



**City of Apopka
Planning Commission
Meeting Agenda
November 10, 2014
5:01 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 meeting held October 21, 2014, at 5:01 p.m.
- 2 Approve minutes of the Planning Commission meeting held October 21, 2014, at 6:30 p.m.

IV. PUBLIC HEARING:

1. LAND DEVELOPMENT CODE - Amending The City Of Apopka, Code Of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To Create A New Section 3.05 Titled "Designated Grow Area Overlay District."

V. SITE PLANS:

1. MASTER SIGN PLAN - Circle K Gas Station, owned by Clarcona Keene Retail, LLC; engineer Florida Engineering Group c/o Samir J. Sebaali, P.E, property located north of East Keene Road and west of Clarcona Road. (Parcel ID #: 22-21-28-0000-00-225)

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 meeting held October 21, 2014, at 5:01 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 21, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. – Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Cody Rodden, Michael Holmes, Robert Fritz, Bill Morris, David McBee, Jenny McBee, Lou Haubner, Diann Haubner, Thurston Squires, Shirley Squires, Bob Loomis, LeeAnn Belanger, John Cloran, Pichai Toochinda, Miranda Fitzgerald, David Stokes, Spring Thigpen, Steve Loomis, Steven Loomis, Roy L. Lester, Jill Cooper, Colleen Kelly, Les Hess, Larry Metzler, Ted McGovern, Chris DiRocco, Ed Velazquez, Jan Charles Potter, Mary Schwarberg, Crystal Lawrence, Mike Peronti, Connor Michael Peronti, Mary Smothers, Jerry Smothers, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

OPENING AND INVOCATION: Chairperson Hooks called the meeting to order and asked Melvin Birdsong to give the invocation. The Pledge of Allegiance followed.

CHANGE OF ZONING – APPLY LANE HOLDINGS, LLC – Chairperson Hooks stated that this item has been pulled from the agenda due to applicant not submitting all of the required documentation.

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the September 9, 2014 minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on September 9, 2014.

Motion: **Melvin Birdsong made a motion to approve the Planning Commission minutes from the September 9, 2014 meeting, and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).**

Chairperson Hooks asked if there were any corrections or additions to the October 14, 2014 minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on October 14, 2014.

Motion: **James Greene made a motion to approve the Planning Commission minutes from the October 14, 2014 meetings, and Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).**

VARIANCE – LOOMIS FUNERAL HOME – David Moon, Planning Manager, stated this is a request for approval of a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article VIII – Signs, Sections 8.04.02.C and 8.04.06.B.1 to allow a non-conforming sign (pole sign) to be replaced as a pole sign containing an electronic reader board. The owner is Loomis Funeral Home. The property is located at 420 West Main Street. The future land use is Commercial and the zoning is C-2. The existing and proposed use is a mortuary. The tract size is 0.75 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

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The applicant is requesting a variance to allow for an electronic (LED) reader board and to continue to use the existing pole site and to allow the size area of electronic reader board to exceed the maximum area allowed by the sign code.

The applicable city code for the variance request for the reuse of an existing sign pole is Section 8.04.02.C. that states that all freestanding signs shall be monument signs as regulated unless determined by the Planning Commission that hardships created by existing site conditions cause construction of a monument sign to be impractical or to create a potential hazard. The applicable city code for the variance request to be allowed to place an electronic reader board (LED) sign within a pole sign is Section 8.04.06.B.1 that states that pole signs are not allowed to hold or contain an electronic reader board.

The proposed electronic reader board is approximately 28 sq. ft. The total sign area is approximately 51.2 sq. ft., making the electronic reader board just over 55% of the total sign area. If approved the electronic reader board cannot be larger than the business sign.. Section 8.04.06.A.3., LDC, restricts the area of an electronic reader board to an area equal to or less than 50% of the total sign face.

When evaluating a variance application, the Planning Commission shall not vary from the requirements of the code unless it makes a positive finding, based on substantial competent evidence on each of the seven variance criteria. The applicant's response to the seven variance criteria are as follows:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner.

Applicant Response: The practical difficulties that relates to a hardship due to the characteristics of the land is the fact we have a horseshoe type entrance and exit to our facility. In order to meet the City Code we would be forced to use a monument sign which would block the view, create a traffic issue and endanger our customers.

Staff Response: NEGATIVE FINDING - The site has a sufficient amount of space to construct a monument sign that would comply with Section 8.04.02.C of the code. The northwest frontage of the property along Orange Blossom Trail extends 85 feet from the eastern edge of the driveway to the property line. Furthermore, the variance applicant owns an additional 125 feet along Orange Blossom Trail.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant's Response: This request has no effect on developing this site. We are keeping our existing sign pole and location, which has been the same now for over 28 years.

Staff Response: FINDING - Not applicable.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant's Response: Because the previous sign, which has been in the same location for over 25 years, there is no substantial reason to feel that there will be an increase in congestion on surrounding street.

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Staff Response: POSITIVE FINDING: Variance will not cause congestion on the surrounding streets.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant's Response: The Loomis family feels that this improvement to our location does not in any way diminish property values. It in fact compliments and improves our surrounding neighbors.

Staff Response: POSITIVE FINDING: The intent of the Sign Code requirement for a monument sign is to improvement appearance along roadways within Apopka. The sign code promotes a sign type and design to create and promote a desired character along roadways within Apopka.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

Applicant's Response: We believe that we are in harmony with the general intent of this code based on the city's sign ordinance... 8.04.02. Free standing signs for single and multiple occupancy development; if we choose to keep our pole sign have a sign allowance of 64 SF (which is 20% less than the 80 SF allowance to monument signs) and our new sign will be 19 SF less than that.

Staff Response: NEGATIVE FINDING: The electronic reader board exceeds 50% of the sign face area. The total sign area covering an area of approximately 51.2 sq.ft., and the electronic reader board is approximately 28.1 sq. ft. or 51% of the sign face area.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: There are no special conditions or circumstances.

Staff Response: NEGATIVE FINDING – The integration of an electronic reader board may set a precedent for the continuation of legal non-conforming signs. If the variance is granted, the City may have to allow other existing pole signs to have electronic reader boards placed on them.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant's Response: This proposed variance will not create a safety hazard, in fact by following the code we feel that this would create an unsafe hazard to our citizens, specially our aging population, which is projected to double within the next five years.

Staff Response: NEGATIVE FINDING: A monument sign will impede the line of sight at the current sign location. The current pole sign stanchion will be used to support the sign and electronic reader board. However, sufficient land area occurs at the eastern half of the property frontage to accommodate a monument sign.

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The Development Review Committee finds no valid hardship exists to support the variance request to allow the use of an electronic reader board within a pole sign, or to allow an electronic reader board to exceed the 50 percent of the sign face area.

As per the Land Development Code, Article XI - 11.05.00.A. - The Planning Commission has been established as a citizen board to review and approve variances.

Staff's recommendation to the Planning Commission is to deny the following variance requests:

1. Section 8.04.02.C. Sign Code: All freestanding signs shall be monument signs as regulated unless determined by the Planning Commission that hardships created by existing site conditions cause construction of a monument sign to be impractical or to create a potential hazard. Note: if Planning Commission denies request for an electronic reader board on a pole sign, then request numbers 2 and 3 do not apply.
2. Place an electronic reader board (LED) sign within a pole sign. Section 8.04.06.B.1, Sign Code: Pole signs are not allowed to hold or contain an electronic reader board.
3. The sign area of the electronic reader board portion of the sign shall not exceed fifty percent of the total sign face.

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 Planning Commission is delegated authority to make final action on this case, and may approve, deny, or approve with conditions based on the findings of fact presented at a public hearing.

Bob Loomis, Loomis Family Funeral Homes, 420 West Main Street, presented to the Commission members a booklet of information regarding the requested sign. He stated that his family has served the area for four generations. He said his family has served Apopka, very proudly, Rotarian, Past President, Past President of the Sertoma Club service to mankind to his mother working with the Women's Club. He said his family has always tried to uphold their professionalism and promote the City of Apopka in many ways. He stated that he feels the proposed sign is good for the City and where their business is located. He addressed the seven criteria outlined in the booklet that he presented to the Commission:

Criteria 1 – In staff's response it says that "The northwest frontage of the property along Orange Blossom Trail extends 85 feet from the eastern edge of the driveway to the property line" The driveway is two feet from our property line there. There is no way we can put a monument sign on that northwest corner.

Criteria 2 – Staff's response was that it was not applicable.

Criteria 3 – Staff's response was that this sign would not substantially diminish property values in, nor alter the essential character of the area surrounding streets. Mr. Loomis stated that this sign is over \$50,000 sign and the improvements will have a positive impact on our area.

Criteria 4 – Staff's findings were positive to the improvement to our location.

Criteria 5 – Mr. Loomis stated that earlier Mr. Moon mentioned in his presentation that the sign area was 55% but the staff report states that it is 51%. He said that the reason they chose the tear drop was to keep the sign very professional and classy. He said they are always promoting Apopka and making it a wonderful town. He said that if the Planning Commission would prefer that the tear

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drop shape (12.67 sq. ft.) incorporated into the sign, he is willing to square the top out which would be 22.75 sq. ft.

Mr. Loomis referenced a study done by the University of Nottingham that found that street level and monument advertisement signs were more of a distraction than raised pole signs. The research used eye movement tracking to measure the difference in street-level advertisement in terms of how they held the driver's attention.

Criteria 6 – Mr. Loomis stated that a lot of towns and municipalities have gone through the process of saying we want monument signs everywhere. They are beautiful and aesthetically pleasing but when you are on a five-lane highway with over 50,000 cars passing you a day, there monuments or street level signs create a huge distraction. These studies are from reputable entities such as the Highway Safety Manual from Washington DC, the United States Department of Transportation, and The AAA Foundation for Traffic Safety. All these reports come back saying that monument signs on high density, high traffic area create more of a hazard than they should and they are dangerous. He said the main obstacle with these monument or street level signs on the five lane highway is basically, referencing the Highway Safety Manual from Washington, DC, says that a driver's eye height is 3.5 feet when they are sitting in a car. The top of the car is 4.2 feet, pickup trucks are 7 feet. The height requirement for these monument signs or street level signs are 8 feet high. So now people are trying to find your sign, they can't see it, they are in traffic, trying to peek between cars coming at you and going with you to try to find a business creates a huge distraction. He suggested the City go back and revisit this and say that maybe on that corridor of a major highway running through the City that monument or street level signs is not the way to go. It's going to create a hazard. He said that in their business they deal a lot with the elderly and it's projected in the next five years that there are going to be over 5 million drivers 65 years and older. He said that he had been told that a driver had come to the City because one of the newly monument signs that was put on 441 created a distraction and caused him to have an accident.

Criteria 7 – Mr. Loomis said that on the west side of our property, the property line is two feet from our driveway. On the west side, the exact same thing exists. There's an egress or a driveway that runs right along the side of the funeral home. He said that they had purchased the property beside there because their intention is the build a canopy there. He said that most funeral homes line up their hearst and their family cars along side the chapel and we recently purchased the property beside us to do that. That driveway is going to be right out the side there. If we move that monument sign to that westerly side area we are going to be in the exact same scenario. That monument sign is going to impede and create another hazard. We can't move our sign. There is no other option for us because we want to grow and promote our business just like every other business wants to.

Mr. Loomis requested the Commission look over the handout and to take into consideration how he and his family treat the City and how they give a lot of their time by his mother being in the Women's Club, his brother being in Sertoma, or hisself being in Rotary and being a director of the Chamber. He said they always have the best interest of the City. He said that the proposed new sign is smaller than the existing sign. He said they are a funeral home and will not have flashing lights. This is a time and temperature sign. He said they are trying to be very professional and that he hopes the Commission will allow them to continue doing what they do.

In response to question by Chairperson Hooks, Mr. Moon stated that the northeast corner and not the northwest corner of the property would be an appropriate place for a monument sign and the current location of the pole sign is not appropriate for a monument sign because of line of sight issues. He stated that he could not comment on a canopy and whether a monument sign would be

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appropriate on the northeast corner because a site plan has not been submitted for review. He said there are several recent projects such as Sams Club, RaceTracs, Aldi's, WaWas, Florida Hospital, and the Waffle House that located on major highways had their plans submitted by professional engineers and no one made the argument that the monument sign was less safe than a pole sign.

Chairperson Hooks opened the meeting for public hearing.

Chris DiRocco, 404 West Main Street, stated that he supports the applicant's request to use a pole sign with the electronic board reader. He stated that he thinks it is a wonderful idea and will enhance the neighborhood. He said the trend in the City is to use digital signage. The proposed sign is beautifully designed and he finds it to be aesthetically appealing. He said that anything at ground level will impede the line of sight.

With no one else wishing to speak, Chairperson Hooks closed the public hearing.

Chairperson Hooks reminded the Commission that they are the ones who put the sign code together and sent it to Council so they needed to be careful not to set a precedent with it and also with a variance request, the Planning Commission is the final authority. If the Commission grants it, it ends there, but if it is denied the applicant has appeal rights to the City Council.

Mr. Greene stated that the City may want to review the sign code to address the concerns Mr. Loomis raised; however, the request is significantly contrary to what is in the Sign Code and recommended that the Commission deny the request.

Chairperson Hooks stated that he likes the appearance of what is being presented and believes it would enhance the property; however, approving this request would create a Pandora's Box by becoming a precedence. He suggested that the City consider going back and reviewing this section of the Code.

Motion: James Greene made a motion to deny the request for variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article VIII – Signs, Sections 8.04.02.C and 8.04.06.B. to allow a non-conforming sign (pole sign) with an electronic reader board because the codes state that all freestanding signs shall be monument signs as regulated and the Planning Commission found that the hardships created by the existing site conditions do not cause construction of a monument sign to be impractical or to create a potential hazard, for property located at 420 West Main Street and owned by Loomis Funeral Home, and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

Chairperson Hooks advised Mr. Loomis that, pursuant to the Land Development Code, he could appeal the decision through the City Council.

COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE AMENDMENT – METZLER FAMILY TRUST – Mr. Moon stated this is a request to recommend approval of the Small Scale Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) and “City” Residential Very Low Suburban (0-2 du/ac) to “City” Agriculture (1 du/5 ac) for the property owned by the Metzler Family Trust, c/o Larry Metzler. The property is located east of Vick Road, north of West Lester Road. The existing and proposed use is a container nursery. The existing maximum allowable development is 29 Units (5 ac. x 4 du/ac) plus (4.97 ac x 2 du/ac) and the

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proposed future land use would allow a maximum allowable development of 2 Units (9.97 x 1 du/5 ac). The tract size is 9.97 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcels were annexed into the City of Apopka on March 18, 1998 for Parcel # 28-20-28-0000-00-075, through the adoption of Ordinance No. 1151 and on October 1, 2014 for Parcel # 28-20-28-0000-00-010, through the adoption of Ordinance No. 2380. The proposed Small-Scale Future Land Use Amendment is requested by the owner, who has operated a foliage nursery at this site for more than a decade and desires to continue to do so for many years. Changing the zoning to Agriculture will also help preserve future agriculture tax credits with the Orange County Property Appraiser's office.

A request to assign an Agriculture zoning category to the Property is being processed in conjunction with this FLUM amendment. The FLUM amendment application covers approximately 9.97 acres. The property owner intends to continue using the site for a container nursery.

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

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

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to "City" Agriculture will generate fewer homes and thus fewer students for certain elementary, middle and high schools than can be anticipated from higher residential densities allowed by "County" Future Land Use of Low Density and the "City" Future Land Use of Very Low Suburban. This Future Land Use amendment is subject to school capacity enhancement review.

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 September 24, 2014.

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" Low Density Residential (0-4 du/ac) and City "Very Low Suburban) to "City" Agriculture for the property owned by the Metzler Family Trust.

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.

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Motion: Mallory Walters made a motion to recommend approval of the Small Scale Future Land Use Amendment from “County” Low Density Residential (0-4 du/ac) and “City” Residential Very Low Suburban (0-2 du/ac) to “City” Agriculture (1 du/5 ac) for the property owned by the Metzler Family Trust, c/o Larry Metzler and located east of Vick Road, north of West Lester Road, and the information and findings in the staff report. Motion seconded by Melvin Birdsong. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

CHANGE IN ZONING – Metzler Family Trust - Mr. Moon stated this is a request to recommend approval of the Change in Zoning “County” A-1 (ZIP) and “City” R-1AA to “City” AG for the property owned by the Metzler Family Trust, c/o Larry Metzler. The property is located east of Vick Road, north of West Lester Road. The existing and proposed use is a container nursery. The existing maximum allowable development under the current zoning is 39 Units and the proposed zoning would allow 2 Units. The tract size is 9.97 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcels were annexed into the City of Apopka on March 18, 1998 for Parcel # 28-20-28-0000-00-075, through the adoption of Ordinance No. 1151 and on October 1, 2014 for Parcel # 28-20-28-0000-00-010, through the adoption of Ordinance No. 2380. The proposed Small-Scale Future Land Use Amendment is requested by the owner, who has operated a foliage nursery at this site for more than a decade and desires to continue to do so for many years. Changing the zoning to Agriculture will also help preserve future agriculture tax credits with the Orange County Property Appraiser’s office. 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. Pursuant to Florida law properties containing less than ten acres are eligible to be processed as a small-scale amendment and does not require review by State planning agencies.

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 proposed AG rezoning is consistent with the Future Land Use Designation of Agriculture (1 dwelling unit per 5 acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

The proposed rezoning will result in a decrease in the number of residential units which could be developed at the subject property, resulting in fewer students than anticipated from the current zoning. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be less than that generated by the current zoning.

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 September 24, 2014.

The Development Review Committee recommends approval of the change in Zoning from “County” A-1 and “City” R-1AA to “City”AG for the parcel owned by Metzler Family Trust.

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.

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Motion: Mallory Walters made a motion to recommend approval of the Change in Zoning from “County” A-1 (ZIP) and “City” R-1AA to “City” AG for the property located east of Vick Road, north of West Lester Road, owned by the Metzler Family Trust, subject to the information and findings in the staff report; and James Greene seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Ben Dreiling, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

CHANGE IN ZONING – Norman E. Sawyer – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change in Zoning from “County” I-1/I-5 (ZIP) (Light Industrial) to “City” I-1 (Restricted Industrial), for the property owned by Norman E. Sawyer. The property is located north of 13th Street, east of Lambing Lane. The current Future Land Use is “City” Industrial. The existing and proposed maximum allowable development is 60,113 sq. ft. The proposed development is light industrial or commercial. No development plans have been submitted to the City. The tract size is 2.0 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject property was annexed into the City of Apopka on January 16, 2008, through the adoption of Ordinance No. 2009. The proposed zoning change is compatible with the character of the surrounding area. As the Property is assigned a Future Land Use Designation of Industrial, the property owner desires to assign a compatible City zoning category. A city zoning category currently is not assigned to the Property. Prior to annexation into the City, the Property was assigned an I-1/I-5 zoning category by Orange County government.

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).

The proposed I-1 rezoning is consistent with the Future Land Use Designation of Industrial that is assigned to the property. Site development cannot exceed the densities or intensities allowed by the Future Land Use policies. Development standards for the proposed I-1 zoning category establish a minimum lot area standard of 15,000 sq. ft.

The proposed zoning is for a non-residential use. Therefore, a school capacity enhancement agreement is not required.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on September 24, 2014.

The Development Review Committee recommends approval of the change in Zoning from “County” I-1/I-5 (ZIP) (Light Industrial) to “City” I-1 (Restricted Industrial) for the property owned by Norman E. Sawyer.

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.

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Motion: Mallory Walters made a motion to recommend approval of the Change in Zoning from “County” I-1/I-5 (ZIP) (Light Industrial) to “City” I-1 (Restricted Industrial) for the property located north of 13th Street, east of Lambing Lane, owned by Norman E. Sawyer, subject to the information and findings in the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

FINAL DEVELOPMENT PLAN (MINOR) – CIRCLE K – CLARCONA ROAD – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the Final Development Plan (Minor) for the Circle K to be located north of East Keene Road and west of Clarcona Road. The owner is Clarcona Keene Retail, LLC. The applicant/engineering firm is Florida Engineering Group, Inc., c/o Samir J. Sebaali, P.E. and Rick Abt, Project Manager. The existing use is vacant land and the proposed use in a retail center and convenience store with gas sales. The future land use is Commercial and the zoning is C-2. The tract size is 2.25 +/- acres. The proposed building size is 7,000 sq. ft. for the retail center and convenience store with a fuel station canopy of 5,040 sq. ft. containing 6 pumps and 12 fuel stations. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

The Circle K – (Minor) Final Development Plan proposes a 7,000 square foot retail center and convenience store with a fuel station canopy covering 5,040 square feet. A preliminary development plan is not required for a project of this size. The proposal will require parking areas, retention ponds for stormwater management, and landscaping. A retail center with convenience store and gas station are permitted uses within the C-2 commercial zoning district. Any future phases shall be approved as a separate development plan application.

The stormwater management system will be handled by two on-site dry retention ponds. The stormwater ponds have been designed to meet the City’s Land Development Code requirements.

The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069. A ten-foot wide buffer typically is provided adjacent to public right of ways.

Total inches on-site:	1,968
Total number of specimen trees:	0
Total inches removed:	1,968
Total inches retained:	0
Total inches required:	256.66
Total inches replaced:	255
Total inches post development:	255
Tree inches Deficit	101.66

The City’s Land development Code and Tree Bank policy permit the applicant to make a contribution to the City’s Tree Bank to mitigate the remaining deficient tree inches at \$10.00 per inch. The total amount required to be paid into the Tree Bank will be (\$1,016.60) dollars

Fifty-eight parking spaces are required per the City’s standards and sixty-four spaces are provided. There are two full access points proposed onto East Keene Road and Clarcona Road.

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Staff has found the proposed building and fuel station canopy elevations to meet the intent of the City's Development Design Guidelines. Copies of the exterior elevations, as proposed by the applicant, are attached.

A master sign plan was submitted by the applicant but not with sufficient time prior for DRC review prior to the Planning Commission hearing. The master site plan shall appear on the November 10 Planning Commission agenda.

The applicant is requesting a waiver from section 6.06.00(c)5 of the Land Development Code and the city approved Dumpster Enclosure Detail - Figure (601), which requires the use of brick or stone cap block on the exterior walls of dumpster enclosure. The applicant is proposing to use building materials compatible with the exterior of the building. Staff does not object to this waiver request.

The conditions of approval is that a master sign plan must be approved by the Planning Commission prior to issuance of a building permit.

The Development Review Committee recommends approval of the Circle K - Final Development Plan, subject to the findings of this staff report.

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

In response to questions by Chairperson Hooks, Mr. Davoll stated that there would be retail space for other users as well as the convenience store. The gasoline pumps would be located at the front of the convenience store on the south side of the property. This project does not fall within the Ocoee Apopka Road Small Area Study.

In response to a question by Ms. Toler, Mr. Davoll stated that the fuel tanks are typically underground and are regulated by the State.

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

Motion: Melvin Birdsong made a motion to recommend approval of the Circle K to be located north of East Keene Road, west of Clarcona Road Final Development Plan; and the waiver request to allow the applicant to use building materials compatible with the exterior of the building, subject to the condition of approval that a master sign plan be approved by the Planning Commission prior to the issuance of a building permit and the information and findings in the staff report. Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

OLD BUSINESS:

Planning Commission:

FINDINGS OF FACT - CHANGE IN ZONING/MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN – FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC –

Hooks: Old Business. All right, David.

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Mr. Moon: Chairman, Planning Commission, I'm David Moon, Planning Manager, with the Community Development Department. This case is not unfamiliar to the Planning Commission. You held a hearing on September 9th at which time the Planning Commission, based on the evidence presented thereat made a recommendation to City Council to deny. On September 17th, City Council held a hearing and directed the Planning Commission to rehear the case and form a statement of findings if it further determines that it is... further takes the position to deny the request to change the zoning to PUD as well as its Master Site Plan. Based on discussions with the attorney's office regarding this hearing, he states that the Planning Commission needs to hear from the public regarding information and testimony regarding this application as well as that from the applicant. Based on the direction from City Council the Planning Commission is to, if it chooses to deny, based on the information presented at this hearing as well as the September 9th hearing which is reflected in the meeting minutes for that hearing date, a Findings of Fact to Deny is necessary in order to proceed to City Council. What is a Finding of Fact? Finding of Fact is a decision or opinion arrived by the Planning Commission regarding the issues related to the facts that are submitted for decision by the Planning Commission at a public hearing. The facts that are submitted should be based on competent substantial evidence related to a relationship to the Comprehensive Plan, Land Development Code, and other City ordinances. General issues related to public health, safety, and welfare can be considered. One general issue is the topic of compatibility. If the motion is to deny then there is a need to reference the facts supporting your decision. Examples would be reference to a City code or policy or under a determination of non-compatibility a general term as to why the Planning Commission finds it not compatible with the adjacent communities or the character of the surrounding area. This application is a request to assign a PUD zoning. Under Planned Unit Development, it does allow flexibility in the design so long as it creates an equal or greater development design than that that would be required under straight zoning. So the intent of Planned Unit Development offers the applicant the ability to offer some differences from the current code. Now the issue with compatibility, under Florida Statute 163.3164, the definition of compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time so as that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. That's right out of the State statutes that the 2014 State statutes. Now regarding the history of this project. It's not a factor in the decision that should be made this evening; however, there's repeat questions though of the history of approval of this project and we do also have a new Planning Commissioner that is starting this evening. So I do need to give a little background on the property as well as an explanation of its history. This property was annexed into the City on September 17, 2008. At that hearing date, a preliminary development plan was also presented to City Council, that the annexation hearing was the City Council hearing, the preliminary development plan was unanimously approved by the City Council with a condition that the final development plan further consider flooding issues and tree protection that were brought up by the public during the hearing. This preliminary development plan

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expired on March of 2009. Prior to City Council holding that hearing on the preliminary development plan, the Land Development Review Board conducted a hearing on August the 8th, 2008, at which it recommended to approve the preliminary development plan by a vote of five to one. The dissenting vote was Mallory Walters and the Chairman at the time was the existing Chairman. At the time those hearings occurred, and following the annexation, a City land use designation and zoning had not yet been assigned to the property. Per Florida Statutes, regarding annexations and the relationship to the future land use and zoning, as well as the comprehensive plan and development regulations, the statutes in 2007 and 2008 stated that if an area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and affect until the municipality adopts a comprehensive plan amendment that includes the annexed area. Thus in 2008 when the Planning Commission made a recommendation at a vote of 5 to 1 and the City Council recommended to approve the preliminary development plan, it do so by finding the plan to be consistent with the county's comprehensive plan and city's... I'm sorry the county's comprehensive plan and the county's land development code. In 2011, the City adopted a future land use designation of Very Low Suburban to the subject property. Very Low Suburban allows for a density up to two units per acre. The county's designation was Low Density Residential up to four dwelling units per acre.

