



**City of Apopka
Planning Commission
Meeting Agenda
July 11, 2017
5:30 PM @ CITY COUNCIL CHAMBERS**

I. CALL TO ORDER

If you wish to appear before the Planning Commission, please submit a “Notice of Intent to Speak” card to the Recording Secretary.

II. OPENING AND INVOCATION

III. APPROVAL OF MINUTES:

- 1 Approve minutes of the Planning Commission regular meeting held June 12, 2017.

IV. PUBLIC HEARING:

1. CHANGE OF ZONING – PO/I and AG to Mixed-EC, Joseph & Swana Gates And Oak Royal Properties LLC; property located east of Ocoee Apopka Rd. and north of Keene Rd (Parcel Id. Nos.: 20-21-28-0000-00-021;-024;-025).
2. Evaluation & Appraisal Report 2017 – Comprehensive Plan - Letter of Intent for Evaluation and Appraisal of Apopka’s Comprehensive Plan to the Florida Department of Economic Opportunity.

V. SITE PLANS:

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk’s Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.

Backup material for agenda item:

- 1 Approve minutes of the Planning Commission regular meeting held June 12, 2017.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JUNE 12, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle

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

OTHERS PRESENT: James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Pamela Richmond, AICP – Senior Planner, Kyle Wilkes, AICP – Planner II, Elizabeth Florence – Planner I, Robert Sargent – Public Information Officer, Jim Hanson, Jorge Morell, Guy Wingo, Julie Kendig, Jason Revelle, Gene Cowart, Phyllis Page, Bruce Mount, Suzanne Kidd, Theresa Sargent, Herbert Jones, Philip Hamilton, John Auld, and Jeanne Green – 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 May 9, 2017, at 5:30 p.m.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on May 9, 2017, at 5:30 p.m. and seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0).

Chairperson Greene asked if there were any corrections or additions to the additional meeting minutes of May 23, 2017, at 5:30 p.m.

Motion: Roger Simpson made a motion to approve the Planning Commission minutes from the additional meeting held on May 23, 2017, at 5:30 p.m. and seconded by John Sprinkle. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0).

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

QUASI-JUDICIAL – SPECIAL EXCEPTION – MIRACLE GRACE ACADEMY - Chairperson Greene stated this is a request to approve the Special Exception to allow a pre-kindergarten through twelfth grade private school within a property assigned a Commercial zoning category of C-1. The property is owned by Platinum Eagles 2011 LLC and the applicant is Miracle Grace Academy. The property is located at 2250 and 2252 East Semoran Boulevard.

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.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2017, AT 5:30 P.M.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to the Special Exception to allow a pre-kindergarten through twelfth grade private school within a property assigned a Commercial zoning category of C-1. The property is owned by Platinum Eagles 2011 LLC and the applicant is Miracle Grace Academy. The property is located at 2250 and 2252 East Semoran Boulevard. The existing use is a kindergarten through second grade private school within a retail shopping center. The land use is Commercial (max. 0.25 FAR) and the zoning designation is C-1 (Retail Commercial). The proposed use is a pre-kindergarten through twelfth grade private school. The tract size is 5.29 +/- acres.

Within the C-1 (Retail Commercial) zoning category, a school is a special exception use requires Planning Commission action. The current special exception allows a pre-kindergarten through second grade private school. The application to amend the approved special exception requests to expand the grade levels through twelfth grade, with an anticipated enrollment of 25-35 students. Location of the school remains at the current site --tenant space at 2250 and 2252 East Semoran Blvd. (Wekiva Corners shopping center). The applicant received approval in 2016 for a kindergarten through second grade private school. In addition, the applicant will use the tenant space for adult continuing education/tutoring, which is permitted within the C-1 zoning district.

The property is presently assigned a Future Land Use Designation of “Commercial” and a zoning category of C-1 (Retail Commercial). School and institutional uses are allowed as a Special Exception in the C-1 zoning district per Section 2.02.02B.5.d of the Land Development Code, provided the use will not create adverse circumstances affecting the health, safety, and general welfare of the public.

- A. Relationship to Adjacent Properties: Zoning and existing land use assigned to adjacent and nearby properties appears in the attached exhibits. The character of the area surrounding the subject property is described as follows:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial (max 0.25 FAR)	C-1	Sonny’s BBQ/Wells Fargo
East (City)	Commercial (max 0.25 FAR)	C-1	Muffler Man
South (City)	Residential High (0-15 du/ac)	PUD	Oasis at Wekiva Apartments
West (City)	Commercial (max 0.25 FAR)	C-1	Retail Commercial (Stinson Center)

- B. Special Exception Development Standards. Article II of the Land Development Code establishes development standards specific to special exceptions. These standards are intended to reduce any impacts from the proposed special exception use on adjacent properties.

- C. Special Exception Conditions of Use.

1. The number of ~~kindergarten~~ pre-kindergarten through ~~second grade~~ twelfth grade students (full-time equivalent) shall not exceed 50.
2. The total floor area of the proposed private school shall not exceed 5,000 sq. ft., all floor area of the school shall be contiguous, and access to all classrooms shall occur from internal to the building.
3. No outdoor activities related to this proposed special exception use shall occur except for such activities authorized through a special event permit approved by the City.

4. The Special Exception Use only applies to land contained within Parcel No. 12-21-28-0000-00-014 as of the date of the adoption hearing.
5. This Special Exception authorization expires if (a) the applicant fails to obtain a certificate of occupancy or a business tax receipt within two years from the date of the Special Exception approval; and (b) the Special Exception Use has vacated the parcel for more than 180 consecutive days.

The Development Review Committee recommends approval of the amendment to the Miracle Grace Academy Special Exception to allow a private Pre-Kindergarten through Twelfth Grade school not to exceed 50 students and 5,000 sq. ft. floor area in size within a C-1 zoning district subject to the special exception conditions within the Staff Report.

Staff recommends the Planning Commission approve an amendment to the Miracle Grace Academy Special Exception Use to allow a private Pre-Kindergarten through Twelfth Grade subject to the Special Exception Conditions of Use at its current approved location.

Pursuant to the City of Apopka Code of Ordinances, Part III, Land Development, Article XI, Section 11.05.D.1 the Planning Commission has the authority to take final action on a special exception application. Therefore, the Planning Commission may approve, deny or approve with conditions this application. An applicant may appeal the Planning Commission action to the City Council.

Suzanne Kidd, 1260 Lexington Parkway, Apopka, voiced her opposition to the special exception request stating her belief, as a former teacher, that the retail space to be utilized is not large enough to adequately provide the kind of environment and space the proposed number of students need; and that there is no access to allow for outdoors activities.

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 approve the Special Exception request to allow a pre-kindergarten through twelfth grade private school within a property assigned a Commercial zoning category of C-1 for property is owned by Platinum Eagles 2011 LLC; the applicant is Miracle Grace Academy; and the property is located at 2250 and 2252 East Semoran Boulevard. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – THOMPSON HILLS ESTATES (OAK POINTE SOUTH PUD) - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in zoning from Planned Unit Development to Planned Unit Development (New Master Site Plan) for property owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2017, AT 5:30 P.M.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. Gene Cowart announced that he was representing Jason Revelle who owns the property located in the center of the proposed project and asked that Mr. Revelle be considered an affected party.

The Commission unanimously agreed that Mr. Revelle is an affected party due to his proximity to the subject property.

