



City of Apopka Planning Commission Meeting Agenda

April 08, 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 March 11, 2014, at 5:01 p.m.

IV. PUBLIC HEARING:

1. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Jeffrey B. Randazzo, from "County" Rural (1 du/1 ac) to "City" Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)
2. CHANGE OF ZONING – Jeffrey B. Randazzo, from "County" A-1 to "City" R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)
3. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Robert Roach, from "County" Rural (1 du/10 ac) to "City" Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114)

4. CHANGE OF ZONING – Robert Roach, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114)
5. CHANGE OF ZONING – Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey, from R-1AA (0-5 du/ac)(Residential) to R-2 (0-5 du/ac)(Residential), for property located east of Plymouth Sorrento Road, south of Schopke Road. (06-21-28-7172-15-130)
6. LAND DEVELOPMENT CODE AMENDMENT – Amending the City of Apopka Code of Ordinances, Part III, Land Development Code, Article III – Overlay Zones, to create a Small Lot Overlay Zoning District.

(Tabled at the March 11, 2014 Planning Commission meeting. Staff requests a continuous until the May 13th meeting.)

V. SITE PLANS:

1. FINAL DEVELOPMENT PLAN - Poe Reserve Subdivision, owned by Nancy Poe, c/o Floriday Properties, Inc.; the engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn; and the property is located south of North Orange Blossom Trail, west of State Road 451. (Parcel ID Nos. 05-21-28-0000-00-030, 08-21-28-0000-00-026, 08-21-28-0000-00-027 & 08-21-28-0000-00-046)

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 March 11, 2014, at 5:01 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MARCH 11, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Teresa Roper, Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. – Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Greg Hudak, James A. Garritani, Randy Buchanan, Jed Berman, David Berman, Howard Washington, Robert K. Dunn, Michael Joachim, Norm Sawyer, Roger Brill, Robert Mann, Julian Echavarria, Tia Counts, Luke Classon, Randy June, Jimmy Dunn, Maria M. Corrales, Charles M. Nelson, Barbara Hampden, Ed Hampden, Raymond Eneas, Lisa Penkecik, Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the February 11, 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 February 11, 2014.

Motion: Ben Dreiling made a motion to approve the Planning Commission minutes from the February 11, 2014 meeting, and Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, and Robert Ryan (6-0).

Chairperson Hooks announced that the site plans would be presented before the other items on the agenda as there are items that may take a while and this would allow those in the audience who were present to hear the site plans could leave if they so choose. He asked anyone that wanted to speak regarding any of the items on the agenda to fill out an “Intent to Speak” card and provide it to the Clerk.

MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – FAIRCLOTH LAKES – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the PUD Master Plan/Preliminary Development Plan for Faircloth Lakes. The owner is Faircloth Family Ltd., c/o Holston Properties & Development LLC, the applicant/engineering firm is IBI Group (Florida), Inc., c/o R. Scott Batterson, P.E., and Luke Classon. The property is located west of S.R. 451 (f.k.a. S.R. 429), north of Lake Marshall Road. The future land use is Residential Low (0-5 du/ac) and the zoning designation is Planned Unit Development (PUD/R-2). The existing use is planted pine and the proposed use is a single family subdivision with 30 Lots. The tract size is 25.4 +/- acres of which 11.5 +/- acres are developable.

The Faircloth Lakes Preliminary Development Plan proposes the development of 30 single family residential lots and a 0.29 acre park. The park will serve this residential community and will be owned and maintained by the homeowners association. Residents and their guests will not be allowed to access Marshall Lake. A 25 foot buffer tract, placed under ownership of the HOA, separates homes from the lake area.

Development is subject to the standards and conditions set forth in PUD Ordinance No. 2344 that was adopted on February 5, 2014. The minimum typical lot width is 70 feet with a minimum lot size of 8,000 square feet as established in the applicable PUD ordinance. The typical lot size appearing in the PDP is 8,050 sq. ft. The proposed minimum living area for the subdivision is 1,350 square feet as set forth in Article II of the Land

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Development Code for R-2 zoning unless otherwise established by City Council. The minimum setbacks applicable to this project are:

Setbacks	Min. Standard
Front	25'
Side*	7.5'
Rear	20'
Rear Wetland	50'
Corner	25'
*Lots adjacent to Poe Reserve have a 10' side yard setback on the northern side to create transition. Side yard setbacks in Poe Reserve are 10'.	

Adjacent Development: Abutting the western boundary of Faircloth Lakes is Lake Marshall. A buffer wall is not proposed along the eastern boundary adjacent to S.R. 451. Applicant has requested a waiver to place a fence in lieu of a wall along the eastern boundary.

Access: Ingress/egress for the development will be via Marshall Lake Road. Access is proposed to the north by a future road connection to the proposed Poe Reserve subdivision (aka Ralph Poe Drive). By linking roads within the Poe Reserve subdivision and Faircloth Lakes, residential homeowners within both future neighborhoods have access Bradshaw Road through Marshall Road or to access US 441 to the north through Lake Doe Blvd. Two access points also benefits response capabilities for the City's emergency response departments. As this elongated property is sandwiched between S.R. 451 and Lake Marshall, the property has limited exposure to existing or future residential areas.

Stormwater: A retention pond has been preliminarily designed to meet the City's Land Development Code requirements.

Recreation: The developer is providing a 0.29 acre (12,654 sq. ft.) active and passive recreation area. Recreation facilities and equipment will be proposed with the FINAL DEVELOPMENT PLAN/PLAT application.

Environmental: A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Fish and Wildlife Commission prior to commencing any site construction activity.

Buffer/Tree Program and Landscaping: Buffers are provided consistent with the Land Development Code.

The following is a summary of the tree replacement program:

Total inches on-site:	327
Total number of specimen trees:	3
Total inches removed:	265
Total inches replaced:	241
Total Inches (Post Development):	303

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The applicant has requested two waivers. The first is regarding the perimeter buffer and wall. The Applicant requests a waiver to be allowed to install a ten foot landscape buffer and six foot high masonry wall along the eastern property line adjacent to S.R. 451. The highway is elevated above the proposed development and currently has a chain-link fence for security purposes. In lieu of a wall, any fence placed within the rear yard of lots adjacent to S.R. 451 shall be uniform in material, height, and color. DRC supports the waiver, and the City Council approved a similar waiver for the Poe Reserve subdivision abutting to the north. Additionally, the Applicant is requesting is to be allowed to install the wall in excess of 8' feet high. A twelve foot terrace wall is proposed adjacent to the retention pond. DRC supports this waiver request.

No development activity or plat recordation can occur until such time that a concurrency mitigation agreement has been approved by OCPS.

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

The Development Review Committee recommends approval of the Faircloth Lakes – Master Site Plan/Preliminary Development Plan and the two waiver requests, subject to the findings of this staff report.

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

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

In response to questions by Chairperson Hooks, Mr. Davoll stated S.R. 451 is elevated above this property so the residents would be looking over the wall. The excess of eight feet high around the retention pond is because of the elevation of this property. The slope across this property is pretty good.

Luke Classon, IBI Group (Florida) Inc., 2300 Maitland Center Parkway, Maitland, stated he represents the developer, Faircloth Lakes, and he was available to answer any questions the Commission or the audience had.

Chairperson Hooks reminded the Commission that this was an item they voted on a month or so ago when they came in and requested a higher density. At that time, the Commission recommended that the owner pursue a PUD and asked that staff to expedite that and it was done. He thanked the developer and staff.

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

Motion: Ben Dreiling made a motion to recommend approval of the waiver requests to allow the installation a ten foot landscape buffer and six foot high masonry wall along the eastern property line adjacent to S.R. 451; to allow a twelve foot terrace wall adjacent to the retention pond; and recommended approval of the Faircloth Lakes Master Plan/Preliminary Development Plan, 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, Melvin Birdsong, Ben Dreiling, James Greene, and Robert Ryan (6-0).

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FINAL DEVELOPMENT PLAN/PLAT – PONKAN RESERVE SOUTH – Mr. Davoll stated this is a request to recommend approval of the Final Development Plan/Plat for Ponkan Reserve South. The owners are Miller Investments and Property Management, Inc. and Pizzuti Land LLC; the applicant is Floriday Properties, LLC; and the engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn. The property is located at 308, 318 & 326 West Ponkan Road. The future land use is Residential Low Suburban (0-3.5 du/ac) and the zoning designation is R-1AA. The existing use is a single family home, a manufactured home and vacant land. The tract size is 15.81 +/- acres with a density of 2.09 units per gross acre.

The Ponkan Reserve Final Development Plan/Plat proposes the development of 33 single family residential lots. The minimum typical lot width is 95 feet with a minimum lot size of 12,500 square feet. The proposed minimum living area for the subdivision is 1,700 square feet as set forth in Chapter 2 of the Land Development Code and approved with the Preliminary Development Plan.

The applicant has proposed waiver requests that were not raised at the Preliminary Development Plan review. Staff does not object to waiving the requirement in the Land Development Code, Section 2.02.01(A) - Minimum Lot Size to reduce the required minimum 12,500 sq. ft. lot size to a minimum lot size of 11,000 sq. ft. for Lot 1; 10,700 sq. ft. for Lot 2; and 12,200 sq. ft. for Lot 3. The justification for allowing this waiver due to additional right-of-way is needed for future widening of Ponkan Road. Staff does not object to waiving the requirement in the Land Development Code, Section 2.02.01(A)3.2.1 - Building Setbacks for Lots 1 – 3 and 33 by allowing a reduced front yard setback of 20 feet and a rear yard setback of 15 feet, subject to the condition that one of the following design options are incorporated with lot construction: a three car garage, garage recessed at least six feet behind the front of the house, side entry or carriage entry garage. The justification for allowing this waive is that a variance would be necessary to accommodate additional right-of-way for Ponkan Road.

Ingress/egress for the development will be via Ponkan Road with a future connection to the parcel located to the east of the site. Tract “A” is a retention pond that has been designed to meet the City’s Land Development Code requirements. The developer is providing 18,792 square feet, in two tracts, of active and passive recreation with a tot lot, picnic tables, park benches and a bicycle rack for the subdivision. The Land Development Code requires a minimum recreation space of 18,750 square feet. A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity.

Buffer/Tree Program and Landscaping: Buffers are provided consistent with the Land Development Code or as addressed within the Waiver Request.

The following is a summary of the tree replacement program:

Total inches on-site:	3377
Total number of specimen trees:	9
Total inches removed:	1679
Total inches replaced:	564
Total Inches (Post Development)	2267

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No development activity can occur until such time that a concurrency mitigation agreement has been approved by OCPS. The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

The Development Review Committee recommends approval of the Ponkan Reserve South - Final Development Plan/Plat, subject to approval of the waiver requests and the findings of this staff report.

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

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.

Randy June, June Engineering Consultants, Inc., 14 South Main Street, Winter Garden, stated he was available to answer any questions the Commission or the audience had.

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 Ponkan Reserve South waiver requests to allow a reduction in the minimum lot size from 12,500 sq. ft. to a minimum lot size of 11,000 sq. ft. for Lot 1; 10,700 sq. ft. for Lot 2; and 12,200 sq. ft. for Lot 3 due to additional right-of-way will be needed for future widening of Ponkan Road; to allow building setbacks for Lots 1, 2, 3 and 33, to have a reduced front yard setback of 20 feet and a rear yard setback of 15 feet, subject to the condition that one of the following design options are incorporated with lot construction: a three car garage, garage recessed at least six feet behind the front of the house, side entry or carriage entry garage; and recommended approval of the Ponkan Reserve South Final Development Plan/Plat, subject to the information and findings in the staff report; and Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, and Robert Ryan (6-0).

COMPREHENSIVE PLAN - SMALL SCALE – FUTURE LAND USE AMENDMENT – NORMAN SAWYER – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Small Scale Future Land Use change from “County” Low Medium Density Residential (0-10 du/ac) to “City” Commercial for the property owned by Norman Sawyer. The property is located west of Rock Springs Road on the north side of Nancy Lee Lane (117 W. Nancy Lee Lane). The existing Zoning is “County” A-1 and the proposed zoning is “City” C-1. The existing maximum allowable development is 8 residential units and the proposed maximum allowable development is 9,038 sq. ft. The proposed development is commercial or office uses with associated accessory uses. The tract size 0.83 +/- acre. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcel was annexed into the City of Apopka on December 4, 2013, through the adoption of Ordinance No. 2338. The proposed Small-Scale Future Land Use Amendment is being requested by the

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applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a C-1 zoning category to the Property is being processed in conjunction with this future land use amendment request for a Commercial designation. The zoning application covers approximately 0.83 acre. The property owner intends to use the property for commercial purposes. Adjacent to the 0.83 acre site is a 6.6 acre parcel also owned by the applicant and which is currently assigned a zoning category of C-1 commercial. Outdoor storage is not allowed within C-1 uses. Outdoor storage of recreation vehicles and boats currently occurs at the larger adjacent parcel. However, this is a legal non-conforming activity. Outdoor storage is not allowed on the 0.83 acre parcel.

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

The proposed Commercial land use designation is compatible with surrounding area. Land abutting to the west and north are presently assigned a Commercial future land use designation. Primary access to the subject parcel occurs from the parcel to the north.

Because this Future Land Use Amendment assigns a “City” non-residential designation to the subject property, notification of Orange County Public Schools 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 February 7, 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 Medium Density Residential (0-10 du/ac) to “City” Commercial for the property owned by Norman Sawyers located at 117 W. Nancy Lee Lane.

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.

Maria M. Corrales, 126 West Nancy Lee Lane, Apopka, stated that she and her neighbors signed a petition in opposition to the change in future land use and zoning due to Nancy Lee Lane is a one-way street and the impacts to the residential neighborhood associated with: safety hazards for children playing in the street; traffic impacts; noise, air, and water pollution; the gravel pavement being damaged and potholes created due to the weight of trucks and materials coming in and out of the property; an increase in their property taxes; lower property values; commercial lighting from the site; and it would alter the character of the neighborhood. She presented the petition to Chairperson Hooks.

Chairperson Hooks read the petition into the record as follows: To the City of Apopka City Council [this is the Planning & Zoning Commission] we, the residents of Nancy Lee Lane in Apopka, Florida would like to request that the application made by Norman Sawyer for a change in the future land use designation for approximately

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be granted. We would like our voices to be heard by the City of Apopka City Council and Apopka Planning Commission to please consider denying the request for a change in zoning from "County" A-1 to "City" C-1. The application relates to the following described property located west of Rock Springs Road, on the north side of Nancy Lee Lane: Beg 804 ft. North & 750 ft. west of southeast corner of section, run north 238.47 ft., west 150 ft., south 241.01 ft., east 150 ft. to point of beginning in sec 33-20-28. The future land use and zoning request to change the above property on Nancy Lee Lane from residential to commercial, would negatively impact us in the following ways: increase traffic flow with trucks entering and leaving street; gravel pavement damaged due to weight of trucks/materials hauled; potholes would be created and require filling by City; noise level would increase; safety hazard for our children to play in street; increase property taxes; alter the character of the neighborhood; diminish property values; increase air pollution levels; water pollution; commercial bright lights at night; and Nancy Lee Lane is a dead end street with no thru traffic. Please accept our concerns regarding this matter. We ask that you review how this change will impact our neighborhood. Thank you for your time. Sincerely, The neighbors of Nancy Lee Lane, Apopka, FL 32712."

Chairperson Hooks stated that there were eleven signatures on the petition and it would be placed into the record.

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

In response to questions by Chairperson Hooks, Mr. Moon stated that under straight zoning the City is not permitted to establish conditions as part of the zoning approval; however, at the time of development application our intent is to direct traffic internal to the property and to Rock Springs Road through the existing Commercial zoned site. The intent is that at the time of development additional traffic on Nancy Lee Lane would be avoided.

In response to questions by Ms. Walter, Mr. Davoll stated that the applicant has indicated that he just wants to bring this portion into the other part of the site and does not want access to Nancy Lee Lane. He said there is a road, where Brusters used to be, next to the larger portion of the property.

Mr. Moon stated that what is being looked at using the driveway on Nancy Lee Lane for emergency purposes only and the roadway on the north side of the large parcel for the primary access to reach the properties.

Motion: Mallory Walters made a motion to recommend approval of the Future Land Use amendment from "County" Low Medium Density Residential (0-10 du/ac) to "City" Commercial for the property owned by Norman Sawyer located at 117 West Nancy Lee Lane, 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, and Robert Ryan; and Melvin Birdsong voted nay (5-1).

CHANGE IN ZONING – NORMAN SAWYER – Mr. Moon stated this is a request to recommend approval of the Change of Zoning "County" A-1 to "City" C-1 for the property owned by Norman Sawyer. The property is located west of Rock Springs Road on the north side of Nancy Lee Lane (117 W. Nancy Lee Lane). The existing maximum allowable development is 8 residential units and the proposed maximum allowable development is 9,038 sq. ft. The proposed development is commercial or office uses with associated accessory uses. The tract size 0.83 +/- acre.

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The subject parcel was annexed into the City of Apopka on December 4, 2013, through the adoption of Ordinance No. 2338. The proposed change of zoning is being requested by the applicant. In conjunction with state requirements, staff has analyzed the proposed zoning amendment request and determined that adequate public facilities exist to support this land use change as depicted in the Zoning Report. The proposed C-1 zoning designation is consistent with the proposed Commercial future land use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this change of zoning represents a change to a non-residential designation, notification of Orange County Public Schools 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 February 7, 2014.

Land Use & Traffic Compatibility: The proposed zoning category of C-1 is consistent and compatible with the character of the surrounding area. Properties adjacent to the subject site are assigned a Future Land Use Designation of Commercial or Residential Low (0-5 du/ac). Located along West Nancy Lee Lane, the subject property is approximately 600 feet west of Rock Springs Road, a designated Major Arterial road. West Nancy Lee Lane is a dead-end local street with access only from the east. Along the north side of Nancy Lee Lane property with internal access to Rock Springs Road has been allowed commercial zoning. At the time of development, the subject property will be required to have internal access. The parcel will also be required to consolidate with the larger abutting commercial parcel to form one unified parcel.

The property owner requests to assign a zoning category consistent with the proposed Future Land Use Designation. The proposed City C-1 zoning is consistent with the City's Commercial Future Land Use category. Development Plans shall not exceed the intensity allowed for the adopted Future Land Use Designation.

The minimum site area for C-1 zoning is 10,000 sq. ft. The minimum lot width is 100 ft. The setbacks are as follows: Front - 50 ft.; Rear - 10 ft.; and Side - 10 ft.

Bufferyard Requirements: Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard; Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a thirty-foot landscaped bufferyard; and areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard.

Allowable Uses: Any nonresidential permitted use in the PO/I or CN districts; Retail establishments; Banks, savings and loan and other financial institutions; Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building; Churches and schools; Day nurseries, kindergartens and other child care centers; Drive-in restaurants, with property lines no closer than 200 feet from any residential districts or uses; Florist shops, the products of which are displayed and sold wholly within an enclosed building; Hotels, motels, bed and breakfast facilities; Personal service establishments such as barbershops, beauty parlors, professional and other offices, parking garages and lots, laundry and dry cleaning pickup station, self-service coin-operated laundry and dry cleaning establishments, shoe shine and repair, tailoring, travel services, watch and clock repair and locksmiths, etc.; Post offices; Restaurants; Theaters, enclosed in structures; Clubs and lodges; Funeral parlors, when the sole use of the facility shall be for funeral rites; Animal clinics for the treatment of small animals, excluding farm animals, but including those animals no larger than a dog, commonly kept as pets in a residence, provided the care, treatment and use of such animals shall not be allowed on the outside; and Other uses which are similar and compatible

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to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based upon the community development director's recommendation. Outdoor storage as an accessory use to the business requires a special exception approval by the City.

The Development Review Committee recommends approval of the change in zoning from "County" A-1 to "City" C-1 for the property owned by Norman Sawyer, located at 117 W. Nancy Lee Lane.

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: **Mallow Walters made a motion to recommend approval of the Change in Zoning from "County" A-1 to "City" C-1 for the property owned by Norman Sawyer located at 117 West Nancy Lee Lane, 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, Melvin Birdsong, Ben Dreiling, James Greene, and Robert Ryan (6-0).**

COMPREHENSIVE PLAN - SMALL SCALE – FUTURE LAND USE AMENDMENT AND CHANGE OF ZONING & MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – ROBERT K. DUNN, ET. AL.

Hooks: Next item for public hearing is a comprehensive plan small scale future land use amendment for Robert K. Dunn.