At that time, the City assigned a future land use designation, based on Florida Statutes, any review of development plans for that property are to be consistent with the City's Land Development Code and Comprehensive Plan and any other development related ordinances that the City may have adopted. Therefore, any decision made by the Planning Commission this evening regarding this application should not reference what the Board of County Commissioners may or may not have done because in 2008 the review was based on the county's codes. Tonight's application is based on consistency with the City's comprehensive plan and land development code. Based on the hearing on September the 9th before the Planning Commission, the Development Review Committee recommendation was that the application was consistent with the Comprehensive Plan... the City's Comprehensive Plan and the City's Land Development Code. In addition, the Development Review Committee found that it was compatible with the character of the surrounding area subject to two objections within the plan related to buffering and the sidewalk that was missing along Sandpiper Street. The staff presentation from the September 9th meeting is carried forward to this evening so I'm not going to repeat the application and the presentation from the last hearing. The staff presentation is reflected in the minutes. So our new commissioner understands the request is to assigned a City zoning of Planned Unit Development to 58.23 acres for a property located south of Sandpiper Street, west of Ustler... east of Ustler Road, and generally west of Thompson Road. The maximum number of units proposed are 49 single family residential lots. The minimum livable area of the house is 49... is 2,000 square feet. The density for the property is approximately 1.0 dwelling units per acre and that's based on the developable acreage of 48.4 acres.

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- Hooks: And once again, I will point out to you that that is backwards. You did the math backwards. It's like that .92.
- Moon: The....
- Hooks: 49 dwelling units in 48 acres does not equal one point something. You did the math backwards.
- Moon: If there are....
- Hooks: There 49 lots and 48 acres...
- Moon: Right.
- Hooks: You can't have one acre per lot.
- Moon: I did the math. I believe that calculation is correct. If there are 400 lots in 100 acres, that's 4 units per acre. So we have...
- Walters: Get your calculator out.
- Moon: We have more lots than we do have... we have more homes than we have acres.
- Hooks: Which means there can't mean one acre per lot. Not the other way around.
- Moon: The... Since the question has been asked, although the comment was raised that the decision was made by the Board of County Commission should not be taken into consideration, I am going to point out some general differences between the proposed plan and that which was previously approved by the City Council with a recommendation from the Planning Commission. In the 2008 plan, which I will show in a second, there are three lots located at the western end of the Sandpiper property. Two join at this location and one along Ustler. Those three lots were moved to the interior of the property. Primarily on the north side of Lake McCoy. There are one... this is one additional lot along Lake McCoy. The lot widths are less wide than they were in the previous plan. These are, I believe, 70... 75 to 80 feet side; however, in this plan, there is the condition that no more than fifteen feet can be cleared from the rear yard down to the lake side. So these homes will be screened by the existing natural vegetation... that vegetation along the lake. On the interior of the property the lots that are abutting Oak Pointe, in this plan the house is 50 feet from the property line. In the 2008 plans there were 30 feet from the property line. The current plan proposes a 30 foot conservation easement in which no swimming pools or fences or accessory structures can be located within that 30 feet. The previous plans required a brick wall. There was no condition on accessory uses so swimming pools could have been... screened swimming pools could have been as close as 10 feet from the south property line. Now a swimming pool has to be a minimum of 30 feet from the south property line. This also applies to the eastern lots

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where the house has to be at least 40 feet from the property line with a 30 foot buffer. Previously this was only 20 feet with a 10 foot buffer and brick wall. Along the eastern portion of the property, is the same number of lots and the lots are consistent with the size of the 2008 plans with the exception of these interior lots which are 80 feet wide instead of 90 feet. The reason for that was to move the homes further to the north from Oak Pointe. One change that has been presented at this meeting that wasn't discussed at the first hearing before the Planning Commission is along Sandpiper Road. This won't be straight but unfortunately I can't rotate this, but from the northeastern corner to the stormwater pond, which is east of the entrance, there is a 10 foot landscape tract which was previously proposed; however, there is a 6 foot shrub within that 10 foot buffer with a canopy tree planted every 35 feet. That's to occur behind these lots along Sandpiper Street within the eastern side of the project. In addition to that, there is a country style tri-rail fence that will extend from the northeast of the project to the point where the open space area starts at its western end. Similar to the staff presentation on the 9th of September, staff recommends a sidewalk along Sandpiper Street all the way to Ustler to accommodate the pedestrian traffic that will be generated by Sandpiper. Particularly the elementary school students and middle school students that are assigned to Dream Lake and Apopka Middle School. They are in the walking distance requirement and will not be bused to those schools so we believe it is a public safety issue to provide that sidewalk. That completes my presentation on the.... any changes that have occurred from the last presentation and provide information regarding the City Council's direction to prepare a finding of fact if the recommendation is to deny. The staff recommendation has not changed since the last meeting other than DRC does support the applicant's proposal for the new buffer along Sandpiper. Staff still... DRC still request that the Planning Commission, in its motion if you decide to approve, that you require that sidewalk along Sandpiper Street. That concludes my presentation and I'll address any questions you may have.

Hooks: Just now you mentioned canopy trees along Sandpiper. What's a canopy tree?

Moon: Canopy tree typically is a deciduous tree that is going to provide shade. A palm tree...

Hooks: Okay.

Moon: ... would not be considered a canopy tree.

Hooks: There are power lines running down there. There's no point in putting in trees to have Duke Energy come in and take them half out. What's the point? If we are going to make them put trees in and just to watch Duke Energy come by six months later and cut them all out, what's the point? Why do we keep doing that? Anyway, that's just a whole other issue. Compatibility from the DRC. What is their definition of compatible? Why did they determine that this development is compatible with the surrounding area. How did they come to that conclusion?

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- Moon: Well, based on the information that was presented at the last hearing, a review was presented of the residential communities in the surrounding area and determined that there were lot sizes and house sizes that were compatible with that which is being proposed. I can go over that again. The lot widths that are proposed within this application....
- Hooks: How many lots did you find that were compatible with the surrounding subdivisions? And which subdivisions did you look at? Let's start with across the street on the north side of Sandpiper. Were any of those....
- Moon: Lot widths of 110 feet are compatible with the lots widths to the
- Hooks: Let's talk about acreage....
- Moon: south....
- Hooks: Let's talk about acreage.
- Moon: Okay.
- Hooks: How many lots across the street, north of Sandpiper, have any lots comparable to this subdivision to the north?
- Moon: They are larger. They are under the low density residential designation which doesn't prevent them from applying to the County for higher density.
- Hooks: Okay, but we are trying to decide compatibility here. So everything to the north is significantly larger.
- Moon: Residential is considered compatible if residential in our land use... future land use chart within the Land Development Code PUD is a compatible zoning category with the very low residential subdivision. When we go to the other surrounding neighborhoods....
- Hooks: You said the DRC found this compatible with the surrounding neighborhoods. That's how you came to your decision to recommend approval.
- Moon: That includes neighborhoods besides the abutting neighborhoods.
- Hooks: Name one. I came prepared tonight, David. I hope you all did. On the north side the smallest lot on Sandpiper is 1.33 acres. It goes from there all the way to 15.51 acres. There is nothing in this development that's compatible with that. And if you want to go to the south I've got that too. The average lot size in Oak Point Estates, not including Wekiva Landing which are larger even, but just these lots that abut this property the average lot size is 1.24 acres. The smallest is a half-acre.

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Moon: I'll have to defer to the minutes from the last meeting when we look at the character of the area. We have all these residential subdivisions which abut and within proximity....

Hooks: They don't abut.

Walters: They don't.

Moon: ...across the road.

Hooks: They do not abut. They may be in proximity across another road but they do not abut. The properties along Thompson Road range from 1.13 acres to 1.30 acres on the east side of their property. They don't abut anything smaller than an acre. So I don't see how in the world you all came up that this was compatible with the surrounding area. To the north, to the east, to the west, to the south. If you want to go down to the southwest to Camelot which is Sir Arthur Court. The average lot size in that subdivision is 1.21 acres. There's nothing anywhere close to this. If you want to go across the street on Ustler, those lots range from 1.84 acres to almost 3 acres, 2.98 acres on Ustler to the east of this property. So there is nothing compatible about it and why DRC came up with this being compatible is beyond me but we're going to have a talk about it tonight. I want to make a point of record for the... for those of you who are here.

Moon: Staff presentation complete or do you have further questions?

Hooks: I'm done.

Ryan: Yes, I have a question...

Hooks: Anybody else? All right go ahead, Bob.

Ryan: In 2008 the City Council approved 49 lots. Is that correct?

Moon: That is correct.

Ryan: But they were larger lots.

Moon: They were generally in the same size as the lot that are proposed now with the exception of the lake front lots which are generally smaller. As they were... the applicant moved the three lots from Ustler and western Sandpiper to that location and then there are a few lots at the eastern end of the cul-de-sac that are 10 feet less...

Ryan: But on average...

Moon: Ten feet less in width to accommodate the buffer along the south property line adjacent to the...

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Ryan: I understand, but on average their smaller now. Right?

Moon: On average?

Ryan: The average lot sizes smaller than what they approved in 2008. The City Council.

Moon: The... The lot size... the typical lot size, yes would be slightly smaller; however, the density of the property is also less than what it is when the Council reviewed it and the other form of this board reviewed it in 2008. There is an additional 2.5 acres that was added to this project at the northwest corner that were at that 2008 that were left... that were owned by the same property owner but left out of the project.

Ryan: And what was the

Moon: That property recently annexed in the City and was pulled into the project. So from that standpoint this... the density of this project is slightly less than what it was.

Ryan: And what was the minimum living area in 2008?

Moon: In 2008, in the approved plans the minimum living area was 3,000 square feet. In the current plans, it's 2,000 square feet. Based on the zoning category that would typically be assigned to this site, the largest zoning category is around.... for straight zoning is around 1,800 square feet. The applicant agreed to increase that to 2,000 square feet. A survey was conducted for the residential homes in the surrounding, abutting land on the north side of Sandpiper, and to the south in Oak Point, there's homes abutting Sandpiper within Oak Point that are 2,200 square feet. There are homes on the north side of Sandpiper across the street that are 1,900 square feet. There are some homes that are larger but there is a diversity that typically ranges from 1,900 to 5,000 square feet. The 5,000 square foot homes represent a small portion of the homes that abut Sandpiper.

Ryan: I think there is a big difference between 3,000 square feet and 2,000 square feet. I also agree with you that there needs to be a sidewalk along Sandpiper.

Hooks: All right, any other from the Board?

Roper: I have a question.

Hooks: Okay.

Roper: Just for my clarification, and you might have covered this already and excuse me if you did, how do you determine compatibility? What do you look at? Is that a definition that's been defined in the Code somewhere?

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Moon: We follow the state definition. There isn't a definition of compatibility within the Land Development Code or Comprehensive Plan. So we refer to the general terminology of compatibility as well as that which is in the Florida Statutes. We look at the future land use designations assigned to adjacent properties; we look at the density of the property; we look at the impact on water and sewer and transportation. We evaluate the character of the subdivision design and what that, in the typical, general area of the project. We review the Comprehensive Plan for consistency with the required policies ranging from the future land use, conservation elements, transportation element, housing element, recreation.. so forth. And in the Land Development Code there's a chart that lists the zoning categories that are compatible with each of the land use categories and the zoning categories. And PUD is considered compatible with the very low suburban and, yes, we look at the general lot sizes that are in the area. We don't look at the value of the homes. That's not an issue of compatibility from the Land Development Code and Comprehensive Plan perspective. Lot size is not an indication of the value of the home. There are 25 acre parcels in the Apopka area or abutting areas that have trailer homes on them and 25 acres is a good size lot. And we... there are homes in the Orlando area that are 5,000 square foot lots that are worth half a million dollars on a 5,000... 6,000 square foot lot and there are homes that are 200,000 square feet that are on a half-acre... \$200,000 on a half-acre property. So it's a diversity. It depends on the market. It also depends on the home builder and also depends on what the homebuilder believes they can market in a particular area plus a number of other categories. But values of a home isn't an issue that staff takes into consideration. It's a long answer but there are a lot of factors that go into consideration of... for compatibility determination.

Hooks: Jim?

Greene: Yes, I know in our meeting in September, it certainly seemed to me that the subdivision immediately to the south and immediately to the north had much larger lot sizes on average and larger house sizes on average. I think it is difficult to say that the smaller subdivision proposed here is compatible and I would think there is a significant likelihood that it would have an adverse impact of the value of the subdivisions directly to the south and to the north. I don't know if that constitutes a statement of facts but that seems to me to be a realistic likelihood.

Hooks: I'm clearly opposed as we heard from this Commission, this particular development. I am not opposed to this piece of property being developed that's characteristic to the surrounding area and I don't think anybody here is either. They understand that's is going to happen. This is clearly not it so I would like to work as we have done in the past to come to some compromise on what is compatible with the surrounding area that all these people can enjoy and Mr. Goldberg can enjoy as well. I think there is some middle ground somewhere in here.

Moon: The only other piece of information that I can provide is that staff looked at the development characteristics of the surrounding area, through aerial photos going back from 2008 to 2014 and the development characteristics in the area have not

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changed one bit. At that time there was a recommendation to approve 49 units on similar size lots. The character of the area has not changed. So from that perspective....

Hooks: But the land use went... cut in half. There was a reason that the land use went from 4 to 2. From the County to the City. So... and you keep referring back to the County's approval of this project and you told us that we can't do that. Now let's stay consistent. Either we can or we can't.

Moon: I am not referring to the County codes and policies, I am referring to the density of the property which hasn't changed and the characteristics of the surrounding area.

Hooks: I agree. The characteristics of this...

Moon: They haven't changed.

Hooks: The characteristics of the surrounding area, and I pointed out to you, Oak Pointe Estates, the average lot size is 1.24 acres and that includes some lots that are half acre. That's the smallest in there and this development that's almost the largest in it. That's not compatible and across the street there are two acres, just slightly less than two acres and above. That's not compatible. And that's our statement of fact. The fact is on the lots to the north of this proposed development on Sandpiper, let me get my right piece of paper here, excluding the fifteen acre lot, I'll take that out, for consistency sake. That's.. excuse the data. The average lot size across the street and along Ustler and Tanglewilde is 1.93 acres. Okay. And I took out the fifteen acre lot that would skew that data. The average lot size on Sir Arthur Court, which is called Camelot Subdivision, is 1.21 acres. That is on the southwest bottom side of the lake... Lake McCoy. The average lot size is Wekiva Landing, which is a spur off of Oak Pointe Estates, is 1.63 acres. These are the statement of facts. The Oak Pointe Estate subdivision the average lot size is 1.24 acres. That is a statement of fact. These are the facts that show that this particular proposed development is not compatible with the surrounding area and the characteristics of the neighborhoods that abut it. There is just no comparison.

Moon: My suggestion to the Planning Commission is that you proceed with the public hearing portion...

Hooks: I intend to.

Moon: to listen to the evidence and testimony then make your determination based on the information provided at the hearing as well as that provided by staff. That completes my presentation.

Hooks: Thank you. All right. Yes, ma'am?

Fitzgerald: I am representing the applicant...

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Hooks: Give us your name and address. We're glad to see you. Who's got the green... green...

Fitzgerald: Nice to see you too.

Hooks: Oh, you're flashing it at yourself?

Fitzgerald: My name....

Hooks: Somebody is targeting you already.

Fitzgerald: My name is Miranda Fitzgerald. I'm an attorney with Lowndes, Drosdick, Doster, Kantor & Reed law firm, 215 North Eola Drive, in Orlando, representing the owner of the property, Alan Goldberg, who is here with me. Alan is a representative of the Trust that owns the property. And I haven't appeared.... I haven't done anything in the City of Apopka for years and so what I thought I would do, and I don't know any of you personally, and because of that what I would like to do is give you some credentials. Let you know a little bit about me and primarily because this is a quasi-judicial hearing and I'll talk a little bit about that in a minute but if I may I would like to give the clerk a copy of my resume and I have copies for each of you.

Hooks: Sure. David, we are going to run over the 6:30 time limit. I don't know what we need to do about the people that's coming...

Davoll: They are going to wait outside.

Hooks: Okay. Are they going.... Is somebody outside?

Davoll: They already know that this could have run over...

Hooks: Okay.

Davoll: So they were going to wait outside.

Hooks: Thank you.

Green: Excuse me. Is the door unlocked? Can people get in?

Officer: That should be able to.

Green: Okay.

Hooks: Thank you. Sorry.

Green: Thank you.

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Fitzgerald: As I said, this a quasi-judicial hearing. Anytime you're dealing with zoning unlike comprehensive planning, but when you are dealing with zoning that's quasi-judicial. That... that has a meaning that's important and it means, as David has already said, that your decision... your recommendation this evening and ultimately the decision the City Commission is... has got to be based on competent substantial evidence. The staff report that you've received is always deemed to be competent substantial evidence. It's prepared by professionals. They know what they're doing. It's.... If your decision is supported by that staff report that staff report is going to be deemed as competent substantial evidence in the record. Testimony from neighbors, neighboring property owners, may or may not be deemed to be competent substantial evidence. It really depends on what the topic is that is being discussed and whether there is some kind of special expertise that they have to talk about it. For example, to talk about traffic issues you really... just because you sit in traffic every day doesn't mean that you're really qualified to talk about whether the roads operate at an adequate level of service. If you talk about the fact that you see an eagle flying over the property periodically doesn't necessarily mean that your competent... have the credentials to talk about whether there are listed species on the property for example. And similarly, testimony from an attorney, such as myself, is not competent substantial evidence unless there is some expertise there and that is the reason I wanted to show you my resume. I've... For thirty-five years my practice has been limited to land use, zoning, annexations, comprehensive plans. Every manner of land use that you can probably think of and I have been qualified to testify as an expert before several circuit courts in Florida and will be testifying to you tonight not only as a representative of the owner but because of that special expertise that I have I would like to be considered to have some expertise in the matters that I am going to be talking about. So let me start. What I would like to do, and Mr. Chairman, I heard your comments. What I would like to do is kind of start at the back end. As David has said, we have had a lot of discussion with neighbors since the last hearing that you had and I was not here at that time but I have read the minutes, we've had some changes. We've had discussions with some of the neighboring property owners and I want to hand out if I can some proposed or revised conditions should you choose to agree to recommend this project. So what... what we've done... David, can we get the plan back up there. I don't what you all are working from to make that happen. Anyway what we've.... Thank you. Handy little gizmos there. So what has happened, you all have read the staff report that has been presented. And one correction that we need to make right at the outset, and I'm sure this is not going to make the Chairman happy, but we're going to say it anyway. The actual minimum... the minimum.. the smallest lot that is proposed in this subdivision or plan as 11,691 square feet. The staff report actually says that the minimum is 12,800 square feet. I just wanted to point out that that is not correct.

Hooks: What did you say it was?

Fitzgerald: It's 11,691 square feet. The largest lot is 29,600. Slightly over 29,600. So it's a blend. A mix of sizes. But I wanted to make that correction. On average the lot

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sizes are 18,000 + square feet in this plan. David had talked about the... the tri-rail fence, the second condition... addition here is the tri-rail fence with dense landscape buffer to reach six feet in height within two years. I didn't put in this document that you all are looking at where that is located but David went over that when he gave his presentation. It's not the entire frontage on Sandpiper but it's the eastern portion before you get to the retention pond. I think that's right, David, correct?

Moon: Yes.

Fitzgerald: We have made a commitment to the residents in the Wekiva Preserve subdivision not to have less than 2,200 square foot house. They asked for that. They also asked, and we've agreed, that this will be a gated community. There is some... In the earlier draft there was... that was left to be kind of an option. Something to be decided later. We've gone ahead and made the commitment that it will be a gated community and any language that's in the staff report or otherwise that would be inconsistent with gating we are asking to have that changed so that it will be a gated community. And then also in negotiation with the Wekiva Preserve owners we've agreed that at least 500 square feet of driveway pavers per house or, as an alternative, side loaded or court yard entries for each house. And that decision would be made on a house by house basis by the builder at the time of construction. We've asked for, and we are in disagreement with staff on this, and I just want to point this out, we've asked to have an internalized sidewalk. We have sidewalks along all of the streets in the development but we've asked to have an internalized sidewalk that would go... let me find my graph here. Can we switch to an overhead? How do I do that? Let me just.. there it is. That's better. So I just wanted to show you... So the idea would be to connect the internal roads with an additional road that would come up in this... a walkway... up to the corner of Ustler and Sandpiper and that way all of the students, all of the people that are living in this development could have internal sidewalk to this corner. There is already a sidewalk on the other side of Sandpiper and our thought was we can provide for the residents in this community internally that would be our preference and so we would make that request. The... We've also heard concern last time and from reading the minutes there's concerns just about traffic on Sandpiper. Staff agrees, our traffic consultant agrees, that the roads in the area operate at satisfactory levels of service. They operate appropriately. It's not creating a degraded condition of the road network but if it would help and if the City would approve it, we would be willing to install stop lights... there's already stop lights going....

Hooks: Stop signs or stop lights?

Fitzgerald: Not stop lights, I said the wrong... stop signs. Sorry. Stop signs here but to make this kind of a four-way stop at Ustler and Sandpiper just to slow traffic down. Cause again there was quite a bit of concern expressed last time about that. So those... those... I'll come back to these at the end but I wanted to next just go through... I was going to go a little bit into the history but I don't think I really need to do that. You've heard a lot about that and I know time is precious. So let me... let me do

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this, let me go to comments from the last from the minutes of the last meeting and doing that I want to show... I want to show you two graphics. I don't know if I can put these up... let me show one first and then I'll put the other one up because I think this, at least from my perspective, interesting. What you're looking at here, this property.... It won't show up...yeah, there we go... This property is the property that we are talking about tonight. All the property on this graphic in yellow is in the City of Apopka. Every bit of the property in white on this map is in unincorporated county. So all of the neighbors that you heard from during your last meeting, neighbors to the south, neighbors to the north, a few neighbors to the east, are not city residents, and to the extent that that makes any difference in your mind, I think it's important and I want to tell you why I think it's important. It's one thing to say that we want to you be compatible, we want you to be consistent with the neighbors to the south and to the north that are in unincorporated county. Those properties are developed under county standards. They were developed a long time ago. The County regulations to the north have that as agricultural property. Just by its terms, agricultural are larger lots. To the south the Oak Water Estates area developed in the County. It's R-1AAAA. The minimum lot size that could have been developed in that subdivision is one-half acre and the reason has nothing to do, I mean realistically, had nothing to do with really saving trees, or making it pretty, or anything else. The reason you have a minimum of one-half acre lots is because there is no sewer in that area. Orange County did not provide sewer service to any of these areas in northwest Orange County. Doesn't exist. And so to get sewer service you have to annex into cities. And so one of the revenue streams, candidly, that the City of Apopka has, is its utilities and so what this project is bringing to the City, not only is tax revenue because you have the additional ad valorem tax, but you also are going to get sewer revenues and water revenues. And I don't know, I've tried to find out, I don't know if the Oak Water Estates people are on City water or County water or if they have wells. I don't have the answer to that but I am sure they don't have sewer. And this property has to have sewer. That changes the economics because when you have to install sewer lines and extend sewer lines that adds a cost. And so to have larger lots and sewer lines on top of that, which benefit the City, it just... it adds... it adds to the price. It doesn't make it as... it makes the houses more expensive and so on a square footage basis any of the houses that are developed in this property are going to cost more today. Prices are coming up again and they are going to be more expensive. So we have... the other thing that troubles me a bit is because we have county residents in large lots subdivisions approved in the county, coming to the City and saying we want you to duplicate exactly what we have and more and, you know, if you don't do that we don't want you to be approved. So they are telling the City, yes, you install the sewer system, yes you gets revenues, but we don't want you to maximize those revenues. We want you to have large lots and where you could have smaller lot we don't want you to do that. We want you to have larger lots and in fact, your comp plan, the City's Comprehensive Plan, says that there is a need during the planning horizon for the comp plan that the City of Apopka will need 41,005 new single family residential units and 7,493 new multi-family units during the planning period of your comp plan. You are not going to achieve that if you force people to have 1.3 acre lots. It is just not going to happen. And so...

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Hooks: Explain that. I don't quite understand why you're saying that. What do you mean we have to have? To do what? What's that?

Fitzgerald: Your comprehensive plan... first off let me back up a little bit. When the City, when any jurisdiction, adopts a comprehensive plan what that plan is, it's a long range look of population needs, demographics, what it is that the city is planning for as it goes out on the planning horizon. And in looking at the future your.... The housing element that is in your comprehensive plan says to satisfy the demand that is projected to be coming to the City of Apopka reasonably they expect that the City is going to need to approve and have available 41,005 new single family residences in the planning horizon and that goes out to 2030. It's not happening tomorrow. It's a long range plan but it's still a lot of houses. And so I understand that the people in the neighborhood bought into an area that was rural. A lot of west Orange County, Northwest Orange County has been rural for years. That fact is changing. I mean it is becoming more urbanized. All you have to do is go down 441, 436. Any of the areas. It is more urbanized today and it's nice that there are enclaves and areas like Oak Water Estates because that provides an alternative lifestyle. It's a lifestyle that will attract people looking for those large lot subdivisions. Looking for that area but it isn't everybody. Not everybody can afford that. Not everybody wants that lifestyle. Not everybody wants the huge yards that you have to maintain and the huge pool that you have to maintain. More and more, the demographics are that you want a pretty large house but you want them on smaller lots because of the maintenance cost is so much less if you don't have the yard guy coming every week and the pool guy coming every week. So again, just demographics have changed by making the commitment for 2,200 square foot lots... houses on an average lot size that will be 18,000 square feet, we do think this is compatible and we think it's... it's particular compatible to the areas that already annexed into the City. Let me show you a couple of those. The... This is Wekiva Preserve. It's a gated community. This will be a gated community. This is R-1AAA lots in the City. The R-1AAA lots, it's interesting, because the City's lot sizes are larger than the County lot sizes. So when this was approved in the County the County's R-1AAA lot size, under their standard zoning, is 14,520 square feet. The City's is 16,000 square feet so the R-1AAA is what... is what this property has. Again this has... the is R-1AAAA. The City's doesn't even have an R-1AAAA category. It's not apples to apples at all between the City categories and the County categories. The City categories are generally larger. The County's R-1AAAA, which is Oak Water, is a minimum half-acre lots and, as the Chairman said, there are some lots that are half-acre in there and you can't have them less than a half-acre because they are on septic tanks. So that was... that was the driver that made that subdivision what it is today. The City is requiring this property to have sewers. We don't have the option of having septic tanks. Even... Even if we went to half-acre lots or one-acre lots, the City would not let us develop those lots on anything other than sewer. So we cannot do septic and that is a cost and it is also a benefit to the environment not to have leaking septic tanks over time. So under any circumstance irrespective of what's in the code, and I know there was a lot some concern because the staff reports talks about minimum lot sizes, minimum

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house size based on the R-1A code in the City which in R-1A is only a 10,000 square foot minimum but the PUD that we are doing trumps that. Nothing.. Nothing... where the code has one condition on the same topic and the PUD has another condition on the topic, every day the PUD condition is going to trump the code. So as I said earlier we've got one lot in this project that is 11,000.... Whatever I said.... 11,691 square feet all the way up to 29,600 square feet. The average 18,000 square feet for this development that is in the City that's on sewer. We've talked... another... Another big issue that the... at the meeting the last... before I... before I want to leave.... Before I want to say one more thing about sewer lines because I think it's really important. The only way that a City grows its tax base is to annex. It can also raise its millage, it could do that, but that's not generally very popular with the existing residents in the City. So your way of raising revenues in a City is annexation. And when you have a development and you have a utility system. You're getting revenue off of your utility systems. And you have a development that is going to extend sewer lines farther into unincorporated county territory that opens up more of an opportunity in the future for the City to annex additional land and grow the city, grow the city's tax base. And there will be, I am sure, eventually, some of this land, maybe not Oak Water Estates, but some of the agricultural lands that is up in this area is likely to annex into the City and because of this property you now have the opportunity for that annexation and you have the opportunity to have additional sewer revenues that you wouldn't have unless somebody else came in and extended those sewer lines. The house size... we've already talked a little bit about the house size, was also a big issue at your last meeting. At that point the issue before you was whether 2,000 square feet was going to be adequate. The City's standard is 1,800? David is that right?