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 find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in zoning from R-3 (Residential) to PO/I (Professional Office/Institutional) for property owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road. The future land use is Mixed Use. The current use is vacant land. The proposed use is a single-family and townhome residential development with 118 single family homes and 106 townhome units. The tract size is 67.7 +/- acres.

The proposed change of zoning is being requested by the owner. The subject properties were annexed into the City via Ordinance 1651 on December 18, 2002. A public road with a right-of-way width ranging from 80 to 150 feet extends from McCormick Road to the Tract L-1 of the project.

The existing PUD Master Plan expired and the applicant must re-submit a new PUD Master Plan. In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as depicted in the Zoning Report.

The applicant proposes to develop the property as a private, gated residential community with single-family and townhome homes. Located along McCormick Road, the City of Ocoee is situated along the south side of McCormick Road, which is a County road. State Road 429 follows the western project boundary. The proposed residential PUD Master Plan abuts land zoned commercial. The commercial land sites between McCormick Road and the residential Master Plan. An existing public road – Irmalee Lane – extends from McCormick Road northward through the property. Apopka Woods is a 76 lot, single family residential neighborhood that abuts most of the eastern boundary of Oak Pointe. Typical lots within Apopka wood have a minimum width of 70 feet and a minimum land area of 7,500 sq. ft.

Directly to the south of Oak Pointe is a private gated residential community – McCormick Woods – with typical lots of 70 x 125 (8,750 sq. ft.).

Oak Pointe is a proposed private residential community with 112 single family lots and 106 townhome lots. Single family homes have a typical lot size with a minimum width of 70 feet, a typical depth of 110 feet, with a minimum lot area of 7,700 sq. ft. Each single family home will have a two-car garage. Townhomes are on a lot with a minimum width of 23 feet. The Master Plan provides not breakdown of the percentage of townhomes that will have one-car and two-car garages. While the Master Plan makes reference to one- and two-car garages, the minimum lot width for all lots does not appear wide enough to accommodate a two car garage. Also, architectural rendering for the townhomes all show a one care The Master Plan does not identify a minimum livable area for either the townhome or the single family home

The Master Plan\Preliminary Development Plan is not consistent with the Land Development Code and the Development Design Standards\Guidelines established therein. A list of inconsistencies that City DRC members have identified are included in the exhibits. Therefore, DRC cannot recommend approval of the

Oak Pointe PUD Master Plan and Preliminary Development Plan.

The existing and proposed use of the property is consistent with the Residential Low Future Land Use designation but is not consistent with the Land Development Code.

A capacity enhancement agreement with OCPS or a letter exempting the project from school capacity enhancement is required prior to submittal of a final development plan.

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 May 19, 2017.

The Development Review Committee finds the proposed amendment not consistent with the Comprehensive Plan and Land Development Code and recommends denial of the Oak Pointe Planned Unit Development Master Plan and Preliminary Development Plan.

Staff recommends denial of change of zoning category from Planned Unit Development Master Plan and Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits.

Should Planning Commission recommend to approve the PUD Mater Plan\Preliminary Development Plan, then staff recommends it do so subject to the condition that all terms and conditions presented in the staff report and exhibits must be addressed by the applicant and that the Master Plan and Preliminary Plan must comply with the Land Development Code and acceptable to the Development Review Committee.

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 Ms. Laurendeau, Mr. Moon stated that the owner of the property located in the middle of the subject gated community would be given an easement and access codes to enter by the gates.

In response to a question by Mr. Simpson, Mr. Moon stated that a Planned Unit Development allows an applicant to create their own design standards; however, those design standards must be equal to or greater than what is required in the Land Development Code. The applicant's request for a 10' landscape buffer along S.R. 429 without the required 6' brick wall is not equal to or greater than what is required in the Land Development Code.

Petitioner Presentation: David Evans, Evans Engineering, Inc., 719 Irma Avenue, Orlando, stated his company is the engineer for the subject project. He said the original PUD master plan expired and they have been working with staff for a year to create a new PUD master plan. He went over his timeline; described the proposed amenities; and explained how the site will be accessed and the internal roads would be private.

In response to questions by Mr. Sprinkle, Mr. Evans stated that Mr. Revelle would be a member of the community and would be given a remote access like the residents in the community. He said it remained to be seen if Mr. Revelle would be required to belong to and pay homeowners association fees.

In response to a question by Mr. Simpson, Mr. Evans stated that they have been working with staff and would continue to work with staff.

Affected Party Presentation: Gene Cowart, 12638 Scottish Pine Ln, Clermont, stated he was representing Jason Revelle, who owns the property on Irma Lee Lane that sits in the middle of the proposed project. On

behalf of Mr. Revelle, Mr. Cowart expressed concerns with what the responsibilities would be if the road is privatized but the project is not constructed such as who would be responsible for maintaining the road. He expressed Mr. Revelle's concerns about construction traffic through Irma Lee Lane; on-street parking being allowed in either the single family portion or the townhomes; the residential and commercial parcels using the same road as access; and, the lack of any buffering between the residential and the commercial parcels.

Mr. Moon stated that the City has a parking ordinance that addresses on-street parking. He added that the single family units will have two-car garages. The townhomes will have one to two-car garages and while there will also be on-street parking, those parking spaces are outside the travel lane. He stated that the concept plans provided by the applicant were not consistent with the Land Development Code or the Comprehensive Plan; however, the applicant requested it be brought to a public hearing.

Ms. Laurendeau expressed her concern that the landscape plans indicates the property is to be clear cut. She expressed her opposition to the plans because they did not include basic information such as building heights, the size of the dwellings, or lengths of the driveways.

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 deny the request for a change of zoning for the from Planned Unit Development Master Plan and Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – LAKE LUCIE EQUESTRIAL TRAIL HEAD

- Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for the Lake Lucie Equestrian Trail Head. The owner is the Orange County Board of County Commissioners and the applicant is Borrelli and Partners, c/o Christopher Rice. The property is located at 43 Rainey Road which is south of the Orange County/Lake County line, west of Rainey Road, east of Plymouth Sorrento 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: Pamela Richmond, AICP, Senior Planner, stated this is a request to recommend approval of the Final Development Plan for the Lake Lucie Equestrian Trail Head. The owner is the Orange County Board of County Commissioners and the applicant is Borrelli and Partners, c/o Christopher Rice. The property is located at 43 Rainey Road which is south of the Orange County/Lake County line, west of Rainey Road, east of Plymouth Sorrento Road. The future land use is Conservation and the zoning is PR (Parks & Recreation). The existing use is vacant land and the proposed use is an equestrian trail. The tract size is 166 +/- acre.

The Lake Lucie Equestrian Trail project is a proposed 166 acre site to be used exclusively for equestrian riding. This project is owned by Orange County and will be operated and maintained by Orange County. The site was developed with the goal of preserving the natural setting and great care was given to preserve as many trees as possible. Crushed concrete will be used as the surface for the parking lot and driveways to the site's two access points to Rainey Road. Handicap parking will be paved according to requirements

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2017, AT 5:30 P.M.

of Florida Statutes. Parking and access are designed to accommodate horse trailers. Amenities, in addition to the trail include hitching posts, a hand pump well and an animal proof trash receptacle.

The Development Review Committee finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Lake Lucie Equestrian Trailhead Final Development Plan, subject to the findings of this staff report.