Moon: Good it works. Okay. David Moon, Planning Manager for the City of Apopka. The second case before you, or cases, are also a request for a small scale land use amendment and for a rezoning the same property. My presentation in both cases will occur together so that... we lost it there for a second...and then your motions will occur separately. One for this... the small scale and one for the zoning. The zoning request for PUD, there's a master site plan that is attached to the PUD application and thus when you make a motion you will also make the motion on the site plan. Therefore when you review the zoning application if the Commission feels there are needs to make modifications to the development conditions, you need to do that in association with the master site plan so their incorporated at the City Council level. They approve them as part of the PUD ordinance. The proposed use for the property, what they hope to construct is an assisted living facility. Presently the property is assigned a Residential Low designation which allows for zero to five dwelling units per acre. The applicant, Mr. Robert K. Dunn, is requesting Residential Medium which allows up to ten dwelling units per acre. The property is located north of Old Dixie Highway, most of you are familiar with its location, and directly behind the Lowes Home Improvement Center. The area to the north and south... north and west as well as east is part of the Errol Estates Planned Unit Development residential community. The applicant's request is for up to 140 bed assisted living facility on approximately 6.98, 6.99 acres. The Planning Commission doesn't review applications for assisted living facilities frequently so to quickly educate and inform the Planning Commission on this type of use I have prepared some general information before I move into the specific site issues, the

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applicant's request, the Development Review Committee's recommendation, and then the alternative motions that the Planning Commission may want to take. Under state statutes an assisted living facility means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. One of the key words under this definition is "personal services." Under state statutes for assisted living facilities personal services means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services which the department may define by rule. The department refers to the State Health Departments. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services. So what an assisted living facility and its associated care type facilities fall would fall under the definition of community residential home. What they are not is a nursing home. Under Florida law that falls under a different type of licensure. It falls under a different type of land use. Under community residential home it breaks it down to three categories. Then I will just go through this quickly. That the community residential home is primarily designed for residence of persons who assistance but don't necessarily have that supervision living at the site. It may but it is not required. So it could involve up to five individuals living in that home. It could be a single family home. It could be a specially designed building to accommodate these residents. Under state laws define community residential homes as six or fewer residents. That's one category and that category those residents... that type of use can be located within a single family unit in a non-commercial residential use for the purpose of local laws and ordinances. Again under state law it says homes of six or fewer residents which otherwise meet the definition of a community residential home shall be in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. I bring this to your attention because an assisted living facility with six or fewer residents can locate within any single family residential neighborhood. From time to time, the Community Development Department receives such applications and by state law we cannot deny it so long as there is not another community residential home that has six or fewer residents [within 1,000 feet.]. This application has residential neighborhoods next to it. Any one of those neighborhoods could have an assisted living facility located within their neighborhoods. Under the statutes it also addresses the community residential home for seven to fourteen residents. I won't get into the details of that as it applies to property that is [zoned] multi-family. It also somewhat limited in the control the government has to deny seven to fourteen residential care facility within residential areas. Under Florida Statutes 429, which addresses assisted living facilities, it states that facilities with a licensed capacity of less than 15 persons shall comply with the provisions of chapter 419. So under the assisted living facility statute, it refers to community residential homes. They are an extension of assisted living facilities. The subject property is located to the west of [Richard] L. Mark Drive. It's located north of the Lowes here. It's located on 6.99 acres. The character of the area to the south of the property is primarily commercial as you will see in the next slide. Residential to the north. On this lot, I wanted to point out to you this strip of property is a ten foot buffer track that's owned by the property owners association for Errol Estate. That's Parkside at Errol, Phase 3 development to the north and to the east. To the north is a retention pond that separates this property from most of the homes to the north. To the west is a 100 foot

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right of way. On the other side of the right of way is property owned by the City that is open space. It holds mature oak trees and it has no other use than open space. Within this right of way it's heavily landscaped, now with mature oak trees and with crepe myrtles. So on both sides of the road there is landscaping and there is a median in the middle that also has trees and landscaping located within it. This is an aerial of the site and the zoning. Zoning to the north is the Errol Estate PUD. You see the Lowes commercial zoning and land use to the south. The land use designation to the north is also residential. This aerial shows you the extent of the landscaping within the right of way here and the existing mature trees along the eastern property line. It shows you the retention pond and there doesn't appear to be much water in it now. In terms of the character of this site from the ground level, the next slides will show you all four sides of the property; however when everybody look at these this time of the year the oak trees are losing their leaves. The screening along the perimeter is actually heavier during most times of the year. This is the western view over towards the Villa Capri development. This is the northwest corner. This is the northern view and Parkside at Errol. The northeast corner. The east side of Parkside at Errol. Most of the homes.... All the homes have a six foot vinyl fence located in the rear yard within that ten foot wide buffer tract that is maintained by the homeowners association. The view from the south, what the homeowners now see on the back of the Lowes is a brick wall. Again that screening is a little bit heavier during most of the year because the trees are heavier here. You can see this tree is flowering. From across the street at the Lowes property this is the view of the residential neighborhoods. A second picture of the view of the other neighborhoods. Assisted living facilities frequently are... are what we call a transitional land use. They are typically located between commercial and residential areas and I have a few examples for you. Also I will mention that our staff did an extensive study of assisted living facilities when this application was submitted several months ago. We actually evaluated about twenty to twenty-five different assisted living facilities throughout Central Florida and completed a study. I won't go through the study in detail but you can see each of the facilities we looked their acres, number of units, character, some are urban so they really didn't apply. Some of suburban we also took a look at those. I just want to let you know that we looked at this seriously when this application came forward because it's somewhat unique to the community in that we haven't seen a similar application in a number of years; although there are a few assisted living facilities currently within the City. This is the Emeritus at Ocoee. It is a 105 bed facility. It has upscale homes to the west. It has commercial to the north and the northeast and it serves as that transition between the commercial areas and the residential areas. You see in the picture this is a two-story building with a nice architectural design. With the 105 beds and the acreage it averages about 19 beds per acre. This next case is located here in Apopka. We are on the east side of the City, north of Semoran Boulevard. It is Emeritus at Wekiva Springs. It has commercial, C-1 and C-2, to the south. Residential neighborhoods to the north. Again it serves as a transitional use between commercial and residential uses. In this case it provides 97 beds on approximately 5.4 acres or an average of 17.5 beds per acre. The applicant has requested a medium density land use designation which would accommodate up to ten units per acre. That would equate to a total of 68 units or 170 assisted living facility beds. How did we come up with assisted living facilities. Well, under a PUD there is flexibility to establish standards unique to a property as long as it demonstrates compatibility with surrounding neighborhoods but the City already has a formula set up in its zoning code for assisted living facilities. That density calculation for assisted living facilities is based on the average number of persons for an Apopka household multiplied by the number of units allowed per acre. And that calculation then

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accomplishes or achieves a number of beds that is allowed for that land use category. So in the case of the existing Low Residential designation, a maximum of 85 beds would be allowed under a special exception. The applicant agrees to apply PUD zoning to accommodate some unique designs to the property as well as additional buffering for a better quality product. As you have reviewed within your package, the staff recommendation is for Low-Medium Residential which allows a maximum of 7.5 dwelling units per acre which would achieve a maximum of 51 dwelling units and a total of 127 ALF beds. Now under the special exception language in the Land Development Code it states that a community residential home, adult community residential homes, adult congregate living facilities, foster homes, emergency shelters or homes (emergency shelter or home might include a drug detox or rehabilitation type center), group home facilities, and nursing homes shall be a special exception in the following zoning categories. I won't read those but it includes R-3 zoning and all of our other residential zoning categories as well as all of our commercial and industrial categories as well. They are required a special exception condition and certain design standards have to be met as well as development conditions within the Land Development Code section that addresses special exceptions for those type of facilities. As part of a PUD application, Planned Unit Development, a master site plan is typically required. The applicant has submitted this master site plan and also provide enough information to qualify for preliminary development plan. So this plan will serve as both a master site plan and the preliminary development plan if approved by the City Council. As you see on this plan, it proposed 140 bed facility with parking in the front to separate it from most of the residential areas. The building is 100 feet from the property line. To the north the stormwater pond varies from an additional 200 feet to up to the property line for those residential homes. One the eastern property line there is the ten foot buffer and HOA fence that already runs along the property behind the homes. The applicant is his plan has a 30 foot wide landscape buffer along the east and the north property lines and a 15 foot landscape buffer on the western boundary. The reason for the 15 feet instead of 30 feet is there is already a 100 foot right of way here with landscape strip along their western property line as well as on the other side of the road. The review of the parking facilities show they are sufficient to accommodate their needs. Most of the occupants that will be residents at the proposed facility to not drive because they are typically aged or disabled. The building is oriented towards the roadway. As we get into the staff recommendations I will explain the reasoning behind those development conditions that we propose and explain in further detail why we believe the low medium is appropriate in that the medium designation is too intensive for that property. Within the master site plan is a cross section of the two-story building and the residential homes to the north and east. The purpose of that cross section is to give a detail of the mass of the building and the distance to the adjacent residential areas. Along the northeast and west property lines, there will be a six foot high masonry wall, back to the plan, around the entire perimeter. Along the roadway there will be a four foot high rail type fence. That diagram is shown here. The applicant has provided an architectural rendering that you can see here. Within the recommended development conditions provided by staff the applicant would be obligated to stick with this design unless otherwise approved by City Council. So this starts the minimum quality of the building design and character. What staff asked for the applicant was willing to provide in terms of a structure that had a residential character to it. You will see that it has a pitched roof. The articulation of the building is more consistent with a residential building than with a commercial type building. The medium density land use designation proposed by the applicant would allow for 10 units per acre. That number of density and number of units that would be achieved from that category if

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developed residential would be too intensive and not in character with the surrounding area. Ten units per acre would likely require a three-story buildings which would overlook into the back yards of the homes. Thus the density was recommended to remain at 7.5 with the development condition within the PUD ordinance that the building be limited to no more than two stories. The staff's recommendation based on a use of an assisted living facility as transition from residential areas to the commercial areas to the south, the Lowes the more intensive commercial that's along Orange Blossom Trail, to a maximum of 125 ALF beds or 51 residential units. There is a minimum 100 foot setback from the north and the east property lines and that applies to multifamily residential or assisted living facilities. A minimum 50 foot setback from the western property line along David [Richard] L. Marks Drive. Again, there is a 100 foot right of way with substantial landscaping within that roadway. Other conditions to ensure compatibility with the abutting residential areas, from a zoning perspective, are no outdoor storage including donation bins. No outdoor activities after 9: 00 p.m. or before 7: 00 a.m. No recreation activities or paths within twenty (20) feet of the property line. Regular visitor hours shall be limited to no earlier than 7: 00 a.m. and no later than 11: 00 p.m. except for emergency situations. There are times when family members may need to come at hours late in the evening or early in the morning. If a standard is not addressed within the PUD ordinance then the R-3 zoning will apply. For example, if the property develops as residential the minimum house size for an apartment or condo or townhome will follow what is established under the R-3 zoning category. However, no duplexes would be allowed because the surrounding character to the north and south is single family and duplexes would be allowed as close as 20 feet from the property line. So the recommendation was not to allow for duplexes within the residential development. In addition, there is language that is added that's already in the Land Development Code related to assisted living facilities. So this isn't anything that emerged out of this project. It would have been required under a special exception application. No facility shall be occupied by any person who has been convicted of, entered a plea of guilty by reason of insanity of a forcible felony under Florida Statutes. So basically it limits the extent of... or it addresses the mental health condition of the patients that could be residents that could be residents at that facility. That assures that any potential threat to the residential area. Regarding development standards, the building would be limited to a maximum of two stories. There would be a 30 foot landscaping buffer along the north and east property lines. Fifty feet along the western property line. No outdoor illumination shall spill over into adjacent property. No driveway access to Richard L. Mark Drive. The monument sign is limited to no more than 24 square feet and, it's not here but it's in the language prepared for your report, they could not have an electric reader board. Employee parking is intended to be located to the southwest of the lot to direct it away from the homes to the east. There will typically be more employee parking during the week than visitors. Unfortunately, based on the research that is done, many of the residents at an ALF have family members visiting as frequently as we may think. Overall recommendation, the applicant requested medium density residential based on the development densities that could be achieved at ten units per acre. It was found to be incompatible with the adjacent residential areas to the northeast and west. So staff, and DRC rather, is recommended denial of the medium density residential small scale future land use designation. We... However, find that low medium density serves as a transition between low density to the north and commercial to the south. Our land use densities run from low density, medium, high. So the low medium falls between the low and the medium; and thus it falls in that hierarchy. Instead of going from low to medium, we're going to low medium to commercial so it's not as drastic of a density change adjacent to the

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residential areas. So the DRC recommendation is for low medium density of future land use, a zoning of PUD with development standards consist with the R-3 except as otherwise established in the PUD ordinance ;and that the Master Site Plan are found consistent with the comprehensive plan and land development code; and they support economic development with additional jobs that would be created and provide a benefit to the City of Apopka. So staff recommends to deny the initial application but believes there's an alternative that would provide for a better transition from the residential areas to the commercial to the south. The buildings and assisted facility living facility would screen the view of Lowes... the back of Lowes from those residential areas. That completes my recom.... My presentation. If you have any questions I'm here to address them.

Hooks: All right, does the Commission have questions of staff? David? Jay? I've got one, David wait a minute, I've got one concerning the change of zoning and the preliminary development plan. It's says in our packet that any permitted... any use permitted in R-3 zoning district, multifamily dwelling including but not limited to single family, triplex, quadraplex, townhouses, condominiums, apartment complexes. So if we go along with the staff's recommendation to use a medium low density and approve the PUD, are we excluding those from somebody else coming in if they decide they don't like that and then sell the property, those are excluding and we have to come back and revisit this whole thing? Or if we approve it, anybody can come in and develop any of those things?

Moon: Unless it is otherwise stated as a condition within the planned unit development,

Hooks: Right.

Moon: Then the R-3 zoning standards and development standards would apply to development of this property. The DRC recommendation was no duplexes. Quadraplexes would be allowed. A multifamily apartment would be allowed. Multifamily condominium would be allowed.

Hooks: But if we approve... can we approve a PUD with only this facility that we have described as in the preliminary development plan except two stories rather than three stories and the limited beds that you described.

Moon: As just an assisted living facility?

Hooks: Yes.

Moon: Yes, you could make that recommendation. What it would mean though, and the applicant afterward may have some concerns that could affect the timing of the future development of the property. They are going to be allowed to development it for something, but if they wanted to develop it for residential they would then have to...

Hooks: Come back...

Moon: make an amendment to the PUD for another zoning category.

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Hooks: Okay. Got it.

Walter: So we approve the PUD.

Hooks: All right. Thank you. No questions? All right I understand there's a gentleman in the audience that wants to address this issue to use. The representative of the applicant. If you'll give us your name and address please, sir, and...

Berman: Yes, Chairman. My name is Jed Berman. My address is 350 Georgetown Drive, in Casselberry and I represent Mr. Dunn who is the owner of the property. First of all I want to certainly express my appreciation to the staff in this room for doing an extensive analysis of the proposed use of this particular property. I think it's important to note that, as he mentioned, it is very important both for the surrounding residents and for the City to understand that this property, which is now undeveloped and is vacant, is going to be developed at some point and that the best transition between the existing residential areas and the commercial residen... the commercial properties to the south, mainly Lowes, would appear to be an assisted living facility such as this one. The initial application, as Mr. Moon mentioned, had requested a residential medium development which would have been something like 170 beds in this particular facility. As recommended by staff, the low medium density is certainly acceptable. We agree that that would be suitable for this particular assisted living facility. As far as the developers concern, the owner of the property, everything that the staff has recommended and including the comments that the chairman just made are acceptable as far as the owner is concerned. I brought with me today some people who could answer any technical questions that anybody on the Commission may have. In particular, the gentleman I would like to have come forward is Michael Joachin, he is a land planner and he has done a lot of the work on this particular project. Mr. Joachin?

Joachin: Sure.

Hooks: And again, if you will provide us your name and address as well.

Joachin: Sure. I am Michael Joachin and I am a city planner consultant. My address is 5810 Scott Lake Hill Lane, Lakeland, Florida, and I've been in planning since 1968 and have a number of years of experience in things here. Just an overview, as a planner I always try to work with the communities as well as the developer so that everybody wins during the application process. So what I just handed out is a quick summary I did of the overview and that's what I am going to touch on. The planning staff did an extensive job. We agreed to staff's conditions and of course the request before you is the small scale plan amendment, planned unit development, which would bind the property and the applicant's use of the property to an assisted living facility. We've done a market study that shows this is a feasible location for an assisted living facility. The taxable... The property will be taxable and we are estimating the value at 8.5 million dollars and will employ up to 60 people. The applicant has met with the surrounding neighborhood and has heard their concerns and in response we have modified the application and the design. For example, the two stories, the additional buffer, was all part of the results of that meeting in trying to be responsive to the concerns of the neighborhood. The property is located on a collector road. Assisted living facilities typically don't generate as much traffic as residential so there should be less of an impact on that road. The City controls and does control property to the

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west.. northwest of the property and there's buffers already existing with building buffers in addition to that. Again the traffic impact are minor. This will be a PUD and it will be bound by that planned unit development and the project is compatible with all the comprehensive plan and zoning. Especially with our agreement to the low medium density residential and I stand resident prepared to answer any of your questions. We respectfully request approval, recommended approval for both items.

Hooks: All right. Thank you. Does the Commission have any questions of the applicant? All right, thank you very much. All right, we'll open it up for public hearing. Is anybody in the audience, I do not have any notice of intent to speak. Did you fill out a form? Would you give it to her... actually hand it to me and we'll get you going.

Green: If you'll give it to him.

Hooks: Thank you. If you'll give us your name and address as well, please, sir.

Brill: Roger Brill, 592 Errol Parkway. So this will be in my back yard. There were more of us here. I noted the comment the gentleman just said that the developer was responsive to neighbors' concerns. I was fortunate enough to get a certified letter notifying me of this meeting but I checked both neighbors on both sides of me and neither of them got a notification that this meeting was going to take place. So that's how concerned they are with the neighbors. I have a question. Is this going to be an assisted living facility it's going to run like \$3,500 a month to go there or is this going to turn into a government subsidized assisted living facility and is that the kind of people we want in our community... right behind what is supposedly one of the premier residential communities in the Apopka area? They did studies. Were the other assisted living facilities built after communities were there or were they built before the communities were there and the communities just were developed around them. So, not all my neighbors have fences in their backyards so I just don't... I mean we went through this issue a couple of years ago. I remember going to a meeting where somebody else wanted to do some kind of development and, thankfully, the Board, back then, to not approve it and I, you know, hopefully they have the same judgment. I don't know... We don't know what type of facility they are going to build. You know. It may look like nice on the outside but what are the requirements for being admitted to the facility?

Hooks: Thank you. All right. You all should have done this before the meeting. Sir, if you will bring yours up and come sit up front. All right, give us your name and address, please sir. Thank you.

Echavarria: My name is Julian Echavarria at 601 Via Milano, Apopka, 32712. I live Villa Capri for the last four or five years. My backyard we can see this property right from our porch and I... we were also got the letter... certified letter but our neighbors... I believe so far I am the only one who has one in Villa Capri. Honestly, I am not prepared to... I was just here to gather some information. I am myself an architect and I always pro nice developed projects, but I... I'm just a little concerned this will definitely have an increase on response, emergency response vehicles. Which make noise. Our bedroom is literally thirty feet away from this street that divides my home from this one lot and also will definitely increase traffic but I just wanted to bring my name up and ask this couple of questions and as a general... this is all new to me so I apologize for my ignorance

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but this is just at the stage where they are proposing this site. Correct?

Hooks: That is what they are asking for tonight, yes.

Echavarria: Well, thanks very much.

Hooks: All right, thank you. Mr. Mann, is it?

Mann: My name is Robert Mann. I live at 1543 Lawson Palm Court, in Parkside. My property actually has the most connection to this property on the actual diagram. I was on the upper northeast corner of the property and a significant portion of my property actually abuts up against this. I too did not get a letter. My neighbor told me about this yesterday because him and I were both at this community event that was... that they mentioned. There was not a single resident of Parkside or one of the adjacent Errol properties that actually wanted this. So as far as them saying making accommodations I don't think there was an accommodation that they could make that would make anybody happy. I appreciate the idea of having a transition. I get that. But from, and I can only speak to the comments from the people who were at the community event, was that we understand that this land should be developed. There is... I get that and... but I don't think that anybody who bought in Errol along that property in particular, would look for a transition space to be an assisted living facility. If anything it should be what it's zoned for which is single family homes and that would be an appropriate transition. I also appreciate the idea that hey I have Lowes that I might be facing but I think I would rather see a Lowes wall several hundred feet away than a parking lot with lights and a two story facility out by my kids' bedroom window. And as far as the number of employees that were going to be employed. I don't remember the number of 60 being bandied about at the committee... community meeting. I think it was a lot less as far as staffing and it would probably be even lot less than what they had... originally recommended which was for a 170 bed, if they go lower, the number of people on staff at any given time is much... is probably around four to five people if that. Especially in the evenings so I'm not sure where they get the number of employees. It is not going to be a big boost from a job perspective from the Apopka. Anyway, again, I am not as well prepared as I would like to be, but I just wanted to let you guys understand that there was a significant amount of people that were at this community meeting, that I am surprised are not here today, it was also my understanding that a zoning recommendation or request had come up in years past that had been denied and that was brought up in that community meeting as well. I would expect that after word gets out that this actually happened.. well I guess at the City Council meeting...

Hooks: Right.

Mann: I'm not sure exactly what the procedure is. You will probably have more people at that meeting. But there was quite a few vocal people who were against this and I felt like I needed to bring that up.

Hooks: All right. Thank you.

Mann: Thank you.

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Hooks: If you are from Errol, would you just raise your hand for a second. So I can see who I am talking to. All right, we are at a crossroads. Actually, that piece of property is already zoned R-3 and it's pretty heavy density that is allowed on that piece of property including what I was asking a minute ago. Is you could have multifamily dwellings including single family, triplex, quadraplex, townhomes, condominiums, and apartment complexes. All of those are already approved for that and if they were to present that and come to us and say we want to approve this, they already meet our criteria. We would be hard pressed to say no to that and so what they have agreed to, based on staff's recommendation, is to lower the density that they initially requested. Cut it by about one-third and bring it down to something that is two story and accommodates a little more of a transition from where you all are to the commercial across the street because you potentially could see condominiums, townhomes, or apartment complexes there and we would be, as a commission and the City Council as well, hard pressed to say no to that. So I'm hoping this is... would meet your satisfaction that this is better than the alternative that is already in place because with a PUD we can restrict it to just this and what we've described, what City... what staff has made a recommendation to cut it down considerably from what they initially requested and they have agreed to do that. Does that help you or hurt you? Or you don't care?

Mann: I appreciate that and I guess it is just my misunderstanding of what its already zoned for because if its saying its low density, single use family, then you're saying that that's actually not the case or...

Hooks: That's the case but they already have a county zoning of R-3 which would permit them to build all those items that I mentioned.

Mann: Got you.

Hooks: And if they come in... They are already in the City so they would ask for a change of zoning from simply county to compatible city zoning which would allow all those things that I just suggested.

Mann: Got you.

Hooks: And that would be tough for the City to say no to once they meet that criteria.

Mann: I have a brother-in-law who lives in Maitland who has a single-family dwelling and townhomes went up in his backyard in the last couple of years and they actually just got built and they haven't moved in yet but ten feet away is a two-story and bedrooms overlooking his pool.

Hooks: Right.

Mann: I have talked with my neighbor. I've talked with other people when this came up several months ago and obviously the alternative could be much worse so I do appreciate that.

Hooks: Okay.

21: And so if you guys think this is better if they could come in later and build townhomes in my

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backyard I wouldn't want that either obviously and this would be a lesser of two evils but anyway I think you would need to educate the neighbors and especially the people at that were at that community meeting because they were under the understanding or the impression that the way its zoned or the way that it could be used right now would be like Errol which would be single units or single family homes.

Hooks: They could do that but they could also do the other with the current zoning in the county.

