chairperson

____|s|_____
R. Jay Davoll, P.E.
Community Development Director