Staff recommends that the Planning Commission find the Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Lake Lucie Equestrian Trailhead Final 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.

Ms. Laurendeau enthusiastically expressed her approval of the plan.

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: **Jose Molina made a motion to find the Lake Lucie Equestrian Trail Head Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for the property owned by the Orange County Board of County Commissioners, c/o Borrelli and Partners, c/o Christopher Rice, and located on 43 Rainey Road which is south of the Orange County/Lake County line, west of Rainey Road, east of Plymouth Sorrento Road. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle. (6-0) (Vote taken by poll.)**

QUASI-JUDICIAL – MASTER SIGN PLAN – PIEDMONT PLAZA - Chairperson Greene stated this is a request to approve the Master Sign Plan for Piedmont Plaza, owned by G and I VIII Piedmont Plaza, LLC, c/o Greenberg Traurig, P.A., and located south of Semoran Boulevard (SR 436), east of Piedmont-Wekiwa 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: Elizabeth Florence, Planner, stated this is a request to approve the Master Sign Plan for Piedmont Plaza, owned by G and I VIII Piedmont Plaza, LLC, c/o Greenberg Traurig, P.A., and located south of Semoran Boulevard (SR 436), east of Piedmont-Wekiwa Road. The existing use is a retail shopping plaza. The future land use is Commercial and the zoning is C-1. The tract size is 13.74 +/- acres.

The Piedmont Plaza Master Sign Plan includes existing and proposed signage for their site. Through the proposed Master Sign Plan, the existing pylon signage is required to be removed. The applicant agrees to

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 12, 2017, AT 5:30 P.M.

forfeit a Hobby Lobby monument sign to allow two monument signs at 169.86 sq. ft. each. Proposed sign elevations appear within the Master Sign Plan package. Many of the proposed wall signs for main tenants (10,000 sq. ft.) are under their allowable sign square footage, so the extra square footage has been transferred to the Fuddrucker's signage to allow them two 100 sq. ft. signs.

Master Sign Plan Conditions:

1. To meet the intent of the sign ordinance, the Master Sign Plan for Piedmont Plaza shall not be allowed to use the following sign types:
 - a. Electronic reader boards are not allowed within the any monument sign along both frontages. Sec. 8.04.08
 - b. No portable trailer signs shall be allowed for any business within Piedmont Plaza. Sec. 8.04.13
 - c. No human signs shall be allowed for any business within Piedmont Plaza. Sec. 8.05.02.F
2. The "Second Amendment to Declaration of Restrictions and Grant of Easements" shows that Hobby Lobby will be allowed a portion of the two proposed monument signs. The prohibition of a singular Hobby Lobby monument sign will allow Piedmont Plaza to use the extra signage square footage (100 sq. ft.) for larger monument signs, allowing 50 additional sq. ft. per monument sign.
3. Monument signs on arterial streets are required to a maximum of 8 ft. high, Piedmont Plaza is requesting 13 ft. 8 in. for both monument signs to accommodate architectural features and space for Hobby Lobby.
4. All tenant and anchor wall signs affixed to a store front of the Piedmont Plaza at the time of the Master Sign Plan approval shall conform to the sign code standards when replaced due to significant damage or to accommodate a new sign face, or when an electrical permit application for such sign is submitted to the City.
5. The Piedmont Plaza landlord shall enforce these Master Sign Plan conditions through its lease agreements with all tenants.

Through the Master Sign Plan, the applicant is requesting approval of all tenant wall signs and two monument signs. In exchange for this deviation from the sign code; the Hobby Lobby owner agrees to forfeit the ability to install a monument sign for only Hobby Lobby; prohibit human signs; and forfeit the use of temporary trailer sign, so long as the monument signs (2) remain at 169.86 sq. ft.

Anchor Tenant	Storefront Length	SQ.FT. Allowed (max. 200 sq.ft.)	Proposed SQ.FT. (some recalculated)	SQ.FT. Remaining
Party City	85'	170	149.5	20.5
24 Hour Fitness - Front	120'-2 1/2"	100	91.56	8.44
24 Hour Fitness - Side	165'-2 1/2"	100	91.56	8.44
Royal Pets Market & Resort	70'-1/2"	140	82.9	57.1
Bealls Outlet	90'-1/2"	180	149	31
Bealls	166'-11 1/2"	200	198	2
Fudrucker's - Front	69'-6 1/2"	100	96.8	3.2
Fudrucker's - Side	50'-6"	100	96.8	3.2
Totals:		1090	956.12	133.8
Monument Sign 1	N/A	120 @ 8 ft high	169.86	
Monument Sign 2	N/A	60 @ 8 ft high	169.86	

In granting approval of the Master Sign Plan for Piedmont Plaza, the City of Apopka finds:

1. The Master Sign Plan for Piedmont Plaza has been submitted and reviewed by staff. The Development Review Committee does not object to the master sign plan as proposed subject to the Master Plan Conditions of Approval appearing in the staff report.

Planning Commission has authority to render a final decision on this Master Sign Plan. Signage is already in place for the existing multi-tenant shopping center and associated plaza as well as some tenant signage.

Staff's recommendation is for the Planning Commission to approve the Piedmont Plaza Master Sign Plan.

Authority is granted to the Planning Commission in Article VIII of the Land Development Code for final action regarding a Master Sign Plan.

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: Julie Kendig, Greenberg Traurig, 450 S Orange Avenue, Suite 650, Orlando, stated she represents the owners of the property and they support staff's recommendations. She proceeded to show before and after photos of the property.

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 approve the Master Sign Plan for Piedmont Plaza, owned by G and I VIII Piedmont Plaza, LLC, c/o Greenberg Traurig, P.A., and located south of Semoran Boulevard (SR 436), east of Piedmont-Wekiwa Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:56 p.m.

James Greene, Chairperson

James K. Hitt
Community Development Director

Backup material for agenda item:

1. CHANGE OF ZONING – PO/I and AG to Mixed-EC, Joseph & Swana Gates And Oak Royal Properties LLC; property located east of Ocoee Apopka Rd. and north of Keene Rd (Parcel Id. Nos.: 20-21-28-0000-00-021;-024;-025).



CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: July 11, 2017
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses
Small Area Study Maps
Exhibit 'A' - Ocoee SAS
Character Area Scenario

SUBJECT: JOSEPH & SWANA GATES AND OAK ROYAL PROPERTIES, LLC –
CHANGE OF ZONING

PARCEL ID NUMBER: 20-21-28-0000-00-021;-024;-025

Request: CHANGE OF ZONING
FROM: PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL) & AG
(AGRICULTURE)
TO: MIXED USE – EMPLOYMENT CENTER

SUMMARY

OWNER: Joseph & Swana Gates and Oak Royal Properties LLC

APPLICANT: S&ME (Littlejohn Engineering)

LOCATION: East of Ocoee Apopka Rd., north of Keene Rd.

EXISTING USE: Container nurseries and single-family residential home

CURRENT ZONING: PO/I (Professional Office/Institutional) & AG (Agriculture)

PROPOSED DEVELOPMENT: Residential and non-residential mixed-use development

PROPOSED ZONING: Mixed-EC (Note: this Future Land Use amendment request is being processed along with a request to change the Future Land Use Designation from Office and Residential Low to Mixed Use).