Mann: Without any approval or without any...

Hooks: No, they would have to get approval for it....

Dreiling: Its already zoned for multifamily.

Hooks: Right. Under a county zoning. They would have to come in and request a compatible zoning and since they annexed into the City and become a part of this City we would be hard pressed to tell them that they can do less with the property that they could do in the county.

Mann: Got you.

Hooks: So yes. And I would like to address one other thing that you mentioned, was the emergency vehicles.

Mann: That was....

Walter: Yes.

Hooks: Our Fire Department is pretty good about shutting down sirens when they approach a residential area unless they've got to get cars out of the way. Their pretty cognizant of not trying to wake up the neighborhood when they come into a residential area. So I am not sure that's a valid concern. But I'm glad you raised it so I can address it for you.

Walter: He's coming too.

Hooks: Yes, do you have another question? Sure.

Echavarria: I would just like to ask the developer if the site plan as presented would be available. You see that would be a great tool for us to show the neighbors.

Hooks: Sure.

Echavarria: Because it does look nice and it has a good buffering around the area. So it will be a great tool to show people instead of you telling them. Because if you mention 170 beds its different than seeing the actual plans.

22 s: Okay.

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Echavarria: So I will ask if they can make it available to...

Hooks: Once they submit it, it is a public record and is available to anybody who wants it so, yes, we'll make sure that gets made available to you and it's not 170 beds that we are considering right now. It's been reduced to what, 125?

Moon: One Hundred twenty-five.

Hooks: So its significantly less than what they originally proposed.

Echavarria: Thanks very much.

Hooks: Anybody else? David.

Moon: I would like to address a few of the comments... responses that were presented to the Planning Commission. There are a few comments about a previous development that was approved on this property. The City Council never approved a development on this property. An application for a high density land use designation and a PUD zoning which would allow up for up to 15 units per acre were submitted to the City and presented to the Planning Commission. The proposed project was a multifamily apartment complex. After the Planning Commission hearing, the applicant withdrew and never reappeared before the City Council on that case. So the application died. Regarding use of the property, based on the DRC recommendations, the facility would be treated similar to a senior residential community. In the language used in statutes related to a senior living facility were incorporated into our recommendations. Though it states that a least 80% of the beds shall be occupied by those age 55 or over, that similar to a senior residential community. So that eliminates the concern that it could become a use other than ALF that is serving the elderly. In addition, the recommendation prohibits or eliminates as a permissible use, nursing home, group home facility, foster home, drug or alcohol detox center, or rehabilitation center, or similar emergency shelters. The one activity allowed under state statutes for ALF is the Alzheimer's and dementia type cases, but the facilities are required to obtain special licensure and they are usually limited to a number of beds for those type of uses. But those types of residents would be allowed under the ALF. The last comment is that the development at the property line, single family home development would be allowed as close as 20 feet from the perimeter of this project. So any adjacent single family home near the property line, 20 feet from that could have two-story single family home and at these densities the side yard setback could be anywhere from five to seven and one-half feet so the homes are fairly close together as they are in the Villa Capri to the west of [Richard L.] Mark L. Drive which are 51 foot wide lots typical in about 500 to 5,000 square foot typical lots. So.

Hooks: There's one other thing one of the people brought up that I would like the applicant to address is not necessarily the price of admission but whether or not it will become government subsidized at some point in the future. So if somebody will address that for us and I think we've covered...

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Berman: There is no intent for this to become government subsidized. We are talking to a management company that would manage this project and the price is going to be whatever the price is going to be.

Hooks: Right.

Berman: That's pretty much what the intent is. That's what they want to do with the property. That's where we are going.

Hooks: Okay. Thank you. All right, anybody else? Last chance to speak? Then we'll close the public hearing and bring it back to the Commission for action and the first item we need to discuss is the small scale future land use amendment and we currently have a recommendation now to change the future land use from Residential Low to Residential Medium Low. So is there a recommendation to City Council that we do that or what's the pleasure of the Commission?

Dreiling: Mr. Chairman, I move a medium low density consistent with the Comprehensive Plan and compatible with the surrounding area be recommended to the City Council.

Hooks: All right, there's a motion. Is there a second?

Walters: Second.

Hooks: Motion and a Second. Any discussion? Then all in favor indicate by saying Aye.

Birdsong: Aye.

Dreiling: Aye.

Greene: Aye.

Hooks: Aye.

Ryan: Aye.

Walters: Aye.

Hooks: Any opposed? And that motion carries. The second item along the same property is a change of zoning to a PUD and a Master Site Plan with all the items that staff has recommended within our package and in the presentation and I would like to see us as well restrict it to just this kind of facility at this point as they were okay with. So is there recommendation to that affect. A motion that we recommend that to the City Council?

Greene: I would so move.

Hooks: There is a motion. Is there a Second?

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Dreiling: Second.

Hooks: A Motion and a Second. Any discussion? All in favor indicate by saying Aye.

Birdsong: Aye.

Dreiling: Aye.

Greene: Aye.

Hooks: Aye.

Ryan: Aye.

Walters: Aye.

Hooks: Any opposed? And that motion carries as well. Thank you gentleman. Thank you people from Errol for your participation tonight. It's very much appreciated.

Prior to leaving the meeting at 6:45 p.m., Mr. Dreiling thanked staff for putting together their presentation and coordinating with the developer to come up with a compromise that would work for the adjacent property owners and the developer.

CHANGE IN ZONING – DEBRA L. JONES AND STEVEN P. GILL – Applicant requested this item be postponed until the April 8, 2014 Planning Commission meeting.

AMENDMENT TO THE CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – OVERLAY DISTRICTS – Mr. Moon stated this is a request to recommend approval of the amendment to the Code of Ordinances, Part III, Land Development Code, Article III, by establishing Section 3.04.00 - Small Lot Overlay Zoning District. The Small Lot Overlay Zoning District relates to small lot development within the City of Apopka. The purpose of the Small Lot Overlay Zoning District is to provide flexibility for a dynamic housing market; implement Comprehensive Plan policies that promote housing diversity; provide transition between lower density residential areas and more intense development such as commercial, office, industrial or other non-residential land uses, to provide transition between lower density residential areas and limited access highways; to create an increase in development options for properties assigned medium and high density future land use designations; to promote infill development while preserving the character of the existing residential neighborhoods; and to promote diversity in the size and type of new residential developments thereby providing housing opportunities for various family sizes. The Overlay District delineates permitted uses and prohibitions or limitations on certain uses, as well as certain design standards.

As proposed, the Small Lot Overlay District is only eligible for properties that are assigned both a Residential High Density (0 – 15 un/ac) and an R-3 zoning category. Also, the development site must be a minimum of ten acres but not more than eighty acres. The Development Review Committee has reviewed the proposed Small Lot Overlay District.

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Planning staff prepared this development option for the Planning Commission and City Council to consider. Several developers or homebuilders have asked the City to consider development options that accommodate smaller residential lot sizes. If the Planning Commission and City Council determine that this development option meets the desired vision and goals of the City, the Development Review Committee recommends the development standards set forth in Exhibit "A" for the Small Lot Overlay District.

The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or table the amendment to Article III of the Land Development Code to create a Small Lot Overlay Zoning District.

In response to questions by Chairperson Hooks, Mr. Moon stated that at this time the small lot overlay zoning district would only occur in a high density and R-3 area subject to a process similar to a zoning hearing and it has to be determined that it is compatible and consistent at that location. The City is under no obligation to change the zoning from any other zoning category to R-3 to accommodate development in a small lot overlay district.

In response to questions by Chairperson Hooks, Mr. Davoll stated that the intent right now is that in the Code the location of garbage pickup is addressed within the design of the site. The garbage trucks are not going to be going down the alleys probably because of the size of the alleys. In the DRC meeting, Public Services, requested that it be addressed some way in the code and it would be up to the developer and designer to work with staff to figure out the trash will be collected in a small lot community like this. All lots with a width less than 50 feet shall have vehicle access points via a rear alley which means that's where the garage is and that is where the additional two parking spaces are unless there is on-street parking. However, garbage would not necessarily be picked up in the rear of the property.

Mr. Moon stated that the review process for a small lot overlay district will be very similar to a planned unit development. A master site plan is required. So those issues can be addressed at that point. Chairperson Hooks suggested that those issues would work better in the Development Design Guidelines than the Overlay rather than discuss those as a PUD every single time and potentially vary from one project to another.

In response to questions by Chairperson Hooks, Mr. Davoll stated that the typical width of a residential street is 24 feet. Where there would be on-street parking, the street would be a width of between 30 to 36 feet. The on-street parking is not on the road. The street is designed to include specific on-street parking spaces.

In response to a question by Ms. Walters, Mr. Davoll stated that the example of this type of development is Emerson Park. Emerson Park has on-street parking, the roads are 24 foot wide, and where there is on-street parking there is added width to the road.

Chairperson Hooks expressed his concern regarding having a whole street with the same type of housing. He stated he would like to see that broken up a little bit.

Chairperson Hooks opened the meeting for public hearing.

Ed Hampden, Tallman Development Company, 604 S. Lake Sybelia Drive, Maitland, stated that he owns about 26 acres of property at the east end of Keene Road and Sheeler Avenue. He expressed his appreciation of staff

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working on the small lot overlay district. He said the rationale for a small lot overlay district is to introduce a diversity of housing product into property and land that is designated otherwise high density and has an R-3 zoning. He asked that one additional building product be added to the mixed that is already included in the draft Small Lot Overlay District. That building mix is on the 40 foot lot product, the addition of a 40 foot lot product that is served by front-loading garages.

Mr. Hampden presented two videos of the Bramble Park, Legacy Park, and Enclave at Bear Lake developments. The videos showed the building products being constructed within those developments.

Chairperson Hooks stated that what is being presented is not a piece of a puzzle. It is a standalone project that, in his opinion, causes more problems than they do good. The City already has the ability to do what he was suggesting as one small piece of a large puzzle in a PUD. The PUD incorporates the smaller lots. He said he didn't have a problem with that. He had a problem with standalone small lots like this because they only lead to problems in the future.

Mr. Hampden stated that he misspoke when he said this was a piece of a larger puzzle. He said that what they conceive of at the location of Keene and Sheeler Avenue, which is a very strategic spot and is kind of a gate way to the south of the City, is that it is master planned and does incorporate all the different kinds of building products that is being talked about. It would not be standalone and purely 40 foot lot product with some front loaded and some rear loaded. He stated they conceive a project that has townhouses, 40 and 50 lots.

Chairperson Hooks stated that he understands that but the Small Lot Overlay Zoning District by definition it has to be a standalone project. The definition of the overlay is as a standalone subdivision with a minimum of 20 and a maximum of 80 lots. He stated that he understood the diversity of building products but they would all be on small lots.

In response to a question by Mr. Ryan, Mr. Hampden stated the garage setbacks in Bramble is at least 25 feet. The overlay district being proposed is 30 feet. He stated the setback runs from the right of way or the edge of the sidewalk.

Chairperson Hooks stated that the City already has developments that, when they were first built, look just like the developments in the videos. As an example he brought up Chelsea Parc that has small houses similar to those in the videos with small lots. He said that when they were first built they were probably very nice. Chelsea park has lot widths of 30 feet with less than 1,000 square feet living area. Mainline Village, 35 foot width lot with less than 1,000 square feet of living area. Martin Place has 48 foot lot width. He said that now they don't look like the developments in the video. He expressed concerns about the new smaller lot developments degrading into the same problems that are in Chelsea Parc, Mainline Village, and Martin Place. One of the issues that this leads to is high crime. In the Chelsea Parc, which is a very small development, just in the last year they have had four burglaries, three disturbances, and three vehicle thefts just in the last twelve months in that little subdivision. There is a significantly higher crime rate in that area than the rest of the City. Unfortunately the Police Department's grid for Mainline and Martin Place are the same. These two are combined but they have had fifteen burglaries, fifteen assaults or batteries, and a vehicle theft just in the last twelve months. Again, significantly higher crime rate than in the rest of the City of Apopka. He questioned how that would be prevented from occurring. He said the Commission has to look out for Apopka.

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Mr. Hampden stated the answer about the crimes is a function of the demographics. From a design standpoint, the Chelsea Parc, for instance are homes are all much small than what we evidence here. The M/I Homes product lineup on these lots goes from a minimum of 1,600 square feet up to 2,900 square feet with a three bedroom, two and half bath and great room. The Chelsea Parc subdivision does not accommodate the same off-street parking requirements that would be required here. He believes that it is a valid concern that the City does not want to replicate the Chelsea Parcs of this world. He said the request they are asking the Commission to consider is this kind of product are mixed inside a larger planned overlay. In order to best utilize the layout of the site and to do nothing to degrade what the site otherwise looks like, in the projects mentioned to the Commission as well as the ones at North Lake and Lake Nona, there are many projects that have the rear or alley loaded product the street from product that has the garage in the front. They alternate it from block to block. It represents a handsome street scape and catering to the needs of the market.

Chairperson Hooks stated that he has been through the projects Mr. Hampden mentioned. He stated they are a part of a larger product and, as staff mentioned earlier, this can be done now through a PUD. He stated he doesn't have any objections to that. He said what he objects to is standalone project because even though they are required to establish a homeowners association, once a developer builds the last house and sold it they are done. The City and the developer has lost control at that point and the homeowners can say we don't like this. We want on street parking or whatever they want to do and the City has no way to stop them. Then they turn into the Chelsea Parcs, Maineline Village, and Martin Places of the world.

Mr. Hampden said the all important ingredient there is that the surviving entity is the HOA and those HOA documents see close review by City staff as they are put into place and everything from the lawn maintenance, which in the past has been rarely used. Those kind of requirements go into the HOA documents. That is what survives, that is the control document.

Chairperson Hooks said that he doesn't believe that the City wants to get into the process of enforcing HOA Homeowners Association documents.

Mr. Hampden said the owners that buy into the project, buy into the homeowners association.

Chairperson Hooks stated that initially the owners buy into the homeowners association. However, down the road the City loses control and standalone, small lots typically deteriorate into the those that he mentions. Those that are a part of a Lake Nona or other PUDs, like described earlier, they don't do that. They continue to maintain because the bigger picture of the PUD does control it and they can maintain control of it because it is not a standalone entity. He stated he doesn't want to see any more Martin Places where the City has to put the police out there constantly endangering themselves and others because of the crime that goes on in those areas because they are drawn to it. It's because of the clientele of the people that move into those because they are so affordable.

Mr. Hampden stated that the gateway site to the south of town is destined to be a bootstrap large upgrading to the part of town. There will be the kind of clientele living there will be attracted by the location off of Maitland, the 414, whether from the Maitland Center or in years to come, farther up the road where the new hospital will be. This is not going to be a lower class clientele.

Chairperson Hooks acknowledged what Mr. Hampden was saying but expressed concerns that this overlay

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proposed overlay is 20 feet in any lot size. He said that some looked to be 50 to 60 feet but that was a developer's whim. He suggested changing the minimum so that we have the width Mr. Hampden described. Unless the homes are three or four stories, they are not going to get the kind of houses Mr. Hampden described with the minimum lot setbacks in the overlay district.

Mr. Hampden stated that the development they are planning would have larger minimum rear yard setbacks than the minimums in the proposed overlay district. He said he appreciates that a small lot overlay district is being considered for those few lots in the City that are both land use approved for high density and have an R-3 zoning attached them, and up to 15 units per acre. He stated that the last plans for his proposed 50 area project show something a little over 230 units in a combination of 50 and 40 foot wide lots and townhomes. He said the density doesn't get that high. There is plenty of open space. The green space is designed to be active recreation area and these are designed to be first class projects that accommodate the market's desire and wants to a nice large home on a small lot.

Chairperson Hooks reiterated that Mr. Hampden was talking about his own project; however, the Commission had to consider what's best for the whole City.

In response to questions by Chairperson Hooks, Mr. Moon stated that Mr. Hampden cannot accomplish his project under a PUD because the smallest lot width allowed in 50 wide. Within a PUD, for every lot that has a width of less than 60 foot wide they have to provide an 85 foot wide lot.

Chairperson Hooks stated that from what Mr. Hampden has said he does not believe that would be a big issue because he wants to provide something nice for the City. He said that what is being talked about is for the whole City and any developer that would come in would now be qualified to come in and put in another Chelsea Parc, Martin Place, etc. He said that is what he is trying to avoid and not trying to tell Mr. Hampden no.

Mr. Hampden stated that the control that the City has over that outcome begins with the fact that there are very few sites in town that benefit from the combination of high density land and R-3. He feels that his project is one of two that would qualify for the overlay district as it currently stands. There is no doubt that it represents a new direction for the City and this is sort of an experiment. So there is no chance of things going wild and rampant with overlay districts in Apopka. There are very few opportunities for this to occur. The high density R-3 zoning allows for apartments, townhouses of all kinds without the sort of restrictions integral to the overlay district here.

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

Ms. Walters stated that she is in agreement with Chairperson Hooks. She would rather see a very nice apartment complex being built in this area versus cramming house after house after house. She stated that additionally, with the small lots, she does not like the garage in front. She would rather see something more aesthetic like a front porch with flowers. She said there are already parking issues and so there are four cars but we know everybody uses their garage as storage so you got two cars in the driveway and two on the street. She said she has a lot of mixed feelings about this. She stated she has seen a lot of nice communities that have smaller lot sizes but what she saw was like Chelsea Parc where eventually there are so many people crammed in there and it deteriorates quickly. When there is that many people living that close together and house sizes that big, she does not think its astatically pleasing.

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Chairperson Hooks stated that when he drove through those areas most of the homes had single car garages, but the ones that did have two car garages, the garage was the whole front of the house. The entrance to the house was a porch to the side of the garage essentially. He said the City might need this type of overlay district but did not believe the current draft was ready. He suggested staff revise the design guidelines to prevent some of things that have been mentioned and that staff work with Mr. Hampden to incorporate some of his ideas into the design guidelines.

In response to a question by Mr. Davoll, Chairperson Hooks stated that there should be a large rear yard setback.

In response to comments by Mr. Hampden, Mr. Davoll stated that the smallest lot width currently allowed is 70 feet unless there is a PUD and have the mix then it can go down to 50 foot like Emerson Park. Typically for straight zoning the smallest lot width is 70 feet. Anything less than that, right now, staff and Council has indicated is a small lot if its less than 70 feet.

In response to a question by Chairperson Hooks, Mr. Moon stated that the proposed overlay district minimum lot width is 40 feet. If the project has included lots with a width less than 50 then they have to have an equal number that are 50 foot or larger.

In response to questions by Chairperson Hooks, Mr. Davoll stated that on a 40 foot wide lot, the garage must be in the rear. The front setback on a 40 foot width lot would be 10 or 15 feet because the loading is in the rear.

In response to a question by Chairperson Hooks, Mr. Moon stated at all parking is either in the rear or on street in off-street parking. A single family home with a front entry garage would be required to have a 30 foot setback for a garage. The house would be 25 feet or closer but the garage would have to be 30 feet. What that results in is the garage would be recessed from the front of the house.

Mr. Hampden stated that what they are requesting is that some of the 40 foot wide lots be allowed to have the front loading garages.

In response to a question by Mr. Davoll, Chairperson Hooks stated that he would like Section 3.04.06, Design Standards, revised to prevent the issues that have occurred in some of the subdivisions in the City currently. He also suggested that staff work with Mr. Hampden on those revisions.

Mr. Davoll stated that the Planning Commission could table this item until the next meeting to allow staff time to work with Mr. Hampden on the issues discussed.

Motion: James Greene made a motion to table the amendment to the Code of Ordinances, Part III, Land Development Code, Article III to establish Section 3.04.00 – Small Lot Overlay Zoning District, and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, Ben Dreiling, James Greene, and Robert Ryan (6-0).

OLD BUSINESS:

Planning Commission: None.

30: None.

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NEW BUSINESS:

Planning Commission: Mr. Davoll announced that the Orange County School Board has a meeting scheduled for Monday, March 17, 2014, starting at 6: 00 p.m., at Apopka Elementary School to discuss the tear down and rebuild of that school. He stated there would be one building in the back of the school that would remain.

Public: None.

ADJOURNMENT: The meeting was adjourned at 7:24 p.m.

Steve Hooks, Chairperson

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

Backup material for agenda item:

1. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Jeffrey B. Randazzo, from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

DATE: April 8, 2014
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: JEFFREY B. RANDAZZO – COMPREHENSIVE PLAN – SMALL SCALE
– FUTURE LAND USE AMENDMENT

PARCEL ID NUMBER: 22-21-28-0000-00-078

Request: COMPREHENSIVE PLAN - SMALL SCALE
FUTURE LAND USE AMENDMENT
FROM: “COUNTY” RURAL (1 DU/1 AC)
TO: “CITY” RESIDENTIAL HIGH (0-15 DU/AC)

SUMMARY

OWNER: Jeffrey B. Randazzo

APPLICANT: Tallman Development, c/o Ed Hampden

LOCATION: North of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Road and west of South Sheeler Avenue

EXISTING USE: Vacant Land

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Residential Development

PROPOSED ZONING: “City” R-3 Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-1 to “City” R-3.)

TRACT SIZE: 3.5 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 3 Units
PROPOSED: 53 Units

DISTRIBUTION

Mayor Land
Commissioners (4)
CAO Richard Anderson
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir. (2)
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2352. The proposed Small-Scale Future Land Use Amendment is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by entities that also own Tallman Development. Abutting to the north and to the east, respectively, are parcels approximately forty-five (45) acres in size. By pulling the Randazzo parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a R-3 zoning category to the Property is being processed in conjunction with this future land use amendment request for a Residential High designation. The zoning application covers approximately 3.5 acres.

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).

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential High Future Land Use designation and the City's proposed R-3 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT:

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to Residential High Density represents a higher impact on public school capacity than that created by the County Future Land Use assigned to the property. This Future Land Use amendment is subject to school capacity enhancement review; however, the applicant will address capacity enhancement with OCPS for the entire development project. School concurrency will apply at the time of a subdivision plan application.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on March 7, 2014.

PUBLIC HEARING SCHEDULE:

April 8, 2014 – Planning Commission (5:01 pm)
April 16, 2014 – City Council (8:00 pm) - 1st Reading
May 7, 2014 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

March 21, 2014 – Public Notice and Notification
April 25, 2014 – Ordinance Heading Ad
May 2, 2014 – ¼ Page w/map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac) for the property owned by Jeffrey B. Randazzo.