Moon: The maximum that we have in that category is 1,800.

Fitzgerald: 1,800. So that's the maximum...

Moon: For straight zoning.

Fitzgerald: For straight zoning. So we started at 2,000. Many of the homeowners thought that was inadequate. We've increased it to 2,200. That's on the table today for your consideration. Very, very few of the houses in the area were built to minimum house size. And so I think when you see those minimums in code. I mean, just look at... I don't know where you all live but I mean if you look at your own subdivisions when you have those minimums in single family residential housing areas, generally the buyers come in and want the dormer on the house or they want the added on bonus room or they want something more than just the minimum. So it's not... I would say it's probably rare that you would ever have a majority of the very minimum house sizes in any kind of a mix of a subdivision. I want to talk a little bit.... Just a little bit about house value. We touched on that a bit. There was some concerns about. I'm not an appraiser but I do know that you can go to... you can look at what houses are selling for today on Zillow and other things. The houses in this community will start, the lowest price is expected to be \$250,000 and on the lake front lots, they are

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expected to be \$400,000 to \$500,000 as a start. These are not... these are not starter homes. These are not going to be kids right out of college that are, you know, have their first job and are going to get their first house. That is not going to be who lives in these houses. So value, we think, is certainly going to be comparable to what is there and that goes into my view that's part of compatibility. It's lot size, it's whether you are dealing with apples to apples. Is the infrastructure the same? Is there a benefit to the City to have lots that are smaller that generate more utility revenue for the City? And can those lots be compatible with the houses that are reasonable sized along with everything else. And as far as the homeowners in Oak Water, may this would be... I could.... Well let me just skip with this graphic because I can just... it's not quite... too many papers... if I can find it quickly.... This one might be a little bit better. So here you can.. is that clear enough or is it my eyes?... little out of whack... Anyway. So this... I think... hopefully you can see this... this says R-1AAAA. That's the county's half-acre standard lot size recognizing that a number of these lots are larger because they go into the lake. All of these lots are lake bottom, part of the lot is the lake bottom. So that's where you get your huge lot acreages for the property in the County that are immediately south of this. Part of the commitment on the project is to have a 30 foot City conservation easement along the south boundary and I was driving through the neighborhood today before the hearing because I wanted to see the homes and I wanted to see the property. And it is amazingly dense. I mean.. you... it is... I mean it's... you can't see anything. If this buffer stays, as it will, it is a complete... complete buffer to everything on this side. Again the buffer will not extend around the lake edge but as David said, every one of the... there are eight lake front lots... they get 15 feet each to clear on their boundary. So that is not going to be intrusive to the neighbors across the lake. They are still going to see a heavy vegetated area as they look out. But that buffer will stay. There's not going to pools in it. There won't be accessory buildings in it. It will remain as it is and it is very dense. The other trees... want to talk about this too... trees were a big issue the other night at the September hearing. People were very concerned. They didn't want trees to be... they didn't want this property to be clear cut. They didn't want mass grading done and one of the commitments that's reported in the staff report is that will not happen. The lots will be selectively cleared. You all have a very stringent tree ordinance. So on a site by site, lot by lot basis the goal is going to be preserve as many trees as possible and so as part of this project, part of the development, fifteen acres here is being established as a park for the neighborhood. And for... and again driving on Ustler today, incredible dense vegetation here. And I was... I was pretty impressed and there is a huge house.. right here... I don't know how big that house is but its giant. It's a really big house and I was thinking to myself, they are not hear. They're not complaining. They know they are not going to see anything that's in this development because that area is so dense and it will stay that way. It's open space. It's to be used for recreation. It will be selectively cleared but the buffer along the south edge, 30 feet, preservation, in the City, and the reason I'm making the distinction here, that is not going to be a St. Johns River Water Management District type of conservation easement. It's not wetlands but we will give an easement... a conservation easement to the City as an upland conservation area. Let me just touch real quick on wildlife. That was another

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issue. There is only one protected species on this property. It's gopher tortoises. Those are virtually everywhere. I mean they are listed as a listed protected species but their just... I don't... I think I've had one site in as long as I've been doing land use that didn't have gopher tortoises but they will be relocated onto the park property that is going to be retained an open space. We talked a little bit about traffic as well and it does, as your staff report has indicated and our traffic engineer has indicated, traffic is not an issue for this development. It operates... the roads operate... will continue to operate at adequate satisfactory levels of service and the owner of the property has offered to install stop signs if the City thinks that would be beneficial to keep traffic more controlled on Sandpiper. So with that, Mr. Chairman, I would just wrap up. I would very much appreciate your consideration of approval... recommendation for approval of this. I know there are a lot of issues and I know you have concerns. We think this is the right thing for the City. We certainly know there is a market for it. It's not one of those things... there was some fear expressed at the last hearing.. well what happens if these guys go away and it doesn't develop. There is a tremendous demand right now. I'm seeing it in my business and I'm, you know, across... I'm sure you're seeing it too with just the number of applications that you're probably getting, but this will develop and it will be developed very nicely and it will be compatible with the neighborhood and we would appreciate your support. Thank you very much.

Hooks: Thank you.

Fitzgerald: I would like to reserve a little time for rebuttal, Mr. Chairman, if I may.

Hooks: Sure. One of the things that you mentioned in your report is that there was a demand for this type of subdivision and I agree that there is. We've seen it and we've planned for it. We've got some developments that are coming before the City, one after this, with Florida Hospital. That whole area is being looked at for those types of single family homes and Kelly Park Crossing will be another one and we just...

Fitzgerald: Right.

Hooks: approved a Small Lot Overlay to accommodate some of these smaller homes and there is a demand for larger homes on smaller lots. I give you that. But there's still also a demand, as Mr. Haubner pointed out last month at the meeting, that the calls to his office are for "Do you have some acre lots or two acre lots." Not "Do you have a small lot with a 4,000 square foot home or 6,000 square foot home" that... he says he is not getting those kinds of calls but he is getting for acreage and, you know, we have development on the north side of Apopka "Bluegrass Estates" that have very expensive homes in there and, to my knowledge, they are all sold. There aren't any vacant homes in there so there's also a demand, although much smaller, for that type of development and I could see this being similar to that development with larger lots. That... I'm going.... I'm here to represent the people and I don't care if they are county or city. That is immaterial to me and I want to hear from them. You say you have met with them and have come to these terms. I will point out that on the

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minimum lot size and the average lot size. Nothing's changed. Those are exactly as they were... The point... the 18,000 average that's what it is last month when we talked so that's not changed. The minimum lot of 11,691, that is exactly the same as last month so that hadn't changed either. I want to open up public hearing for anybody else who wants to speak. And first, before we get started, I'll go over those who have turned in sheets to speak and the first I have is Colleen Kelly and this is in no particular order. So if Colleen would come up and give us your name, please, and your address and make your comments. We've got four minutes setup on the timer set. I'm going to try not to go by that. What we don't want to hear is what you told us last month. I already heard all that. We're going to take that into consideration again, but if you all have met with the developer and have come to some consensus, I'd like to hear about that. I'm... I'm with you'all. I'm here to help you all and like I... like I can say I think we can leave here tonight with some compromise if you all haven't already accomplished that. You may have. So go ahead.

Kelly: Hi. My name is Colleen Kelly. I live at 918 Palm Oak Drive in the Wekiva Preserve subdivision. I just... I talked with one of our Board members and she is going to be speaking with the conditions that she has made with Mr. Goldberg. But I wanted to speak on, Mr. Hooks, is what you talked about with the trees that they want to put in on Sandpiper. I agree one hundred percent with you they shouldn't put canopy trees there. I was a code enforcer for 21 years with the City of Orlando and one of the jobs that I had was doing landscape inspections. And the City of Orlando's code has what they call canopy trees and understory trees. Canopy trees are large oak trees, large sycamore trees, sweetgum trees. Stuff like that. Yet the understory trees which are your crepe myrtles, your wax myrtles, and holly trees and stuff like that. And when they wanted to change out a tree plan, they had to do it two for one. So instead of putting the canopy trees along there, what they should do is maybe put in two to one or three to one understory trees, the crepe myrtle type of whatever like that. And I think that there should be a minimum or a minimum sized canopy tree that should be left in the subdivision like a 22 inch caliper or something like that. I'm not sure what caliper is on the property because I haven't... I don't feel it's my right to walk on that property.

Hooks: Right, right, right.

Kelly: But that's what I wanted to talk about was the trees basically.

Hooks: Okay.

Kelly: And what you can do.

Hooks: Thank you. The... I agree with you on the tree issue. I like the canopy trees over the roads but if the power companies are going to come cut them in half, there's no point. They look worse than if you just put up understory trees or whatever. All right, who were you referring to that is going to give us a presentation?

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Kelly: Crystal.

Hooks: What's your name?

Lawrence: Crystal Lawrence.

Hooks: All right. Let me get to yours and let me hear what you've got to say and then we can go from there. Okay. Fire away.

Peronti: I'm going to walk her down.

Hooks: Sure. You can hold her hand.

Lawrence: I need it. My name is Crystal Lawrence. I live at 842 Palm Oak Drive.

Peronti: Michael Peronti, 865 Palm Oak Drive.

Lawrence: I'm here on behalf of the Board of Directors of Wekiva Preserve. We are a gated community of 73 homes. We have an average home size of a little over 2,900 square feet. We are located in the City of Apopka on the corner of Sandpiper and Ustler. Due to our proximity and the fact that we are located within the City, the homes in the proposed development will be direct comparables for homes sales within our community. In an effort to protect our home values we will not oppose and we will support the proposed development provided homes be a minimum of 2,200 square feet. The community remains gated and the provision for public roads be removed and each lot will have a minimum 500 square feet of pavers or courtyard side-entry driveways. The only thing that I would like to add that I wasn't going to say was, if any of you have driven down Sandpiper and seen the condition of the property and the way it is now, it's become a dumping ground. And it's not doing anything for our property values. We have no way to bring people into our subdivision that's astatically pleasing. If they come down Sandpiper they see this property that has abandoned homes. It's being used as a dumping ground. If they come down Ustler the side of Ustler opposite of use is County where there's very little enforcement. So we, for all those reasons, and in an effort to protect our home values are going to support this development.

Hooks: Okay, thank you.

Peronti: Thank you.

Hooks: All right, Mary Schwarberg, on Sir Arthur Court.

Schwarberg: I was hoping I wouldn't be first. Hi, I'm Mary Schwarberg. I live on Sir Arthur Court.

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Schwarberg: 519 Sir Arthur Court. I live on the bottom side. I do face the trees, that I very much do appreciate and I think there were some of the neighbors that were here before that are on the other side of Ustler. Something I am concerned about is the four-way stop. I walk my dog down Ustler around 5:30 and there's a tremendous amount of traffic that makes a left hand turn to go down to the post office where there is a light where they can get out and turn left onto Park. I know that some here are very much interested in getting that four-way stop but I do think it is going to increase the amount of traffic going down Ustler and onto Tanglewilde and Tanglewilde is not a safe road. So I think that if you're going to put a four-way stop in there we need to consider putting a stop light in on Park so that traffic will continue down that direction to make that left hand turn. The other thing that I'm concerned about, reading through some of the documents in the last month, when we talk about two acres or two homes per acre. Why aren't we talking about lot sizes? And I personally, I do not represent anybody else here, if we could get to a half acre lot size I'd be very appreciative. I think it would keep my home, which is nearly an acre, it would keep the value there and I do... One other thing, is that I bought my home about a year and a half ago. And when my husband and I were looking we looked for a year to find a home that did have a larger lot that we could build on because the essence of the area that it's in we could make that home larger and add more square footage onto it and that's something I think there is a market for. It might not be a large market but there definitely is a market and you cannot find a home like that. We took a 1973 home, gutted it, and put \$70,000 into so far and we have a lot more to go. There are people out there that... God, I would have loved... loved to buy a home that would have been a half-acre in that beautiful area that I didn't have to do that and pay more than what you're going to have to... what you would ask for... for a home on a half-acre lot. So I that's... that's all I have. Thanks.

Hooks: Thank you. Lou Haubner is next.

Haubner: Lou Haubner, 140 East First Street, Apopka, Florida. I live in the City and I live on Tanglewilde which is near this property. Number one I would like to ask exactly how many acres is actually developable of that property? With all the easements and conservation, well not conservation easements. We haven't gotten to that point yet, but all the easements and so forth that go through it. I'm wondering how much real developable acreage is there.

Hooks: Forty-eight point 4 acres.

Haubner: Okay, the real thing is that when we say two units per acre what we are really saying is the city approved low density suburban. Which is zero to two acres or two units per acre. So I would like to see it be zero but I would go along with half a house per acre or maybe even one. But that is one thing I think you need to consider is the zoning. The low density residential is zero to two, not two, zero to two. I'm not sure I would want to live in a gated community with trees around it and a wooden fence across the front. I think probably they need to put one of those dog wires around it and when you step on that dog wire you get electrocuted. I'm not sure a gated

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community is a place for a buffer zone. And the second thing, I'm not sure you can put a walkway through a conservation area. They keep saying they are going to donate this property to the City along the lake. Well, who is going to take care of it? Is the City going to take care of or is the home owners going to take care of it? You got a fifteen foot right-of-way through that if you build a house there. Well those... sooner or later those are going to get wider and wider and wider cause, you know, they sell a lot of RoundUp and pretty soon you want to see the lake. If you buy a lake front house for half a million dollars probably want to see the lake. I would. So I probably start clearing there secretly without anybody knowing it. And the third thing. They talk about that fifteen acres, I think it is on the east...or the west side and I talked to the developer or one of the representatives for the developer, recently and I asked him, I said "Are you going to turn that into a conservation area? Well, who is that land going to belong to? That fifteen acres? Is it going to be deeded to the City? Is it going to be deeded to the community? Or is it going to be turned into a conservation area?" And I'm sure you are aware what a conservation area is. You can't do anything with your property from here to eternity if you give it to a conservation area. You can't put a walkway through it. If there is a bike path through there now or where people ride four-wheelers, you have to put it back into its original state as it was in the early 1900's. Before it can be turned into a conservation area and you certainly can't put a walkway through it. So those are some of the points that I wanted to hit and I think we need to look at the Comp Plan and look at the two units an acre and the square footage of the houses. There's a lot of negatives to this development so. Appreciate your time.

Hooks: Thank you. Jill Cooper.

Cooper: I'm Jim Cooper. I live at 954 Oak Point Circle, on Lake McCoy. I support the decision last month to reject the proposed zoning change. The first speaker said that the reason I have a large lot is that part of my land goes underwater. That is incorrect. I have a half-acre when the water is at its highest. If the lake dries up, it becomes two acres. I believe the average lot sizes that Mr. Hooks referenced are correct and those are all above water. You were incorrect when you said that my lot is large because it goes underwater. I'm just a little surprised that Mr. Goldberg sent a speaker to say that I was not competent to stand up here and speak to you and that my voice doesn't matter. Even though my property directly abuts the new neighborhood. As Mr. Hooks mentioned in the mission statement of the P&Z, one of the roles is to speak for the stakeholders. I am a stakeholder. I can see this property out of every window across the back of my house. I also thought that the definition of a PD was to give some flexibility to give the developer to work with the neighborhoods to come up with something that was consistent. Even though I live a few feet outside of the city limits, I am an Apopkan. I've lived here for thirty years. You spoke about taxes, I work for twenty-two years in the city limits. I shop here. I live here. I'm trying to stay very professional and positive but I'm just appalled that the speaker would come up and suggest that the citizens voice shouldn't be heard. Thank you for understanding the importance of choosing the proper density for this area. The density will determine the lot size, the house size, the setbacks, the future

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house size if someone wants to expand their home as a family grows, and most importantly the number of mature trees that can be saved and therefore the character of the neighborhood. We look forward to a new development on Sandpiper that takes more consideration of the character and consistency and lot sizes of the existing neighborhood. Thank you.

Hooks: Thank you. Mary Smothers. Mary Smothers.

Smothers: Mary Smothers, 1005 East Sandpiper Street. Several things that I just want to kind of mention in light of what Jill just said. Being an Apopkan for a very long time, I have lived in the house that we live in now for 36 years along with my husband and family. But my husband's an Apopkan from way, way back. He's been here 71 years. Almost from birth. His never lived in the City limits. His always been in Apopka. We fill like step children with those kind of comments. You know, like, you really don't belong here, but we live here, we shop here. We go to church here and everything we do is basically around Apopka. Centered in Apopka. So that kind of hurts. Hits kind of low. I thought Mr. Land said... Mr. Moon said, excuse me, Mr. Moon said that there was going to be a sidewalk on the south side of Apopka... of Sandpiper Street? Did you not say that?

Hooks: That's their suggestion.

Moon: Yes, that's the recommendation.

Smothers: It's what?

Hooks: That's his recommendation.

Smothers: Okay. That sounds good. I like that idea. Because now the children won't have to cross Sandpiper, go all the way down to the corner on Ustler, and cross Sandpiper back. So that sidewalk is a good proposal. The sidewalk going through the west end of the property is not a good proposal. It's more direct but if that's like, was mentioned that if that stays into the original land that it is now, swampy, woody, overgrowth, Mr. Harmon said at the last meeting, coming from his police background, he was concerned about the safety of children going through something like... even if it's a nice sidewalk. Not only do we have wildlife and critters like that but he was more concerned about the two-legged critters like mankind that could harm our children. Could be hiding out and harm our children. So that, even though it is a nice idea to get the children closer to the school, it was... there's a lot of concerns there. Many things came to my mind as people were talking here, but I did want to tell you that just today after 4:00 I got in my hands the first part of a traffic study. And for this area... that area. There will be more to come probably to do traffic lights and things but it will be here. As soon as I get it I'll get into the hands of the City, but I will just read the bottom line here of these. Because it's hour by hour. So over a 24 hour period traffic study. So I'm just going to read a couple of them for you. North Park Avenue and Sandpiper Street. The actual daily total Park Avenue and Sandpiper was 28,008. Sandpiper Street at Park was 2,370 in one day's

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time. That's why it was proposed that we have maybe a traffic light there at that so we don't go around to Tanglewilde like I've been doing for years. Thompson Road and Sandpiper. Thompson Road the actual daily count or total 6,548. Sandpiper Street and Thompson Road was 2,561 cars or automobiles. Ustler Road and Welch Road. Ustler Road at Welch is 420. That's today. Don't know what it will be if we get another whole bunch of people. A whole bunch of homes. I think the reason for that low number is if you go up there you can only turn right because it's almost impossible to turn left. Especially at certain times of the day. Welch Road 15,176 have already gone up and down Welch Road in a day's time. These are the exits for the development if they, once they get there. Ustler Road and Sandpiper Road. Ustler Road is having 1,241 cars a day. Sandpiper at Ustler 4,548 cars a day at this time. That's October. I'll get more information on their study in the near future and get it into everybody's hands that need it or want it. So I understand that this property was designed... or was proposed to have a maximum of 49 homes. That's maximum. That's like a speed limit, you know. The maximum speed is 65 let's all do 75 or 80, you know. That's the maximum but that doesn't mean we can't go under it. Now if we took those three homes.... I think it was three homes that was kind of dug out of the Ustler end and instead of squeezing them into the other, if we just drop those off, we still have a probably lot size, and a house size, that, I think we could live with. I think that would extend that just a little bit because you've squeezed those properties down now to add those other few homes back into your 49 count as well as squeezing them back up because of the buffer on the south side of the property and that squeezing them down again. So I'd love to see the larger homes and larger lots and we've talked about that and I know you've heard enough about it so I just wanted to be sure and give you, though, this traffic report that I just got today at 4:00 and just take that into consideration as your making your final decision.

Hooks: Thank you.

Smothers: Thank you.

Hooks: Les Hess. Yes, sir.

Hess: I'll try to be brief. I think the most important issue is that the density is not compatible with abutting properties.

Greene: Could you give us your name and address?

Hess: I'm sorry. My name is Les Hess. I live at 578 Wekiva Landing Drive. I appreciate the Chair's comments about the city versus county. I'm sure one day I'll be in the City of Apopka as Apopka is expanding. There's something unseemly when what has happened is that the County denied the application or at least put into it certain requirements that were unacceptable and so the developer goes to the City. Now when it comes to the City, he starts complaining about the cost of sewers and tries to pit city versus county. So that seems inappropriate and unseemly to me. This isn't a

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park on the west end. It's a swamp. Okay. I'm concerned about saving the large trees. You've heard a lot about that. I just wanted to highlight that and the last thing I want to mention is these buffer zones. I think it was Mr. Haubner spoke my mind when he talked about what's going to happen. The 30 foot area on the south side that is supposed to keep the south houses from this development from being right in the existing ones. The people who live there, unless we put up some kind of wire fence or something, they are going clean it up. They are going to clean up back into the woods behind their house and the 30 foot buffer zone is going to go away. And likewise on the lake, unless there is some barrier there, there's not going to be a policeman there or even a zoning or code enforcement person saying you can't RoundUp this you can't cut down that tree. It's just going to disappear with time. So the big picture is that this density is too much and to reduce that density would reduce much of the resistance. Most of us agree that something needs to be done with this property, but something more appropriate. Thank you.

Hooks: Before you leave, cause you're my last one. Have you got a recommendation on density?

Hess: Pardon me?

Hooks: Have you got a recommendation on density that your neighbors are....

Hess: No.. no, sir.

Hooks: Okay.

Hess: I did want to mention that the... the Wekiva Preserve who came up with some specifics...

Hooks: Right.

Hess: ...is not an abutting property.

Hooks: Right.

Hess: Thank you.

Hooks: Yes. All right, I got... have a couple of comments and then... yes, please come back. The traffic study that was referenced actually indicates that the roads are no at capacity. That this is not going to be a significant impact to the capacity of the roads and that's the report that you are eventually going to get on those numbers that you just presented. So that's not going to help your cause at all, but the four or five hundred traffic generated by this subdivision, as proposed, will have an effect on congestion and again I would like to get us through this tonight so that we can... as a Commission can make a recommendation to the City Council on something that we can approve. That we can agree on and its certainly does not appear that I'm going to

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ask you specifically who in the world did you'all talk to that you came to these conclusions that they were okay with it and don't tell me that its Wekiva Preserve because they don't abut this property.

Fitzgerald: They abut at the corner. I mean its...

Hooks: They abut on the corner.

Fitzgerald: contiguous on the corner and they are not in the city.

Hooks: They abut on a corner that is undevelopable.

Fitzgerald: They're in the City as well. All right, I'm going to...

Hooks: Okay.

Fitzgerald: I didn't make comments when the neighbors were up there. I'm again, Miranda Fitzgerald. Just to make a couple of closing comments. First off on the buffer. The owners of the property immediately to the south, the estate property, appointed a committee that agreed to the 30 foot buffer in lieu of a wall. We were doing that in conjunction, working cooperatively, with the neighbors to the immediately to the south. All of the lots, I left my point back at my chair, but all of the lot where lots abut lots with the 30 foot buffer in between they match exactly 110 feet across that back property line. Again there is a 30 foot swath of trees in between but those lot lines are the same dimension, so I'm going to hand this to the Clerk for the record. This is the... this is a letter from Mike Corban, who's one of the homeowners in the subdivision to the south. An overwhelming majority voted in favor of a 30 foot untouched natural buffer with the existing trees, vegetation and fence. We hope that it would become a separate parcel deeded to the new HOA. That is exactly what's proposed. We would like to begin referring to this buffer as Forever Green Zone or parcel. That's the buffer that is going to be dedicated to the homeowners association with a conservation easement over it to the City. The City will have enforcement rights over that buffer. So it's not going to be owned by the individual lot owners. It would be owned by the association. Again the City having enforcement rights through a conservation easement.

Hooks: Do you... Is that a document that is signed by somebody other than Mr. Corban?

Fitzgerald: It's a... It was an e-mail to Mr. Alan Goldberg from Mike Corban.

Hooks: Okay. And I am going to throw right back to you what you threw at us at the very beginning. Unless you've got a signed petition by other... all those people that he said... that is immaterial to me. Was one person's agreement... one person's agreement with what you said and so far I've heard nobody else agree to that and, you know, he's not an expert... you say he could be an expert witness but his not. He claims he represents those people but unless there is a signed petition with other

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signatures, means nothing. Its hearsay.

Fitzgerald: I understand your point of view. I wasn't in those meetings. Meetings were held, as I understand it, Mr. Goldberg participated, I didn't. So he can come up and address that, but let me make just a couple of more... couple of additional points. There was comments about the fifteen acres on the west side. That is not all wetlands. It is not proposed to be donated to the City. It is going to be conveyed to homeowners association. It's wetlands, its uplands, it will be open space and a park area. So it is... again... you're not prohibited from crossing or putting a trail through there or a sidewalk through there although I understand the position preference.

Hooks: I think what he was referring to is you indicated that they would dedicate it as a conservation area. In order to do that you have to take it back to its natural state. So then you could not build anything in there.

Fitzgerald: No... only... only...

Hooks: So I'm assuming you misspoke about donating it as a conservation area.

Fitzgerald: No, no, no. There are a lot of different types of conservation... if you're giving a conservation easement to a water management district or to the state... to a state agency...

Hooks: Right, right.

Fitzgerald: That's not the kind of conservation easement I'm talking about. I'm talking about....

Hooks: That.. that.

Fitzgerald: I'm talking about a conservation easement donated to the City.

Hooks: Yeah, that was my point.

Fitzgerald: Okay. And then I didn't... honestly, I did not mean to offend anybody in the audience. The situation is that when you're dealing with quasi-judicial hearings is that it is evidentiary based and you do have to have some knowledge. It doesn't mean that people can't talk about their houses. They can talk about astitics, they can talk about... it didn't say they couldn't talk about lot sizes or anything else. I said when you are talking about traffic, when you're talking about list of species, when you're talking about things that you have to have some experience with that's where it becomes..

Hooks: I think when they were offended was when you insinuated because they were not in the city limited they didn't matter. That's what offended them.

Fitzgerald: Well they don't pay tax to the City.

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Hooks: Okay.

Fitzgerald: They may shop in the City. They pay sales tax. But, you know, I understand. But I think, again, when you are talking about compatibility and when you are talking about zoning and when you are talking about comp planning. Every jurisdiction has their own and you have your comp plan. You have your city vision and it doesn't incorporate the white areas of the map. It's what the City sees as a vision for its area. I'm just pointing that out.

Hooks: Understand.

Fitzgerald: And, let me introduce... I'm just going to give one other letter we got. This is letter signed by, I'm hoping I can read this correctly, looks like Shane Rattel, R-a-t-t-e-l, "would like area to completed. It has been an eyesore for many years. I have reviewed plans and feel comfortable with project. It's inevitable someone will develop the area" from 920... She lives at 925 East Sandpiper Street in Apopka. [Unintelligible]

Green: Thank you.