TRACT SIZE: 22.4 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 518 Units
PROPOSED: 975,744 sq. ft. non-residential and 336 multi-family units

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
City Administrator Irby
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief
Recreation Director

ADDITIONAL COMMENTS: The subject parcels were annexed into the City of Apopka on December 5, 2001 through Ordinance 1421.

The proposed change of zoning is being requested by the owner/applicant. Presently, the subject property has not yet been assigned a “City” zoning category. Applicant is requesting the City to assign a zoning classification of Mixed – EC (Mixed Use – Employment Center) to the property.

A request to assign a change of zoning to Mixed-EC (Mixed Use Employment Center) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the Mixed-EC zoning classification to accommodate the use of the property residential and non-residential development permitted within the Mixed-EC zoning district. These uses are consistent with the proposed Mixed Use Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 22.4 acres.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property is consistent with the Mixed Use ((0-15 du/ac and/or max 1.0 FAR)) Future Land Use designation and the City’s proposed Mixed-EC (Mixed Use – Employment Center) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the associated large scale future land use amendment.

ORANGE COUNTY NOTIFICATION: 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 April 10, 2017

PUBLIC HEARING SCHEDULE:

July 11, 2017 – Planning Commission (5:30 pm)
September 6, 2017 - City Council (1:30 pm) - 1st Reading
September 20, 2017 – City Council (7:00 pm) - 2nd Reading & Adoption

DULY ADVERTISED:

June 23, 2017 – Public Notice and Notification
September 8, 2017 – Ordinance Heading & ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from PO/I (Professional Office/Institutional) and AG (Agriculture) to Mixed Use – Employment Center, subject to the adoption of the associated large scale future land use amendment, for the properties owned by Joseph & Swana Gates and Oak Royal Properties, LLC.

Recommended Motion: Find the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and to recommend a change of zoning from PO/I (Professional Office/Institutional) and AG (Agriculture) to Mixed Use – Employment Center, subject to the adoption of the associated largescale future land use amendment.

Note: 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.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	Mixed-EC	Emerson Park community
East (County)	Rural (0-1 du/10 ac)	R-CE-2	Single-family residential
South (City & County)	“City” Office (max 0.3 FAR) & “County” Rural (0-1 du/ac)	“City” OFF & “County” A-1	Vacant & County water reclamation facility
West (City)	Residential High (0-15 du/ac)	A-1 (ZIP)	Single-family home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a county minor arterial (Ocoee Apopka Road) and a collector roadway (Keene Road). The proposed Mixed-EC (Mixed Use – Employment Center) zoning district is consistent and compatible with the adjacent zoning classifications and uses within the surrounding area. Property to the north (the existing Emerson Park single-family and townhome development) has the same Mixed-EC zoning classification. To the south, “City” zoned property has a PO/I zoning classification, with properties within unincorporated Orange County to the east are predominant single-family and rural uses.

In addition, the proposed land use designation is consistent with the conceptual land use plan, development scenario and recommendations of the Ocoee Apopka Road Small Area Study, which was completed in 2014. The Ocoee Apopka Rd SAS Conceptual Plan listed as Exhibit ‘A’ below shows the subject properties listed within the “New Market” character area, which is described in the final report as:

“The **New Market Zone** represents the area in the vicinity of Emerson Park and the hospital. It is anticipated that this area will contain the highest degree of pedestrian connectivity.” In addition, the report indicates that one scenario for the New Market Area includes the placement of the core (Village Center) of the New Market Character area includes the subject property (as shown in Exhibit ‘B’ below). The finds of the report suggest this scenario may be the most suitable for the Village Center:

“Scenario 1 shows the core area (Village Center) concentrated at the northeast corner of Ocoee-Apopka Road and Keene Road. This site was chosen as an ideal location for the Village Center because it is easily accessible from the existing and proposed residential neighborhoods to the east.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Mixed-EC zoning is consistent with the City’s Mixed Use (max 0.60 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The Mixed-EC zoning classification is one of the acceptable zoning categories allowed within the Mixed Use Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

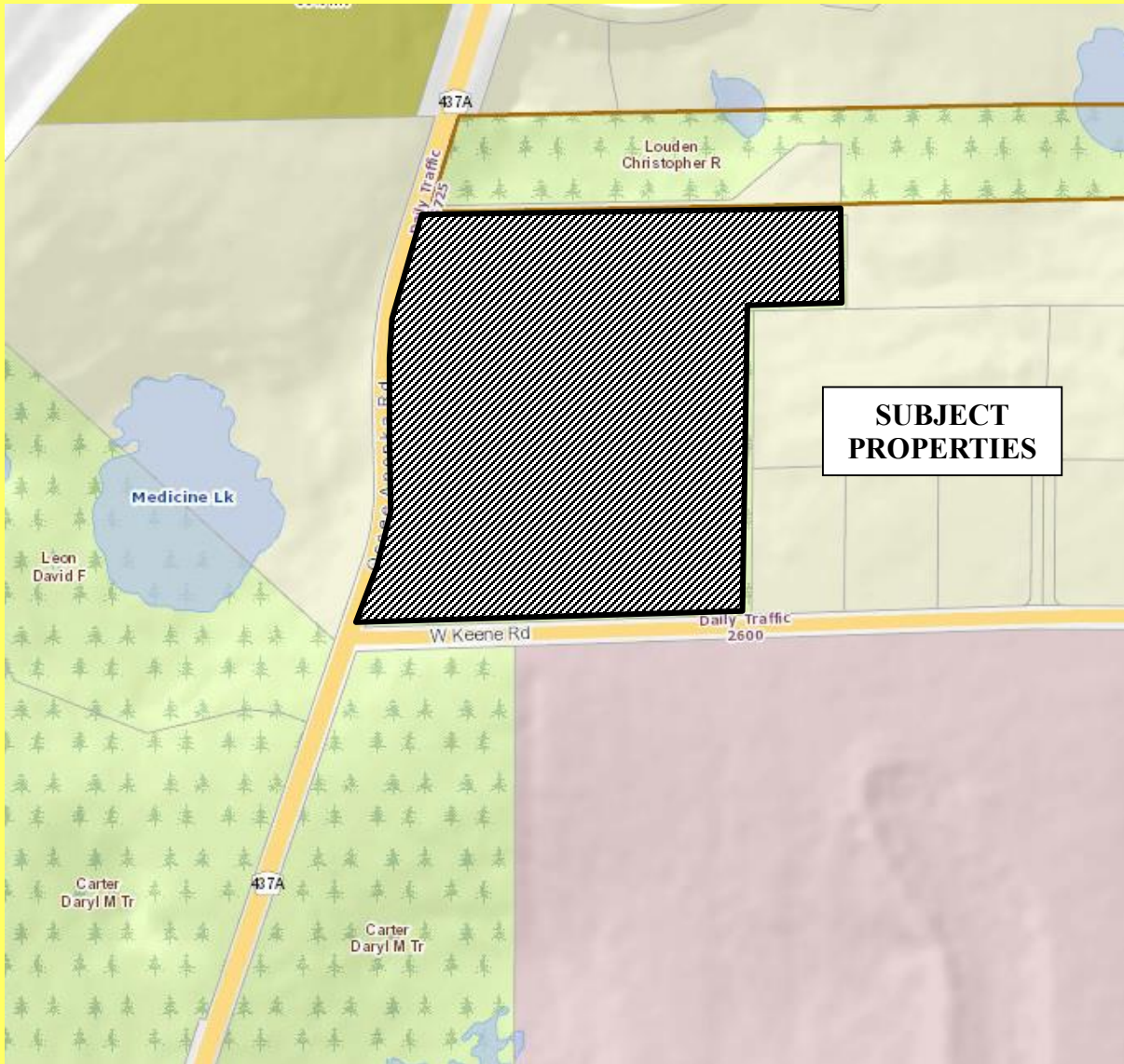
ZONING DISTRICT
REQUIREMENTS:

All uses and site development requirements will be subject to Sec. 02.02.20 or Sec. 02.02.18 of the Apopka Land Development Code.