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.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
South (City)	Agricultural (1 du/10 ac)	AG	Nursery
West (City)	“County” Agricultural (1 du/5 ac)	“County” A-1	S.R. 414 (Apopka Expressway)

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of high density residential. S.R. 414, a limited access toll road, abuts the property to its south, and an entrance and exit to S.R. 414 is directly south of the site. A Future Land Use Designation of High Density Residential presently is assigned to the parcels abutting to the north and east.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request a change from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac) is consistent with the terms of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basing Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts North Keene Road. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and train is level.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.h High Density Residential Future Land Use designation, and the Joint Planning Agreement with Orange County.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on April 2, 2014. The proposed future land use designation for the Property is Residential High (0-15 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (County designation): 3 Unit(s) x 2.659 p/h = 8 persons
PROPOSED (City designation): 53 Unit(s) x 2.659 p/h = 141 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 10388 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: Private Well; N/A GPD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider:

City of Apopka

2. Projected total demand under existing designation: 454 GPD
3. Projected total demand under proposed designation: 24062 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 564 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment:
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

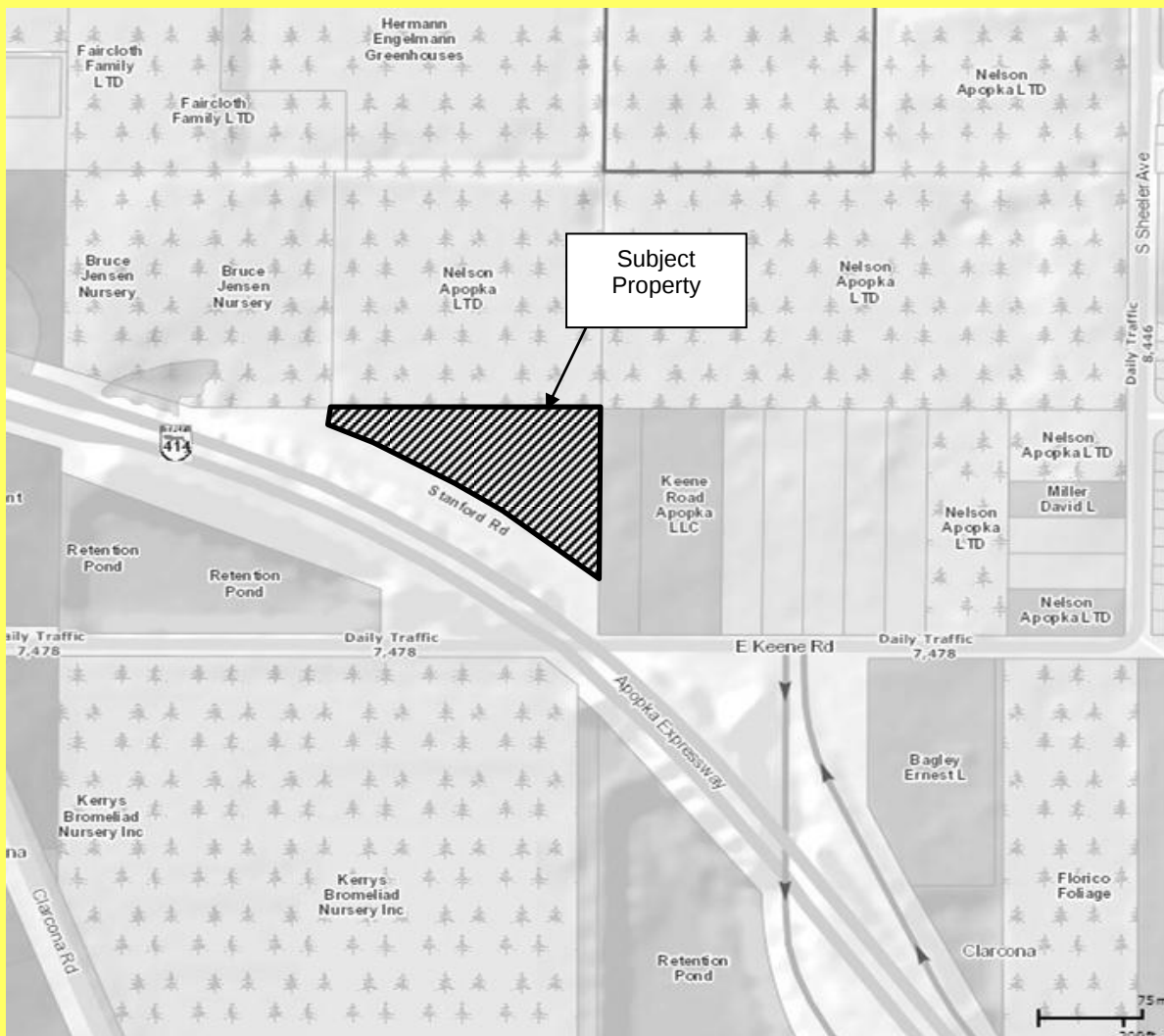
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: 0.423 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

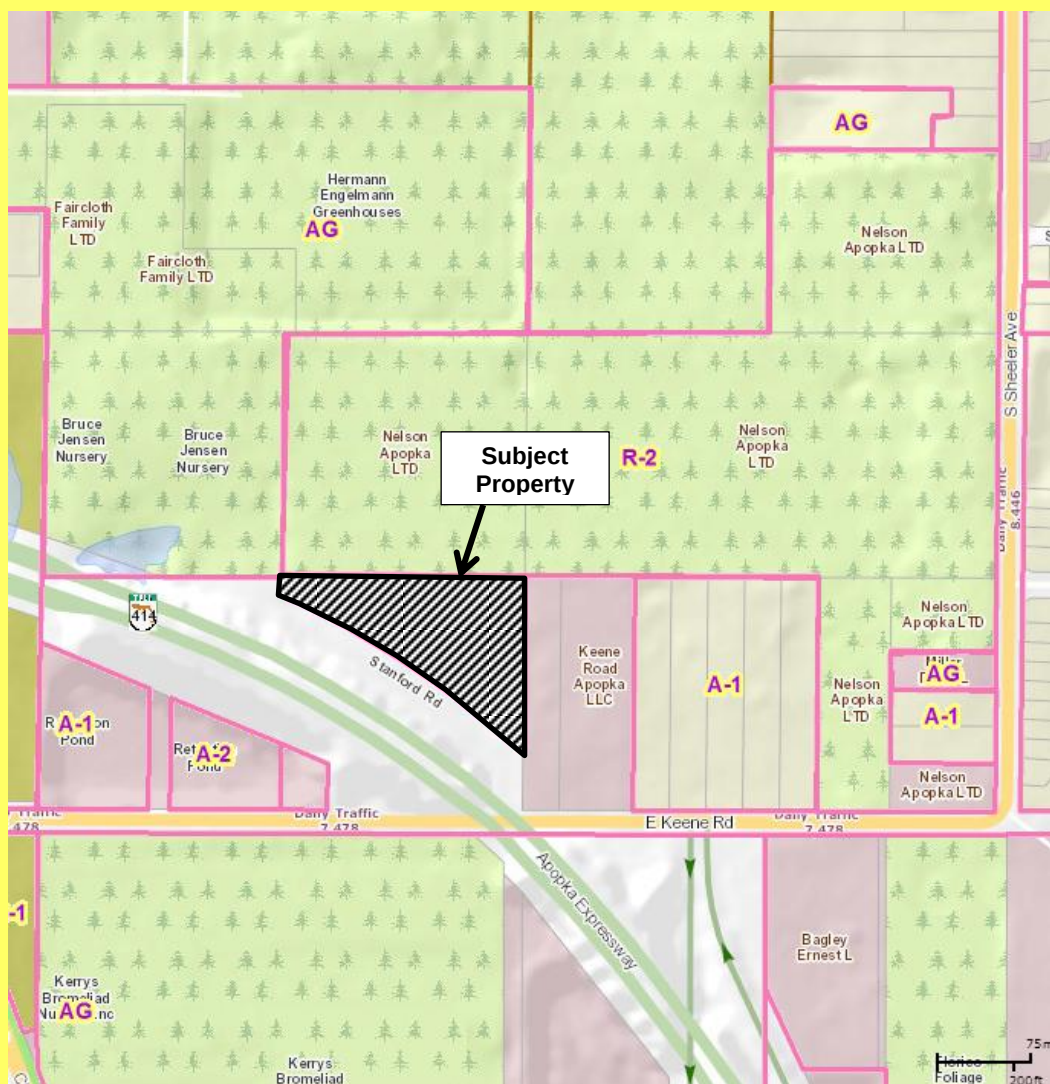
This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Jeffrey B. Randazzo
3.5 +/- Acres
Existing Maximum Allowable Development: 3 Units
Proposed Maximum Allowable Development: 53 Units
Proposed Future Land Use Change
From: "County" Rural (1 du/1 ac)
To: "City" Residential High (0-15 du/ac)
Proposed Zoning Change
From: "County" A-1
To: "City" R-3
Parcel ID #: 22-21-28-0000-00-078



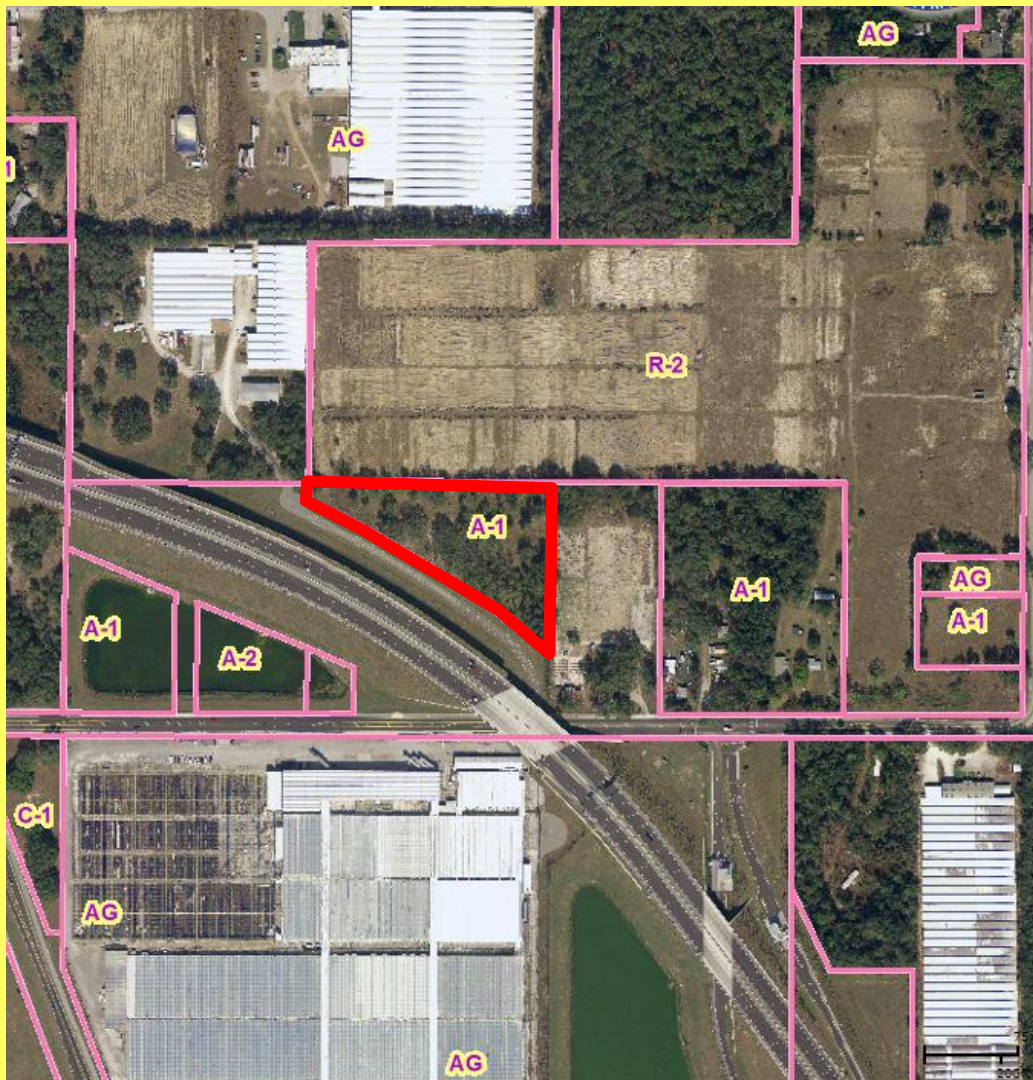
VICINITY MAP







ADJACENT USES



Backup material for agenda item:

2. CHANGE OF ZONING – Jeffrey B. Randazzo, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

DATE: April 8, 2014
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: JEFFREY B. RANDAZZO – CHANGE OF ZONING

PARCEL ID NUMBER: 22-21-28-0000-00-078

Request: CHANGE OF ZONING
FROM: “COUNTY” A-1
TO: “CITY” R-3

SUMMARY

OWNER: Jeffrey B. Randazzo

APPLICANT: Tallman Development, c/o Ed Hampden

LOCATION: North of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Road, and west of South Sheeler Avenue

EXISTING USE: Vacant Land

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Residential Development

PROPOSED ZONING: “City” R-3 Note: this Change in Zoning request is being processed along with a request to change the Future Land Use Map designation from “County” Rural (1 du/1 ac) To “City” Residential High (0-15 du/ac)

TRACT SIZE: 3.5 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 3 Units
PROPOSED: 53 Units

DISTRIBUTION

Mayor Land
Commissioners (4)
CAO Richard Anderson
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir. (2)
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2352. The proposed Change of Zoning is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by entities that also own Tallman Development. Abutting to the north and to the east, respectively, are parcels approximately forty-five (45) acres in size. By pulling the Randazzo parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

A request to assign a “City” Residential High (0-15 du/ac) Future Land Use category to the Property is being processed in conjunction with this change of zoning for a R-3 designation. The zoning application covers approximately 3.5 acres. The property owner intends to use the site for a residential development.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed R-3 zoning designation is consistent with the proposed Residential High (0-15 du/ac) future land use designation and the existing use of the property. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT:

Staff has notified Orange County Public Schools (OCPS) of the proposed Change of Zoning. The Change of Zoning to R-3 represents a higher impact on public school capacity than that created by the current zoning designation assigned to the property; however, the applicant will address capacity enhancement with OCPS for the entire development project. This Change of Zoning is subject to school capacity enhancement review. School concurrency will apply at the time of a subdivision plan application.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on March 7, 2014.

PUBLIC HEARING SCHEDULE:

April 8, 2014 – Planning Commission (5:01 pm)
April 16, 2014 – City Council (8:00 pm) - 1st Reading
May 7, 2014 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

March 21, 2014 – Public Notice and Notification
April 25, 2014 – Ordinance Heading Ad
May 2, 2014 – ¼ Page w/map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from “County” A-1 to “City” R-3 for the property owned by Jeffrey B. Randazzo.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
South (City)	Agricultural (1 du/10 ac)	AG	Nursery
West (City)	“County” Rural (1 du/10 ac)	“County” A-1	S.R. 414 (Apopka Expressway)

LAND USE &

TRAFFIC COMPATIBILITY:

The Property has access to a Collector roadway (East Keene Road). Situated less than one hundred and fifty feet from the S.R. 414 toll way entrance. The Property allows easy access to a regional highway that leads to I-4, S.R. 429/S.R. 451, and U.S. 441. The proposed change of zoning is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by the entities that own Tallman Development. Abutting to the north and to the east, approximately forty-five (45) acres are owned by corporations under the control of Tallman Development. By pulling the Randazzo parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed R-3 (Multi-Family Residential) zoning is consistent with the City’s Residential High Density Future Land Use Designation, which allows up to 15 units per acre. Development plans shall not exceed the density allowed under the adopted future land use designation.

R-3 DISTRICT REQUIREMENTS:

The R-3 zoning category allows single-family, duplex, and multi-family residential development. Development requirements specific to each of these three development options are established within the Land Development Code. The applicant has indicated an interest to pursue multi-family development based on the residential market. Minimum development standards for multi-family are listed for the R-3 zoning category:

Minimum Living Sq. Ft.:		
Apartment -		750 sq. ft.
Condo/Townhomes -		1,350 sq. ft.
Minimum Site Area:		one (1) acre.
Minimum Lot Width:		120 ft.
Setbacks:	Front:	50 ft. between buildings
	Rear:	50 ft. between buildings
	Side:	20 ft. between structures
	Corner:	25 ft.

**BUFFER-YARD
REQUIREMENTS:**

Areas adjacent to all road rights-of-way shall provide a minimum six- (6') foot high brick, stone or decorative finished block wall erected inside a minimum ten (10) foot wide landscaped buffer-yard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall.

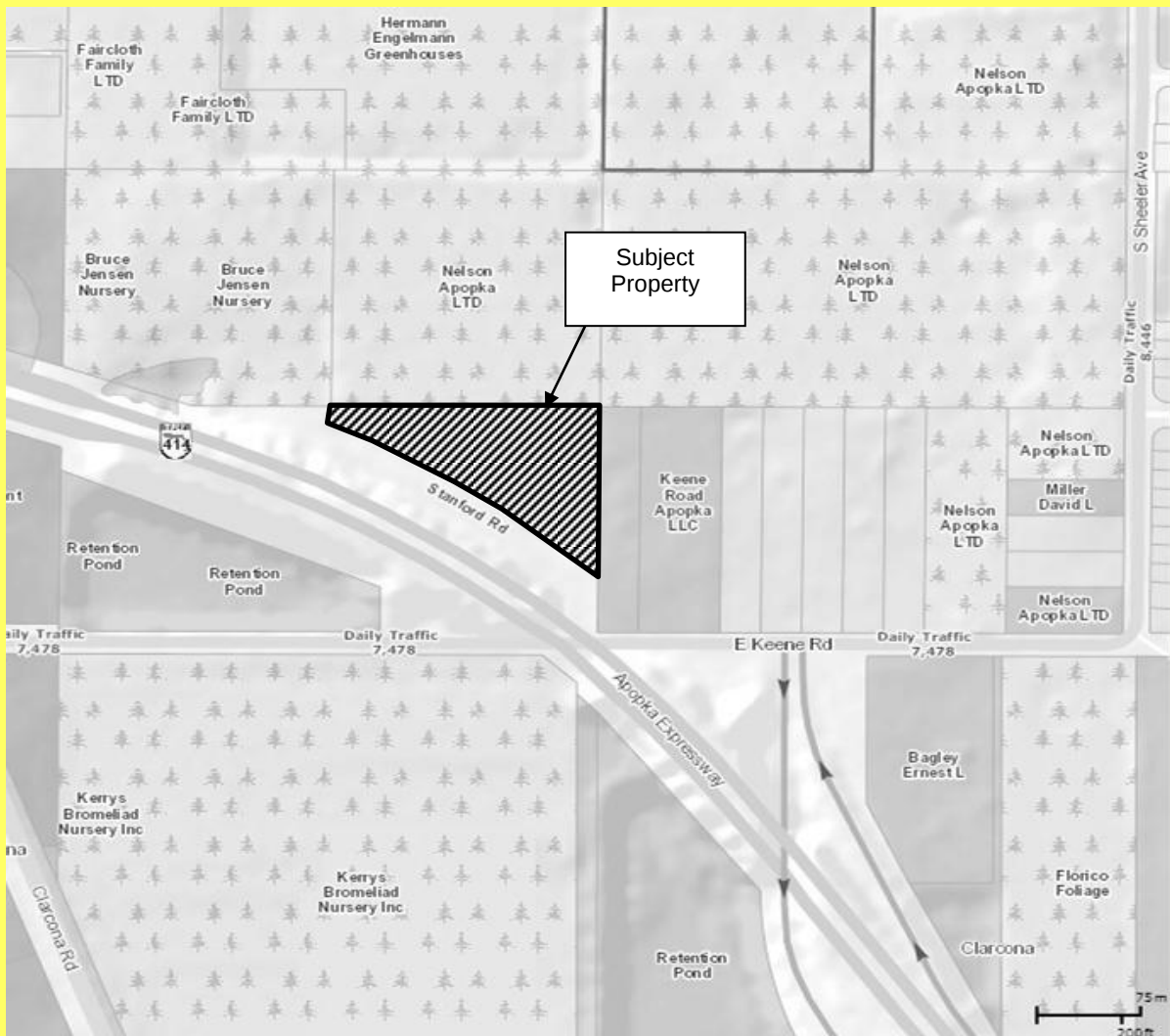
ALLOWABLE USES:

Multi-family development up to 15 units per acre, duplex, or single family residential subject to Section 2.02.07 of the Land Development Code.