Ryan: Steve, can we take a five minute break?

Hooks: Sure. Don't everybody go to the same restroom cause it's not that big. All right, lets adjourn for about ten minutes and we'll come back and try to iron this out.

Break: 7:19 p.m.

Reconvened: 7:24 p.m.

Hooks: Reconvene. We're going to pick it up where we left off. Did you have something else?

Fitzgerald: Yes, just very shortly. Mr. Chairman, just to wrap up. To take one thing off the table. I've just spoken to Mr. Goldberg. We will concede on the sidewalk issue and either development the sidewalk, put the sidewalk in on Sandpiper, or pay into the sidewalk fund and then again and I would like to just reiterate the proposed conditions that I gave you earlier. We'd like to stick with those with the exception of the sidewalk would appreciate your recommendation for approval.

Hooks: Okay. I want to make a couple of comments before we try to.... Yes, Lou, go ahead.

Haubner: Lou Haubner, 140 East First Street, Apopka. Two things. Number one the letters that they submitted was the community develop... community boards agreed to a 30 foot buffer, I think, or a 20 foot buffer whatever it might be... a buffer. They did not agree to 49 lots. That letter didn't say anything about approving the subdivision, keep that in mind, it only approved the buffer.

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Hooks: Right.

Haubner: Second thing, I would like to see a sidewalk put in, and Shirley came up with this idea, all the way up to Park Avenue. Either the City put it in or the developer put it in. Not only to Ustler Road. That might be a thought. Third thing, I would like to see them go to... When we talk about 2,200 square foot house, is that under roof? Does that include the garage?

Hooks: Typically, under air, right?

Moon: Livable area. Heat and air.

Haubner: So we're talking about a, probably, a 2,700 square foot under roof, 2,200 living area.

Hooks: Right.

Haubner: And I have no problem with that. I would like to raise it, maybe, to 2,500, but I would propose that they go to at least 22,000 square feet on the lot size and come back with a new development plan. Thank you.

Hooks: Thank you. Anybody else want to speak? Yes, ma'am. We'll get this public hearing out of the way and then we'll negotiate. Try to.

McBee: Hi, Jenny McBee, I live at 609 Oak Pointe Ridge Court in Apopka. One thing that keeps being said that is not true, I live on that southern border. It is not for every house a one to one, like your looking out your yard and you're going to see one new house. I've seen the lot... what's projected. I will look at two and a half houses. I currently look at one. My neighbor, one down from me, he will look at three. So it is not... there... it is true that some of them... some of the southern border lots will look one to one. What the lady was saying but not all of them. And I do live in the neighborhood. I've been to the board members. My husband... the board meetings. My husband and I are now members as large on the Board but it wasn't... we were presented with choices and everyone on that southern border did get to vote. I do think that was a legitimately done thing, you know, Mr. Goldberg did for... but these were our choices, either do the 30 foot buffer, which that letter somewhere did say we want something in front of that 30 foot buffer to assure that it doesn't just get gone somehow. We have a big row of bushes. We want something so that you can't intrude into it easily. But the way it was presented to us, "if you vote for a fence or a wall, that means we're going to have to come clear cut back here to get our concrete, or whatever, to build the wall or fence. We're going to have to come a lot closer and we're going to have to cut a lot more trees down. So it wasn't like, we loved this idea. It was like do you cut your right arm off or left arm off. So that's what it really was.

Hooks: Okay, thank you.

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McBee: And if...

Hooks: Go ahead.

McBee: One last thing. If we're talking about how many houses, at the last Board meeting, and I don't speak for the whole board, but just, there have been comments, we want the development but we would be a lot more at ease if we could have less homes in there on a bigger lots. If we could get down to ten houses I think you wouldn't get a big argument.

Hooks: Yeah, I'm sure you wouldn't. Yes, ma'am.

O'Connor: Hi, my name is Ellen O'Connor, I'm at 1032 Oak Pointe Circle which is in Oak Water Estates. Two... Just points of questions, I'm not sure who to pose it to, but that what is there any requirement for the developer to do any type of tree study. Is there any type of analysis of that that goes into that or what is the City's position on that. And then the second question that I have is that we do live on the lake, there is movement of water if you live in that area or your familiar with area on the north side of Sandpiper. There is a flow of water that goes onto the north side of Sandpiper. You know, when it's dry it looks like a pasture, but is not it's actually a lake area.

Hooks: Right.

O'Conner: So where does that factor into what's being done in this development/

Hooks: I'll let David or Jay address both of those.

Davoll: Well, the drainage portion is, she is correct, there is a large system that was studied many years ago, that comes through there and the area she is speaking of on the north is actually Lake Coroni and it is a dry lake half the year. But that is accommodated for in the requirements and they will not be sending any more water off site. What is currently going off site from the properties and yes, there is an extensive tree survey that required with Final Development Plan and most of you know about our tree requirements. One clarification while I'm speaking. Several times it has been brought about the intersection of Sandpiper and Ustler and some possible changes to the configu.... Or, you know, the...

Hooks: You're going to tell me that it's county.

Davoll: Yes, I am. The County would have to approve any changes to the current configuration or the current signage at that intersection.

Hooks: All right. I figured as much. All right anybody else? Mary, make it quick we need to

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get out of here.

Smothers: I agree, let's go home. Those who can't... those who can. I failed to tell you that this Traffic Study was done by the Orange County Traffic Engineering department. I didn't come up with it and by pulling it out of the air.

Hooks: I understand.

Smothers: Moving the gopher tortoises to the west end. Which is mostly swamp even though there are some dry lands as well. How are you going to get them to stay there? If you put them in the wetlands they're going to drown. They don't like wetland. If they are on the dry land aren't they going to march right back where they came from?

Hooks: That's another whole.... Let's just worry about lot sizes and get this thing done. All right, here we have before us ten lots to 49 lots and of course everybody is going to like ten lots except... I understand but these people aren't going to like it and it's not financially viable for them and we understand that. Again, I think we all agree that something is eventually going to develop there and we need to accommodate it. I'm not convinced yet that 49 lots at the size that's been presented is that development yet and I was hoping you all would come and tell me or tell us a little bit about what you would be satisfactory with. Lou suggested 22,000 square feet which is just shy of a half-acre lot. That would put them down to about 40 lots, I think, if I did my math correctly. Forty, forty-one lots versus 49. Just show me your hands. Are you agreeable with that? Okay. Mr. Goldberg, the ball is in your court. Are you agreeable to half-acre lots?

Goldberg: No.

Hooks: I'm going to close the public hearing. We'll bring it back to the Board and we've got a couple of alternatives that we can do for City Council. We can give them the statement of facts that they want which is what I laid out in the beginning of the meeting on the compatibility issue with the surrounding area. There is no way it's compatible with the surrounding area. Whether it's in City or County is immaterial. The acreage doesn't match up. The land use doesn't match up with what is available to him to develop. We can do that and just recommend that they deny this project as it is requested of us. Secondly, we can go forward and recommend to City Council that they approve the project under this, this, this, this conditions under PUD, we have that right. So we can suggest to City Council we recommend approval if they're minimum half-acre lots in the developable area that's been presented with all stipulations that the staff has asked for in their recommendations from staff, and incorporate that. What's your discussion? Let's hear some discussion from the Commission about that.

Greene: In essence, and I think I can go along with what you're saying, in essence the City Council asked us for a statement of fact. Why we found it unacceptable and to me it was primarily lot size and house size. I think we can say, based on the subdivision to

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the south, that we should have a minimum lot size of a half-acre to be compatible with that. You could argue, I suppose, for something larger to go between what's on the south and what's on the north but since they are both on the same side of Sandpiper I think you could justify a minimum lot size of a half-acre. We could go to the Council with the statement of fact that we found it incompatible with that area because the lots were not at least a half-acre and if they were a half-acre we would have or could have approved it. I don't know if we want to mix it up that way.

Ryan: How many lots would there be if it were half-acre?

Hooks: About forty. Forty, forty-one under the same developable area I'm guessing.

Ryan: That fifteen acres is not developable. Is that the problem?

Hooks: Right. I didn't make that determination. That's what was presented to us is that it's not developable.

Ryan: Is that correct?

Davoll: As was before, they had some lots in that fifteen acres. This proposal they came to us now was moving the lots out of that fifteen acres and putting them into the larger area.

Ryan: Why did...

Walters: But why?

Davoll: So they could...

Ryan: What is they're advantage. I don't understand.

Davoll: To what?

Ryan: To move them out of the fifteen acres and make the lots smaller.

Davoll: You would have to ask the applicant that. I mean, we review what is provided before us. I mean setting aside the fifteen acres undisturbed was something staff looked as being more favorable.

Birdsong: Mr. Chairman?

Hooks: Yes.

Birdsong: So we're saying basically that, I mean from what I'm hearing, that if they utilize some of that fifteen acres, I'm just speaking, then they could feasibly, actually make the lot sizes a half-acre more easily and they not lose per say on the potential houses

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that they want to build. Is that a yes or no.. or...

Hooks: I don't know what it's been determined its not developable. So I can't answer that.

Davoll: Part of it might be because of the sewer and the water and getting utilities to it may increase the cost. Those type of activities. The last survey that we had, I think, upstairs showed there is more higher ground than everybody wants to believe in that area. So there would be possibility of developing it but the cost possibly of running water and sewer to lots within that area because all the other areas is more concentrated. You have to be able to get all the utilities and services in there.

Hooks: Any other comments? I would like us to do two things. We want to stick with what we recommended last month, then we just provide this statement of facts of the lot sizes of the abutting properties and let City Council do what they want to with that. We're.... and again, contrary to what's in the package, we don't approve or disapprove this. We only recommend approval or disapproval to the City Council. They get paid the big bucks to deny or approve. That's not our job. We only recommend. The second part of that is I would like us to recommend to City Council that we could stand to approve a subdivision here if it were a minimum half-acre lots, 2,500 square feet... whatever we want to throw in there saying based on the same criteria of the PUD if it were this that we would recommend that you approve it and then they can act on whatever they want to do. That is strictly up to City Council. So I'm open to whatever you'all want to do. You'all in favor of how we would recommend it?

Birdsong: How would we support that?

Hooks: Is anybody....

Ryan: Mr. Arrowsmith stated that he wanted to know what happened to the agreement in 2009 from the draft here. It's not the same agreement as 2009 though.

Hooks: It's not the same because the land use has changed from County to City. It went from 4 to 2 dwelling units per acre on the land use. Their plan expired that they had approved with the County. So when they came into the City they essentially didn't have a plan that was approved and still don't to this day. But again I am not telling a developer that he cannot develop what he wants to put in there within reason. I just believe that this is unreasonable to go from acre plus lots to quarter acre and more in this subdivision. Quarter, third acre and some half acres in this plan.

Greene: Could we just explain that our reason for disapproval was the small lots size and we would recommend approval half-acre minimum lots sizes?

Ryan: What about the square footage of the houses and the sidewalk in the front on Sandpiper.

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Hooks: That's part of the City's recommendation and I would go along with that if we were to approve that at larger lot sizes, or recommend approval of that.

Roper: Are we going to recommend that they have larger houses, somebody mentioned 2,500 square foot. I don't understand the significance between raising it from 2,200 to 2,500. You're talking about 300 square foot and a lot of people, in my experience, want a house between 2,000 and 2,500 square foot. I don't think it matters so much to the value of the house if you built the house to certain standards. And if our thinking is that you're going to have more yard per house then to have a minimum of 2,200 versus 2,500 allows the capability of doing that.

Hooks: I'm good with 2,200. I mean that is what they agreed to. So what do you all want to do? Do you all want to...

Birdsong: Mr. Chairman, I like what you stated in the second half give up the half-acre and then when they said about the sidewalks on Sandpiper and, but, like what we discussed 2,200 square foot under roof if would actually be about 2,600, 2,700 square feet but how do we need to do the wording in order to make a proper motion?

Hooks: All right.. all right. I think I hear you. Let's do this. Let's give the City Council a statement of facts and why we choose to recommend that they disapprove the plan as it's been presented. The fact is that the average lot size in this development as proposed is 0.41 acres. That's fact. The average lot size to the southwest if 1.21 acres. The average lot size to the immediate south of the property is 1.63 acres and including... included in that is... well, I misspoke. That's not right. To the Immediate south the average lot size is 1.24 and including Wekiva Landing which is part of that subdivision, by all, anybody would consider that, you come into the same entrance is 1.63 acres. The average lot size excluding the 15 to 15.5 acre lot to the north and along Ustler and on Thompson Road, the properties that abut the property is 1.93 acres, therefore we do not believe that the proposed development is compatible and characteristic of the surrounding area and so we would have a motion that we, based on those facts, do not recommend approval of this particular development. Is there a motion to that affect?

Walters: So moved.

Hooks: There's a motion, is there a second?

Ryan: Second.

Hooks: Second. Any discussion? All in favor indicate by saying aye.

Hooks: Aye.

Walters: Aye.

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Birdsong: Aye.

Green: Aye.

Ryan: Aye.

Toler: Aye.

Hooks: Any opposed?

Roper: No.

Hooks: One opposed. Terry? All right. All right. I would further recommend, and it's... of course up to you all again, that we advise City Council that we would approve proposed subdivision as its laid out with the staff report, with the staff recommendations, with the proposed revised conditions of the developer, if the minimum lot size was a half-acre.

Greene: I'll make that motion.

Hooks: All right. There's a motion that we tell City Council... advise City Council we're and advisory capacity that we could recommend approval if the minimum lot size was half-acre in the subdivision with everything else to remain the same, including the staff recommendations on the sidewalk, the proposed and new revised conditions of approval that the developer presented to us tonight. So there is a motion from Jim Greene, is there a second?

Birdsong: Second.

Hooks: Motion seconded by Melvin. Any discussion? All in favor indicate by saying aye.

Hooks: Aye.

Walters: Aye.

Birdsong: Aye.

Green: Aye.

Ryan: Aye.

Toler: Aye.

Roper: Aye.

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Hooks: All right. That's unanimous. All right, so this meeting... portion of the meeting is adjourned. Thank you for your patience.

Public: None.

NEW BUSINESS:

Planning Commission: None.

Public: None.

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

Steve Hooks, Chairperson

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

G: \Shared\4020\ADMINISTRATION\PLANNING COMMISSION\Minutes\2014\10-21-14 5:01pm

Backup material for agenda item:

- 2 Approve minutes of the Planning Commission meeting held October 21, 2014, at 6:30 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 21, 2014, AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. – Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Carl Rodden, Ray Moe, Doug Harcombe, Jennifer Wandersleben, Matt Manning, Borron Owen, Dick Davis, Adrienne Downey-Jacks, John Townsend, Tony Luke, Justin Birmele, John Florio, S. Browne, Ellen O’Connor, Katherine Youmans, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

NOTE: Due to the 5:01 p.m. meeting running over and a brief break, this meeting started at 7:51 p.m.

OPENING: Chairperson Hooks called the meeting to order.

CHANGE IN ZONING/PUD MASTER PLAN – FLORIDA HOSPITAL APOPKA – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change in Zoning “County” A-1 (ZIP) to “City” Planned Unit Development (PUD/Mixed EC) for the property owned by Adventist Health System/Sunbelt, Inc. DBA Florida Hospital Apopka. The applicant is Florida Hospital Apopka, c/o Raymond Moe; and the engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E. The property is located south of Harmon Road, west of Ocoee Apopka Road, and east of S.R. 429. The existing use is vacant land and the proposed use if a hospital with ancillary uses and medical offices including a medical helipad. The future land use is Mixed Use. The tract size is 33.7 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2013.

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 proposed Planned Unit Development (PUD) rezoning is consistent with the Future Land Use Designation of Mixed Use that is assigned to the property.

The proposed rezoning will not increase the number of permanent residential uses presently occurring at the subject site. A capacity enhancement agreement with OCPS is not necessary for the City to adopt this Change of Zoning.

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 September 12, 2014.

The Development Review Committee recommends approval of the: (1.) Change in Zoning from “County” A-1 (ZIP) to “City” Planned Unit Development (PUD); (2.) The PUD Master Plan (including architectural renderings); and (3.) The Transportation Infrastructure Agreement subject to review for formant and content by the city attorney, for the parcel owned by Adventist Health System/Sunbelt, Inc., DBA Florida Hospital Apopka subject to the PUD Development Standards and Conditions as well as the findings described within the staff report.

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The proposed PUD zoning and a Master Plan are consistent with the Mixed Use future land use designation assigned to the property. All adjacent parcels within the City of Apopka are assigned the Mixed Use future land use designation. Based on the City's Future Land Use Map as well concept plans previously prepared by the City, the general area including and surrounding the Florida Hospital property is planned for commercial, office, and institutional uses that generate employment. Residential development planned for the surrounding areas is intended to serve workers employed within the area referred to as the Westside Research Park. The Master Plan is also consistent with the intent of the Ocoee Apopka Road Small Area Study that is in progress.

A transportation impact assessment study was prepared by the applicant's transportation consultant, Luke Transportation Engineering Consultants, and has been accepted by the Development Review Committee and the city engineer. Pursuant to the transportation study acceptable road capacity exists to accommodate the traffic generated by the maximum build-out as proposed within the Master Plan subject to construction and implementation of the required transportation improvements set forth in the Transportation Infrastructure Agreement.

The Transportation Infrastructure Agreement also identifies additional transportation improvements that the Florida Hospital will construct if agreed upon by the City Council, as subject to the conditions set forth therein the Agreement.

The proposed Planned Unit Development (PUD) zoning is consistent with the City's Mixed Use Future Land Use category and with the character of the surrounding area and future proposed development.

Policy 3.1.r (Future Land Use Element, Comp. Plan): The primary intent of the Mixed Land Use category is to allow a mixture of residential, office, commercial, industrial, institutional uses and public facility uses to serve the residential and non-residential needs of special areas of the City.

The proposed uses and development intensities are consistent with the Comprehensive Plan. Regarding consistencies with the Land Development Code, a PUD Master Plan allows an opportunity to provide "the zoning regulations and overall development agenda for the proposed planned unit development and shall supplement all other requirements of the Code. Planned unit development shall meet all regulations of this Code unless the city council finds that, based on substantial evidence; a proposed alternative is adequate to protect health, safety and welfare."

One notable alternative standard addresses building height. The Master Plan allows for a maximum height of 160 feet (habitable space). A maximum height of 35 feet is the current Land Development Code standard.

The PUD Master Plan is consistent with the Land Development Code except where alternative standards are set forth with the "PUD Development Standards" of the Master Plan. Development Review Committee has accepted these Development Standards, as appear on Sheet 2 of 9 of the Master Plan, with the exception to the following changes:

1. Exterior Signage and Wayfinding. This section shall be removed from the PUD master plan and deferred to the Final Development Plan, consistent with Note 18.

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2. Landscaping, Condition #1. Tree replacement shall be consistent with the City's arbor procedures. A one-for-one replacement will be required with mitigation fee paid where requirement site plantings are not met.
3. Note 29. Language shall be added that allows for connection to public or private roads or driveways south of the subject property to and through the Loop Road to Harmon Road.
4. Any change to proposed arrival and departure flight patterns must be approved by the City Council.

Architectural renderings of the proposed hospital building are provided with the Master Plan. The DRC finds the renderings to meet the intent of the Development Design Guidelines.

The PUD recommendation is to assign a zoning classification of Planned Unit Development (PUD) for the described subject property.

- A. Use of the subject property shall occur as described within the PUD Master Plan and as described below:
 1. Any change to the arrival or departure flight path for the helipad must be approved by the City Council.
- B. Development Standards applicable to the subject property shall occur consistent with the PUD Master Site Plan and as described below:
 1. Development standards and setbacks shall comply with those established for the within the Master Site Plan. Interpretation of uses allowed within the Master Plan shall be determined by the Community Development Director.
 2. Tree replacement shall occur consistent with the standards set forth in the City's Land Development Code (i.e., inch-for-inch replacement for qualifying trees.)
 3. Architectural design of the building shall be generally consistent with that approved with the PUD Master Plan unless otherwise approved by the City Council at the Final Development Plan application.
 4. Changes to the Master Plan or architectural design considered to be insignificant may be approved by the Community Development Director.
- C. Building and Fire Inspection Services. Prior to submittal of a building permit application, the applicant shall meet and discuss with the City administration regarding inspection services needs from the City. The Development Review Committee has notified Florida Hospital that the City currently does not have adequate number of qualified professional inspectors to timely complete building inspection service anticipated for the hospital complex, considering other level of service commitments for other daily building and fire department inspections. Based on the anticipated inspection needs for the hospital construction, the Development Review Committee anticipates a fiscal impact of up to \$330,000 to provide the services needed to inspect the hospital construction.

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D. The PUD Master Plan is hereby approved and is part of the PUD zoning ordinance.

A Master Plan accompanies the PUD zoning application. All PUD development standards and allowed uses are set forth within the PUD Master Plan. Where a development or zoning standards are not addressed within the Master Plan, the City's Land Development Code, Comprehensive Plan, and Development Design Guidelines shall apply.

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: (1.) Change in Zoning from "County" A-1 (ZIP) to "City" Planned Unit Development (PUD, for the parcel owned by Adventist Health System/Sunbelt, Inc., DBA Florida Hospital Apopka subject to the PUD Development Standards and Conditions as well as the findings described within the staff report.; and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

Motion: Teresa Roper made a motion to recommend approval of the PUD Master Plan (including architectural renderings), for the parcel owned by Adventist Health System/Sunbelt, Inc., DBA Florida Hospital Apopka subject to the PUD Development Standards and Conditions as well as the findings described within the staff report.; and Pamela Toler seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

Motion: Melvin Birdsong made a motion to recommend approval of the Transportation Infrastructure Agreement subject to calculation revisions and review for format and content by the city attorney, for the parcel owned by Adventist Health System/Sunbelt, Inc., DBA Florida Hospital Apopka subject to the PUD Development Standards and Conditions as well as the findings described within the staff report.; and Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

PRELIMINARY DEVELOPMENT PLAN – FLORIDA HOSPITAL APOPKA REPLACEMENT CAMPUS – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the Preliminary Development Plan for the Florida Hospital Apopka Replacement Campus. The property is owned by Adventist Health System/Sunbelt, Inc. DBA Florida Hospital Apopka. The applicant is Florida Hospital Apopka, c/o Raymond Moe; and the engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E. The property is located south of Harmon Road, west of Ocoee Apopka Road, and east of S.R. 429. The existing use is vacant Land. The proposed use is a seven-story, 600,000 sq. ft. hospital with ancillary uses and medical offices, 200,000 sq. ft. including a medical helipad. The first phase is a 400,000 sq. ft. with 80 beds and 80,000 sq. ft. of medical office space and the helipad. The future land use is Mixed Use. The tract size is 33.7 +/- acres.

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The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2013. The Florida Hospital Preliminary Development Plan is consistent with the PUD Master Plan.

Transportation infrastructure improvements shall occur consistent with the Transportation Infrastructure Agreement. Modification of the Preliminary Development Plan to address any improvements within the Transportation Infrastructure Agreement shall only require review by the Development Review Committee unless any such plan changes are determined by the Community Development Director to be substantial modifications warranting Planning Commission and/or City Council review.

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

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

Buffers are provided consistent with the PUD Master Plan Sheets L40.02 and L40.3 Landscape buffers along Ocoee Apopka Road, Harmon Road, and Sr. 429 are 13, 11, and 15 feet in width, respectively.

Final tree replacement calculation and mitigation shall be addressed with the Final Development Plan application.

A total of 840 parking spaces are provided, of which 59 are handicapped spaces and 10 are designated motorcycle space. Two electric car recharging stations are provided as well. The main entrance to the site is from Ocoee Apopka Road with a second access from Harmon Road. A delivery-only entrance is also provided along Harmon Road. A future LYNX bus transit shelter and pull-off lane are also planned along Ocoee Apopka Road

The design of the building exterior meets the intent of the City's Development Design Guidelines and was provided with the PUD Master Plan.

The following road improvements; will be required as part of the Initial Phase as the only required and necessary site-related improvements for the entire Hospital Project; are conceptually depicted in Exhibit "B" of the Transportation Improvements Development Agreement; are not eligible for transportation impact fee credits; and are subject to the City's approval of the design:

- (1) Improve Harmon Road to twenty-four (24) foot cross-section with four (4) foot paved shoulders between Binion Road and S.R. 429 limited access right-of-way consistent with the existing section for Harmon Road under the S.R. 429 overpass (+/-900 linear feet, estimated cost \$90,000.00).
- (2) Improve Harmon Road to thirty-three (33) foot cross-section (two-lane road designed to "urban" standards, with a continuous turn lane each eleven (11) feet) from the east edge of the limited access right-of-way of S.R. 429 to Ocoee-Apopka Road (+/-1,100 linear feet, estimated cost \$250,000.00).
- (3) Extend existing auxiliary southbound right turn lane (designed to "urban" standards) on Ocoee-Apopka Road at the Florida Hospital Main Entrance, as depicted in the Master Plan (estimated cost \$90,000.00).

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- (4) Add auxiliary northbound left turn lane (designed to “urban” standards) on Ocoee-Apopka Road at the Florida Hospital Main Entrance depicted in the Master Plan (estimated cost \$90,000.00).
- (5) If approved by the City and a warrant is not required by Orange County, as applicable, install a strain pole traffic signal at the intersection of Ocoee-Apopka Road and Keene Road based on the current traffic lane configuration (estimated cost \$100,000.00).
- (6) Provide a transit shelter and bus turnout bay pursuant to the standards of LYNX at the time LYNX provides a bus route to the Hospital Project. Relative to the design of the transit shelter, Florida Hospital shall select one (1) of LYNX’s pre-designed transit shelters that is architecturally compatible with the Hospital Project, subject to the City’s approval of the design. Florida Hospital shall be responsible for the maintenance of the transit shelter.
- (7) Provide an eleven (11) foot wide multi-use trail along Florida Hospital’s property frontage on Harmon Road, as depicted in the Master Plan (+/-1,100 linear feet, estimated cost \$31,000.00).
- (8) Provide an eleven (11) foot wide multi-use trail along Florida Hospital’s property frontage on Ocoee-Apopka Road from Harmon Road south to +/-190 feet south of the main entrance to the Hospital Project, as depicted in the Master Plan (+/-1,300 linear feet, estimated cost \$36,000.00).