Joseph & Swana Gates, Oak Royal Properties, LLC
Property Owner
22.3 +/- Acres
Proposed Large Scale Future Land Use Amendment:
From: Office (max. 0.3 FAR) & Residential Low (0-5 du/ac)
To: Mixed Use
Parcel ID #s: 20-21-28-0000-00-021; -024; -025

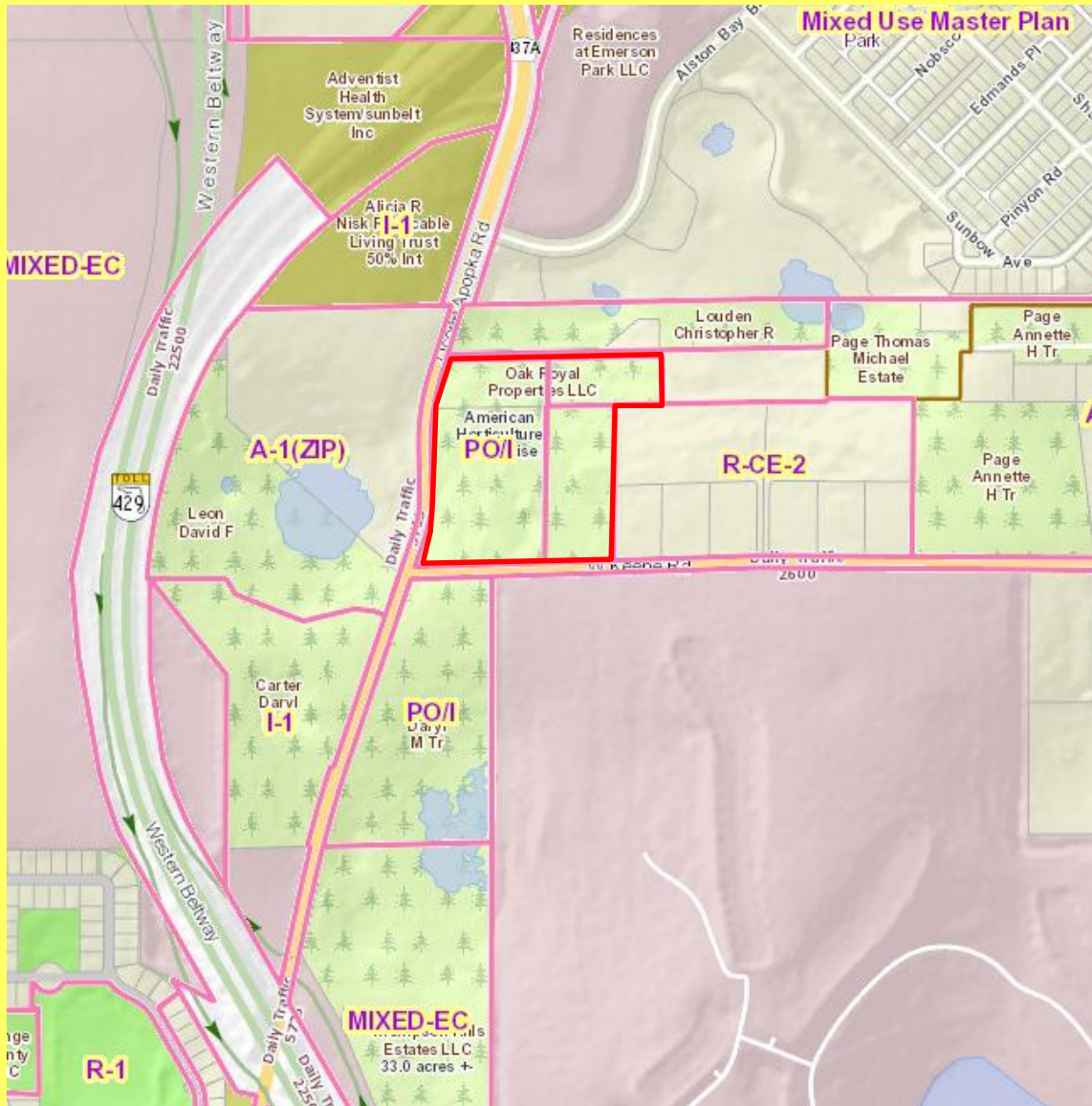


VICINITY MAP



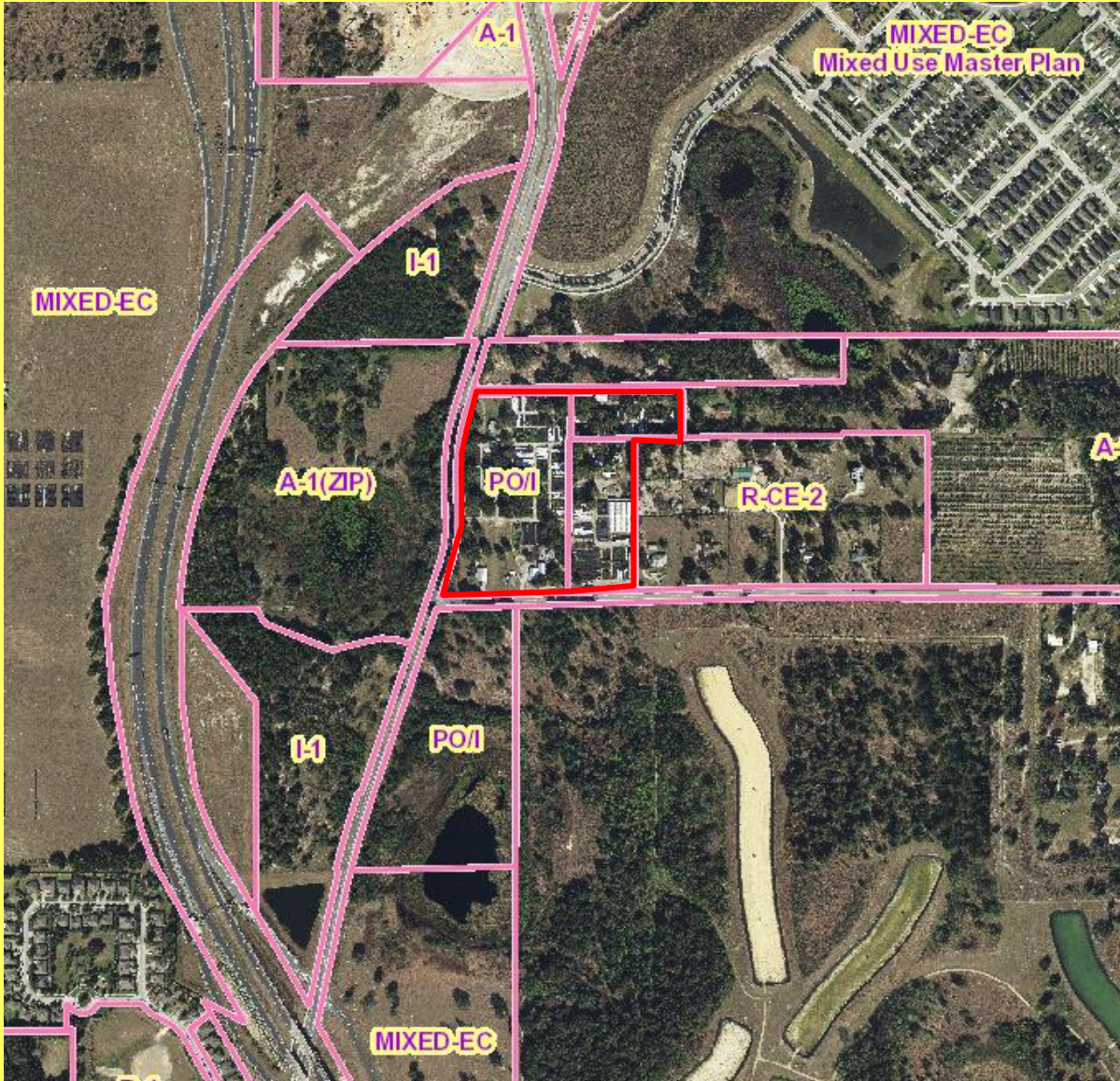


ADJACENT ZONING





ADJACENT USES

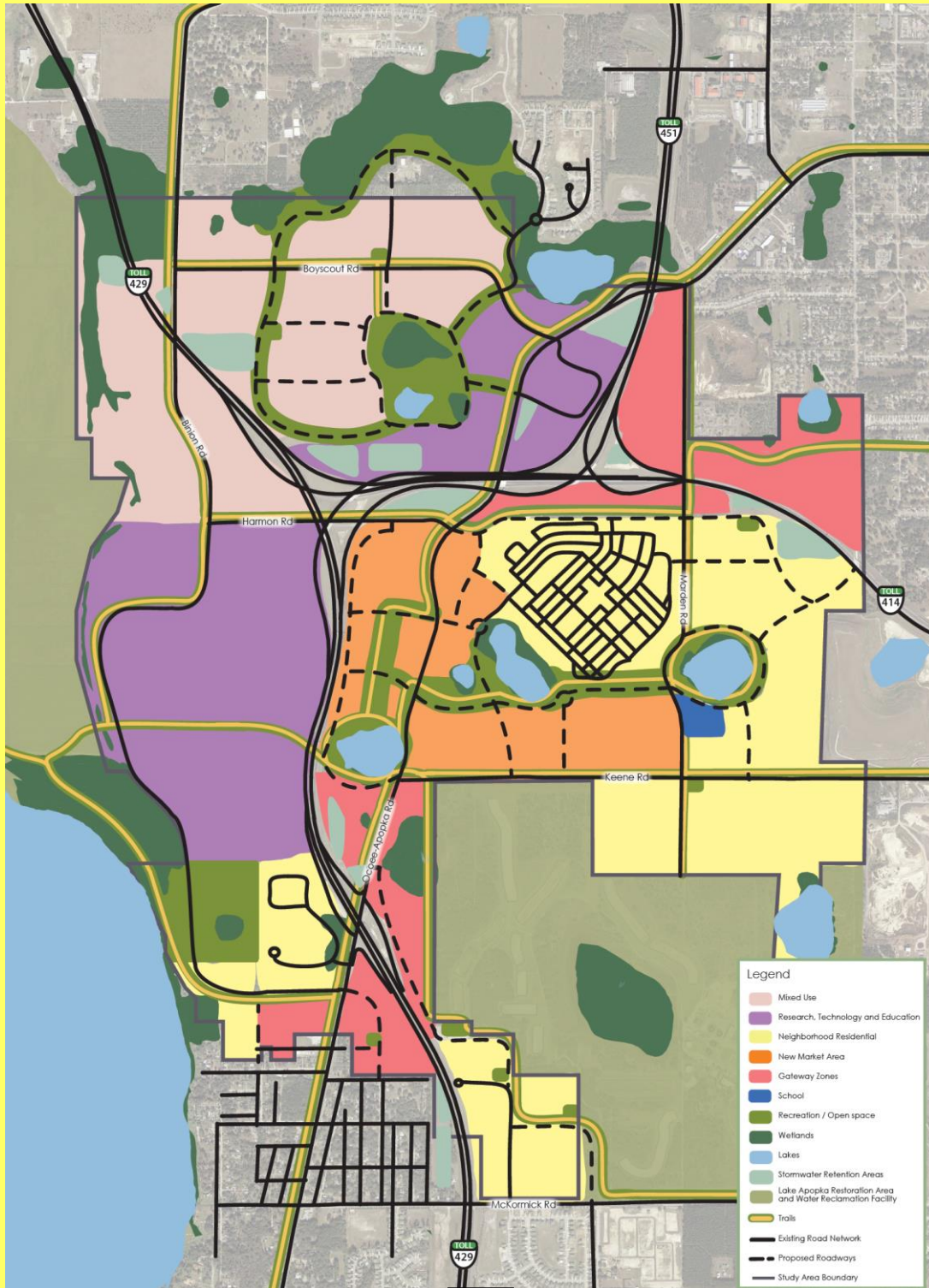




EXISTING USES



OCOEE APOPKA ROAD SMALL AREA STUDY CONCEPTUAL LAND USE MAP #1





COMMERCIAL



MULTI FAMILY



TOWNHOUSE



OFFICE



TOWN CENTER



**OCOEE APOPKA ROAD SMALL AREA STUDY
SCENARIO MAP #2**



Backup material for agenda item:

2. Evaluation & Appraisal Report 2017 – Comprehensive Plan
Letter of Intent for Evaluation and Appraisal of Apopka's Comprehensive Plan to the Florida Department of Economic Opportunity.



CITY OF APOPKA PLANNING COMMISSION

<input type="checkbox"/> PUBLIC HEARING	DATE:	July 11, 2017
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Ord. No. 2137
<input checked="" type="checkbox"/> OTHER: INFORMATIONAL PRESENTATION		F.S. 163.3174 (part)

SUBJECT: APOPKA COMPREHENSIVE PLAN – 2017 EVALUATION & APPRAISAL REPORT

SUMMARY:

Rule Chapter 73C-49, Florida Administrative Code, at least once every seven years, requires local governments to determine whether or not its comprehensive plan needs updating to reflect changes in state requirements since its last comprehensive plan update.

The EAR process provides the City the opportunity to update Comprehensive Plan policies to ensure they address the long-term planning vision of Apopka. In addition, EAR amendments to the Comprehensive Plan allows staff to address inconsistencies between the City’s Comprehensive Plan and updated Land Development Code.

Community Development staff will notify the Florida Department of Economic Opportunity’s Community Planning Division of the City of Apopka’s intent to review current Comprehensive Plan Goals, Objectives & Policies.

Should City staff identify a need to update current policies, any proposed text amendments must be transmitted to the Florida Department of Economic Opportunity within one year, and will follow the public hearing process for Comprehensive Plan text and future land use amendments, including a Planning Commission hearing and recommendation followed by City Council public hearings for adoption.

Planning Commission is delegated the role of Local Planning Agency by the City Council through Section 11.05.00.A of the Land Development Code and Ordinance No. 2137. Pursuant to Florida Statute 163.3174, “The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law.” Responsibilities of the Local Planning Agency, as defined by F.S. 163.3174, are included in the Exhibits.