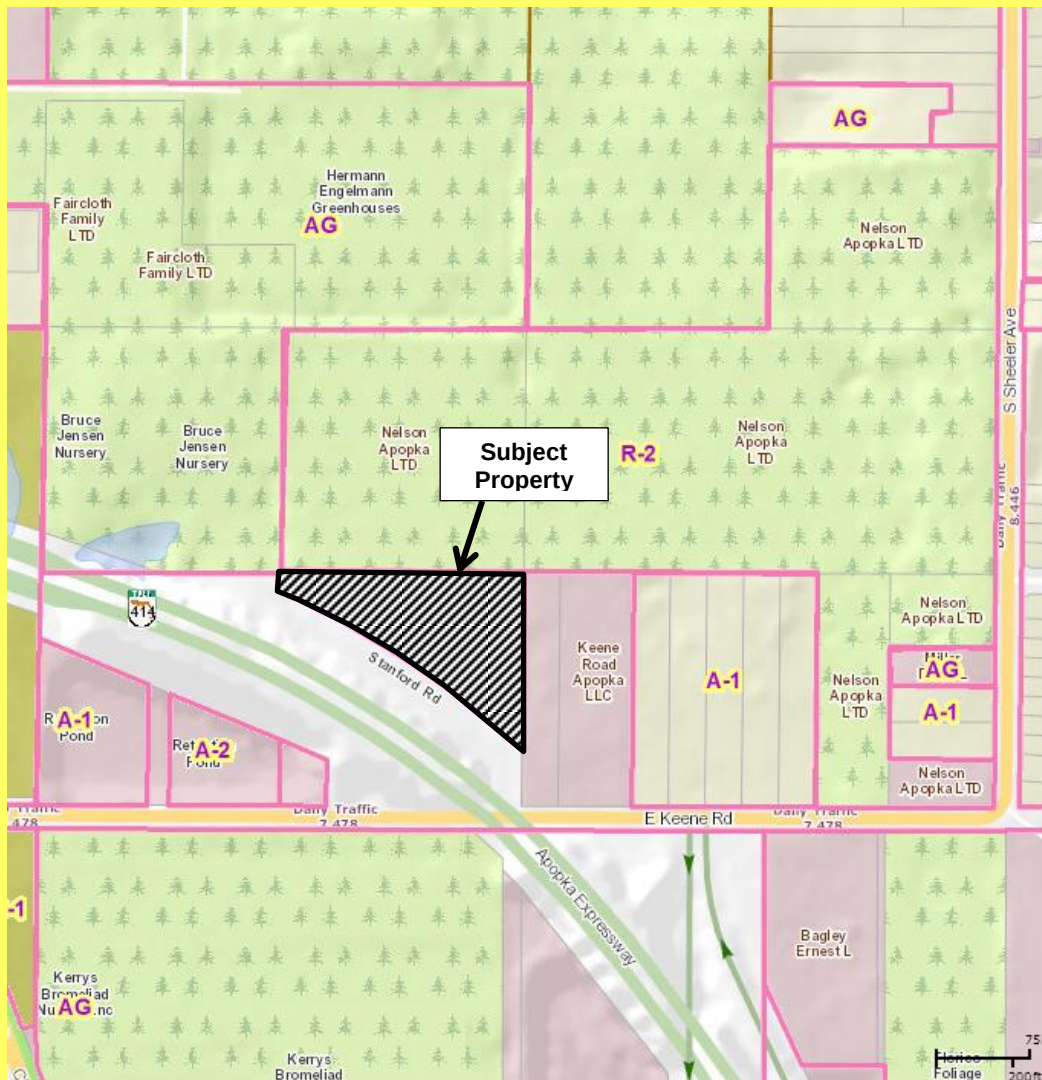
Jeffrey B. Randazzo
3.5 +/- Acres
Existing Maximum Allowable Development: 3 Unit
Proposed Maximum Allowable Development: 53 Units
Proposed Future Land Use Change
From: "County" Rural (1 du/1 ac)
To: "City" Residential High (0-15 du/ac)
Proposed Zoning Change
From: "County" A-1
To: "City" R-3
Parcel ID #: 22-21-28-0000-00-078



VICINITY MAP

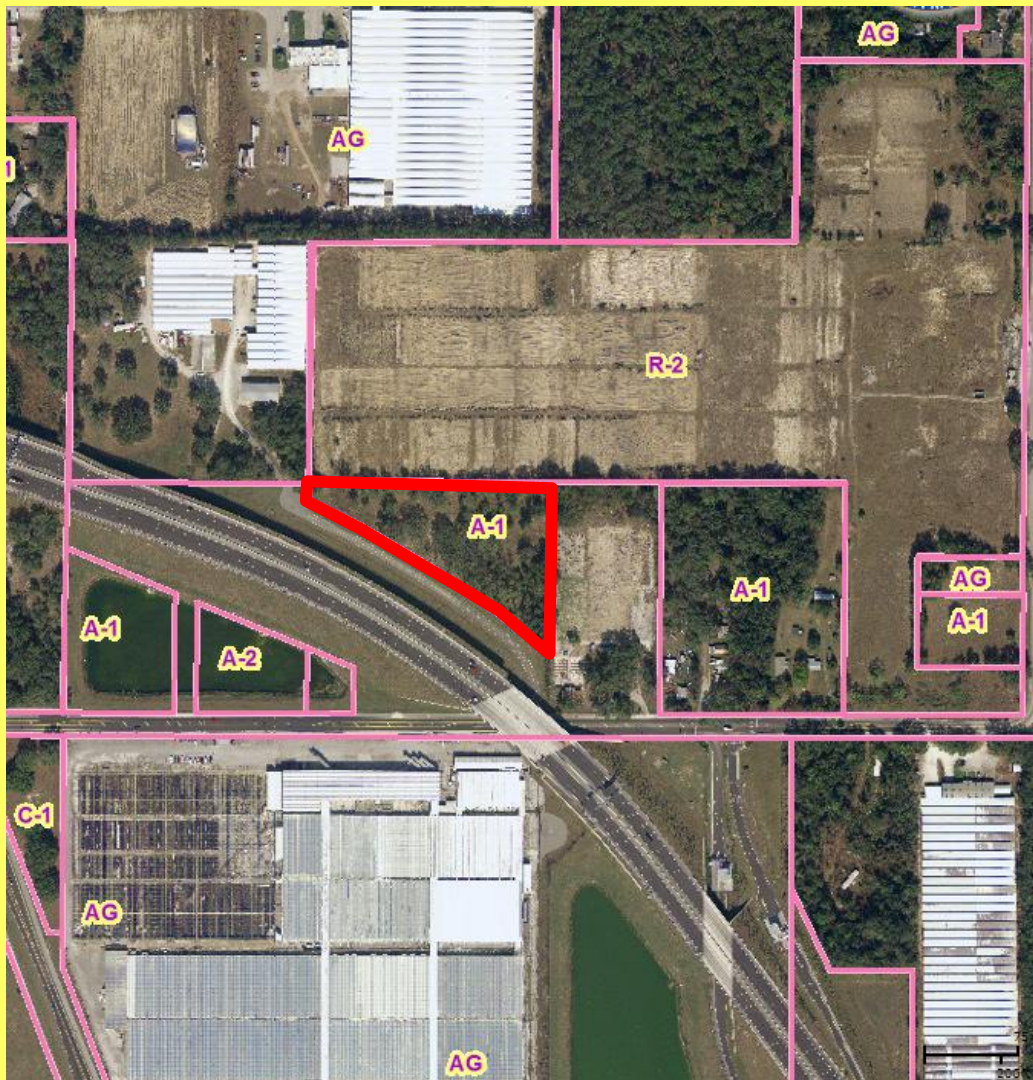


ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

3. COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Robert Roach, from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

DATE: April 8, 2014
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: ROBERT ROACH – COMPREHENSIVE PLAN – SMALL SCALE –
FUTURE LAND USE AMENDMENT

PARCEL ID NUMBER: 22-21-28-0000-00-114

Request: COMPREHENSIVE PLAN - SMALL SCALE
FUTURE LAND USE AMENDMENT
FROM: “COUNTY” RURAL (1 DU/10 AC)
TO: “CITY” RESIDENTIAL HIGH (0-15 DU/AC)

SUMMARY

OWNER: Robert Roach

APPLICANT: Tallman Development, c/o Ed Hampden

LOCATION: North of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue

EXISTING USE: Single Family Residence/Open Shed

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Residential Development

PROPOSED ZONING: “City” R-3 (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-1 to “City” R-3.)

TRACT SIZE: 1.5 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit
PROPOSED: 22 Units

DISTRIBUTION

Mayor Land
Commissioners (4)
CAO Richard Anderson
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir. (2)
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2351. The proposed Small-Scale Future Land Use Amendment is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by entities that also own Tallman Development. Abutting to the north and to the west, respectively, are parcels approximately forty-five (45) acres in size. By pulling the Roach parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a R-3 zoning category to the Property is being processed in conjunction with this future land use amendment request for a Residential High designation. The zoning application covers approximately 3.5 acres. The property owner intends to use the site for a residential development.

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).

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential High Future Land Use designation and the City's proposed R-3 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT:

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to Residential High Density represents a higher impact on public school capacity than that created by the County Future Land Use assigned to the property. This Future Land Use amendment is subject to school capacity enhancement review; however, the applicant will address capacity enhancement with OCPS for the entire development project. School concurrency will apply at the time of a subdivision plan application.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on March 7, 2014.

PUBLIC HEARING SCHEDULE:

April 8, 2014 – Planning Commission (5:01 pm)
April 16, 2014 – City Council (8:00 pm) - 1st Reading
May 7, 2014 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

March 21, 2014 – Public Notice and Notification
April 25, 2014 – Ordinance Heading Ad
May 2, 2014 – ¼ Page w/map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac) for the property owned by Robert Roach.

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.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (County)	“County” Rural (1 du/1 ac)	“County” A-1	SFR (3)
South (City)	Agricultural (1 du/10 ac)	AG	S.R. 414 (Apopka Expressway)
West (City)	Residential High (0-15 du/ac)	R-3	Vacant Land

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of high density residential. S.R. 414, a limited access toll road, abuts the property to its south, and an entrance and exit to S.R. 414 is directly south of the site. A Future Land Use Designation of High Density Residential presently is assigned to the parcels abutting to the north.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request a change from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac) is consistent with the terms of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basing Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts North Keene Road. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain is level.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.h High Density Residential Future Land Use designation, and the Joint Planning Agreement with Orange County.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on April 2, 2014. The proposed future land use designation for the Property is Residential High (0-15 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (County designation): 1 Unit(s) x 2.659 p/h = 3 persons

PROPOSED (City designation): 22 Unit(s) x 2.659 p/h = 58 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 196 GPD

3. Projected total demand under proposed designation: 4312 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: Private Well; N/A GPD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider:

City of Apopka

2. Projected total demand under existing designation: 454 GPD
3. Projected total demand under proposed designation: 9988 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 232 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment:
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

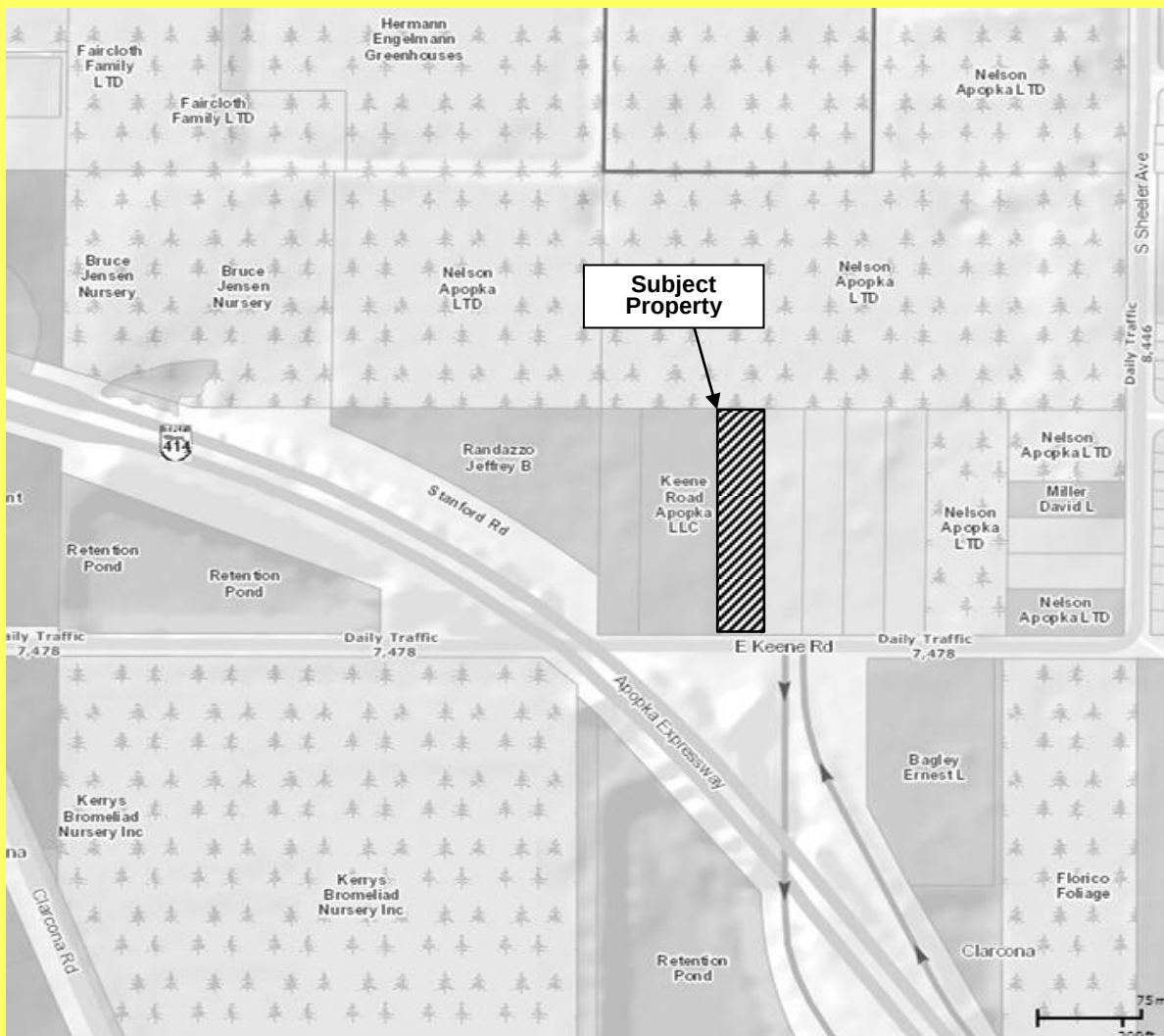
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: 0.174 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

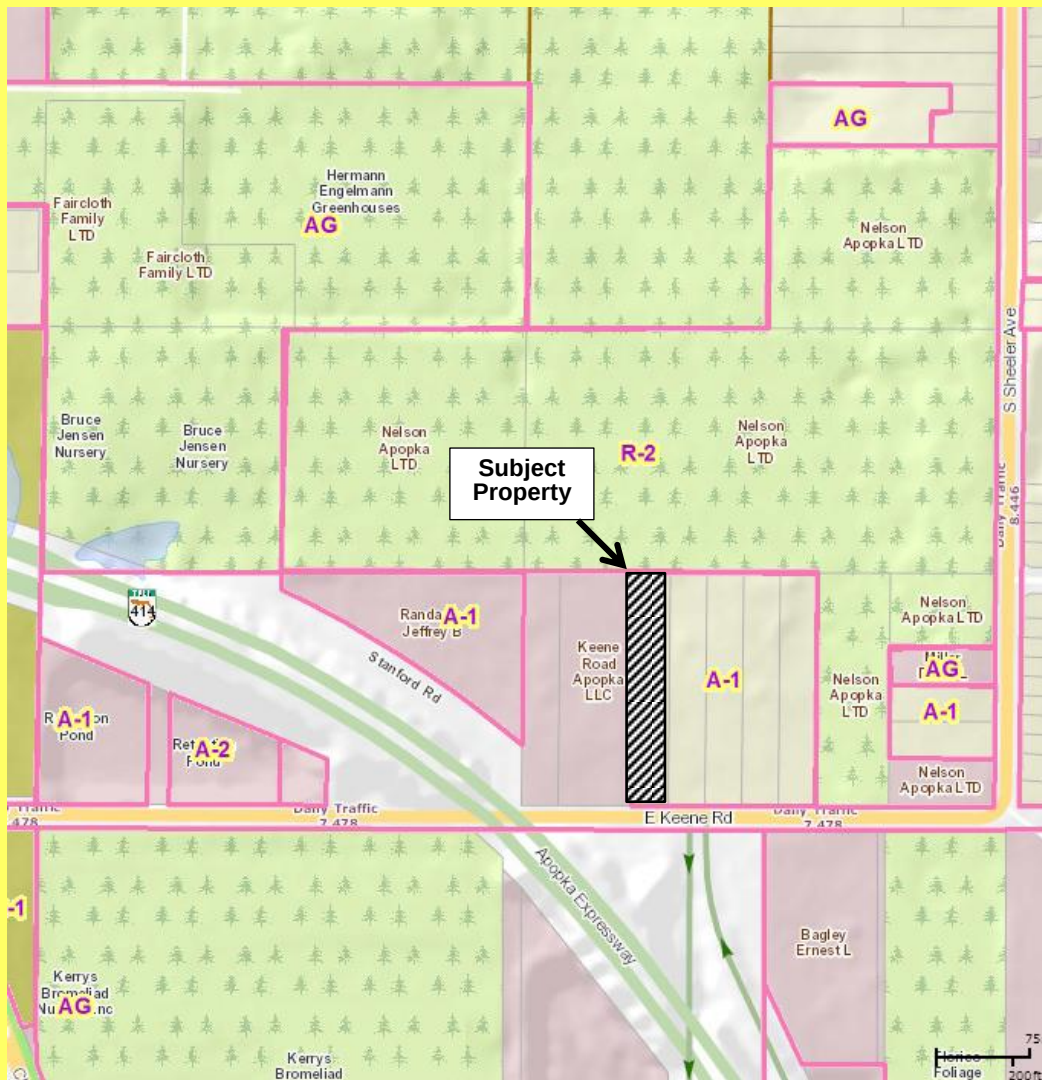
Robert Roach
1.5 +/- Acres
Existing Maximum Allowable Development: 1 Unit
Proposed Maximum Allowable Development: 22 Units
Proposed Future Land Use Change
From: "County" Rural (1 du/10 ac)
To: "City" Residential High (0-15 du/ac)
Proposed Zoning Change
From: "County" A-1
To: "City" R-3
Parcel ID #: 22-21-28-0000-00-114



VICINITY MAP

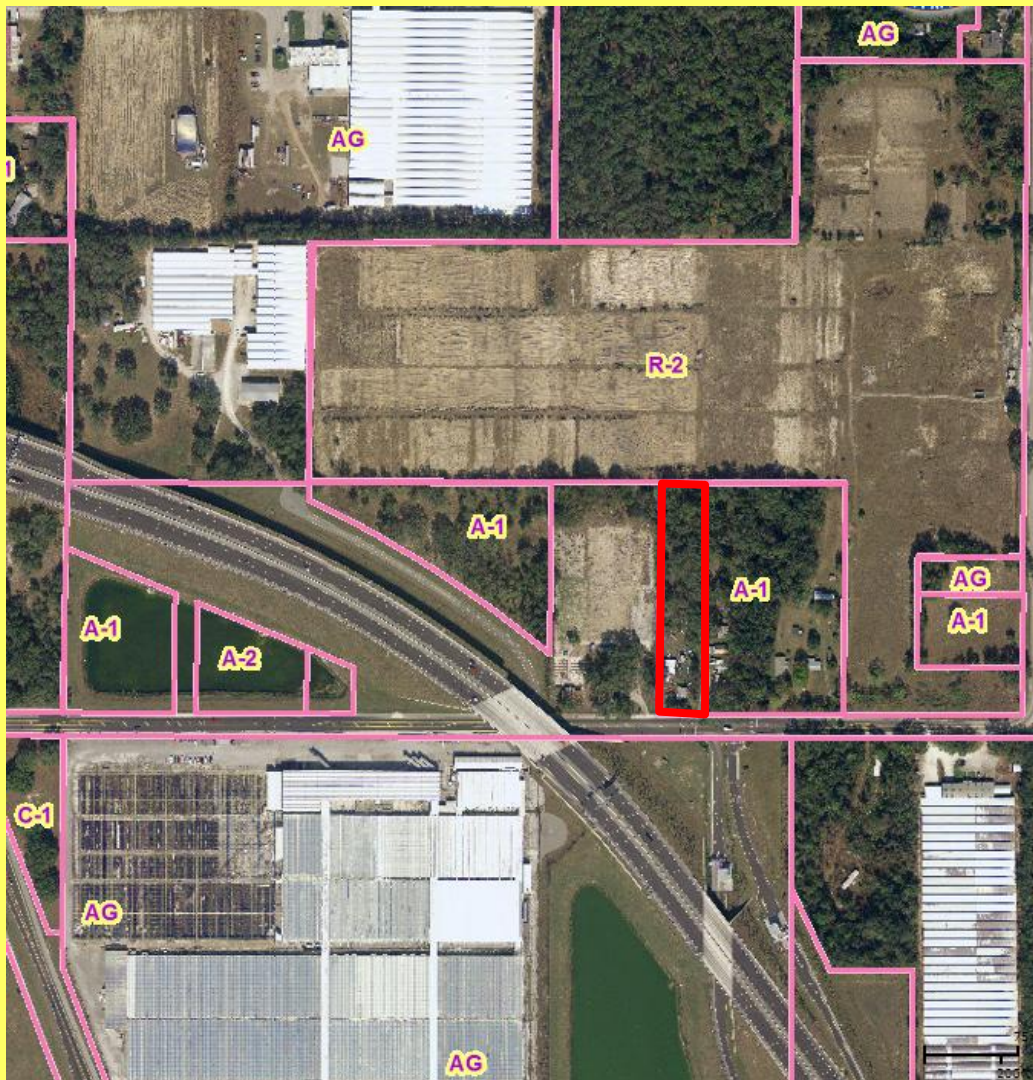


ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

4. CHANGE OF ZONING – Robert Roach, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

DATE: April 8, 2014
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: ROBERT ROACH – CHANGE OF ZONING

PARCEL ID NUMBER: 22-21-28-0000-00-114

Request: CHANGE OF ZONING
FROM: “COUNTY” A-1
TO: “CITY” R-3

SUMMARY

OWNER: Robert Roach

APPLICANT: Tallman Development, c/o Ed Hampden

LOCATION: North of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue

EXISTING USE: Single Family Residence/Open Shed

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Residential Development

PROPOSED ZONING: “City” R-3 Note: this Change in Zoning request is being processed along with a request to change the Future Land Use Map designation from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac)

TRACT SIZE: 1.5 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit
PROPOSED: 22 Units

DISTRIBUTION

Mayor Land
Commissioners (4)
CAO Richard Anderson
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir. (2)
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2351. The proposed Change of Zoning is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by entities that also own Tallman Development. Abutting to the north and to the east, respectively, are parcels approximately forty-five (45) acres in size. By pulling the Roach parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

A request to assign a Residential High (0-15 du/ac) Future Land Use category to the Property is being processed in conjunction with this change of zoning for a R-3 designation. The zoning application covers approximately 1.5 acres. The property owner intends to use the site for a residential development.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed R-3 zoning designation is consistent with the proposed Residential High (0-15 du/ac) future land use designation and the existing use of the property. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT:

Staff has notified Orange County Public Schools (OCPS) of the proposed Change of Zoning. The Change of Zoning to R-3 represents a higher impact on public school capacity than that created by the current zoning designation assigned to the property; however, the applicant will address capacity enhancement with OCPS for the entire development project. This Change of Zoning is subject to school capacity enhancement review. School concurrency will apply at the time of a subdivision plan application.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on March 7, 2014.