The following non-site-related road improvements and road design (i) are not required for the Hospital Project, but any one (1) or more of them may be undertaken by Florida Hospital as part of the Initial Phase (subject to the City’s approval of design, estimated construction costs and proportionate share in accordance with a construction schedule provided by Florida Hospital to the City, provided that the City and Florida Hospital shall agree, no later than final approval by City Council of the final Development Plan, upon which of these road improvements will be undertaken by Florida Hospital), (ii) are conceptually depicted in Exhibit “C” of the Transportation Improvements Development Agreement attached hereto and incorporated herein by this reference, and (iii) are listed below in order of priority from the highest to the lowest priority:

- (1) Construct a two-lane roundabout (designed to “urban” standards, subject to the City’s approval of design) at the intersection of Harmon Road and Ocoee-Apopka Road (estimated cost \$750,000.00, estimated proportionate share (fair share percentage) of Florida Hospital – 11%). Florida Hospital shall be responsible for maintaining any and all landscaping, hardscaping and irrigation installed by Florida Hospital as part of the construction of the roundabout, unless such maintenance is assumed by the City or some other entity pursuant to a separate agreement with Florida Hospital. Relative to landscaping only, Florida Hospital shall be entitled to transportation impact fee credits for the value of landscaping that the City would typically install in a public right-of-way of this size and configuration. Nothing herein precludes the City from placing a gateway sign within the roundabout. No signage, structures, art, or fixtures shall be placed within the roundabout without the consent of the City.
- (2) In the event the roundabout described in subparagraph (1) above is determined by the City, after consultation with Florida Hospital, to not be feasible or practicable, install & construct a mast arm signalization, with upgraded pavement treatments (pavers, decorative concrete, etc.), landscaping, hardscaping and irrigation, (designed to “urban” standards, subject to the City’s approval of design) at the intersection of Harmon Road and Ocoee-Apopka Road (estimated cost \$500,000.00, estimated proportionate share (fair share percentage) of Florida Hospital – 11%). Florida Hospital shall be responsible for maintaining any and all landscaping, hardscaping and irrigation installed by Florida Hospital as part of the construction of the intersection, unless such maintenance is assumed by the City or some other entity pursuant to a separate agreement with Florida Hospital.

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- (3) Provided the City takes over the jurisdiction of Ocoee-Apopka Road from Orange County, provide to the City “private developer formatted” construction drawings, in accordance with City standards, of the design of the road improvements (designed to “urban” standards, subject to the City’s approval of design) to widen Ocoee-Apopka Road from two lanes to four lanes (divided) from Emerson Park on the north to the S.R. 429 Interchange on the south (estimated cost \$275,000.00, estimated proportionate share (fair share percentage) of Florida Hospital – 11%).
- (4) Subject to ability to obtain permits, add five (5) foot wide paved shoulders to Ocoee-Apopka Road in the vicinity of Keene Road from Emerson Park entrance on the north to the S.R. 429 interchange on the south where shoulders do not already exist (+/-2,250 linear feet) (estimated cost \$350,000.00, estimated proportionate share (fair share percentage) of Florida Hospital – 11%).
- (5) Install a mast arm traffic signal at the intersection of Ocoee-Apopka Road and Boy Scout Road (estimated cost \$300,000.00, estimated proportionate share (fair share percentage) of Florida Hospital – 15.0%).

Additional non-site-related road improvements are not required for the Hospital Project, but may be undertaken by Florida Hospital as part of subsequent development phases after the Initial Phase, provided that during the approval of the preliminary development plan and the final development plan for each such subsequent phase, such improvements are identified by Florida Hospital, approved by the City, and the design, estimated construction costs and Florida Hospital’s proportionate share thereof agreed to by the City, and this Agreement modified and amended to include any such additional road improvements.

The above road improvements shall include all signage and pavement and markings and all stormwater and other improvements and appurtenances related to and required therefore (all of the foregoing is referred to herein collectively as the “Road Improvements”). Unless otherwise agreed by the City, Florida Hospital shall control all aspects of the design, construction and installation of the Road Improvements, subject to right-of-way permit/use regulations and requirements of the City and other governmental agencies with jurisdiction, and Florida Hospital shall select and hire any necessary independent contractors. In connection with any of the Road Improvements for which Florida Hospital will be seeking transportation impact fee credits from the City, Florida Hospital shall competitively bid the projects for such Road Improvements in accordance with Florida Hospital’s policies and procedures.

The Development Review Committee recommends approval of the Florida Hospital Replacement Campus Preliminary Development Plan Phase 1 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.

In response to questions by Chairperson Hooks, Mr. Davoll stated the shared paths will be 11 feet in width. The costs listed in the transportation agreement are the total costs and Florida Hospital would pay a proportionate fair share. They will have to be paying impact fees to the City for their building. If the City wants to do the round-about Florida Hospital would participate to their proportionate fair share but because they would probably be willing to build it with phase one it might cost upwards of \$150,000 of which they would get impact fee credits for the remaining portion. They are going to build the seven stories with the top couple of floors be shells for future use.

Jennifer Wandersleben, Vice-President and Administrator at Florida Hospital Apopka, 201 North Park Avenue, Apopka, introduced Borron Owen, the legal consultant for Florida Hospital. She stated that they have two phases in this plan. Phase one includes a five story building; however they may go ahead and build all seven stories proposed. They will know prior to breaking ground in the spring. She thanked staff for working diligently with them on the project. She stated that there were two public meetings held on the project. In 1967 the Apopka community celebrated the open house and dedication of North Orange Memorial Hospital. It was a tax district hospital and it had 50 beds. In the mid-70s the tax district board

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looked to hire a management company to take over the hospital and engaged in discussions with Florida Hospital. The discussions ended with Florida Hospital buying the hospital. In 1975 the North Orange Memorial Hospital transitioned, along with its 44 staff members and one patient, to Florida Hospital Apopka. Florida Hospital has served the citizens of Apopka for almost 40 years. She asked that the Commission recommend approval of the change in zoning, master plan, transportation agreement, and preliminary development plan to the City Council.

In response to questions by Ms. Toler, Ms. Wandersleben affirmed that the tower is going to house the patients. The ground floor is support services. The first floor surgical services, radiology, and the emergency department. The second floor starts the tower side and that's where we would have 40 bed pods.

Borron Owen, 301 East Pine Street, Orlando, stated that the way the hospitals are built is the first two floors are hospital support. All the things that are necessary to support a hospital from an administrative standpoint. The best floor plan for a hospital services 40 beds. That provides sufficient function for nurses stations, the right equipment that you can have on one particular floor. If the hospital chooses to build the full seven stories, there will be the two stories mentioned and five floors of 40 beds each; however, they will not occupy all five floors at one time. The first phase is 80 beds. So we could occupy floors 3 and 4. The top three floors, for another 120 beds, would be built out at the appropriate time. As needed by the community. The shell will be there to be filled out as needed.

In response to a question by Ms. Walters, Ms. Wandersleben stated that they plan when they move out in 2017, the goal is to know exactly what happens with that property. They have two consultants looking at what will happen with that property. They have three design drivers in mind which is the economic impact to the City of Apopka, that it is the highest and best use of the land, and that it will compliments the current assets that are there such as the nursing home and the church.

Chairperson Hooks thanked the Florida Hospital team working the staff on the whole walkability in that area and the willingness to consider the round-about.

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 Preliminary Development Plan for the Florida Hospital Apopka Replacement Campus owned by Adventist Health System/Sunbelt, Inc. DBA Florida Hospital Apopka, to be located south of Harmon Road, west of Ocoee Apopka Road, and east of S.R. 429, north of East Keene Road, west of Clarcona Road, subject to the information and findings in the staff report. Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, Robert Ryan, and Pamela Toler (7-0).

OLD BUSINESS:

Planning Commission: None.

Public: None.

NEW BUSINESS:

Planning Commission: None.

Public: None.

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ADJOURNMENT: The meeting was adjourned at 8:26 p.m.

Steve Hooks, Chairperson

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

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Backup material for agenda item:

1. LAND DEVELOPMENT CODE - Amending The City Of Apopka, Code Of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To Create A New Section 3.05 Titled “Designated Grow Area Overlay District.”



**CITY OF APOPKA
PLANNING COMMISSION**

<u> </u> CONSENT AGENDA	MEETING OF:	November 10, 2014
<u> X </u> PUBLIC HEARING	FROM:	Community Development
<u> </u> SPECIAL REPORTS	EXHIBITS:	Exhibit “A” FAQ
<u> </u> OTHER:		Exhibit “B” News Coverage
		Exhibit “C” F.S. §381
		Exhibit “D” Amend 2 Ballot Information

SUBJECT: AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, SECTION III – OVERLAY ZONES - TO CREATE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT.”

Request: RECOMMEND APPROVAL OF THE AMENDMENT TO THE CITY OF APOPKA, CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, SECTION III – OVERLAY ZONES - TO CREATE A NEW SECTION 3.05 ENTITLED “DESIGNATED GROW AREA OVERLAY DISTRICT.”

SUMMARY:

On June 16, 2014, Governor Scott signed the Compassionate Medical Cannabis Act of 2014 into law, allowing for the cultivation, processing and dispensing of low THC cannabis beginning January 1, 2015. Administrative Rules have been established by the Florida Department of Health (FDH) to govern operation of low-THC marijuana businesses. The Act authorizes the FDH to limit dispensing operations to five organizations or licenses in Florida – one per each of five regional districts. However, legal battles have already commenced to challenge the license limitation. Costa Farms of South Florida, who acquired the Herman Engelmann nursery business in Apopka this past year, is referenced in reports from several news organizations that it intends to legally challenge the State’s limitation on the number of licenses that can be issued.

On November 4th of this year, registered voters will have the opportunity to act on Ballot Amendment 2, which addresses medical marijuana in general. The Compassionate Medical Cannabis Act of 2014 is unrelated and separate from the November ballot. While the Compassionate Medical Cannabis Act of 2014 allows only low-THC marijuana, the November ballot will allow for all levels of THC marijuana. Administrative rules have not yet been prepared by the FDH to address the November ballot marijuana.

Regardless of rules and requirements that the State has established for the Act of 2014 or may establish if the November ballot is adopted, legal challenges against the State could result in court rulings that weaken State control. Florida Statutes delegates authority to local governments to address matters such as land use and zoning, in addition to other powers. The proposed medical marijuana ordinance limits the cultivation, processing and dispensing of medical marijuana to two geographical areas of the City. Each area, known as a “Designated Grow Area”, comprises about 450 to 500 acres. Cultivation, processing, or dispensing of non-medical marijuana is prohibited in the City of Apopka, as proposed in the ordinance.

<u>DISTRIBUTION:</u>		
Mayor Kilsheimer	Finance Director	Fire Chief
Commissioners (4)	HR Director	Public Ser. Director
Interim CA	IT Director	City Clerk
Community Dev. Director	Police Chief	

Information regarding the pro's and con's of medical marijuana are provided with the support material. These documents include:

Exhibit "A" - FAQs on Low THC-cannabis

Exhibit "B" - News Coverage – Pro's and Con's of Medical Marijuana and other information

Exhibit "C" - Florida Statute 381

Exhibit "D" - Florida Amendment 2 Ballot Language

PUBLIC HEARING SCHEDULE:

November 5, 2014 - City Council 1st Reading (1:30 pm)

November 10, 2014 - Planning Commission (5:01 pm)

November 19, 2014 – City Council 2nd Reading (8:00 pm)

DULY ADVERTISED:

October 17, 2014 – Public Hearing Notice

November 7, 2014 – Ordinance Heading

RECOMMENDATION ACTION:

The Development Review Committee recommends approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones, to create a new section 3.05 entitled "Designated Grow Area Overlay District."

The City Council, at its meeting on November 5, 2014, accepted the First Reading of Ordinance No. 2388 and Held it Over for Second Reading and Adoption on November 19, 2014.

Note: This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

FAQs on Low THC-cannabis
August 11, 2014

Source: Florida Department of Health, August 14, 2014

Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes)

Definitions:

- **Dispensing organization:** An organization approved by the Florida Department of Health to cultivate, process, and dispense low-THC cannabis pursuant to section 456.60 *F.S.*
- **Low-THC cannabis:** A plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of any tetrahydrocannabinol and more than 10 percent cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.
- **Medical use:** Administration of the ordered amount of low-THC cannabis. The term does not include the possession, use or administration by smoking. The term also does not include the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.
- **Qualified patient:** A Florida resident of who has been added to the compassionate use registry by a physician licensed under Chapter 458 or Chapter 459 to receive low-THC cannabis from a dispensing organization.
- **Smoking:** Burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

FAQs

1. When will the legislation become law?

- a. Governor Scott signed the Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes) into law on June 16, 2014.

2. Does that mean doctors can start ordering low THC-cannabis for patients?

- a. The Compassionate Medical Cannabis Act of 2014 authorizes the ordering of low-THC cannabis by doctors licensed under Chapter 458 and Chapter 459 of Florida Statutes for their qualified patients beginning on January 1, 2015.

3. Is this the same law proposed on the November ballot?

- a. The Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes) is unrelated to the constitutional amendment being placed on the November ballot. The ballot will contain Amendment 2 to Article X of the Florida Constitution, which would add Section 29 to Article X.

4. Can any doctor in Florida prescribe low THC-cannabis?

- a. The Compassionate Medical Cannabis Act of 2014 states that low-THC cannabis can only be ordered by physicians licensed under Chapter 458 or Chapter 459 of Florida Statutes. Chapter 458 covers medical practice or allopathic physicians and Chapter 459 covers osteopathic physicians. The law further states that before ordering low-THC cannabis for use by a patient, the ordering physician must successfully

complete an 8-hour course approved by either the Florida Medical Association or the Florida Osteopathic Medical Association. The course will encompass the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance, and the physician must successfully pass an examination upon completion of the course.

5. What are the requirements for obtaining low THC-cannabis?

- a. The Compassionate Medical Cannabis Act of 2014 states that in order to be qualified to obtain low-THC cannabis:
 - i. The patient must be a permanent Florida resident.
 - ii. If a patient is under the age of 18, a second physician must agree with the determination of need for the patient.
 - iii. The patient must suffer from cancer or a physical medical condition that chronically produces symptoms of seizures, or severe and persistent muscle spasms; or symptoms of the same.
 - iv. Other treatments must have been tried without success.
 - v. The ordering physician must determine the risks of using low-THC cannabis are reasonable in light of the benefit to the patient.
 - vi. The ordering physician must register the patient in the Compassionate Use Registry.
 - vii. The ordering physician must maintain a patient treatment plan which outlines the dose, route of administration, planned duration, monitoring of the patient's illness, and tolerance of the low-THC cannabis, and submit the plan to the University of Florida, College of Pharmacy on a quarterly basis for research purposes.

6. What about those people who are here only part of the year?

- a. The Compassionate Medical Cannabis Act of 2014 states a patient must be a permanent Florida resident.

7. What are the requirements to grow and dispense low THC-cannabis in Florida?

- a. The Compassionate Medical Cannabis Act of 2014 allows the Florida Department of Health to designate five dispensing organizations in Florida.
- b. These dispensing organizations will be located in specified geographic regions throughout the state: one each in northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida.
- c. The Florida Department of Health will develop an application form and determine the fees necessary, both initially and at biennial renewal, to cover the costs of administering The Compassionate Medical Cannabis Act of 2014.
- d. Dispensing organizations must meet stringent requirements:
 - i. Must have been in operation as a registered nursery in this state for at least 30 continuous years.

- ii. Must have the ability to provide appropriate infrastructure and personnel, and maintain accountability for all raw materials, finished product and byproducts, in order to prevent unlawful access to these substances.
- iii. Must have a valid certificate of registration from the Florida Department of Agriculture that allows cultivation of more than 400,000 plants.
- iv. Must meet specific financial requirements.
- v. All owners and managers must be fingerprinted and pass a level 2 background check.
- vi. Must employ a medical director licensed under Chapter 458 or 459, Florida Statutes, to supervise dispensing activities.

8. What are the financial requirements for a distributor?

- a. Dispensing organizations must have the financial ability to maintain operations for the duration of the two-year approval cycle.
- b. Dispensing organizations must provide certified financials to the Department.
- c. Upon approval, dispensing organizations must post a \$5 million performance bond.

9. Can patients grow their own low THC-cannabis?

- a. No.

10. What are the regulations for planting low THC-cannabis?

- a. Only licensed dispensaries will be allowed to plant and grow low-THC cannabis in Florida.

11. Where can I get an application to be a dispensary?

- a. The application will be developed during the rule-making process. Rule-making workshop notices will be posted on the Department website, and the public is welcome to attend these workshops.

12. What medical conditions are approved for use of low THC-cannabis under The Compassionate Medical Cannabis Act of 2014?

- a. The Compassionate Medical Cannabis Act of 2014 allows the use of low-THC cannabis, when ordered by a physician licensed under Chapter 458 or Chapter 459 of F.S., for patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures, or severe and persistent muscle spasms, or to alleviate symptoms of such, if no other satisfactory alternative treatment options exist for the patient and other specific requirements have been met.

News and Information Articles Regarding Medical Cannabis

A. Pros of Legalized Medical Cannabis

Sweetening the Pot: Taxing Medical Marijuana Reaps Benefits in San Jose

<http://www.forbes.com/sites/kellyphillipserb/2011/05/16/sweetening-the-pot-taxing-medical-marijuana-reaps-benefits-in-san-jose/>

Source: *Forbes*

Summary: Medical marijuana legalization in California has led to a windfall in sales and “sin tax” collection in cities like San Jose. The drug would normally be exempt from sales tax for medical purposes, but because the federal government lists it as a Schedule 1 substance, it cannot be dispensed by a doctor’s prescription – it is dispensed with a doctor’s note – and therefore is *not* exempt from taxes like prescriptions.

Fewer Pain Pill Overdoses In States With Legal Medical Marijuana

http://www.huffingtonpost.com/2014/08/26/painkiller-overdose-medical-marijuana_n_5711425.html

Source: *Huffington Post*

Summary: A study published in JAMA found that despite a rise in pain killer deaths in the U.S., overdose in states with legalized medical marijuana is 25 percent lower.

Studies claim medical marijuana may reduce suicide rates, traffic fatalities

<http://www.pbs.org/newshour/rundown/studies-claim-medical-marijuana-may-reduce-suicide-rates-traffic-fatalities/>

Source: *PBS*

Summary: Recent studies show that medical marijuana may reduce suicide rates by up to 5 percent in the general population and as much as 10 percent in young adults. In addition, traffic deaths have decreased 8-11 percent in the first year where states have legalized medical cannabis.

23 Health Benefits of Marijuana

<http://www.businessinsider.com/health-benefits-of-medical-marijuana-2014-4?op=1>

Source: *Business Insider*

Summary: The article describes the ailments that can be treated with medical marijuana, as well as the negative impacts of overuse. The article also contains links to other news coverage on the positive health benefits of medical cannabis.

How medical marijuana has become a \$5M business in Maine — and growing

<http://bangordailynews.com/slideshow/medical-marijuanas-economic-impact-growing-in-maine/>

Source: *Bangor Daily News*

Summary: The positive impact on state sales and income tax revenue from medical marijuana dispensaries (and related caregivers) are highlighted for Maine, which does not exempt medical marijuana from sales tax as a prescription.

B. Cons of Legalized Medical Cannabis

Economic impact of medical marijuana in Florida an open question

<http://jacksonville.com/news/metro/2014-02-01/story/economic-impact-medical-marijuana-florida-open-question>

Source: *Florida Times-Union*

Summary: Business and other leaders debate the economic impact legalized medical marijuana would have in Florida, which many say remains an open question.

Medical Marijuana: More states legalizing, but scientific evidence lacking

<http://www.cbsnews.com/news/medical-marijuana-more-states-legalizing-but-scientific-evidence-lacking/>

Source: *CBS News*

Summary: Dr. Margaret Haney of Columbia University's Marijuana Research Center argues that despite states' recent legalization efforts, carefully controlled studies of the medical benefits of marijuana remain scant.

Colorado residents say legal pot has economic, medical benefits; officials criticize unregulated industry

http://www.nj.com/news/index.ssf/2010/06/medical_marijuana_pot_nj_color.html

Source: *Newark Star-Ledger*

Summary: Colorado passed one of the most liberal marijuana legalization laws in the country, including for medical purposes. Residents and medical professional tout the health benefits to patients, but local zoning and other nuisance issues highlight the need for local follow-up ordinances for regulation.

Other Stories

The Legalization of Marijuana in Colorado: The Impact (August 2014)

<http://www.rmhidta.org/html/FINAL%20Legalization%20of%20MJ%20in%20Colorado%20The%20Impact.pdf>

An annual report prepared by an organization called the Rocky Mountain High-Intensity Drug Trafficking Area, an intergovernmental law enforcement organization that covers a four state area. The mission of the Rocky Mountain HIDTA is to facilitate cooperation and coordination among federal, state and local drug enforcement efforts to enhance combating the drug trafficking problem locally, regionally and nationally. This mission is accomplished through joint multi-agency colocated drug task forces sharing information and working cooperatively with other drug enforcement initiatives including interdiction

Medical Marijuana: Pros & Cons of Budding Legalization

<https://www.umhs-sk.org/blog/medical-marijuana-pros-cons-of-budding-legalization/Caribbean-Medical-Schools>

Would Medical Marijuana be a Boon or a Bust?

<http://www.gulfshorebusiness.com/November-2013/Would-Medical-Marijuana-be-a-Boon-or-a-Bust/>

Source: *Gulf Shore Business*

Summary: Supporters and opponents to legalization discuss the potential economic benefits and societal costs of legalization across the country and in Florida.

Legal Use of Marijuana Clashes With Job Rules

http://www.nytimes.com/2014/09/08/us/legal-use-of-marijuana-clashes-with-workplace-drug-testing.html?_r=0

Source: *New York Times*

Summary: In states that have legalized the use of marijuana (including medical), employers have fired or limited employment based on 'zero tolerance' substance policies, including for those eligible to use it for medical reasons.

Florida Statute 381.986
(aka "Compassionate Medical Cannabis Act of 2014")

381.986 Compassionate use of low-THC cannabis.—(1) DEFINITIONS.—As used in this section, the term:

- (a) "Dispensing organization" means an organization approved by the department to cultivate, process, and dispense low-THC cannabis pursuant to this section.
- (b) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.
- (c) "Medical use" means administration of the ordered amount of low-THC cannabis. The term does not include the possession, use, or administration by smoking. The term also does not include the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.
- (d) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis from a dispensing organization.
- (e) "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN ORDERING.—Effective January 1, 2015, a physician licensed under chapter 458 or chapter 459 who has examined and is treating a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms may order for the patient's medical use low-THC cannabis to treat such disease, disorder, or condition or to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for that patient and all of the following conditions apply:

- (a) The patient is a permanent resident of this state.
- (b) The physician determines that the risks of ordering low-THC cannabis are reasonable in light of the potential benefit for that patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record.
- (c) The physician registers as the orderer of low-THC cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order. The physician shall deactivate the patient's registration when treatment is discontinued.
- (d) The physician maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis.
- (e) The physician submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis on patients.

(f) The physician obtains the voluntary informed consent of the patient or the patient's legal guardian to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or
2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) Any person who fraudulently represents that he or she has cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms to a physician for the purpose of being ordered low-THC cannabis by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis for use by a patient in this state, the appropriate board shall require the ordering physician licensed under chapter 458 or chapter 459 to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance. The first course and examination shall be presented by October 1, 2014, and shall be administered at least annually thereafter. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization approved under subsection (5) to successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—By January 1, 2015, the department shall:

(a) Create a secure, electronic, and online compassionate use registry for the registration of physicians and patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization in order to verify patient authorization for low-THC cannabis

and record the low-THC cannabis dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.
2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.
3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.
5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond.
6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.
7. The employment of a medical director who is a physician licensed under chapter 458 or chapter 459 to supervise the activities of the dispensing organization.

(c) Monitor physician registration and ordering of low-THC cannabis for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis and take disciplinary action as indicated.

(d) Adopt rules necessary to implement this section.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization shall maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) at all times. Before dispensing low-THC cannabis to a qualified patient, the dispensing organization shall verify that the patient has an active registration in the compassionate use registry, the order presented matches the order contents as recorded in the registry, and the order has not already been filled. Upon dispensing the low-THC cannabis, the dispensing organization shall record in the registry the date, time, quantity, and form of low-THC cannabis dispensed.

(7) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis. For purposes of this subsection, the terms “manufacture,” “possession,” “deliver,” “distribute,” and “dispense” have the same meanings as provided in s. 893.02.

(c) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis.

Florida Amendment 2
November 4 Ballot Language

The official ballot language reads as follows:

“Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients’ medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.”

Backup material for agenda item:

1. MASTER SIGN PLAN - Circle K Gas Station, owned by Clarcona Keene Retail, LLC; engineer Florida Engineering Group c/o Samir J. Sebaali, P.E, property located north of East Keene Road and west of Clarcona Road. (Parcel ID #: 22-21-28-0000-00-225)



CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

MEETING OF: November 10, 2014
FROM: Community Development
EXHIBITS: Vicinity Map
Master Sign Plan
Site Plan
Landscape Plan
Building Elevations

PROJECT: CIRCLE K GAS STATION AND RETAIL STORES

Request: APPROVAL OF MASTER SIGN PLAN

SUMMARY:

OWNER/APPLICANT: Clarcona Keene Retail, LLC
APPLICANT: Florida Engineering Group c/o Samir J. Sebaali, P.E.
LOCATION: North of East Keene Road and west of Clarcona Road
LAND USE: Commercial
ZONING: C-2
EXISTING USE: Vacant Land
PROPOSED DEVELOPMENT: Retail Center and Convenience Store w/Gas Sales
BUILDING SIZE: 7,000 sq. ft. Retail Center and Convenience Store with a fuel station canopy of 5,040 sq. ft. (6 pumps/12 fuel stations)
TRACT SIZE: 2.25+/- acres

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
Interim CA
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Commercial	C-1	Vacant Land
East (City)	Commercial	C-1	Vacant Land
South (County)	Rural	A-1	SFR and Mobile Home Park
West (City)	Commercial	C-1	Vacant Land

ADDITIONAL COMMENTS:

Planning Commission reviewed the final development plan for this project at its October 21, 2014, but the master sign plan was not ready at that time for its review.

The CIRCLE K Master Sign Plan includes existing and proposed signage for their site. The Total Allowable Sign Area (TASA) for phase one (1) is four-hundred and ten (410) square feet based on Section 8.01.00 and 8.04.00, LDC. The proposed total sign area is 362.10 sq. ft.

TASA Calculation:

Sign Type	Maximum Allowed Square Feet Per Sec. 8.01.00 & 8.04.00, LDC (sq.ft.)	Proposed Per Master Sign Plan (sq.ft.)
Primary Freestanding Sign (Clarcona Rd)	100	96
Secondary Freestanding Sign (Keene Rd)	60	60
Anchor Tenant Signs*	100	72
Tenant Wall Signs*	200	87.5
Electronic Reader Board	50	46.6
Total Allowable Sign Area:	410	362.10

(*Maximum signage allowance per occupant/tenant space.)

The applicant is proposing a total of eight (8) signs for phase one (1) of the site; for a combined sign area of three-hundred and sixty two (362) square feet. There will be two (2), eight (8) feet tall freestanding monuments signs totaling one-hundred and fifty-six (156) square feet; the primary freestanding sign will consist of ninety-six (96) square feet and the secondary sign of sixty (60) square feet. There are four (4) proposed wall signs totaling one-hundred and fifty-nine (159) square feet and two (2) electronic reader boards totaling forty-six (46) square feet.

- The applicant is proposing a (TASA) calculation in compliance with LDC 8.04.00.

Sign Code Deviations Request

1. LDC 8.04.03C(a)1: The occupant may display, in the leased or owned area, as many as two tenant signs on the side which is the primary entrance/exit to that portion of the premises. A tenant wall sign shall not exceed 18 inches in height, measured from bottom of copy area to the top, and shall not be wider than 75 percent of the horizontal frontage of the tenant space. The total combined area of the tenant wall signs shall not exceed 100 square feet per tenant space.

Applicant Request: The applicant is requesting to increase the tenant wall sign height by ten inches from eighteen (18) inches to twenty-eight (28) inches in height. The sign area for each tenant sign, even with the increase in sign height by ten (10) inches, complies with the sign code.