RECOMMENDED ACTION:

Recommend that the Community Development Department proceed with preparation of an Evaluation and Appraisal Report for the Comprehensive Plan, and to notify the Florida Department of Economic Opportunity that an updated Comprehensive Plan will be prepared by August 1, 2018.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Ser. Director
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Development Director	Police Chief	Recreation Director

Florida Statute 163.3174 (part)

1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area;

- (4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:
- (a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or plan amendment. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.
 - (b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including the periodic evaluation and appraisal of the comprehensive plan required by s. 163.3191.
 - (c) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.
 - (d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or by general or special law.

(5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

ORDINANCE NO. 2137

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE XI - BOARDS AND AGENCIES DISSOLVING THE PLANNING ADVISORY BOARD; AMENDING THE LAND DEVELOPMENT REVIEW BOARD AND RENAMING IT TO THE "PLANNING COMMISSION"; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, the City of Apopka, Florida, deems it advisable to amend Article XI, Boards and Agencies, of the Apopka Land Development Code; and

WHEREAS, The City of Apopka recognizes the value of advisory boards and agencies in long range planning, the review of development proposals, code enforcement, and other community development activities which shape the growth in the City; and

WHEREAS, The City of Apopka, in an attempt to address the changing needs and growth of the City, has reviewed the configuration and status of the current City Boards and Agencies outlined in Article XI of the City's Code of Ordinances, Part III, Land Development Code; and

WHEREAS, The City Council, has deemed it in the best interest of the development community and the citizens to revise and amend the structure and function of the existing City Boards and Agencies; and

WHEREAS, The City Council has deemed the functions and structure of the Planning Advisory Board, which reviews land use policies, shall be combined with the Land Development Review Board, as established herein; and

WHEREAS, The City Council has deemed the function of the current Planning Advisory Board of Article XI of the City's Land Development Code duplicative of functions being accomplished through other means and other agencies; and

WHEREAS, the City Council reserves the right to continue in existence or reestablish any of the boards or agencies mentioned herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION 1: That The Code of Ordinances of the City of Apopka, Part III, Land Development Code, Article XI, *Boards and Agencies*, is hereby amended and shall be replaced in its entirety by the attached Exhibit "A" which is incorporated herein by reference.

ORDINANCE NO. 2137
PAGE 2

SECTION II: DIRECTION TO THE CITY CLERK: That the City Clerk, or the Clerk's designee, is hereby authorized to include this amendment in the Apopka Code of Ordinances of the City of Apopka, Florida.

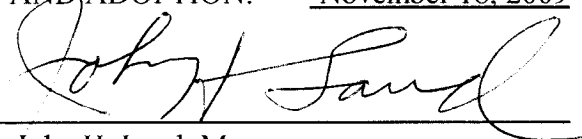
SECTION III: SEVERABILITY: That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION IV: CONFLICTS: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION V: EFFECTIVE DATE: That this ordinance shall take effect upon passage and adoption.


FIRST READING: November 4, 2009

SECOND READING
AND ADOPTION: November 18, 2009




John H. Land, Mayor

ATTEST:


Janice G. Goebel, City Clerk

APPROVED AS TO FORM:


Frank E. Kruppenbacher, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING October 23, 2009
November 6, 2009

LAND DEVELOPMENT CODE AMENDMENT

Key: New text shown as underline and deleted text shown as ~~strikeout~~.

ARTICLE XI

BOARDS AND AGENCIES*

* **Cross References:** Officers and employees, § 2-66.

11.00.00. Generally

11.01.00. Beautification Tree Board

11.02.00 ~~Planning Advisory Board~~ Reserved

11.03.00 Code Enforcement Hearing Officer

11.04.00 Development Review Committee

11.05.00 ~~The Land Development Review Board~~ Planning Commission

11.06.00 Community Redevelopment Agency

11.07.00 Redevelopment Advisory Board

ARTICLE XI

BOARDS AND AGENCIES*

* **Editors Note:** Ord. No. 1228, adopted Dec. 1, 1999, amended and replaced Part III, Art. XI in its entirety to read as herein set out. Prior to this amendment, Art. XI pertained to similar subject matter and was derived from Ord. No. 721, adopted Aug. 19, 1992.

Cross References: Officers and employees, § 2-66.

11.00.00.

GENERALLY

The following boards, agencies, and committees are established to administer the provisions of this Code under the authority prescribed by this Code and Florida law. The city council reserves the right to continue in existence or reestablish any of the boards or agencies, subject to abolition.

Note: Functions of the Planning Advisory Board moved under the Land Development Review Board (re-name to "Planning Commission").

11.02.00
RESERVED
PLANNING ADVISORY BOARD

- ~~A. *Establishment.* The planning advisory board is hereby established as a citizen board to recommend land use policies to the city council.~~
- ~~B. *Membership and officers:*~~
- ~~1. The board shall have 10 members appointed by the mayor and approved by city council.~~
 - ~~2. Nine members shall reside in the city limits, and one member shall be a representative of the Orange County School Board. The school board member shall hold an ex officio status.~~
 - ~~3. The membership of the board shall be made on the basis of experience or interest in the development of Apopka and shall represent a cross section of the Apopka population. Any interested citizen may be appointed to the board, but those with experience or interest in the field of planning and zoning shall receive special consideration. Whenever possible, the board should include at least one each of the following:~~
 - ~~a. An architect or landscape architect.~~
 - ~~b. A neighborhood activist.~~
 - ~~c. A person engaged in real estate sales or development.~~
 - ~~d. A natural or environmental scientist.~~
 - ~~4. Each member shall be appointed to a three-year term. Any member may be reappointed by the city council from term to term.~~
 - ~~5. When a position becomes vacant before the end of the term, the city council shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed.~~
 - ~~6. Members may be removed without notice and without assignment of cause by a majority vote of the city council.~~
 - ~~7. The members of the board shall annually elect, during the first regularly scheduled meeting of each calendar year, a chairman and vice chairman from among the members and may create and fill other offices as the board deems needed.~~
 - ~~8. The board shall create whatever subcommittees it deems needed to carry out the purposes of the board.~~

- ~~9. The chairman of the board shall annually appoint the membership of each subcommittee from the members of the committee.~~
- ~~10. The city council shall provide clerical and administrative support to the board as may be reasonably required to complete the functions of the board.~~
- ~~11. The city shall provide a city employee to serve as secretary to the board, recorder and custodian of all board records.~~
- ~~12. Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the city council.~~
- ~~13. If any member fails to attend two successive meetings without cause and without prior consent of the chairman, the board shall formally consider the status of said board position at the next meeting immediately following the second consecutive unexcused absence.~~

~~C. Board procedures:~~

- ~~1. The board shall meet at least once each calendar year, and more often at the call of the chairman or the city council.~~
- ~~2. The board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question. The minutes shall be made open to the public.~~
- ~~3. Five voting members, shall constitute a quorum.~~
- ~~4. Each decision of the board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.~~