PUBLIC HEARING SCHEDULE:

April 8, 2014 – Planning Commission (5:01 pm)
April 16, 2014 – City Council (8:00 pm) - 1st Reading
May 7, 2014 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

March 21, 2014 – Public Notice and Notification
April 25, 2014 – Ordinance Heading Ad
May 2, 2014 – ¼ Page w/map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Change of Zoning and recommends approval of the change in Future Land Use from “County” A-1 to “City” R-3 for the property owned by Robert Roach.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (County)	“County” Rural (1 du/1 ac)	“County” A-1	SFR (3)
South (City)	Agricultural (1 du/10 ac)	AG	S.R. 414 (Apopka Expressway)
West (City)	Residential High (0-15 du/ac)	R-3	Vacant Land

LAND USE &

TRAFFIC COMPATIBILITY:

The Property has access to a Collector roadway (East Keene Road). Situated less than one hundred and fifty feet from the S.R. 414 toll way entrance. The Property allows easy access to a regional highway that leads to I-4, S.R. 429/S.R. 451, and U.S. 441. North and west of the Property, lands are predominantly used for horticultural nursery businesses or are vacant lands assigned an agriculture zoning. Adjacent to the northwest corner are a few single family homes on large lots. To the east of Sheeler Road are two single family home residential neighborhoods -- Cobblefield and Sheeler Hills. Stonewood Reserve, an unplatted residential community, is situated to the northeast of the Property. Located to the southeast is Orange County’s western regional water supply facility. South of the Property the area is predominantly used for horticultural nursery businesses and the S.R. 414 toll way interchange at Keene Road.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed R-3 (Multi-Family Residential) zoning is consistent with the City’s Residential High Density Future Land Use Designation, which allows up to 15 units per acre. Development plans shall not exceed the density allowed under the adopted future land use designation.

R-3 DISTRICT REQUIREMENTS:

The R-3 zoning category allows single-family, duplex, and multi-family residential development. Development requirements specific to each of these three development options are established within the Land Development Code. The applicant has indicated an interest to pursue multi-family development based on the residential market. Minimum development standards for multi-family are listed for the R-3 zoning category:

Minimum Living Sq. Ft.:

Apartment -	750 sq. ft.
Condo/Townhomes -	1,350 sq. ft.
Minimum Site Area:	one (1) acre.
Minimum Lot Width:	120 ft.
Setbacks:	
Front:	50 ft. between buildings
Rear:	50 ft. between buildings
Side:	20 ft. between structures
Corner:	25 ft.

**BUFFER-YARD
REQUIREMENTS:**

Areas adjacent to all road rights-of-way shall provide a minimum six- (6') foot high brick, stone or decorative finished block wall erected inside a minimum ten (10) foot wide landscaped buffer-yard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall.

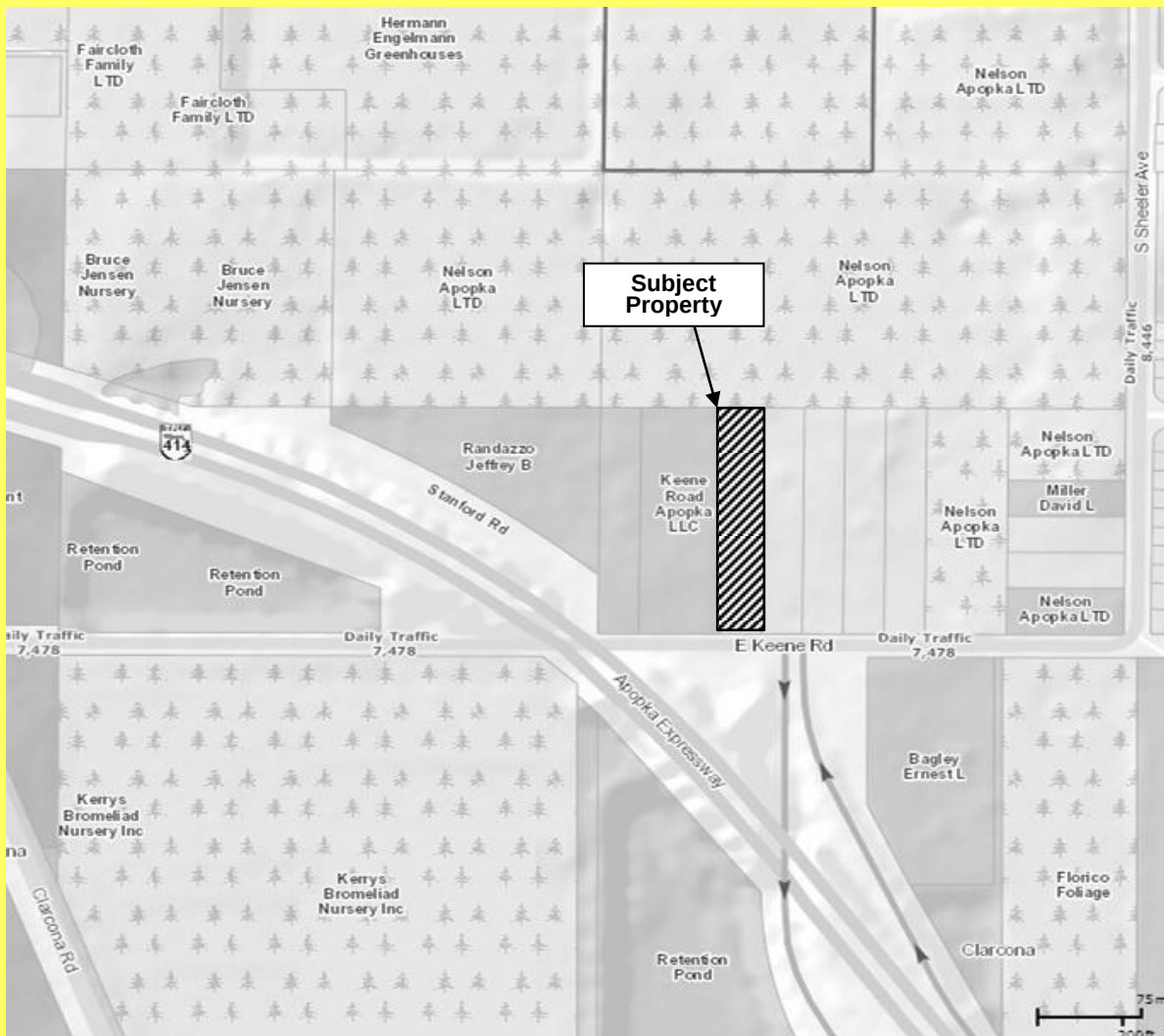
ALLOWABLE USES:

Multi-family development up to 15 units per acre, duplex, or single family residential subject to Section 2.02.07 of the Land Development Code.

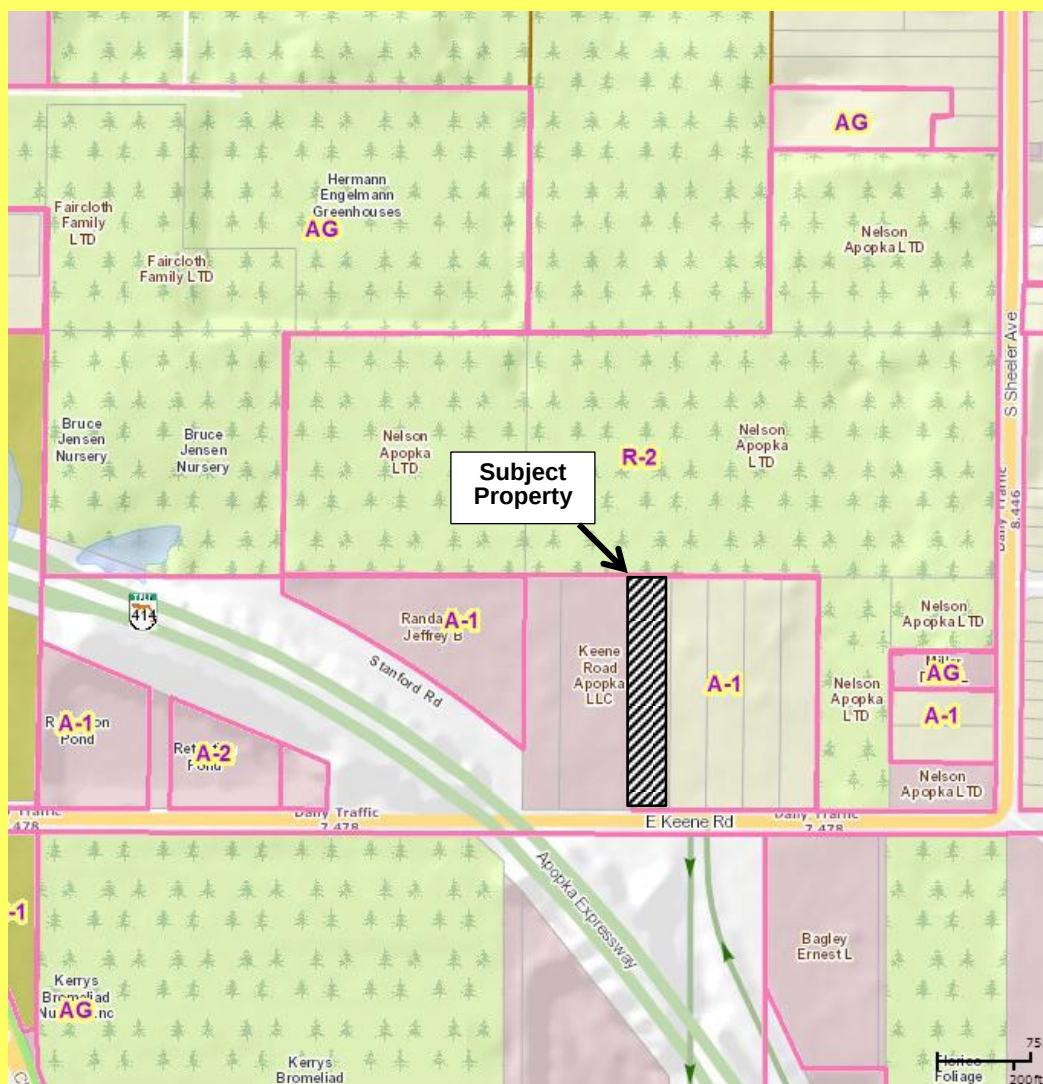
Robert Roach
1.5 +/- Acres
Existing Maximum Allowable Development: 1 Unit
Proposed Maximum Allowable Development: 22 Units
Proposed Future Land Use Change
From: "County" Agricultural (1 du/5 ac)
To: "City" Residential High (0-15 du/ac)
Proposed Zoning Change
From: "County" A-1
To: "City" R-3
Parcel ID #: 22-21-28-0000-00-114



VICINITY MAP

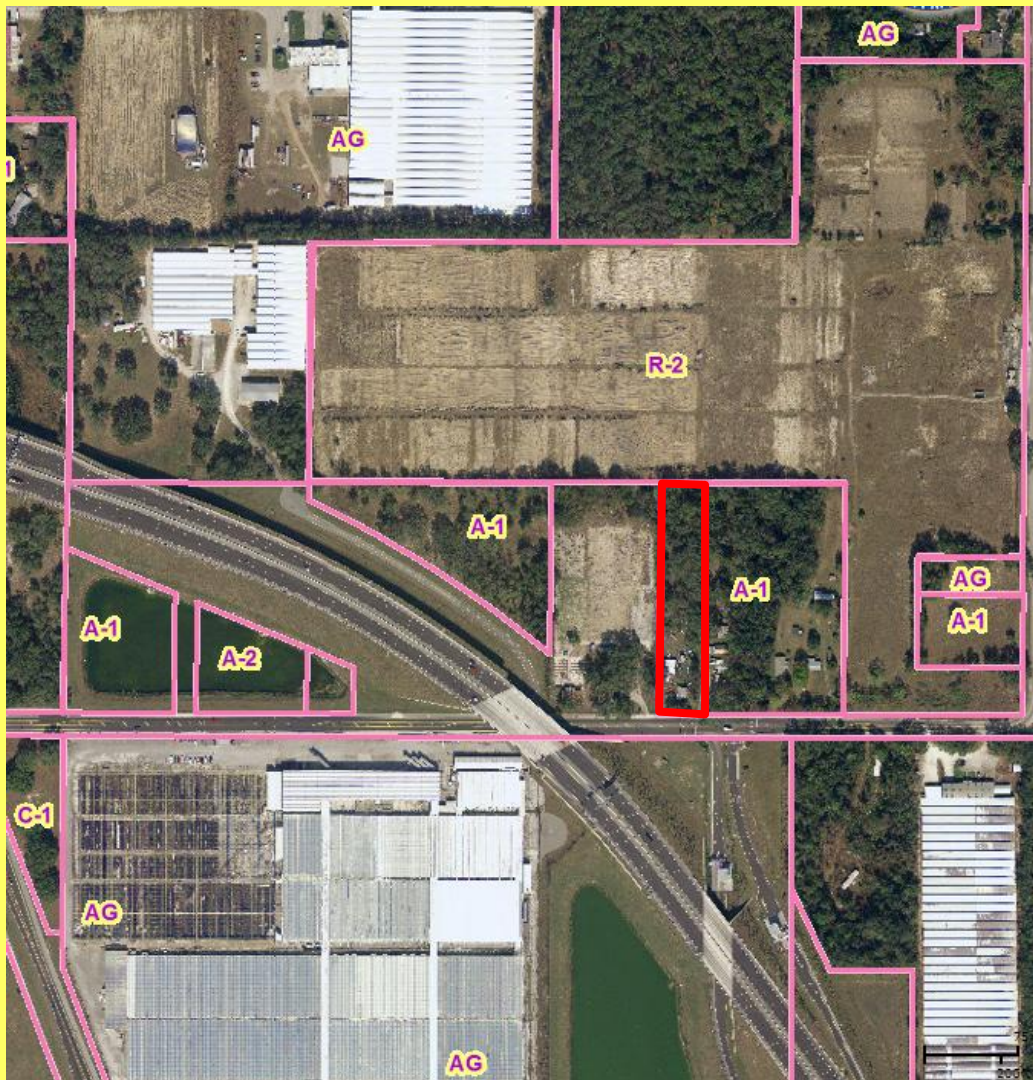


ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

5. CHANGE OF ZONING – Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey, from R-1AA (0-5 du/ac)(Residential) to R-2 (0-5 du/ac)(Residential), for property located east of Plymouth Sorrento Road, south of Schopke Road. (06-21-28-7172-15-130)



CITY OF APOPKA PLANNING COMMISSION

<u>X</u> PUBLIC HEARING	DATE:	April 8, 2014
ANNEXATION	FROM:	Community Development
PLAT APPROVAL	EXHIBITS:	Zoning Report
OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map

SUBJECT: DEBRA L. JONES; STEVEN P. GILL; AND APOPKA GILKEY, LLC, C/O JASON GILKEY

PARCEL ID NUMBERS: 06-21-28-7172-15-090 AND 06-21-28-7172-15-130

Request: CHANGE OF ZONING

FROM: R-1AA (0-5 DU/AC) (RESIDENTIAL) AND PLANNED UNIT DEVELOPMENT (0-5 DU/AC) (PUD/R-2) (RESIDENTIAL)

TO: PLANNED UNIT DEVELOPMENT (PUD/R-2) (0-5 DU/AC) (RESIDENTIAL)

SUMMARY

OWNERS: Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey

APPLICANT: Gilkey Realty, Inc., c/o Jason Gilkey

LOCATION: East of Plymouth Sorrento Road, south of Schopke Road

EXISTING USE: Single Family Residence, 1 shed, and planted pine

FUTURE LAND USE: Residential Low (up to 5 un\ac)

ZONING: R-1AA (Residential) (Min. 12,500 sq. ft. lot) and Planned Unit Development (Min. 8,625 Sq. Ft. Lot; and 8,400 sq. ft. Lots abutting Plymouth Sorrento Road)

PROPOSED DEVELOPMENT: Single Family Subdivision

PROPOSED ZONING: PUD (Residential -- Min. 8,625 Sq. Ft. Lot; 8,400 Sq. Ft. abutting Plymouth Sorrento Road)

TRACT SIZE: 14.7 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	56 Residential Units
PROPOSED ZONING:	62 Residential Units

DISTRIBUTION

Mayor Land	Finance Dir.	Public Ser. Dir. (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on September 3, 1997, through the adoption of Ordinance No. 1104 (Parcel ID # 06-21-28-7172-15-090); and on December 16, 1998, through the adoption of Ordinance No. 1195 (Parcel ID # 06-21-28-7172-15-130). The proposed zoning change is compatible with the character of the surrounding area.

A change of zoning application for the Apopka Gilkey LLC parcel from R-1AA to PUD/R-2 was approved by the City on November 6, 2013 through the adoption of Ordinance No. 2335. Since the adoption of that rezoning ordinance, new information has emerged that Orange County will need thirty feet (30') of additional right-of-way on each side of Plymouth Sorrento Road to construct a four-lane divided road within the next ten years. In addition, Apopka Gilkey LLC proposes to acquire the 3.5 acre parcel that abuts to the south owned by Debra L. Jones and Steven P. Gill.

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).

PUD RECOMMENDATIONS:

The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions be subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-2 zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- C. If a preliminary Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.
- D. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:
 - 1. Minimum lot area for a single family home shall be 8,625 sq. ft. Lots with a rear-yard facing Plymouth Sorrento Road are allowed a minimum lot size of 8,400 square feet.

2. Wrought-iron style fences shall not be allowed within subdivision buffer tracts placed along Plymouth Sorrento Road or Schopke Road. A brick or masonry wall will not be required where the subject property abuts lands used for agriculture purposes or assigned an agriculture zoning category; but in lieu thereof the City may require a six-foot high vinyl or wood screen fence.
3. Minimum livable area for a single family dwelling unit is 1,500 sq. ft.
4. Unless otherwise addressed within the PUD development standards, the R-2 zoning standards will apply to the subject property.
5. Unless otherwise approved by City Council, road access to any residential development occurring within the subject property shall not occur from Plymouth Sorrento Road.
6. A thirty-foot wide tract along the western property line shall be reserved for future right-of-way (ROW) for Plymouth Sorrento Road. In the event the ROW reservation is not dedicated to the City of Apopka, the ROW shall be valued at the zoning in effect prior to the effective date of the zoning ordinance (i.e., R-1AA).
7. A ten-foot wide landscape buffer with a six-foot high masonry wall shall be placed eastward of the land reserved for future right-of-way.
8. Common open space shall be provide at a minimum of twenty percent (20%) of the subject property, as set forth in and according to Section 2.02.18.D of the Land Development Code (2014).
9. Planted pine currently existing on the northern parcel may be harvested for silviculture purposes. If harvested for timber product, planted pine shall not be subject to the City's arbor mitigation standards.
10. If a school capacity enhancement determination has not been approved by Orange County Public Schools within six months of the effective date of this ordinance, the Master Plan provisions shall expire.

COMPREHENSIVE PLAN COMPLIANCE: The proposed PUD rezoning is consistent with the Future Land Use Designation of Residential Low Density (up to five units per acre) that is assigned to the property. Site development cannot exceed the densities allowed by the Future Land Use policies. Development standards for the proposed PUD zoning category establish a minimum lot area standard of 8,625 sq. ft. except for lots with a rear yard abutting Plymouth Sorrento Road are allowed a minimum lot area standard of 8,400 sq. ft..

SCHOOL CAPACITY REPORT: The proposed zoning will potentially allow the development of more lots than can be generated by the zoning currently assigned to the subject property. Therefore, the rezoning application is subject to school capacity enhancement. A school capacity enhancement agreement shall be obtained from Orange County Public Schools prior to the change of zoning becoming effective.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 7, 2014.

PUBLIC HEARING SCHEDULE:

April 8, 2014 – Planning Commission (5:01 pm)
April 16, 2014 - City Council (8:00 pm) - 1st Reading
May 7, 2014 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

March 21, 2014 – Public Notice and Notification
April 25, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from R-1AA (0-5 du/ac) (Residential) and Planned Unit Development (0-5 du/ac) (PUD/R-2) (Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac) (Residential) for the property owned by Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0-5 du/ac)	R-2	Planted Pine
East (County)	Agricultural (1 du/10 ac)	A-1	Tree Nursery/Grazing
South (City)	Agricultural (1 du/10 ac)	A-1	Tree Nursery/Grazing
West (City)	Residential Low Suburban (0-2 du/ac)	R-1AA	Nursery

LAND USE & TRAFFIC COMPATIBILITY:

The subject property fronts a major collector roadway (Plymouth Sorrento Road) to the west and is bordered to the north by a local street – Schopke Road. A survey of the residential lot dimensions and lot area found in nearby residential communities is listed below:

Subdivision	Lot Width	Lot Depth	Lot Area
Arbor Ridge Phase 1	95'	135'	13,100 sq. ft.
Palmetto Ridge	75'	134'	10,050 sq. ft.
Fisher Plantation	75'	115'	8,625 sq. ft.
Plymouth Landing	60'	110'	6,600 sq. ft.

The area along Schopke Road, east of Plymouth Sorrento Road, and west of Schopke Lester Road experiences a transition from horticultural nurseries and large residential parcels to residential subdivisions ranging in lot sizes from 6,600 sq. ft. to 13,100 sq. ft. Lot size tends decrease moving southward from Lester Road to U.S. 441 within this area. While a mix of unincorporated and city parcels south of Schopke Road, the future land use maps for the County and the City plan for residential subdivisions with a density up to four to five units per acre. For the City of Apopka, Residential Low Density future land use designation is common in this area, while the County's map assigns a similar future land use designation of Low Density Residential to unincorporated parcels.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed PUD zoning is consistent with the City's Residential Low (0-5 du/ac) Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-2 DISTRICT REQUIREMENTS:

Below standards only apply if not otherwise addressed in the PUD development conditions.

Minimum Living Area:	1,350 sq. ft. – SFR/Duplex
Minimum Site Area:	7,500 sq. ft. – SFR / 15,000 sq. ft. - Duplex
Minimum Lot Width:	70 ft. – SFR / 140 ft. - Duplex
Setbacks- Front:	25 ft.
Rear:	20 ft.
Side:	7.5 ft. – SFR/10 ft. - Duplex
Corner:	25 ft.