Staff Response: The increase in tenant signage height may set a precedent in establishing non-conforming sign code standards. Staff does not support the request for increasing the tenant wall sign. Further, the fuel station canopy will screen the tenant signs from view along abutting public streets. Trees within the landscape plan will also screen the building over time as they mature. Therefore, larger tenant signs will not provide much advantage for off-site visibility. Space has been reserved on the monument sign to accommodate tenant stores, and the monument sign is visible from the adjacent public streets. The master sign plan provides a landscape view corridor (i.e. line of sight) to enhance monument sign visibility.

PUBLIC HEARING SCHEDULE:

Planning Commission – November 10, 2014, 5:01 p.m.

In granting approval of the Master Sign Plan for CIRCLE K GAS STATION AND RETAIL STORES, the City of Apopka finds:

1. The Master Sign Plan for the CIRCLE K GAS STATION AND RETAIL STORES has been submitted and reviewed by staff. The Development Review Committee has found the plan meets the intent of the Apopka Sign Code except for the proposed tenant wall sign height.

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.

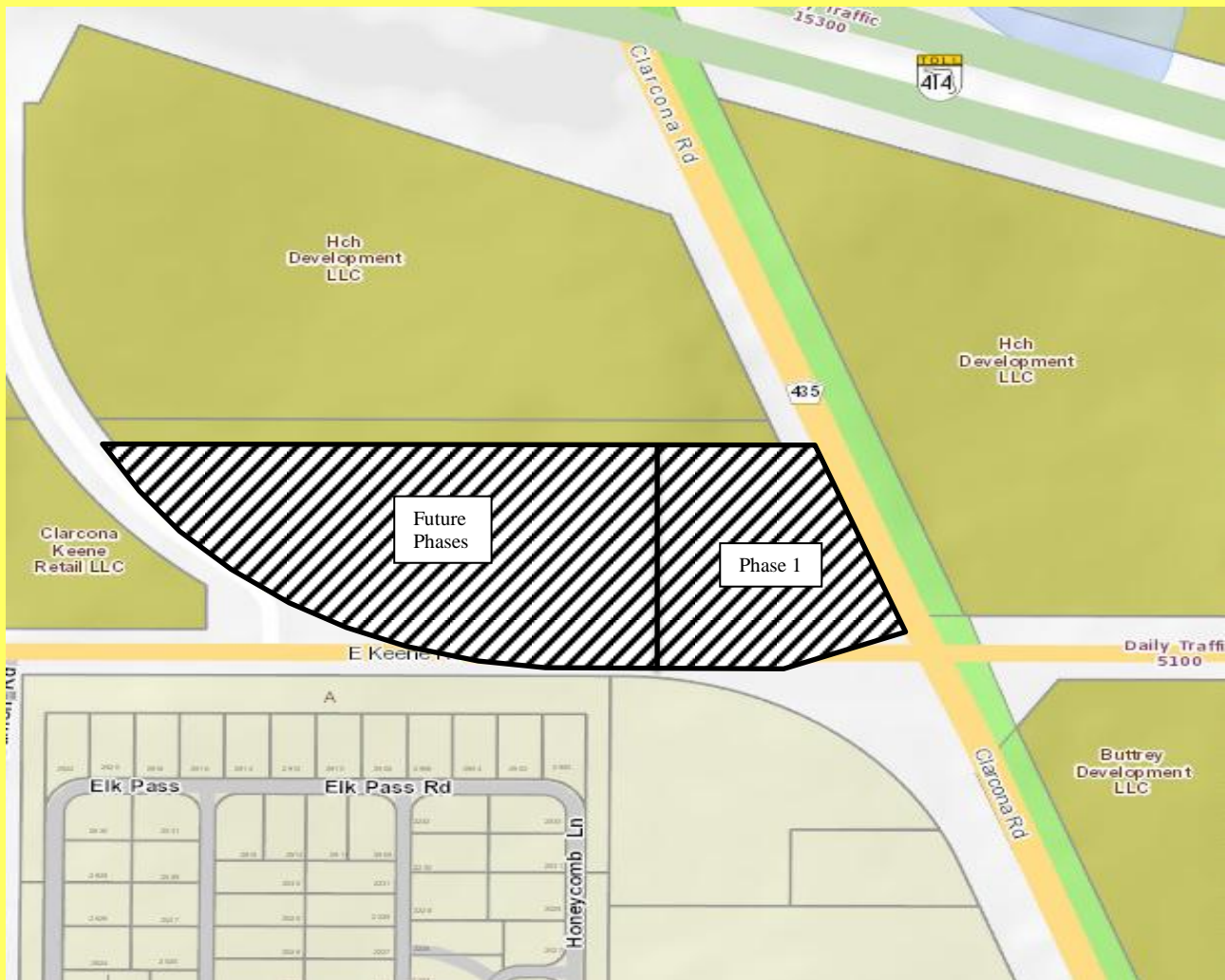
RECOMMENDED ACTION:

The **Development Review Committee** recommends to approve the CIRCLE K GAS STATION AND RETAIL STORES, Master Sign Plan, subject to the condition that the tenant wall signs comply with Section 8.04.03C(a)1 of the LDC, limiting the tenant sign height to eighteen (18) inches.

Application: Master Sign Plan
Owner: Clarcona Keene Road, LLC
Applicant: Florida Engineering Group c/o Samir J. Sebaali, P.E.
Parcel I.D. No's: 22-21-28-0000-00-225
Location: East Keene Road and Clarcona Road
Total Acres: 2.25 +/-

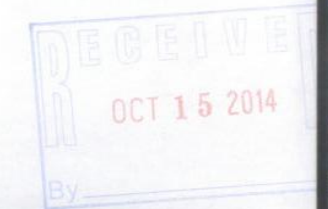


VICINITY MAP



**Circle K
E. Keene Rd. & Clarcona Rd.
Apopka,FL**

Sign Plan



	City of Apopka sign code:	Proposed
Anchor Tenant Wall Sign:	Max SF = 2 x Frontage (2 x 66.7' = 133.4 SF)	Max SF = 2 x Frontage = 133.4 SF
Internally Illuminated cabinet Sign	2 signs allowed, 100 SF max per sign 18" Max. Height Max. Length = 75% of Frontage	2 signs allowed, 100 SF max per sign No Max. Height 36 SF each x 2 signs = 72 SF
Tenant Wall Signs:	Max SF = 2 x Frontage = (2 x 25' = 50 SF)	MAX LENGTH = 75% OF FRONTAGE (25' x 75% = 18.75')
Raceway mounted, internally illuminated channel letters	2 signs allowed, 100 SF max per sign 18" Max. Height Max. Length = 75% of Frontage	MAX HEIGHT = 28" Max SF = (28" x 225")/144 = 43.75 SF 2 Tenants = allowed 43.75 SF each 87.5 SF TOTAL

Internally Illuminated Monument signs


Proposed monuments comply with
City of Apopka sign code section 8.04.02

Primary Monument located on Clarcona Rd. = 100SF Max, 96 SF Proposd
Secondary Monument located on Keen Rd = 60 SF Max, 60 SF proposed

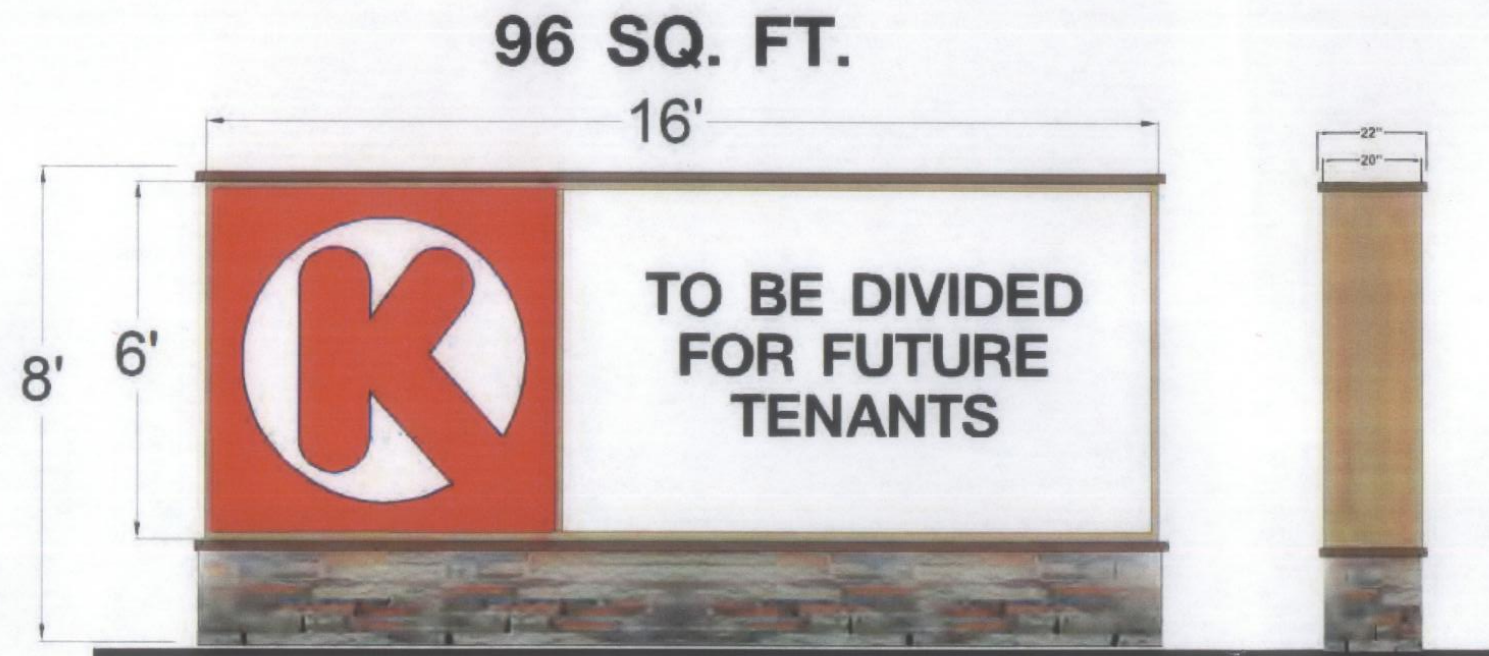
L.E.D. Canopy Signs

Proposed canopy signs comply with
City of Apopka sign code section 8.04.07

CANOPY SIZE 90' X 56'
L = 3.5'x90' = 315 sq ft
S = 3' X 56' = 168 sq ft.
((315+168) X 2) X .05 = 48.3 SF Allowed, 46.6 SF Total Proposed

 International Signs & Lighting, Inc. <small>UL FULL SERVICE SIGNS</small>	714 Commerce Circle Longwood, FL. 32750 Sales - 407.332.9663 Service - 407.332.1787 Fax - 407.332.9183	1409064	Design Date: 10/13/14	This is an original layout designed in connection with a project contracted between you the client and International Signs & Lighting, Inc. This layout is not to be submitted, viewed, used, reproduced or copied by anyone other than the intended client.
	Client Approval _____	Date _____		

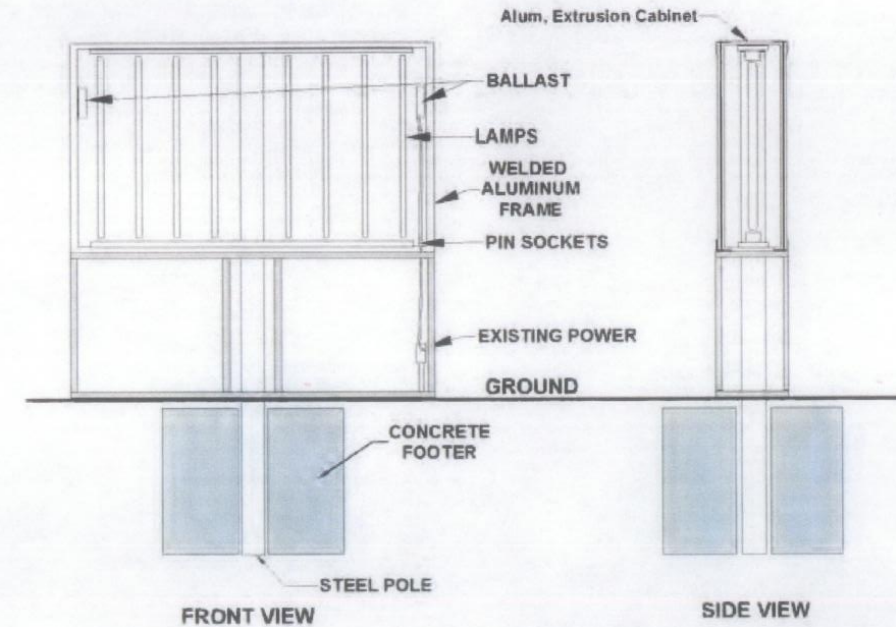
**Circle K
E. Keene Rd. & Clarcona Rd.
Apopka, FL**



LOCATED ON CLARCONA RD.

SIGN "A"
DOUBLE FACED-LIGHTED SIGN, UL LISTED, WITH
FLAT 3/16" WHITE FACES AND TRANSLUCENT GRAPHICS
APPLIED TO OUTSIDE SURFACE.

**ILLUMINATED CABINET SIGN
UL MANUFACTURED**



ELECTRICAL INFORMATION

ALL ELECTRICAL COMPONENTS ARE UL LISTED
SIGN GROUNDED ACCORDING TO NEC250

QTY	TRANSFORMER	TYP	AMPS	TOTAL

CIRCUIT # _____

NOTICE:
A dedicated 20 Amp sign circuit must
be provided to the fascia where the sign
will be installed for electrical connect.

**THIS SIGN IS INTENDED TO BE INSTALLED IN
ACCORDANCE WITH THE REQUIREMENTS OF
ARTICLE 600 OF THE NATIONAL ELECTRICAL
CODE 2008 AND/OR OTHER APPLICABLE LOCAL
CODES. THIS INCLUDES PROPER GROUNDING
AND BONDING OF THE SIGN.**

 International Signs & Lighting, Inc. Serving Florida	714 Commerce Circle Longwood, FL 32750 PH (407) 332-9663 FX (407) 332-9183	Customer Name _____
		Address _____
		Permit # _____
		Date _____

1 Sign "A" - Wireframe Drawing for Engineering & True Sizes to Scale.

International Signs & Lighting, Inc.
714 Commerce Circle
Longwood, FL 32750
PH (407) 332-9663
FX (407) 332-9183
Serving Florida
UL FULL SERVICE SIGNS

1409064

PROJECT NAME: Circle K

ADDRESS: E. Keene Rd. & Clarcona Rd.

CITY/STATE: Apopka, FL

SALES PERSON: PAUL RICCARD DESIGN DATE: 9/22/14 DRAWN BY: MICHAEL J. BERG

REVISION	DATE	DESCRIPTION

APPROVED BY: _____ DATE: _____

X

**THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY:
INTERNATIONAL SIGNS & LIGHTING, INC., FOR YOUR PERSONAL
USE IN CONNECTION WITH A SIGN PROJECT, BETWEEN YOU &
OUR COMPANY, AND NOT TO BE USED OR SHOWN TO ANYONE.
NOT TO BE REPRODUCED OR COPIED BY ANYONE., Thank You.**

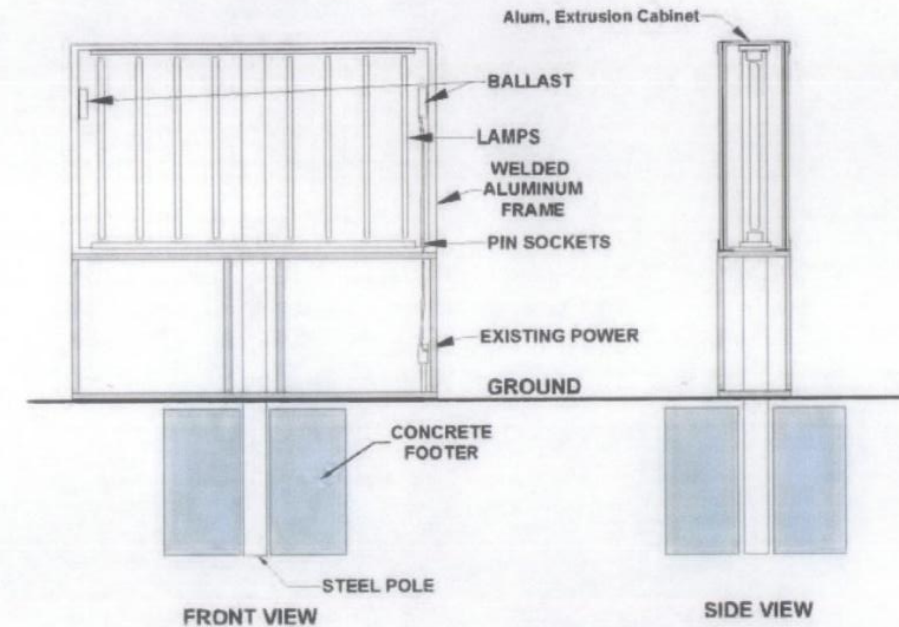
**Circle K
E. Keene Rd. & Clarcona Rd.
Apopka, FL**



LOCATED ON KEEN RD.

SIGN "B"
DOUBLE FACED-LIGHTED SIGN, UL LISTED, WITH
FLAT 3/16" WHITE FACES AND TRANSLUCENT GRAPHICS
APPLIED TO OUTSIDE SURFACE.

**ILLUMINATED CABINET SIGN
UL MANUFACTURED**



ELECTRICAL INFORMATION

ALL ELECTRICAL COMPONENTS ARE UL LISTED
SIGN GROUNDED ACCORDING TO NEC 250

QTY	TRANSFORMER	TYP	AMPS	TOTAL

CIRCUIT # _____

NOTICE:
A dedicated 20 Amp sign circuit must
be provided to the fascia where the sign
will be installed for electrical connect.

**THIS SIGN IS INTENDED TO BE INSTALLED IN
ACCORDANCE WITH THE REQUIREMENTS OF
ARTICLE 600 OF THE NATIONAL ELECTRICAL
CODE 2008 AND/OR OTHER APPLICABLE LOCAL
CODES. THIS INCLUDES PROPER GROUNDING
AND BONDING OF THE SIGN.**

 International Signs & Lighting, Inc. Serving Florida	714 Commerce Circle Longwood, FL 32750 PH (407) 332-9663 FX (407) 332-9183	Customer Name _____
		Address _____
		Permit # _____ Date _____

1 Sign "B" - Wireframe Drawing for Engineering & True Sizes to Scale.

International Signs & Lighting, Inc.
714 Commerce Circle
Longwood, FL 32750
PH (407) 332-9663
FX (407) 332-9183
Serving Florida
UL FULL SERVICE SIGNS

1409064		
PROJECT NAME: Circle K		
ADDRESS: E. Keene Rd. & Clarcona Rd.		
CITY/STATE: Apopka, FL		
SALES PERSON: PAUL RICCARD	DESIGN DATE: 9/22/14	DRAWN BY: MICHAEL J. BERG
REVISION	DATE	DESCRIPTION

APPROVED BY: _____ DATE: _____

X

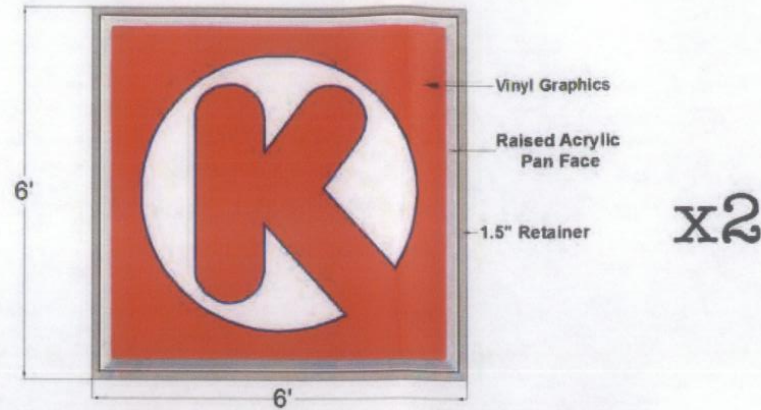
THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY:
INTERNATIONAL SIGNS & LIGHTING, INC., FOR YOUR PERSONAL
USE IN CONNECTION WITH A SIGN PROJECT, BETWEEN YOU &
OUR COMPANY, AND NOT TO BE USED OR SHOWN TO ANYONE.
NOT TO BE REPRODUCED OR COPIED BY ANYONE., Thank You.

Circle K
E. Keene Rd. & Clarcona Rd.
Apopka, FL

Anchor Tenant

Max SF = 2 x Frontage = 133.4 SF
 2 signs allowed, 100 SF max per sign

Proposed 36 SF x 2 = 72 SF

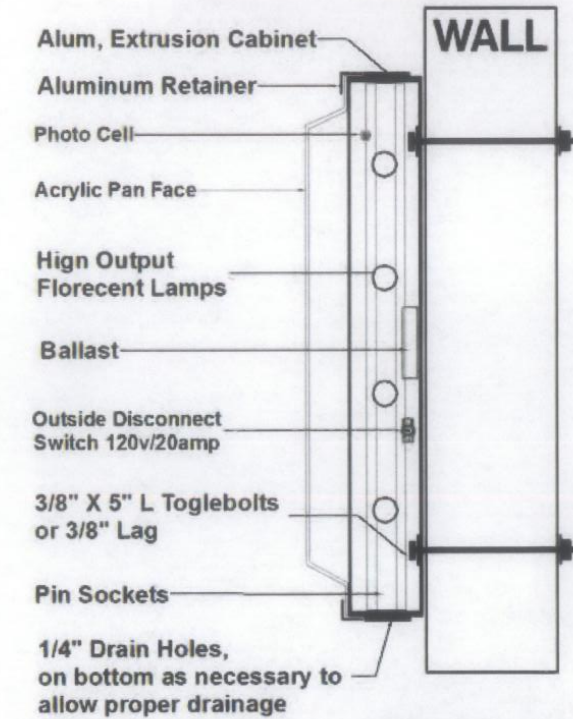


36 SQ. FT.

SIGN "C"
 MANUFACTURE AND INSTALL TWO SINGLE SIDED, LIGHTED SIGN,
 WITH ACRYLIC PAN FACE. 1 YR. WARRANTY, UL LISTED.

**ILLUMINATED & MOUNTED
 CABINET SIGN**

1 Sign "C" - Wireframe Drawing for Engineering & True Sizes to Scale.



SIDE VIEW

NOTICE:
 A dedicated 20 Amp sign circuit must be provided to the fascia where the sign will be installed for electrical connect.

ELECTRICAL INFORMATION

ALL ELECTRICAL COMPONENTS ARE UL LISTED
 SIGN GROUNDING ACCORDING TO NEC250

QTY	TRANSFORMER	TRF	AMPS	TOTAL

CIRCUIT #

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE 2008 AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

2 Building Elevations Imposed

International Signs & Lighting, Inc.
 714 Commerce Circle
 Longwood, FL 32750
 PH (407) 332-9663
 FX (407) 332-9183
 Serving Florida
 UL FULL SERVICE SIGNS

1409064

PROJECT NAME: Circle K
 ADDRESS: E. Keene Rd. & Clarcona Rd.
 CITY/STATE: Apopka, FL
 SALES PERSON: PAUL RICCARD DESIGN DATE: 9/23/2014 DRAWN BY: MICHAEL J. BERG

REVISION	DATE	DESCRIPTION

APPROVED BY: _____ DATE: _____

X
 THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY: INTERNATIONAL SIGNS & LIGHTING, INC., FOR YOUR PERSONAL USE IN CONNECTION WITH A SIGN PROJECT, BETWEEN YOU & OUR COMPANY, AND NOT TO BE USED OR SHOWN TO ANYONE. NOT TO BE REPRODUCED OR COPIED BY ANYONE., Thank You.

35 SF

SAMPLE TENANT SIGNAGE

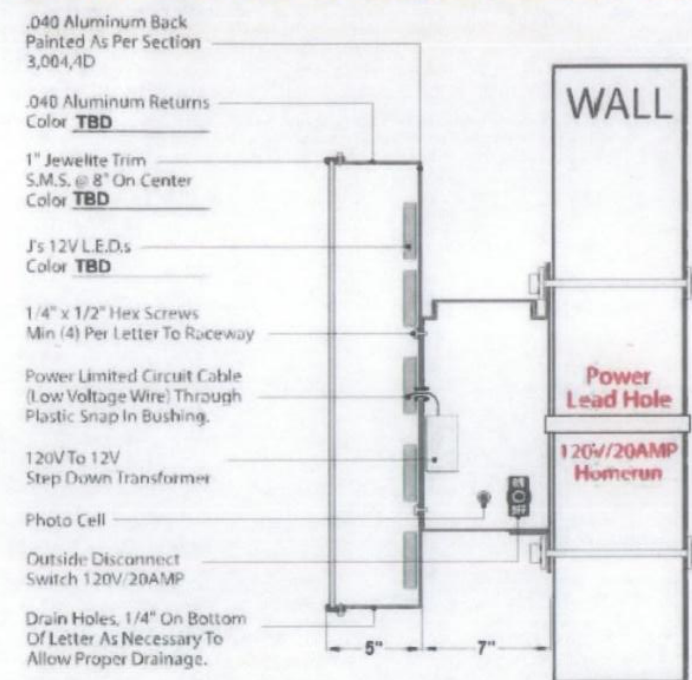
MAX SF = 2 X FRONTAGE
 MAX LENGTH = 75% OF FRONTAGE
 MAX HEIGHT = 28"



SIGN "D"

MANUFACTURE AND INSTALL ONE SET OF RACEWAY MOUNTED CHANNEL LETTERS WITH RACEWAY PAINTED TO MATCH FASCIA.

LED INDIVIDUAL ILLUMINATED CHANNEL LETTERS ON CUSTOM RACEWAY MOUNT



1 Sign "D" - Wireframe Drawing for Engineering & True Sizes to Scale.

E. Keene Rd. & Clarcona Rd.
 Apopka, FL



12 VOLT L.E.D.

SIGN SPECS:

FACE COLORS: TBD
VINYL COLORS: TBD
RETURNS: TBD
TRIM CAP: TBD
LED COLOR: TBD
FASCIA COLOR: TBD

NOTICE:

A dedicated 20 Amp sign circuit must be provided to the fascia where the sign will be installed for electrical connect.