~~D. General functions, powers and duties:~~

- ~~1. Pursuant to, and in accordance with F.S. ch. 163, the planning advisory board is hereby designated and established as the local planning agency for the city, created as a citizens board to review and recommend to the city council approval or denial of land use and comprehensive plan issues.~~
- ~~2. The local planning agency, in accordance with F.S. ch. 163 shall, through the Apopka Community Development Department:
 - ~~a. Prepare the Comprehensive Plan and any amendments to the Comprehensive Plan for the incorporated territory of the city;~~
 - ~~b. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the city council such changes in the Comprehensive Plan as may be required from time to time;~~~~

- ~~e. Recommend said Comprehensive Plan or elements or portions thereof to the city council for adoption; and~~
 - ~~d. Conduct public hearings on proposed amendments to and evaluation of the Comprehensive Plan.~~
 - ~~3. Seek, through the board, to obtain citizen and public input into all phases and elements of the development of the Comprehensive Plan and amendments.~~
 - ~~4. Prepare, through the Apopka Community Development Department any studies required by the city council with respect to the Comprehensive Plan.~~
 - ~~5. The board shall perform such other duties as from time to time may be assigned by the city council.~~
- ~~E. *Conflict of interest.* Conflict of interest provisions shall apply to members of the planning advisory board pursuant to Florida Statutes.
(Ord. No. 1228, § 1, 12-1-99; Ord. No. 1462, § I, 8-7-02)~~

11.05.00

THE LAND DEVELOPMENT REVIEW BOARD
THE PLANNING COMMISSION

A. *Establishment.* The Apopka ~~Land Development Review Board~~ Planning Commission is hereby established as a citizen board to review and recommend to city council approval or denial of development plans and other land development procedures submitted under this Code and to review and approve special exception and zoning variances. The Planning Commission shall be designated the City's Local Planning Agency, which duties include amendments and evaluations to the City's Comprehensive Plan.

B. *Membership and officers:*

- 1. The ~~board~~ Commission shall have seven members appointed by the mayor and approved by city council. An additional member shall be a non-voting, ex officio representative of the Orange County School Board.
- 2. ~~Each member shall reside in the city~~ The Planning Commission membership makeup shall be as follows: Seven members shall reside in the city limits. One member shall be a non-voting, ex officio representative of the Orange County School Board.
- 3. Each member shall be appointed to a three-year term. Any member may be reappointed by the City Council from term to term.
- 4. Any interested citizen may be appointed to the board, but those with experience or interest in the field of land use regulation shall receive special consideration. Whenever possible, the ~~board~~ Commission shall include at least one each of the following:
 - a. An architect or landscape architect.

- b. An engineer.
 - c. A person engaged in real estate sales or development.
 - d. A natural or environmental scientist.
5. When a position becomes vacant before the end of the term, the city council shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
 6. Members may be removed without notice and without assignment of cause by a majority vote of the city council.
 7. The members of the ~~board~~ Commission shall annually elect, during the first regularly scheduled meeting of each calendar year, a chairman and vice-chairman from among the members and may create and fill other officers as the ~~board~~ Commission deems needed.
 8. The ~~board~~ Commission may create whatever subcommittees it deems needed to carry out the purposes of the ~~board~~ Commission.
 9. The chairman of the ~~board~~ Commission may appoint as needed, the membership of each subcommittee from the members of the ~~board~~ Commission.
 10. The city council shall provided clerical and administrative support to the ~~board~~ Commission as may be reasonably required to complete the functions of the ~~board~~ Commission.
 11. The city shall provide a city employee to serve as secretary to the ~~board~~ Commission, recorder and custodian of all ~~board~~ Commission records.
 12. Members shall not be compensated, but may be paid for travel and other expenses incurred on commission business under procedures prescribed in advance by the city council.
 13. The city council shall appropriate funds to permit the ~~Board~~ Commission to perform its prescribed functions.
 14. If any member fails to attend two successive meetings without cause and without prior consent of the chairman, the ~~board~~ Commission shall formally consider the status of said ~~board~~ Commission position at the next meeting immediately following the second consecutive unexcused absence.
- C. *~~Board~~ Commission procedures:*
1. The ~~board~~ Commission shall meet at least once each calendar month, unless canceled by the ~~board~~ Commission or its chairman, and more often at the call of the chairman or the city council.

2. The ~~board~~ Commission shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
3. Four members shall constitute a quorum.
4. Each decision of the ~~board~~ Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

D. *General functions, powers and duties:*

1. The ~~board~~ Commission shall review and act upon applications for special exceptions in accord with article II, ~~section 2.02.04~~ of this Code. In granting any special exception, the ~~board~~ Commission may prescribe appropriate conditions and safeguards in conformity with this Code to ensure compliance with the intent of all city codes and regulations.
2. The ~~board~~ Commission shall conduct development review pursuant to this Code, and present recommendations to and otherwise advise the city council on amendments to the zoning map, amendments to the Land Development Code, and proposed subdivision plats, and proposed site plans, and Future Land Use map amendments. In connection with any recommendation by the ~~board~~ Commission, it may include any conditions, requirements or limitations to be attached to the use which the commission may believe to be necessary and desirable to protect adjacent properties and the surrounding neighborhood, and to carry out the purposes and objectives of this Code.
3. The ~~board~~ Commission will review and act upon all requests for zoning variances as defined by this Code. In granting any variance, the ~~board~~ Commission may prescribe appropriate conditions and safeguards in conformity with this Code to ensure compliance with the intent of all city codes and regulations.
4. Pursuant to F.S. ch. 163, pt. II, the ~~board~~ Commission is hereby designated to be the land development regulation commission and shall perform the duties and functions prescribed in the statute.
5. The ~~board~~ Commission shall, with advice from the development review committee, monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the city council that are consistent with the Comprehensive Plan.
6. The ~~board~~ Commission shall keep the council and the general public informed and advised on the development policies of the city.
7. The ~~board~~ Commission shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various articles of this Code and shall conduct public hearings on all applicable and development reviews and decisions for which it is responsible as enumerated herein.

8. Each action of the ~~board~~ Commission, except for special exceptions and variances, is advisory to the city council, and the commission ~~board~~ may not in any manner obligate the city.
9. Pursuant to, and in accordance with F.S. ch. 163, the Planning Commission is hereby designated and established as the Local Planning Agency for the City, created as a citizens board to present recommendations to and otherwise advise the City Council of land use and comprehensive plan issues.
10. The local planning agency, in accordance with F.S. ch. 163 shall, through the Apopka Community Development Department:
 - a. Prepare the Comprehensive Plan and any amendments to the Comprehensive Plan for the incorporated territory of the city;
 - b. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the city council such changes in the Comprehensive Plan as may be required from time to time;
 - c. Recommend said Comprehensive Plan or elements or portions thereof to the city council for adoption; and
 - d. Conduct public hearings on proposed amendments to and evaluation of the Comprehensive Plan.
 - e. Seek, through the Commission, to obtain citizen and public input into all phases and elements of the development of the Comprehensive Plan and amendments.
 - f. Prepare, through the Apopka Community Development Department any studies required by the city council with respect to the Comprehensive Plan.
 - g. The Commission shall perform such other duties as from time to time may be assigned by the City Council.

Note: The Planning Commission functions include being designated the City's Local Planning Agency.

E. *Appeals.* Appeals to any decision issued by the ~~board~~ Commission shall be filed in accordance with the procedures outlined in article 12.05.00 of this Code.

F. *Conflict of interest.* Conflict of interest provisions shall apply to members of the ~~p~~ Planning board-Commission pursuant to Florida Statutes.

(Ord. No. 1228, § 1, 12-1-99)