**PROPOSED PUD
REQUIREMENTS:**

Minimum Living Area:	1,500 sq. ft. – SFR/
Minimum Site Area:	8,750 sq. ft. – SFR
	8,400 Sq. ft. – SFR along PS Road
Minimum Lot Width:	70 ft. – SFR
Setbacks- Front:	25 ft.
Rear:	20 ft.
Side:	7.5 ft. – SFR
Corner:	25 ft.
Front-entry garage:	30 ft.

**PUD BUFFERYARD
REQUIREMENTS:**

Development within this PUD shall comply with the R-2 category buffer requirements except as otherwise described in the PUD development standards. R-2 buffer standards are: a six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis; Areas adjacent to agricultural districts or uses shall provide a minimum five-foot bufferyard and a six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval; and Duplex developments which are adjacent to single-family detached housing developments shall provide a minimum six-foot high brick, stone or decorative block finished wall erected inside a five-foot bufferyard.

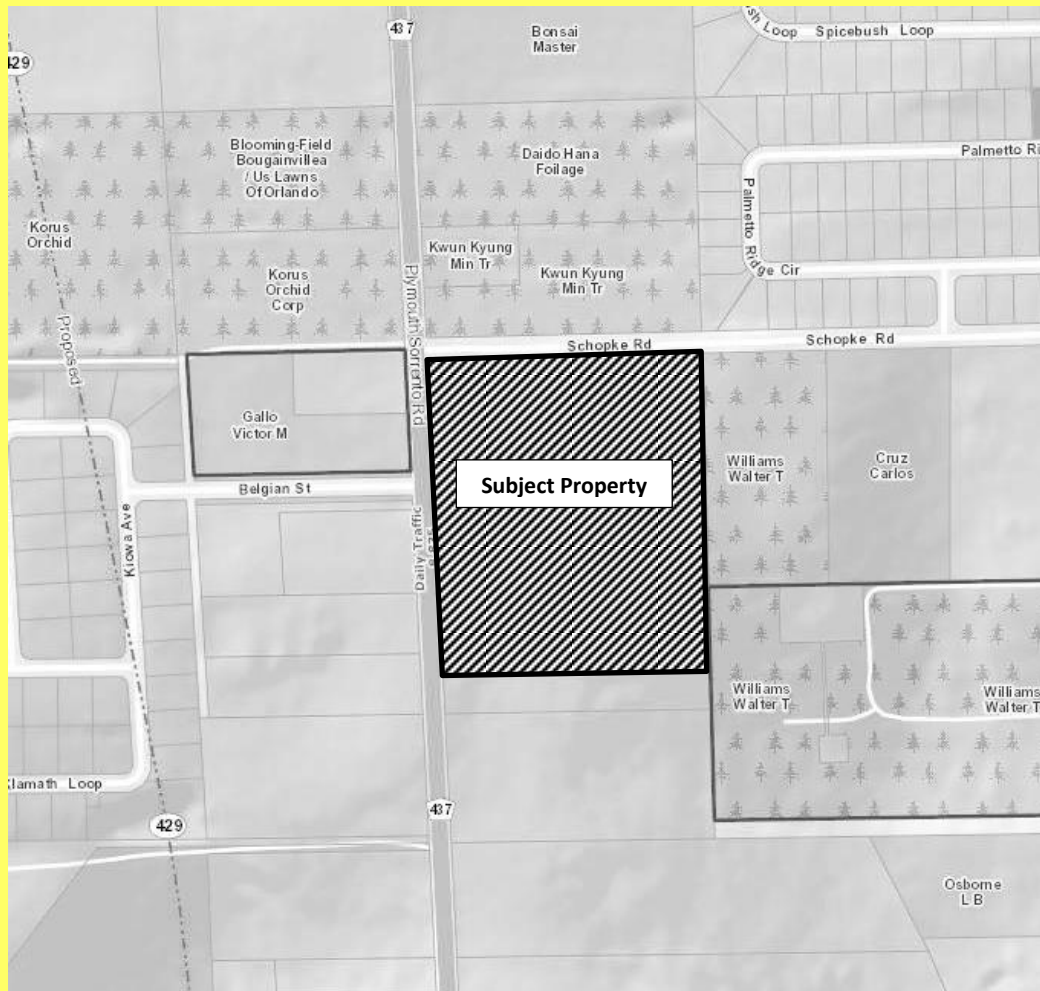
**ALLOWABLE
USES:**

One-family dwelling structures, including customary accessory structures and Uses in accordance with R-2 zoning category described with article VII of the city code.



Debra L. Jones and Steven P. Gill (3.88 +/- acres), and
Gilkey Apopka, LLC. (10.82 +/- acres)
14.7 Total +/- Acres
Existing Maximum Allowable Development: 56 Units
Proposed Maximum Allowable Development: 62 Units
Proposed Zoning Change:
From: R-1AAA (Residential) and PUD/R-2 (Residential)
To: PUD/R-2 (Residential)
Parcel ID #s: 06-21-28-7172-15-130; 06-21-28-7172-15-090

VICINITY MAP



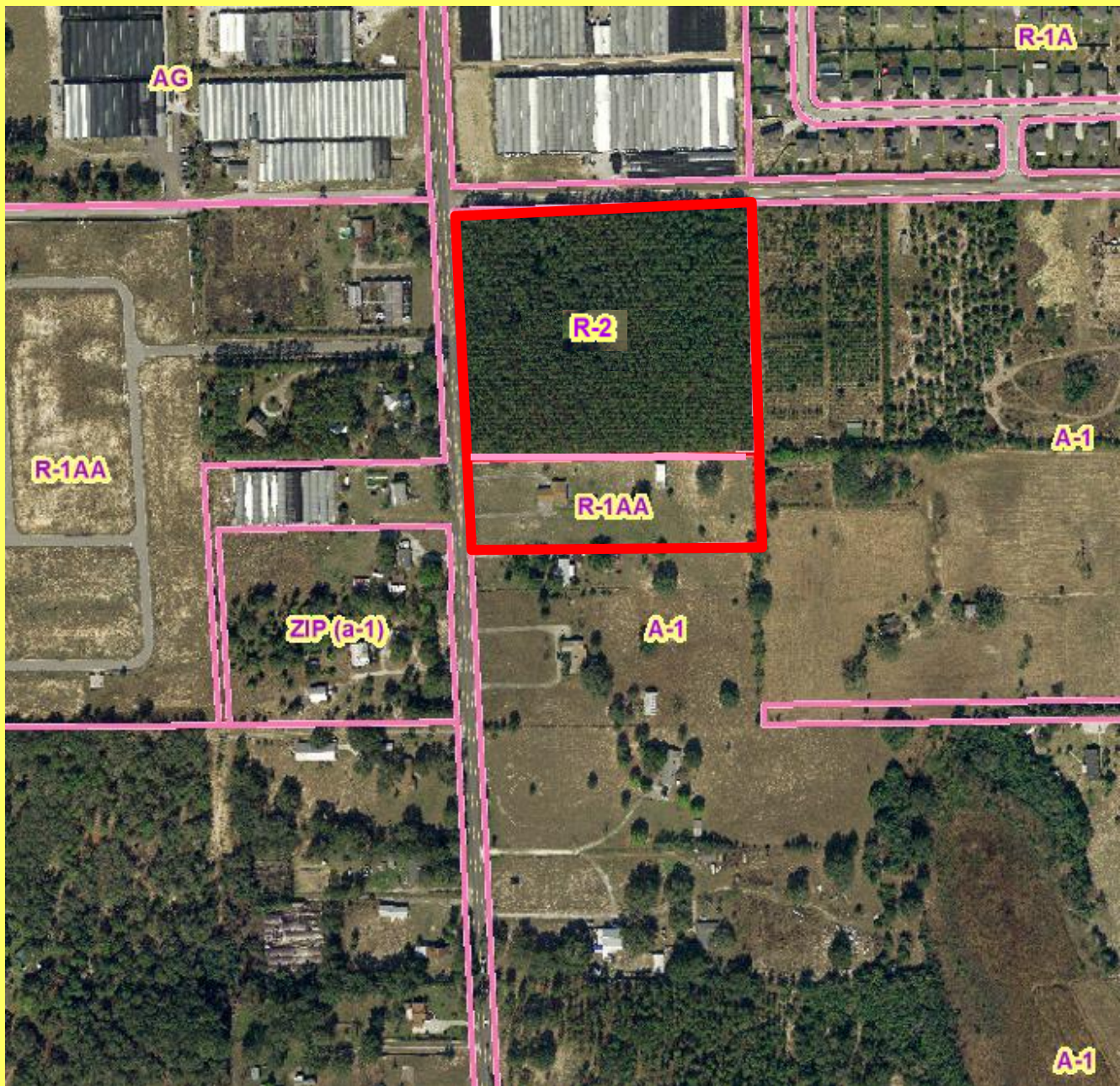


ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

1. FINAL DEVELOPMENT PLAN - Poe Reserve Subdivision, owned by Nancy Poe, c/o Floriday Properties, Inc.; the engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn; and the property is located south of North Orange Blossom Trail, west of State Road 451. (Parcel ID Nos. 05-21-28-0000-00-030, 08-21-28-0000-00-026, 08-21-28-0000-00-027 & 08-21-28-0000-00-046)



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SPECIAL REPORTS
☐ PLAT APPROVAL
☒ OTHER: Final Dev. Plan

MEETING OF: April 8, 2014
FROM: Community Development
EXHIBITS: Vicinity Map
Duke Energy Letter
Site & Landscape Plans

PROJECT: POE RESERVE SUBDIVISION FINAL DEVELOPMENT PLAN/PLAT

Request: RECOMMEND APPROVAL OF THE POE RESERVE SUBDIVISION FINAL DEVELOPMENT PLAN/PLAT

SUMMARY:

OWNER: Nancy Poe, c/o Floriday Properties, Inc.

APPLICANT/ENGINEER: June Engineering Consultants, Inc.,
c/o Jeffrey Sedloff & Jimmy Dunn

LOCATION: South of North Orange Blossom Trail, west of State Road 451

ZONING: 05-21-28-0000-00-030 & 08-21-28-0000-00-026 = R-1
08-21-28-0000-00-027 & 08-21-28-0000-00-046 = R-3

FUTURE LAND USE: Residential-Low (0-5.0 du/ac)

EXISTING USE: Vacant Land

PROPOSED USE: Single Family Residential Subdivision (81) Lots

TRACT SIZE: 26.30 +/- Developable Acres

DENSITY: 3.08 units per gross acre

DISTRIBUTION

Mayor Land	Finance Dir.	Public Ser. Dir (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-1/C-2	Vacant Land; CSX rail line
East (City)	Res. Low (0-5.0 du/ac)	R-1 (ZIP)	OOCEA Retention Pond; S.R. 451 Tollway
South (City)	Res. Low (0-5.0 du/ac)	R-1A	Marshall Lake\Vacant Land
West (City)	Res. Low (0-5.0 du/ac)	R-1/R-3	Lake Doe Cove Phase 3\Country Landing

ADDITIONAL COMMENTS:

The Poe Reserve Final Development Plan/Plat proposes 81 single family lots within 26.3 +/- acres. Approximately half of the property is zoned R-1 residential and the other half is zoned R-3 residential. While the R-3 zoning category allows single family lots with a minimum lot width of 70 feet and a minimum lot area of 7,500 sq. ft., the entire project area proposes a minimum lot width of 75 feet and a minimum lot area of 8,000 sq. ft. – the standards for the R-1 zoning category. A brick wall within a five foot buffer easement is required adjacent to the railroad right-of-way and appears on the Final Development plan.

Access: Thirteen lots will front Lake Doe Blvd. and have driveway access to this road. Lot 13 fronts Lake Doe Blvd. and will have a buffer tract and six foot high buffer wall along its side and rear yard line along Ralph Poe Drive. The remaining lots access internal streets that connect to Lake Doe Blvd. Removal of the cul-de-sac and extension of Ralph Poe Drive will allow potential future access to Marshall Lake Road. A future access to Marshall Lake Road will promote better emergency response times as well as promote the distribution of vehicle trips generated from Poe Reserve. Furthermore, the primary access to Poe Reserve occurs from Lake Doe Blvd., which crosses an active railroad track. If the road is blocked by railroad activity, then an access to Lake Marshall Road will allow an alternative route for residential of Poe Reserve as well as emergency response.

Stormwater: The stormwater management system includes an on-site retention area. A dry stormwater pond is located within Tract “D”. The design meets the City’s Land Development Code requirements.

Recreation: The developer is providing a 0.75 acre (37,662.8 sq. ft.) active tot lot (Tract “J”). Also being provided is a 0.18 acre (7,883.62 sq. ft.) passive park (Tract “B”). The equipment provided in Tract “J” consists of park benches, picnic tables and a tot lot structure.

Buffer/Tree Program: Buffers are provided consistent with the Land Development Code or as addressed within the Waiver Request. More trees will be planted than are proposed to be removed. A buffer wall and landscape tract is proposed adjacent to Lake Doe Blvd. north of Ralph Poe Drive, as well as along the northern perimeter of Lot 55. An entrance feature is proposed at the western end of Ralph Poe Drive. Regarding a brick wall along S.R. 429, DRC’s position is that a wall is not necessary and should be waived because the raised elevation of S.R. 429 and the expressway retention pond screen the highway from Poe Reserve. And as the highway elevation is higher than the subdivision, noise will be projected upward from future residential homes. See further explanation under waiver requests.

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

Total inches on-site:	8583
Total number of specimen trees:	20
Total inches removed:	4688
Total inches retained:	3233
Total specimen inches retained:	662
Total inches required:	4004
Total inches replaced:	955
Total inches post development:	4850

In addition to the 98 inches that will be replaced by new plantings within the park, open space, and around the retention pond. Each lot will have three trees and street trees will be planted every thirty-five feet.

WAIVER REQUEST:

- 1.) Section 2.02.05.H.1 - Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. The applicant is requesting the City waive the requirement for a brick wall along S.R. 429 (now known as S.R. 451).

Staff Response and Information: Regarding a brick wall along S.R. 429 (S.R. 451), DRC's position is that a wall is not necessary and should be waived because the raised elevation of S.R. 429 (S.R. 451) and the expressway retention pond screen the highway from Poe Reserve; and as the highway elevation is higher than the subdivision, noise will be projected upward from future residential homes. Additionally, fences installed within the rear yard of lots abutting S.R. 451 shall be uniform in color, height, and vinyl material. The CCR Document shall include this condition.

SCHOOL CAPACITY REPORT: No development activity or clearing or grading can occur until such time that a concurrency mitigation agreement has been approved by Orange County Public Schools (OCPS). On March 31, 2014, OCPS provided an e-mail that states: "The Poe Property has some issues with its concurrency determination and we are requesting that the final plat approval be postponed until such time as an agreement is finalized."

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

CONDITIONS:

Several items are in the process of being resolved. Staff requests the following conditions be a part of the recommendation of approval:

1. There is a 10 foot Duke Energy easement along the northern property line. Per the February 26, 2014 letter from Duke Energy, the easement can be released. This shall be recorded prior to recording of the plat.
2. Several of the 13 lots along Lake Doe Boulevard have power pole guide wires extending onto the front yards. The developer must coordinate with the City and Duke Energy to resolve this possible safety issue.

PUBLIC HEARING SCHEDULE:

April 8, 2014 - Planning Commission, 5:01 p.m.

April 16, 2014 - City Council, 8:00 p.m.

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the POE RESERVE FINAL DEVELOPMENT PLAN, subject to approval of the waiver of the brick wall requirement along S.R. 429, and subject to the findings of the staff report.

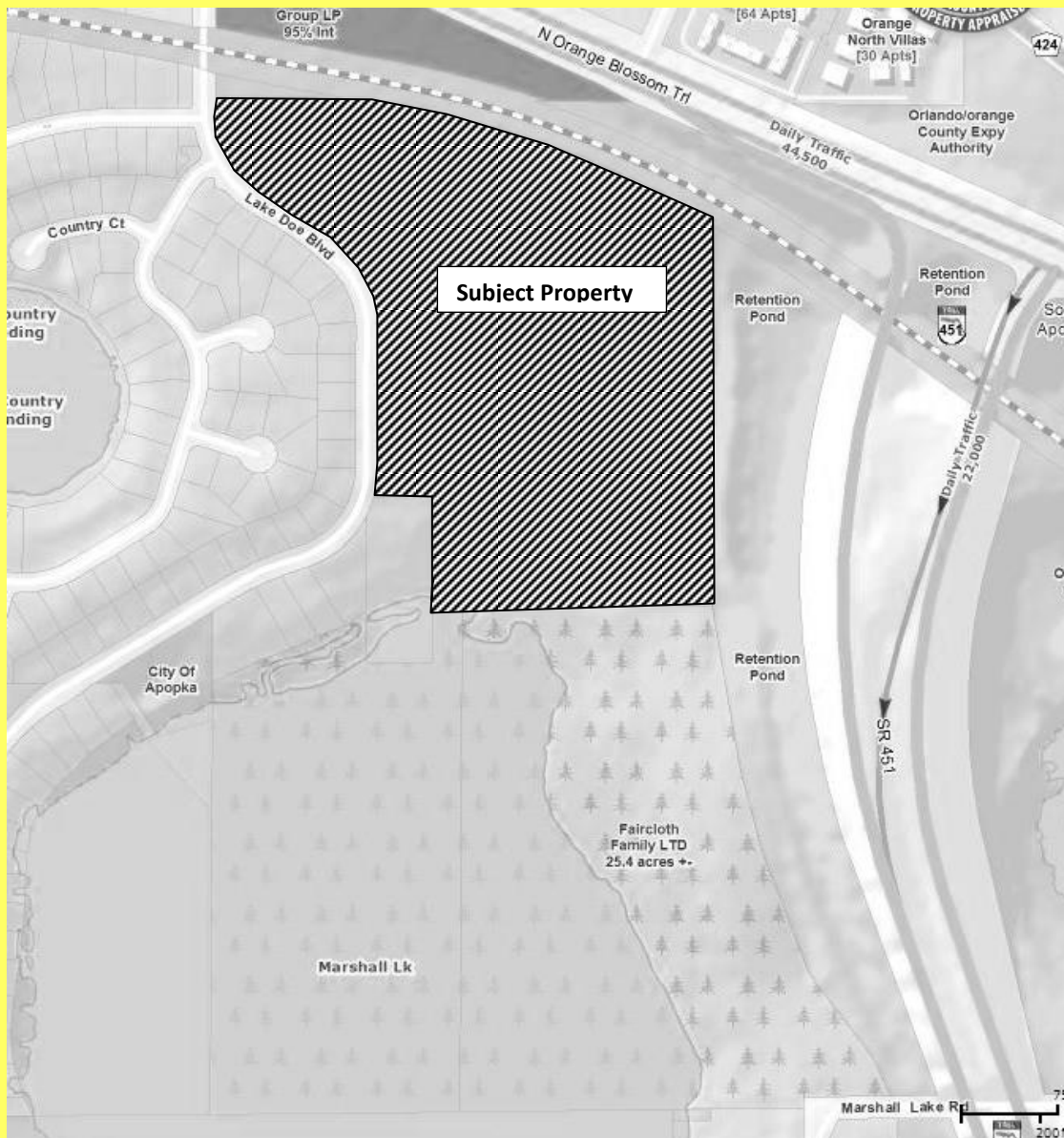
Planning Commission Recommendation: The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or approve with conditions based on consistency with the Comprehensive Plan and Land Development Code.

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.

Nancy Poe, c/o Floriday Properties, Inc.
June Engineering Consultants, Inc.
Poe Reserve Subdivision
26.90 +/- Acres

Proposed Maximum Allowable Development: up to 84 Single Family Units
Parcel ID #s: 05-21-28-0000-00-030; 08-21-28-0000-00-026;
08-21-28-0000-00-027; 08-21-28-0000-00-046

VICINITY MAP





February 26, 2014

June Engineering Consultants, Inc.
Attn: Jimmy Dunn

RE: Acknowledgement of Easement Release – Orange County ORB(3931/2274)
Property: 315 Lake Doe Blvd., Apopka, FL. 32703
Work Request: neighborhood to-be “Poe Reserve”

Dear Mr. Dunn,

After review of the property located at 315 Lake Doe Boulevard, Apopka, Duke Energy Florida, Inc. has determined your request for Release of Easement, located in Orange County Official Records Book 3931, Page 2274 and 2275, to be acceptable. Upon the granting of a Duke Energy Distribution Easement, for underground facilities to the neighborhood to-be-known as “Poe Reserve”, Duke Energy will work with you to Release the mentioned easement along the Northern portion of parcel ID’s, 05-21-28-0000-00-030 & 08-21-28-0000-00-026. Please be aware that the removal of the Overhead poles and wires, within this Easement Area, will be at the cost of the Requestor.

If you should have further questions or concerns, please contact me at 407-942-9727, or by email at Nicholas.Brana@Duke-Energy.com.

Sincerely,

Nick Brana
Land Rep, Land Services
Florida – Distribution ROW



FINAL DEVELOPMENT PLAN

for

Poe Reserve

DEVELOPMENT INFORMATION		
Land Area	26.265 Acres (1,144,103.4 sf.)	
Zoning	Single Family Residential	Existing - R-1, R-3
Existing Land Use	Vacant	
Proposed Land Use	Residential Low (0-5 du/ac)	
Number of Proposed Lots	81	
Proposed Density	3.08 units/acre	
Maximum Height	35 ft (2 Stories)	
Minimum Lot Area	8,000 sf	
Minimum Living Area	2,100 sf	
Minimum Lot Width	75 ft	
Minimum Yard Setback:		
Front:	25 ft	
(Front Entry Garages)	30 ft	
Side:	10 ft	
Side Corner:	25 ft	
Rear:	20 ft	
Wetland:	50 ft	

Open Space:

Open Space Provided = 4.020 Ac. = 15.306%

Tract A	3,978.29
Tract B	20,264.95
Tract C	21,182.90
Tract D	74,953.55
Tract E	10,617.54
Tract G	13,746.23
Tract H	759.21
Tract I	11,593.23
Tract J	18,023.30
	175,119.20

* Irregular Lots Front Yard Setback Distance is Indicated at the Minimum Required Lot Width

Phasing: Four Phases

Projected Traffic: 840 Average Daily Traffic Trips

Schools: Elementary - Apopka
Middle - Apopka
High - Apopka

Sewer Flow - 24,300 gal. per day

Water Flow - 28,350 gal. per day (Fire flow per Sub. Regs.)