ELECTRICAL INFORMATION

ALL ELECTRICAL COMPONENTS ARE UL LISTED
 SIGN GROUNDING ACCORDING TO NEC 210

QTY	TRANSFORMER	TRV	AMPS	TOTAL

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE 2008 AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

CIRCUIT #

	714 Commerce Circle Longwood, FL 32750 PH (407) 332-9663 FX (407) 332-9183	Customer Name: _____
		Address: _____
		Permit # _____
		Date: _____

2 Existing Front Building Elevation Imposed

International Signs & Lighting, Inc.
 714 Commerce Circle
 Longwood, FL 32750
 PH (407) 332-9663
 FX (407) 332-9183
 Serving Florida
 FULL SERVICE SIGNS

1409064		
PROJECT NAME: Circle K		
ADDRESS: E. Keene Rd. & Clarcona Rd.		
CITY/STATE: Apopka, FL		
SALES PERSON: PAUL RICCARD	DESIGN DATE: 10/13/14	DRAWN BY: MICHAEL J. BERG
REVISION	DATE	DESCRIPTION

APPROVED BY: _____ DATE: _____

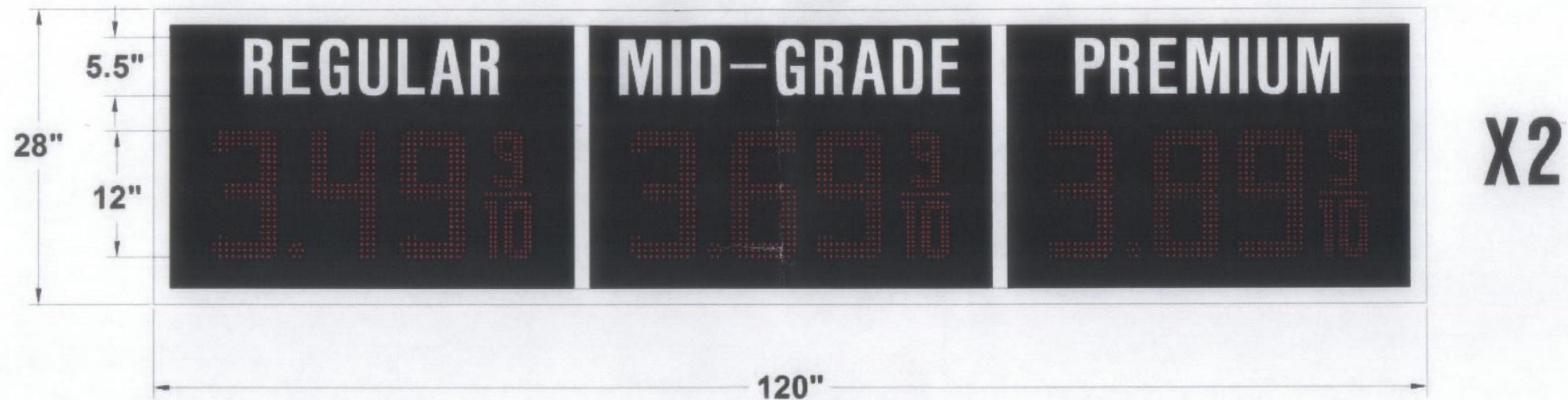
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Circle K
E. Keene Rd. & Clarcona Rd.
Apopka,FL

LED GAS PRICE DISPLAY

23.3 SQ. FT.



CANOPY SIZE 90' X 56'

L = 3.5'x90' = 315 sq ft
S = 3' X 56' = 168 sq ft.

ALLOWED SQ. FT.

Fuel Station Canopy Sign Calculation:
((L+S) X 2) X five percent.
((315+168) X 2) X .05 = 48.3 Sq. Ft.



714 Commerce Circle
 Longwood, FL. 32750
 Sales - 407.332.9663
 Service - 407.332.1787
 Fax - 407.332.9183

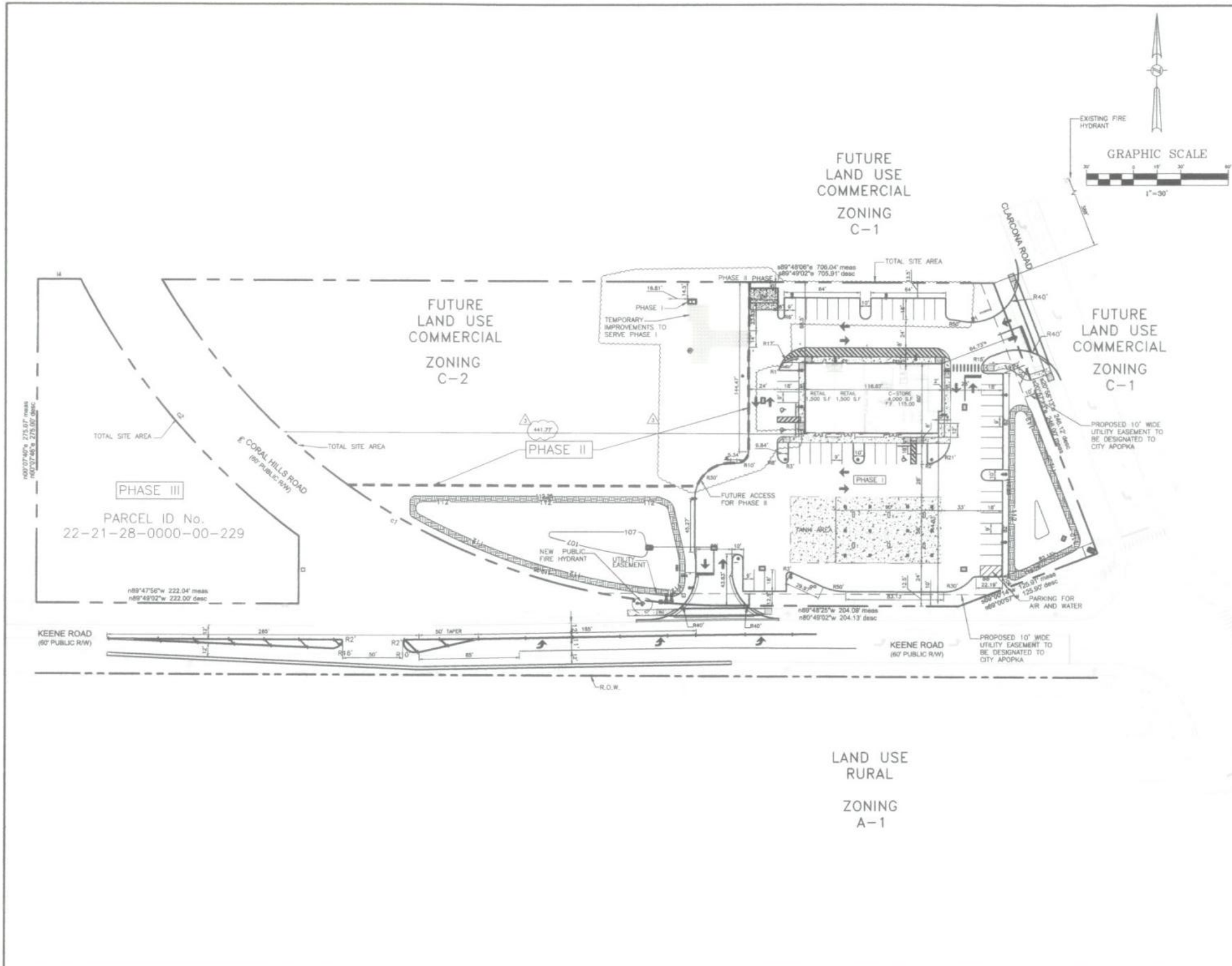
1409064

Design Date:10/9/14

Client Approval

Date

This is an original layout designed in connection with a project contracted between you the client and International Signs & Lighting, Inc. This layout is not to be submitted, viewed, used, reproduced or copied by anyone other than the intended client.



SITE DATA
 PROPERTY LOCATION: NW CORNER OF KEENE RD AND CLARCONA RD, APOPKA, FL
 PROPERTY ZONING: COMMERCIAL C-2
 PROPERTY FUTURE LAND USE DESIGNATION: COMMERCIAL
 EXISTING USE: VACANT
 PROPOSED USE: CONVENIENCE STORE, RETAIL STORE
 PHASE I AREA: 2.14± ACRES

PROPOSED GROSS FLOOR AREA: (PHASE I) 7,000 S.F.
 ANTICIPATED NO. OF EMPLOYEES (PHASE I): 6

PROPOSED BUILDING AREA

C-STORE (PHASE I)	4,000 ±S.F.
RETAIL (PHASE I)	3,000 ±S.F.
TOTAL BUILDING AREA	7,000 ±S.F.

ALLOWABLE FLOOR AREA: 0.25
 PROPOSED FLOOR AREA: (PHASE I) 0.07

BUILDING SETBACKS (REQUIRED)

FRONT (SOUTH) 50' TO C OR 10' TO E	
SIDE (WEST) 10'	
CORNER (EAST) 15'	
REAR (NORTH) 10'	

BUILDING SETBACKS (PROPOSED)

FRONT (SOUTH) 144'	
SIDE (WEST) 441'	
CORNER (EAST) 64'	
REAR (NORTH) 68'	

MAXIMUM ALLOWABLE BUILDING HEIGHT 35'
 BUILDING HEIGHT PROPOSED 23'

BUILDING CONSTRUCTION TYPE
 TYPE II B

BUFFER YARDS

PROPOSED USE	ABUTTING USE	REQUIRED BUFFER	PROPOSED BUFFER
COMMERCIAL	RURAL	10'	12'
COMMERCIAL	COMMERCIAL	5'	7'
COMMERCIAL	COMMERCIAL	10'	18'
COMMERCIAL	COMMERCIAL	5'	13'

PARKING

PARKING REQUIRED

C-STORE (PHASE I)	4,000 S.F. x (1 SPACE PER 100 S.F.)	40 SPACES
RETAIL (PHASE I)	3,000 S.F. x (3 SPACES PER 1,000 S.F.)	15 SPACES
TOTAL PARKING REQUIRED		55 SPACES

SPACES REQUIRED TO BE RESERVED FOR HANDICAP 3 SPACES

PARKING PROVIDED (OVERALL)

PARKING SPACES (PHASE I)	48 SPACES
SPACES @ FUELING POSITION	12 SPACES
SPACE FOR AIR & WATER STATION	1 SPACES
HANDICAP PARKING	3 SPACES
TOTAL PARKING PROVIDED	64 SPACES

SITE AREA CALCULATIONS

BUILDING FOOTPRINT	7,000 ±S.F.		
PAVING	47,224 ±S.F.		
SPRAWL	2,388 ±S.F.		
IMPERVIOUS AREA	56,610 ±S.F.	1.30 AC.	60.73 %
PERVIOUS AREA	36,611 ±S.F.	0.84 AC.	39.27 %
TOTAL SITE AREA	93,221 ±S.F.	2.14 AC.	100.00 %

IMPERVIOUS COVER PROPOSED 60.73 %

NOTE:
 8,327 S.F. OF ADDITIONAL IMPERVIOUS COVER BEYOND WHAT IS PROPOSED IN PHASE I IS USED FOR THE DRAINAGE POND DESIGN.

ARCHITECTURAL DESIGN NOTE:
 THE ARCHITECTURAL DESIGN AND COLOR SCHEME SHOULD BE CONSISTENT FOR THE ENTIRE DEVELOPMENT.

DATE	REVISIONS	BY	CHECKED
9/22/2014	PER CITY OF APOPKA COMMENTS DATED 9/10/2014	JT	SJS
9/25/2014	PER ORANGE COUNTY R.O.W. COMMENTS DATED 9/24/2014	JT	SJS
10/13/2014	PER CITY OF APOPKA COMMENTS DATED 10/01/2014	JT	SJS

CIRCLE K APOPKA
 MINOR FINAL DEVELOPMENT PLANS
 NW CORNER OF KEENE RD AND CLARCONA RD
 APOPKA, FLORIDA



5127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325
 www.feg-inc.us

OVERALL SITE PLAN - PHASING PLAN

DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
SJS	JT	SJS	SJS

PROJECT NO.	13-040
SCALE	1"=40'
DATE	AUGUST 28, 2014
SHEET NO.	C-5
SHEET	5 of 17

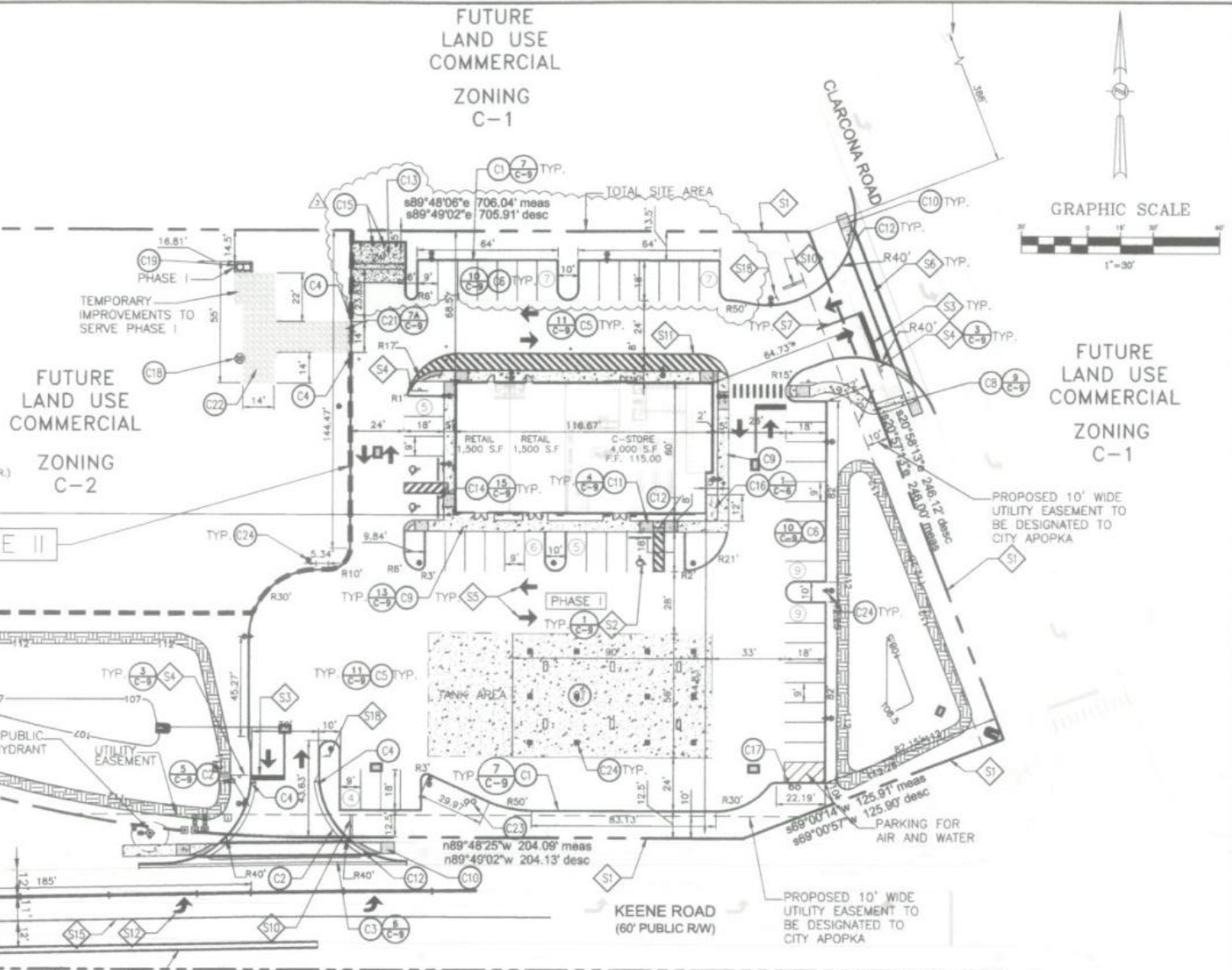
FLORIDA ENGINEERING GROUP, INC.
 CERTIFICATE No. EB-0006595
 SHAI J. SEDRALI, P.E.
 LICENSE NO. 42028

◆ SITE STRIPING & SIGNAGE KEYNOTES

- S1. PROPERTY BOUNDARY.
- S2. HANDICAP PARKING STALL, TYPICAL.
- S3. 24" THERMOPLASTIC STOP BAR.
- S4. R1-1 HIGH INTENSITY REFLECTORIZED "STOP" SIGN.
- S5. DIRECTIONAL ARROWS PER F.D.O.T. INDEX No. 17346, TYPICAL.
- S6. CROSSWALK STRIPING PER F.D.O.T. INDEX No. 17346, TYPICAL.
- S7. 20' LONG, 6" SOLID YELLOW LINE.
- S8. NOT USED.
- S9. NOT USED.
- S10. MONUMENT SIGN TO MEET CITY REQUIREMENTS (REFER TO SIGNAGE PLAN).
- S11. DIAGONAL STRIPING 4" WHITE PAINT, 4" O.C. (LOADING ZONE).
- S12. DIRECTIONAL ARROWS PER F.D.O.T. INDEX No. 17346, THERMOPLASTIC, TYPICAL - WHITE.
- S13. 6" SOLID DOUBLE YELLOW LINE, THERMOPLASTIC.
- S14. 18" YELLOW DIAGONAL STRIPING @ 20" O.C. THERMOPLASTIC.
- S15. 6" SOLID WHITE LINE, THERMOPLASTIC.
- S16. NOT USED.
- S17. F.D.O.T. REFLECTIVE MARKERS, TYPICAL.
- S18. RECLAIMED WATER ADVISORY SIGN.

⊙ SITE CONSTRUCTION KEYNOTES

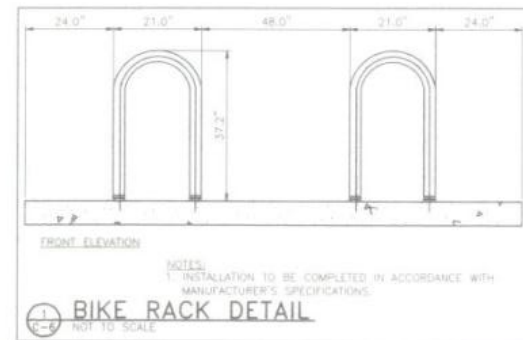
- C1. 6" HEAD CURB, TYPICAL.
- C2. F.D.O.T. TYPE "Y" CURB & GUTTER PER INDEX No. 300, TYPICAL.
- C3. F.D.O.T. 3" VALLEY GUTTER PER INDEX No. 300, TYPICAL.
- C4. 3" TRANSITION CURB.
- C5. ASPHALT PAVEMENT, HEAVY-DUTY IN DRIVE AISLES.
- C6. ASPHALT PAVEMENT, LIGHT-DUTY IN PARKING SPACES.
- C7. CONCRETE PAVEMENT.
- C8. CONCRETE SIDEWALK, TYPICAL.
- C9. MONOLITHIC CURB & SIDEWALK, TYPICAL.
- C10. F.D.O.T. CURB CUT RAMP PER INDEX No. 304, FOR HANDICAP ACCESS. ROADWAY @ ALL SIDEWALK CROSSINGS NOT TO EXCEED 2% CROSS SLOPE, TYPICAL.
- C11. HANDICAP ACCESS RAMP WITH A MAXIMUM 12:1 SLOPE, TYPICAL.
- C12. DETECTABLE WARNING SURFACE PER FLORIDA BUILDING CODE 2004.
- C13. 12'x24' DUMPSTER W/ 6" CONCRETE PAD & 6" HIGH BLOCK WALL ENCLOSURE ON 3 SIDES.
- C14. WHEELSTOP PER F.D.O.T. INDEX No. 300, TYPICAL.
- C15. BOLLARD, 6" MIN. C.I.P.-D.I.P. OR STEEL, CONCRETE FILLED, & PAINTED OSHA YELLOW.
- C16. BIKE RACK ON 5' X 12' CONCRETE PAD (4 BIKES).
- C17. AIR AND WATER STATION.
- C18. SANITARY SEWER MANHOLE.
- C19. LIFT STATION.
- C20. PAVEMENT IN KEENE ROAD R.O.W.
- C21. RIBBON CURB.
- C22. 14" WIDE TEMPORARY STABILIZED ACCESS ROAD TO LIFT STATION (GRAVEL AND SAND MIX, MIN. 60 LBR).
- C23. GAS STORAGE TANK VENT STACKS.
- C24. SITE LIGHTING FIXTURES.



NOTE:
 8,327 S.F. OF ADDITIONAL IMPERVIOUS COVER BEYOND WHAT IS PROPOSED IN PHASE I IS USED FOR THE DRAINAGE POND DESIGN.

ORANGE COUNTY R.O.W. PERMIT:
 THE DRIVEWAY CONNECTION TO CLARCONA ROAD WILL REQUIRE AN ORANGE COUNTY PERMIT AND SHALL COMPLY WITH ORANGE COUNTY REQUIREMENTS.

- CITY OF APOPKA NOTES**
- ALL ROADWAYS AND DRIVES MUST BE COMPLETE BEFORE BUILDING CONSTRUCTION BEGINS.
 - A FIRE HYDRANT MUST BE LOCATED WITHIN 250 FEET OF THE BUILDING.
 - PROVIDE AN EMERGENCY LOCK BOX FOR EMERGENCY ACCESS.
 - THE MONUMENT SIGN SHOULD PARTIALLY EXTEND BEYOND THE LANDSCAPE AREA TO PROMOTE VISIBILITY, AND CAN BE PLACED AS CLOSE AS TWO FEET FROM THE SIDEWALK.
 - THE WALL AND GROUND SIGNS ARE TO BE PERMITTED SEPARATELY.



LIGHT POLE NOTE:
 ALL LIGHT POLES TO BE A MINIMUM OF 2 FEET AWAY FROM EDGE OF PAVEMENT.

- SITE NOTES**
- ALL CURB RADI ARE TO BE 5.0', TYPICAL, UNLESS NOTED OTHERWISE. EXCEPTION: RADI @ ISLANDS ARE TO FIT ISLAND WIDTHS, UNLESS NOTED OTHERWISE.
 - LANDSCAPE ISLAND NOSE NOT TO EXCEED THE PARKING STALL DEPTH &/OR PROTRUDE INTO DRIVE ISLES, TYPICAL.
 - ALL DIMENSIONS ARE PARALLEL & PERPENDICULAR TO A BEARING OF S 89°48'02" E, UNLESS OTHERWISE INDICATED WITH A "°" OR BEARING.
 - LOWER CASE TEXT DENOTES SURVEY &/OR EXISTING CONDITION INFORMATION.

LAND USE RURAL ZONING A-1

FLOOD ZONE
 FLOOD ZONE X PER FEMA F.I.R.M. PANEL 12095C0120E DATED: 09/25/2009.

SOILS
 SANDER FINE SAND AND TAVARES FINE SAND

WETLAND STATEMENT
 THERE ARE NO JURISDICTIONAL WETLANDS WITHIN THE PROJECT SITE.

FIRE PROTECTION STATEMENTS:

- STABILIZED ACCESS ROADS AND A SUITABLE TEMPORARY SUPPLY OF WATER ACCEPTABLE TO THE FIRE DEPARTMENT SHALL BE PROVIDED & MAINTAINED DURING CONSTRUCTION.
- ROADWAYS AND FIRE HYDRANTS SHALL BE IN PLACE BEFORE VERTICAL BUILDING CONSTRUCTION MAY BEGIN.
- FIRE HYDRANT MUST HAVE ROAD REFLECTOR FOR ID.

DUMPSTER NOTE:

- THE DUMPSTER SHALL HAVE OPAQUE GATING AND THE WALL SHALL HAVE A DECORATIVE CONCRETE CAP. WALL SHALL BE ARCHITECTURALLY COMPATIBLE MATERIAL TO THE PRINCIPLE BUILDING. THE STUCCO FINISH SHALL BE MAINTAINED BY THE OWNER.
- THE DUMPSTER ENCLOSURES WILL BE SHARED BY ALL TENANTS WITHIN THE DEVELOPMENT.

NOTE:
 PRIOR TO COMMENCING GRADING AND CLEARING ACTIVITIES, A LETTER MUST BE RECEIVED FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION REGARDING THE APPROVAL OF A GOPHER TORTOISE SURVEY AND ANY REQUIRED REMEDIAL ACTIVITY.

DATE	REVISIONS	BY	CHECKED
9/22/2014	PER CITY OF APOPKA COMMENTS DATED 9/10/2014	JT	SJS
9/25/2014	PER ORANGE COUNTY R.O.W. COMMENTS DATED 9/24/2014	JT	SJS
10/13/2014	PER CITY OF APOPKA COMMENTS DATED 10/01/2014	JT	SJS

CIRCLE K APOPKA
 MINOR FINAL DEVELOPMENT PLANS
 NW CORNER OF KEENE RD AND CLARCONA RD
 APOPKA, FLORIDA

FEG FLORIDA ENGINEERING GROUP
 Engineering the Future

5127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325
 www.feg-inc.us

SITE GEOMETRY PLAN

DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
SJS	JT	SJS	SJS

PROJECT NO.	13-040
SCALE	1"=30'
DATE	AUGUST 28, 2014
SHEET NO.	C-6
SHEET	6 OF 17

FLORIDA ENGINEERING GROUP, P.C.
 CERTIFICATE NO. EB-0006996

SAM J. SEBALI, P.E.
 LICENSE NO. 42075

LANDSCAPE NOTES

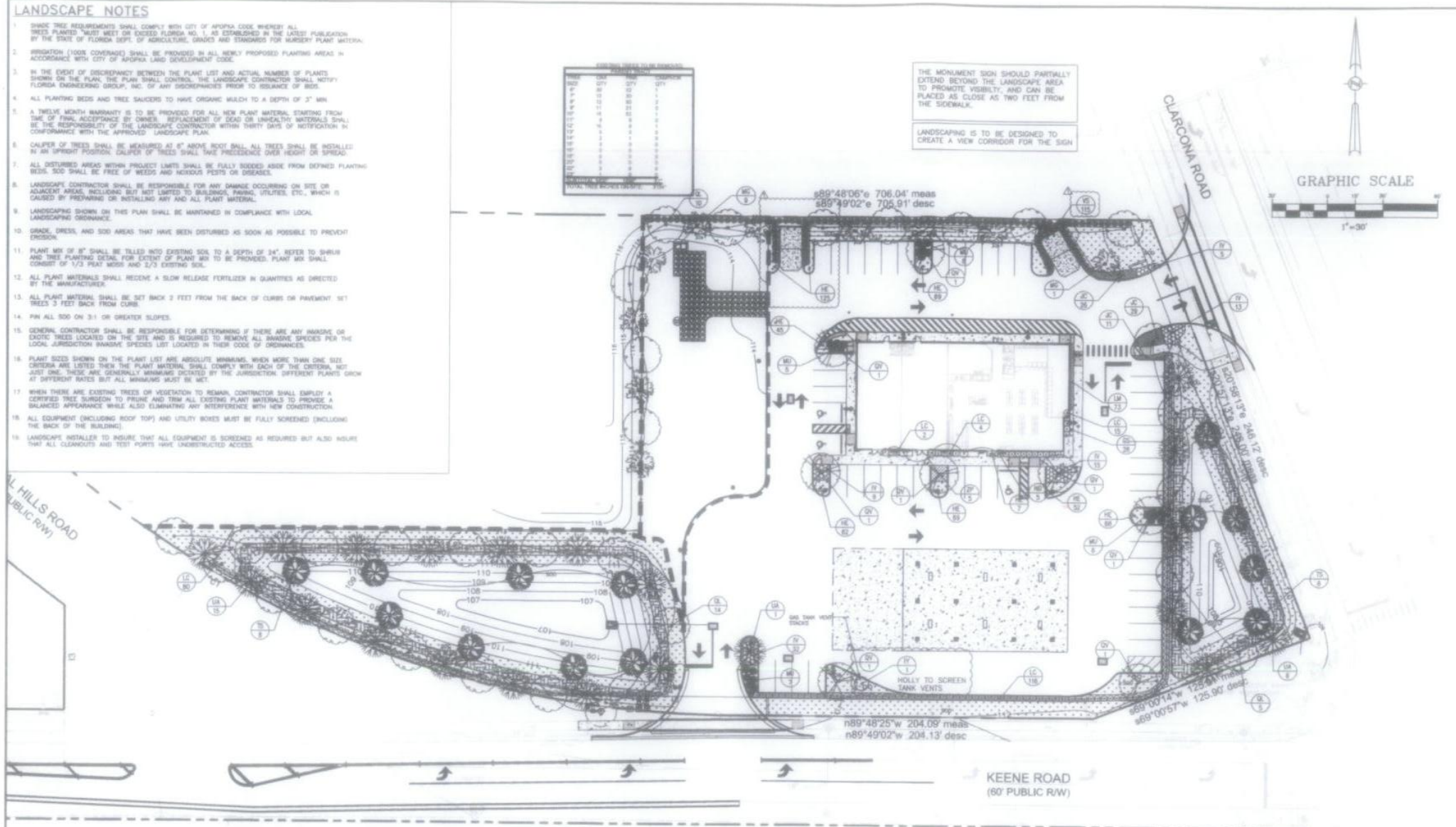
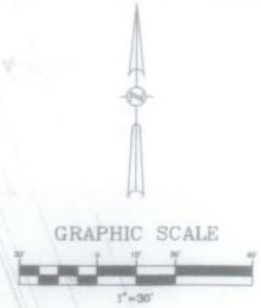
1. SHrub TREE REQUIREMENTS SHALL COMPLY WITH CITY OF APOPKA CODE WHEREBY ALL TREES PLANTED MUST MEET OR EXCEED FLORIDA NO. 1 AS ESTABLISHED IN THE LATEST PUBLICATION BY THE STATE OF FLORIDA DEPT. OF AGRICULTURE, GARDEN AND STAMENS FOR HARDY PLANT MATERIAL.
2. IRRIGATION (100% COVERAGE) SHALL BE PROVIDED IN ALL NEWLY PROPOSED PLANTING AREAS IN ACCORDANCE WITH CITY OF APOPKA LAND DEVELOPMENT CODE.
3. IN THE EVENT OF DISCREPANCY BETWEEN THE PLANT LIST AND ACTUAL NUMBER OF PLANTS SHOWN ON THIS PLAN, THE PLANT LIST SHALL CONTROL. THE LANDSCAPE CONTRACTOR SHALL NOTIFY FLORIDA ENGINEERING GROUP, INC. OF ANY DISCREPANCIES PRIOR TO ISSUANCE OF BIDS.
4. ALL PLANTING BEDS AND TREE SAUCERS TO HAVE ORGANIC MULCH TO A DEPTH OF 3" MIN.
5. A TWELVE MONTH WARRANTY IS TO BE PROVIDED FOR ALL NEW PLANT MATERIAL STARTING FROM TIME OF FINAL ACCEPTANCE BY OWNER. REPLACEMENT OF DEAD OR UNHEALTHY MATERIALS SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR WITHIN THIRTY DAYS OF NOTIFICATION IN CONFORMANCE WITH THE APPROVED LANDSCAPE PLAN.
6. CALIPER OF TREES SHALL BE MEASURED AT 4" ABOVE ROOT BALL. ALL TREES SHALL BE INSTALLED IN AN UPRIGHT POSITION. CALIPER OF TREES SHALL TAKE PRECEDENCE OVER HEIGHT OR SPREAD.
7. ALL DISTURBED AREAS WITHIN PROJECT LIMITS SHALL BE FULLY RECOVERED ASIDE FROM DEFINED PLANTING BEDS. SOIL SHALL BE FREE OF WEEDS AND NOxious PESTS OR DISEASES.
8. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OCCURRING ON SITE OR ADJACENT AREAS, INCLUDING BUT NOT LIMITED TO BUILDINGS, PARKING UTILITIES, ETC., WHICH IS CAUSED BY PREPARING OR INSTALLING ANY AND ALL PLANT MATERIAL.
9. LANDSCAPING SHOWN ON THIS PLAN SHALL BE MAINTAINED IN COMPLIANCE WITH LOCAL LANDSCAPING ORDINANCES.
10. GRADE, DRESS, AND SOIL AREAS THAT HAVE BEEN DISTURBED AS SOON AS POSSIBLE TO PREVENT EROSION.
11. PLANT MIX OF 8" SHALL BE TILLED INTO EXISTING SOIL TO A DEPTH OF 34". REFER TO SWIRL AND TREE PLANTING DETAIL FOR EXTENT OF PLANT MIX TO BE PROVIDED. PLANT MIX SHALL CONSIST OF 1/3 PEAT MOSS AND 2/3 EXISTING SOIL.
12. ALL PLANT MATERIALS SHALL RECEIVE A SLOW RELEASE FERTILIZER IN QUANTITIES AS DIRECTED BY THE MANUFACTURER.
13. ALL PLANT MATERIAL SHALL BE SET BACK 2 FEET FROM THE BACK OF CURBS OR PAVEMENT SET TREES 3 FEET BACK FROM CURB.
14. PVI ALL SOIL ON 3:1 OR GREATER SLOPES.
15. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING IF THERE ARE ANY WADING OR EXPOSED TREE LOCATIONS ON THE SITE AND IS REQUIRED TO REMOVE ALL WADING SPECIES FOR THE LOCAL JURISDICTION WADING SPECIES LIST LOCATED IN THEIR CODE OF ORDINANCES.
16. PLANT SIZES SHOWN ON THE PLANT LIST ARE ABSOLUTE MINIMUMS, WHEN MORE THAN ONE SIZE CRITERIA ARE LISTED THEN THE PLANT MATERIAL SHALL COMPLY WITH EACH OF THE CRITERIA, NOT JUST ONE. THESE ARE GENERALLY MINIMUMS DICTATED BY THE JURISDICTION DIFFERENT PLANTS SHOW AT DIFFERENT RATES BUT ALL MINIMUMS MUST BE MET.
17. WHEN THERE ARE EXISTING TREES OR VEGETATION TO REMAIN, CONTRACTOR SHALL EMPLOY A CERTIFIED TREE SURGEON TO PRUNE AND TRIM ALL EXISTING PLANT MATERIALS TO PROVIDE A BALANCED APPEARANCE WHILE ALSO ELIMINATING ANY INTERFERENCE WITH NEW CONSTRUCTION.
18. ALL EQUIPMENT (INCLUDING ROOF TOPS) AND UTILITY BOXES MUST BE FULLY SCREENED (INCLUDING THE BACK OF THE BUILDING).
19. LANDSCAPE INSTALLER TO INSURE THAT ALL EQUIPMENT IS SCREENED AS REQUIRED BUT ALSO INSURE THAT ALL CLEANOUTS AND TEST PORTS HAVE UNRESTRICTED ACCESS.

EXISTING TREES TO BE PRESERVED

NO.	SIZE	SPECIES	STATUS
1	8"	FLORIDA PALM	REMOVE
2	8"	FLORIDA PALM	REMOVE
3	8"	FLORIDA PALM	REMOVE
4	8"	FLORIDA PALM	REMOVE
5	8"	FLORIDA PALM	REMOVE
6	8"	FLORIDA PALM	REMOVE
7	8"	FLORIDA PALM	REMOVE
8	8"	FLORIDA PALM	REMOVE
9	8"	FLORIDA PALM	REMOVE
10	8"	FLORIDA PALM	REMOVE
11	8"	FLORIDA PALM	REMOVE
12	8"	FLORIDA PALM	REMOVE
13	8"	FLORIDA PALM	REMOVE
14	8"	FLORIDA PALM	REMOVE
15	8"	FLORIDA PALM	REMOVE
16	8"	FLORIDA PALM	REMOVE
17	8"	FLORIDA PALM	REMOVE
18	8"	FLORIDA PALM	REMOVE
19	8"	FLORIDA PALM	REMOVE
20	8"	FLORIDA PALM	REMOVE
21	8"	FLORIDA PALM	REMOVE
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97	8"	FLORIDA PALM	REMOVE
98	8"	FLORIDA PALM	REMOVE
99	8"	FLORIDA PALM	REMOVE
100	8"	FLORIDA PALM	REMOVE

THE MONUMENT SIGN SHOULD PARTIALLY EXTEND BEYOND THE LANDSCAPE AREA TO PROMOTE VISIBILITY, AND CAN BE PLACED AS CLOSE AS TWO FEET FROM THE SIDEWALK.

LANDSCAPING IS TO BE DESIGNED TO CREATE A VIEW CORRIDOR FOR THE SIGN.



LANDSCAPE SCHEDULE

SYMBOL	NO.	COMMON NAME	BOTANICAL NAME	MINIMUM SIZE	QUANTITY	REMARKS
1	01	QUERCUS PRINCEPS	RED OAK	12" HT. 3" DBH	1	SMALL STRONG SIGN
2	02	QUERCUS LAURIFOLIA	LAUREL OAK	12" HT. 3" DBH	20	SMALL STRONG SIGN
3	03	ALBIS ALBA	WHITE ELM	12" HT. 3" DBH	21	SMALL STRONG SIGN
4	04	QUERCUS LAURIFOLIA	LITTLE OAK	8"-12" HT. 3" DBH	10	SMALL STRONG SIGN
5	05	TAXODIUM DISTICHUM	BALD CYPRESS	12" HT. 3" DBH	14	
6	06	SECY VERTICILLATA	WAXY WAXMYR	12" HT. 3" DBH	1	
7	07	SEBASTIAENAE	SAGEBRUSH	20" HT. 3" DBH	110	FILL
8	08	LOPATELUS	LOPATELUS	7" DBH. 10' HT.	217	FILL
9	09	QUERCUS LAURIFOLIA	LAUREL OAK	3" DBH. 18" HT.	24	
10	10	QUERCUS LAURIFOLIA	LAUREL OAK	3" DBH. 18" HT.	5	
11	11	HEMOCALLIS	DAKOTA	1" DBH. 10' HT.	87	
12	12	LAUREL OAK	E.G. LAUREL	1" DBH. 10' HT.	75	
13	13	PARSONS JUMP	PARSONS JUMP	3" DBH. 30" D.C.	64	FILL
14	14	COCCINIFERA	COCCINIFERA	2" DBH. 20" D.C.	5	FILL
15	15	YELLOW JASMINE	YELLOW JASMINE	1" DBH. 10' HT.	28	
16	16	SCYLLARIA	SCYLLARIA	1" DBH. 10' HT.	87	
17	17	SPERMATOPHYTES	SPERMATOPHYTES	18,890 SF		

TREE CALCULATIONS
 TOTAL TREE INCHES ON PARENT TRACT: 3,154"
 TOTAL TREE INCHES ON PHASE I LOT: 1,968" (62.4% OF PARENT TRACT)
 TOTAL TREE INCHES REMOVED (PHASE I): 1,968"
 TOTAL TREE INCHES REPLACED: 255"
 MAX TREE STOCK FORMULA AND CALCULATIONS:
 104,474 - 6000 = (98,474 / 1000) x 3.5 + 21 = 365.66"
 QUANTITY OF SPECIMEN TREES (24"+) REMOVED: 0
 REQUIRED REPLACEMENT - PROVIDED: -110.66" (37 TREES 3" CAL.)
 *OWNER TO PROVIDE DEFICIT IN TREE FUND
 SITE CLEARING AREA IN SF AND ACRES: 104,474 SF (2.4 ACRES)

TREE PRESERVATION NOTE:
 THERE ARE NO EXISTING TREES SHOWN TO BE PRESERVED ON SITE.

TREE PRESERVATION NOTE:
 THERE ARE NO EXISTING TREES SHOWN TO BE PRESERVED ON SITE.



I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2008, ADOPTED MAY 21, 2008, WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK	9/22/2014	PER CITY OF APOPKA COMMENTS DATED 9/10/2014	RTA	RTA	<p>CIRCLE K APOPKA MINOR FINAL DEVELOPMENT PLANS NW CORNER OF KEENE RD AND CLARCONA RD APOPKA, FLORIDA</p>	<p>FEG FLORIDA ENGINEERING GROUP Engineering the Future</p>	<p>5127 S. Orange Avenue, Suite 200 Orlando, FL 32809 Phone: 407-895-0324 Fax: 407-895-0325 www.feginc.us</p>	STE LANDSCAPE PLAN			
DATE	REVISIONS	BY	CHECKED	DESIGNED BY				DRAWN BY	CHECKED BY	APPROVED BY	
				RTA	RTA	RTA	SJS	PROJECT NO: 13-040	FLORIDA ENGINEERING GROUP, INC. LICENSE NO. 18-000006		
								SCALE: 1"=40'			
								DATE: AUGUST 28, 2014			
								SHEET NO: L-1	REG. NO. 13-040_Landscape.dwg		
								16 OF 17			



revised 7-8-14

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Clarcona Road and Keen Road Circle K concept





SEAL AR # 96512

PROJECT
Clarcana and Keene Road
Circle K

REVISION DATES

DATE
9-22-14

SHEET TITLE
ELEVATIONS

SHEET NUMBER

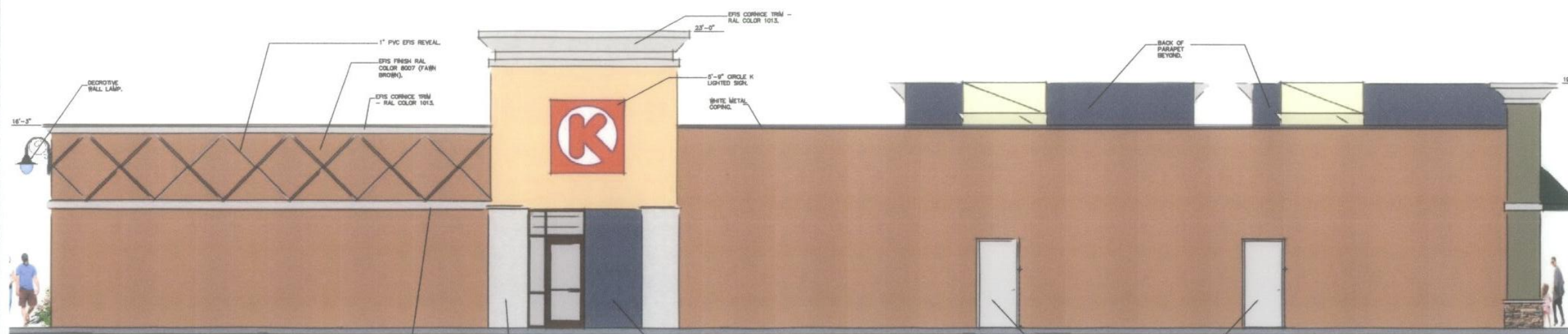
A2

PROJECT NO.
006-14



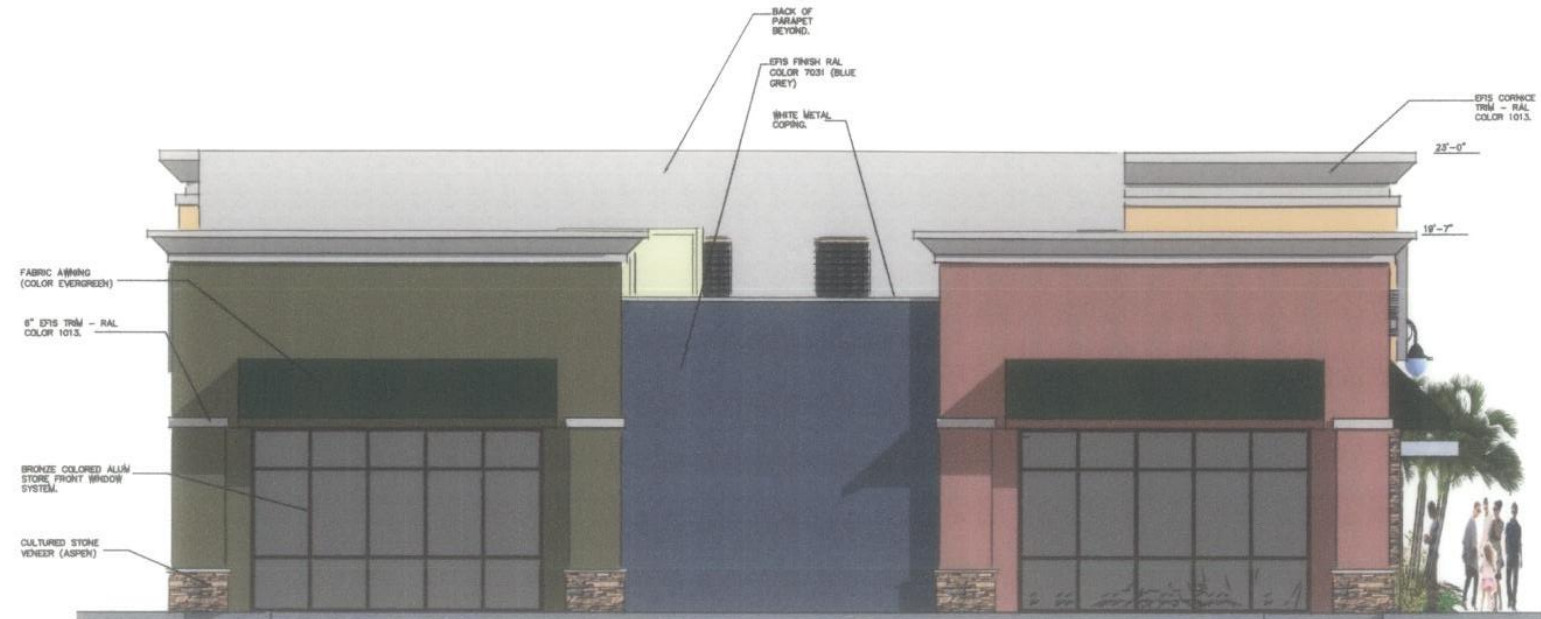
FRONT ELEVATION

SCALE 1/4" = 1'-0"



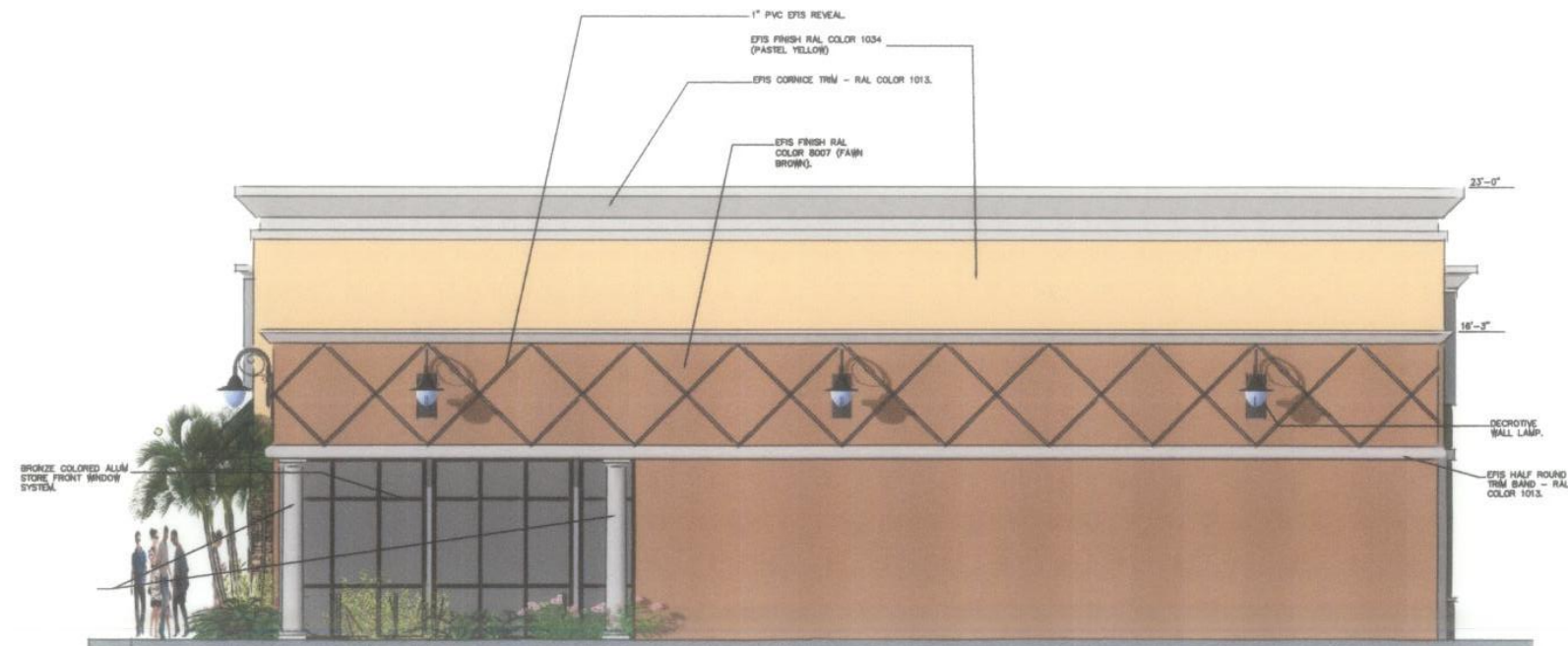
BACK ELEVATION

SCALE 1/4" = 1'-0"



SIDE ELEVATION

SCALE 1/4" = 1'-0"



SIDE ELEVATION

SCALE 1/4" = 1'-0"

SEAL AR # 96512

PROJECT
Clarcona and Keene Road
Circle K

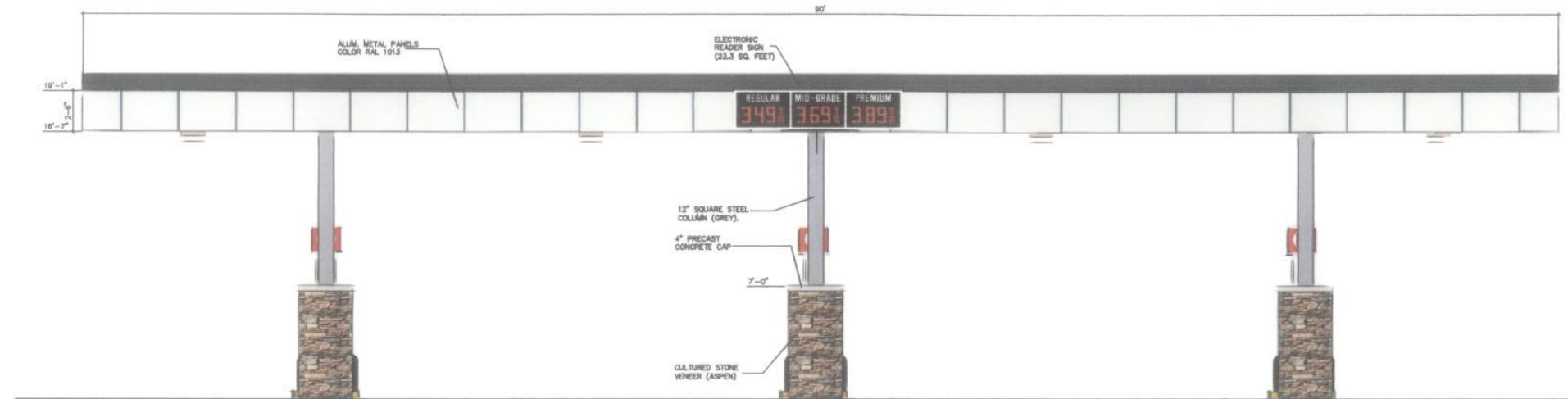
REVISION DATES

DATE
9-22-14

SHEET TITLE
ELEVATIONS

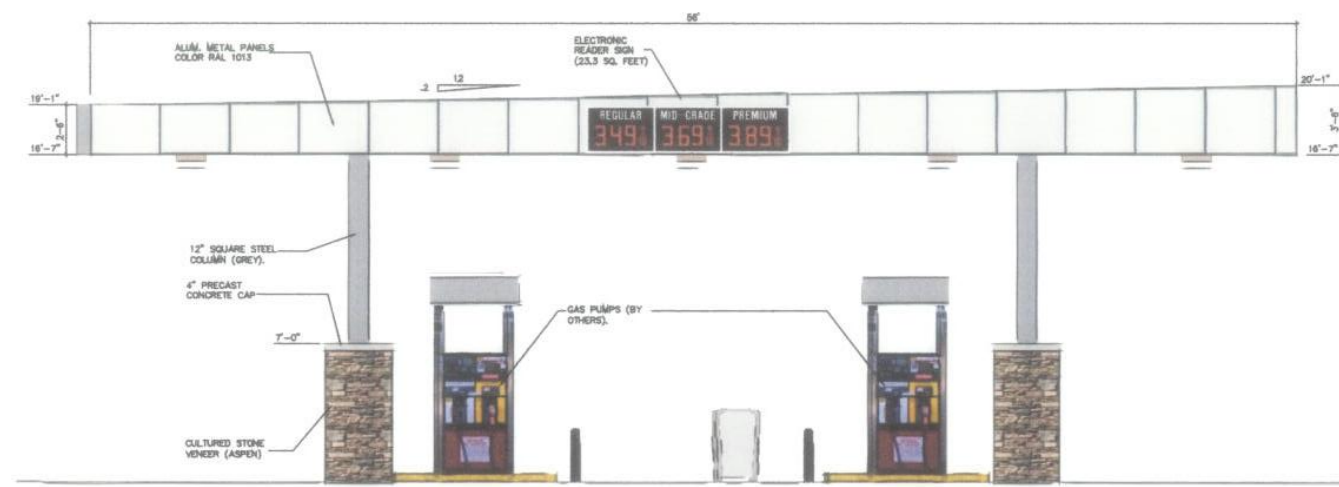
SHEET NUMBER
A3

PROJECT NO.
006-14



FRONT ELEVATION

SCALE 1/4" = 1'-0"

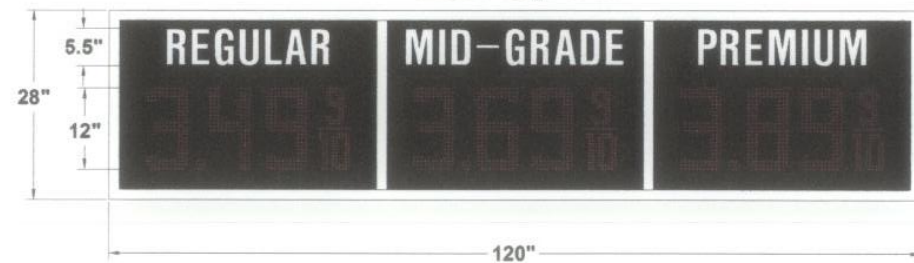


SIDE ELEVATION

SCALE 1/4" = 1'-0"

LED GAS PRICE DISPLAY

23.3 SQ. FT.

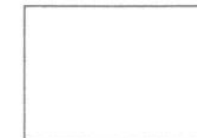


X2

CANOPY SIZE 90' X 56'

L = 3.5'x90' = 315 sq ft
S = 3' X 56' = 168 sq ft.

ALLOWED SQ. FT.
Fuel Station Canopy Sign Calculation:
((L+S) X 2) X five percent.
((315+168) X 2) X .05 = 48.3 Sq. Ft.



SEAL AR # 96512

PROJECT
Clarcana and Keane Road
Circle K

REVISION DATES
10-13-14

DATE
9-22-14

SHEET TITLE
CANOPY
ELEVATIONS

SHEET NUMBER

A4

PROJECT NO.
006-14