Stormwater: Provide Retention/Retention System on-site per Sub. Regs.

Existing Vegetation: Pasture

No fences, landscaping or other structures are allowed within drainage easements between lots with underground piping.

FEMA - Site lies partially within Flood Zone X, (areas outside of 500 Yr. flood plain), with portions lying within Zone AE for Marshall Lake, (areas of 100 Yr. flood plain), with a base elevation of 76.1 (NAVD88 datum) According to FIRM Map No. 12095C0120 F, Dated September 25, 2008.

Parcel ID Numbers: 08-21-28-0000-00-026
08-21-28-0000-00-027

Property Address: 315 & 397 Lake Doe Blvd.

DESCRIPTION:

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD, ALSO,

THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD AND EAST OF LAKE DOE BOULEVARD, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGES 16 AND 17, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS AND EXCEPT:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 1, COUNTRY LANDING, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGES 103-105, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N00°17'33"E ALONG THE EAST LINE OF LOT 1, 235.31 FEET TO THE NORTHEAST CORNER OF LOT 1 SAID CORNER LYING ON THE EASTERLY RIGHT OF WAY LINE OF LAKE DOE BOULEVARD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 16-17, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID RIGHT OF WAY LINE BEING A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST; THENCE FROM A RADIAL BEARING OF N62°41'43"W RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 19°36'06", A RADIUS OF 275.00 FEET, AN ARC LENGTH OF 94.08 FEET, A CHORD BEARING OF N17°30'14"E AND A CHORD DISTANCE OF 93.62 FEET TO A LINE 324.61 FEET NORTH OF, WHEN MEASURED PERPENDICULAR TO, THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 8; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN S89°58'25"E, 178.97 FEET TO A LINE 206.67 FEET EAST OF, WHEN MEASURED PERPENDICULAR TO, THE EAST LINE OF AFORESAID LOT 1; THENCE RUN S00°17'33"W, PARALLEL WITH SAID EAST LINE 324.61 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8; THENCE RUN N89°58'25"W ALONG SAID SOUTH LINE, 206.67 FEET TO THE SOUTHEAST CORNER OF AFORESAID LOT 1 AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.265 ACRES MORE OR LESS.



Location Map

OWNER:	NANCY POE 499 LAKE DOE BLVD. APOPKA, FL 32703	(407) 880-1053
OWNER/ DEVELOPER:	FLORIDAY PROPERTIES, INC. ROHLAND A. JUNE, PRESIDENT P.O. BOX 770609 WINTER GARDEN, FL 34777-0609	(407) 905-8180
ENGINEER:	JUNE ENGINEERING CONSULTANTS, INC. P.O. BOX 770609 WINTER GARDEN, FL 34777-0609	(407) 905-8180
SURVEYOR:	BISHMAN SURVEYING AND MAPPING, INC. 14 S. MAIN STREET, SUITE 200 WINTER GARDEN, FL 34787	(407) 905-8877
GEOTECHNICAL ENGINEER:	UNIVERSAL ENGINEERING SCIENCES, INC. 2532 MAGGIE BLVD. ORLANDO, FL 32811	(407) 423-0504
ENVIRONMENTAL CONSULTANT:	BIO-TECH CONSULTING, INC. 2002 E. ROBINSON STREET ORLANDO, FL 32803	(407) 894-5969
UTILITIES:	Water: City of Apopka Sewer: City of Apopka Telephone: Century Link Electric: Duke Energy Cable: BrightHouse Networks	

Tract Information		
Tract	Use	Ownership & Maintenance
A	Landscape / Wall	Homeowners Association
B	Open Space - Passive Recreation	Homeowners Association
C	Conservation / Open Space	Homeowners Association
D	Stormwater Management	Homeowners Association
E	Upland Buffer	Homeowners Association
F	Lift Station	City of Apopka
G	Landscape / Wall	Homeowners Association
H	Landscape / Wall	Homeowners Association
I	Open Space	Homeowners Association
J	Park / Open Space	Homeowners Association
K	Stormwater Management	Homeowners Association
L	Stormwater Management	Homeowners Association

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Overall Water System Plan	3f
Overall Reuse Water System	3f
Overall Sewer Plan	3g
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Signage Plan	3i
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General Notes:

- The front of all homes shall face the street. See Section 6.01.00.C.4 of the City Land Development Code.
- A minimum of 3 trees per lot is required per section 3.6 of the City's Development Design Guidelines.
- All power service to site and throughout the site shall be provided underground.
- Prior to clearing or grading the site, a letter from Florida Fish & Wildlife Commission shall be provided to the City of Apopka Planning & Zoning Department.
- Residents will not be allowed access to Lake Marshall.
- All phases shall be part of the same property owners association.
- All roadway and fire hydrant infrastructure must be in place before building construction begins.
- All home construction shall meet the intent of the development design guidelines. All models must be approved by the Community Development Department prior to issuance of a building permit.
- Plot recordation shall occur within sequential order unless otherwise approved by the city engineer.
- A minimum of 3 trees per lot is required per section 3.6 of the City's Development Design Guidelines.
- Entrance wall and perimeter buffer walls shall be uniform in material and color.
- All fences located within lots abutting S.R. 451 shall be uniform in height, material and color.

October 21, 2013
Revised February 25, 2014

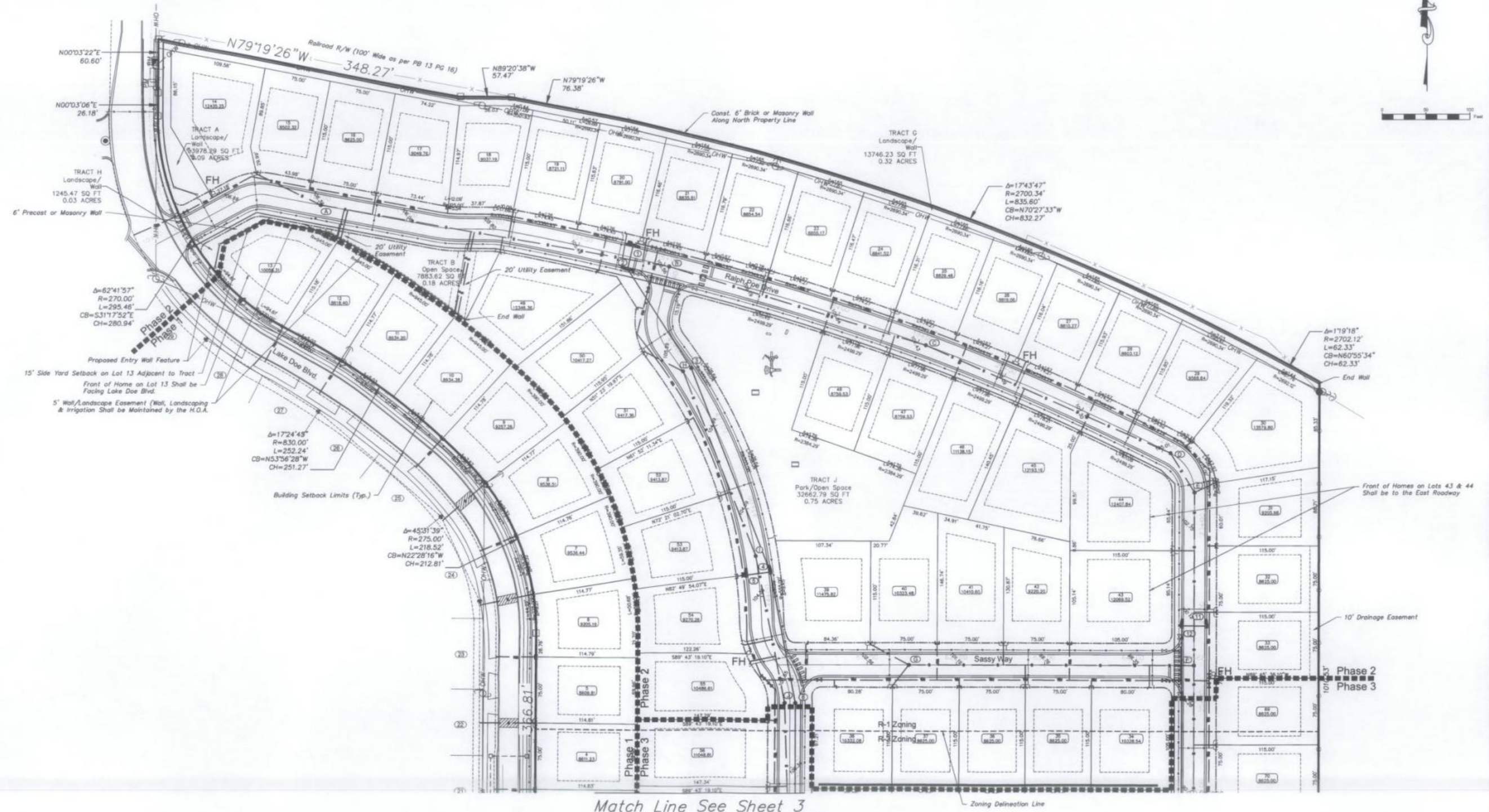


june engineering
consultants, inc.

14 S. Main Street
Winter Garden, FL 34787
Ph. 407-905-8180
Fax 407-905-6232

Certificate of Authorization #00008507

ROHLAND ALLEN JUNE 1
PE# 41949



Match Line See Sheet 3

DATE	REVISION
3/24/14	City Comments

Overall Plan
Poe Reserve

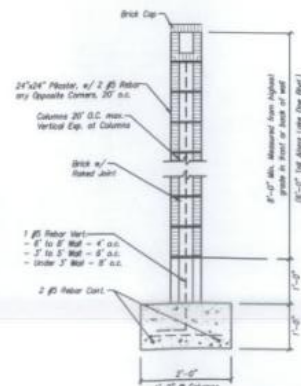
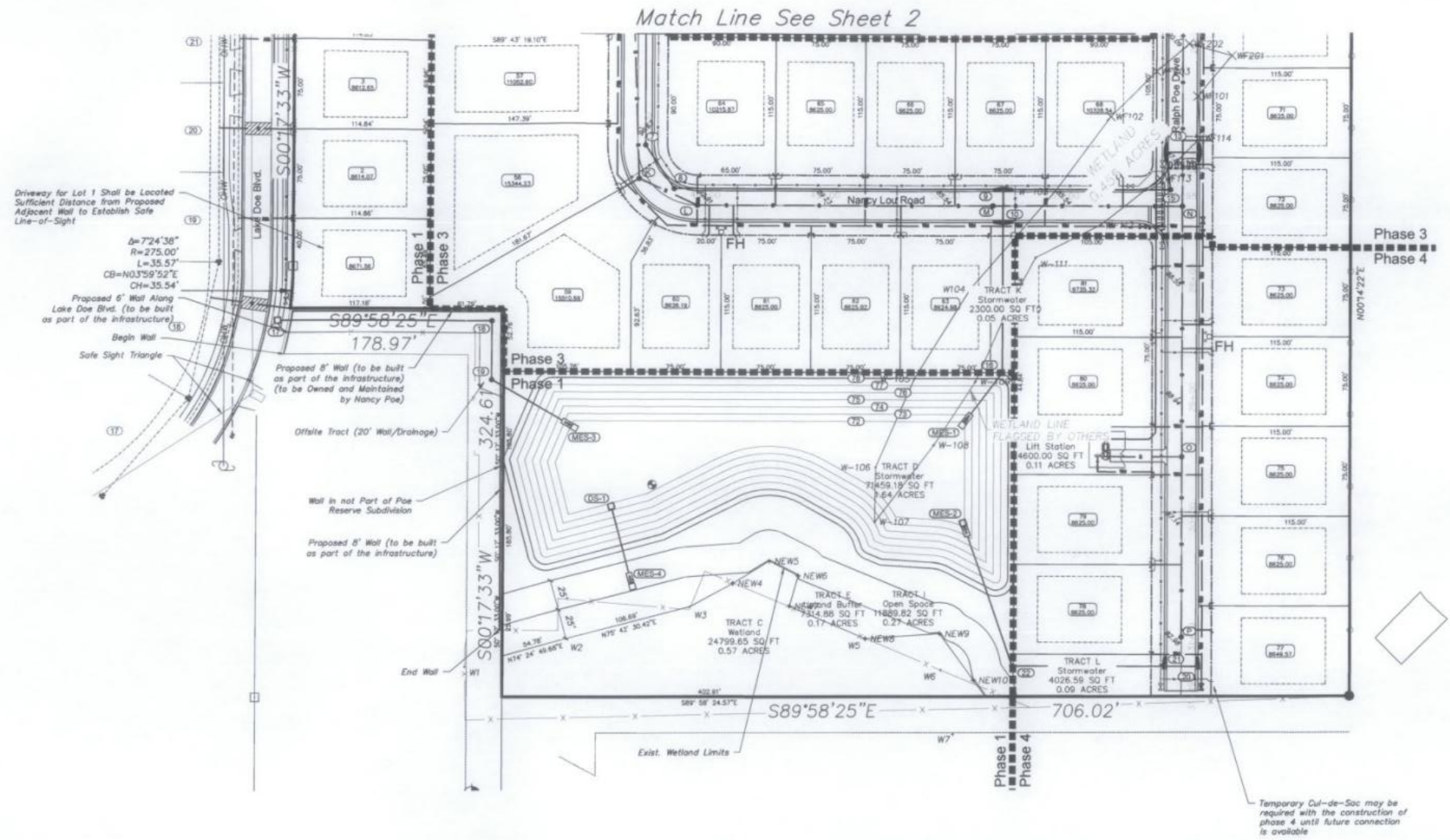
JEC june engineering consultants, inc.
14 S. Main Street
Winter Garden, FL 34787
Ph: 407-905-8180
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Certificate of Authorization #00008507

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CHECKED BY: RAJ
DATE: 8/1/13
DATE: 8/1/13

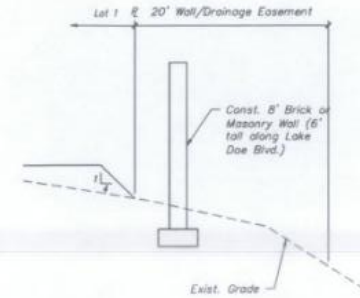
SCALE: 1" = 50'

JOB NO.
13-0454
SHEET
3
OF 12

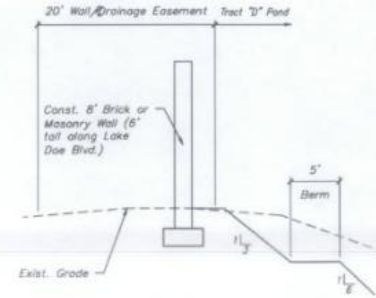
ROHLAND ALLEN JUNE II
PE# 41949



BRICK WALL DETAIL
RTS



TYPICAL WALL SECTION
RTS



TYPICAL WALL SECTION
RTS

DATE	REVISION
3/24/14	City Comments

Overall Plan
Poe Reserve

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SCALE: 1" = 50'

ROHLAND ALLEN JUNE II
PE# 41949

JOB NO.
13-0454
SHEET
3a
OF 12

Total Tree Inches on-site (pre-development) 8563
 Total Tree Inches Removed 4688
 Total Retained Tree Inches (non-specimen) 3233
 Total Retained Tree Inches (specimen, 24" DBH or Greater) 662
 Total Tree Inches Replaced 955
 Total Tree Inches on-site (post-development) 4850
 Total Number of Specimen (24" DBH or Greater) Trees being Removed 20
 Total Specimen Inches Removed 632
 Site Clearing Area 1,144,103.4 sf (26.265 Ac.)

TREE REPLACEMENT DATA:

TOTAL SITE CLEARING AREA
 = 27,752 S.F. (85 AC)

SPECIMEN TREE CHART (24" OR GREATER DBH)					
TOTAL NO.	TOTAL CALIPER	NO.	CALIPER	NO.	CALIPER
4	142"	4	75"	1	98"

NON-SPECIMEN TREE CHART (6" TO 23" DBH)					
TOTAL NO.	TOTAL CALIPER	NO.	CALIPER	NO.	CALIPER
58	304"	59	138"	15	186"

TOTAL TREE STOCK REQUIREMENT:

SPECIMEN TREE STOCK FORMULA CAP: 75 INCHES DBH
 (AT 1" REPLACEMENT FOR 1" REMOVED)
 NON-SPECIMEN TREE STOCK FORMULA CAP: 138 INCHES DBH
 (AT 1" REPLACEMENT FOR 1" REMOVED)
 TOTAL MAXIMUM TREE REPLACEMENT: 213.0 INCHES DBH
 PROPOSED REPLACEMENT INCHES: 36.5 INCHES DBH
 REPLACEMENT DEFICIT INCHES: 176.5 INCHES DBH

NOTE: TREE REPLACEMENT DEFICIT = 176.5 INCHES. OWNER HEREBY COMMITS TO PAYMENT INTO THE CITY'S TREE BANK FUND FOR AMOUNT TOTALING \$1,765.00 @ \$10.00 PER INCH DEFICIT.

NOTE: THE LIMITS OF TREE CLEARING SHALL INCLUDE ONLY THOSE AREAS REQUIRED TO CONSTRUCT THE PROPOSED PAVED AREAS, BUILDINGS, UTILITIES AND RETENTION POND AS SHOWN. ALL OTHER AREAS SHALL BE UNDISTURBED.
 NOTE: TREE TRIMMING WORK SHALL REQUIRE REVIEW AND APPROVAL BY THE CITY THROUGH AN ARBOR PERMIT.

DATE	REVISION
3/24/14	City Comments

SIGNATURE _____ REG. NO. _____ DATE _____

Tree Removal Plan
Poe Reserve



june engineering
 consultants, inc.
 14 S. Main Street
 Winter Garden, FL 34787
 Ph. 407-905-8180
 Fax 407-905-6232

Certificate of Authorization #00008507
 DRAWN BY: CLK CHECKED BY: RAJ SCALE: 1" = 50'
 DATE: 1/8/10 DATE: 1/8/10

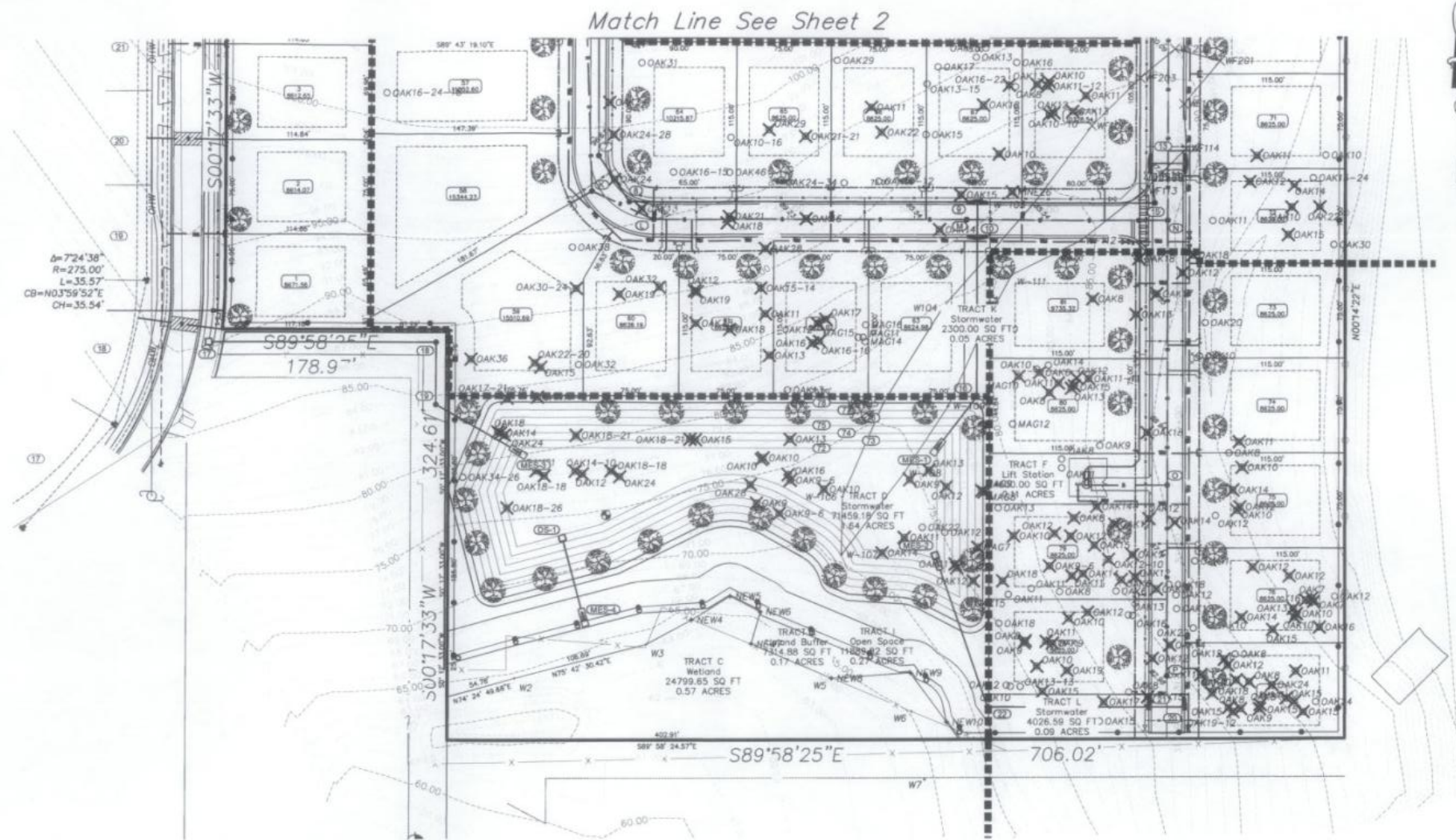
ROHLAND ALLEN JUNE II
 PE # 41949

JOB NO.
13-0454
 SHEET
3b
 OF 12

Legend

✕ To be Removed

○ Existing Tree



DATE	REVISION

Tree Removal Plan
Poe Reserve

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3C
OF 12