

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON APRIL 10, 2018, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Tony Foster, Linda Laurendeau, and John Sprinkle

ABSENT: Jose Molina, Patrice Phillips, Roger Simpson, Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackin – City Attorney, Bobby Howell - Senior Planner, Jean Sanchez – Planner I, and Jeanne Green – Recording Secretary.

OTHERS PRESENT: David Boers, Suzanne Kidd, Bryan Potts, David Brown, Teresa Sargeant – Apopka Chief, Stephen Allen, Tom Sullivan, Derek Ryan, Martha Worland, and Juan B. Lugo

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of March 13, 2018, at 5:30 p.m.

Motion: Tony Foster made a motion to approve the Planning Commission minutes from the regular meeting held on March 13, 2018, at 5:30 p.m. and seconded by John Sprinkle. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and John Sprinkle (4-0).

Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of March 20, 2018, at 5:30 p.m.

Motion: John Sprinkle made a motion to approve the Planning Commission minutes from the special meeting held on March 20, 2018, at 5:30 p.m. and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and John Sprinkle (4-0).

QUASI-JUDICIAL – PUD MASTER PLAN AMENDMENT – 1301 WEST ORANGE BLOSSOM TRAIL - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the amendment to Ordinance 2292 to amend the PUD Master Plan to create two separate lots for the property owned by Spirit SPE Portfolio CA C-Stores, LLC, located at 1301 West Orange Blossom Trail, subject to the PUD Recommendations and the information and findings in the staff report.

Chairperson Greene stated all of the agenda items are quasi-judicial and anyone giving testimony during a quasi-judicial hearing must be sworn in. He asked that all those who planned to speak during any of these hearings to stand and raise their right hand to be sworn in.

Attorney Brackin swore-in staff, petitioners, and affected parties for the quasi-judicial hearing items

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Bobby Howell, AICP, Senior Planner, stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the amendment to Ordinance 2292 to amend the PUD Master Plan to create two separate lots for the property owned by Spirit SPE Portfolio CA C-Stores, LLC, located at 1301 West Orange Blossom Trail, subject to the PUD Recommendations and the information and findings in the staff report. The applicant is Gray Robinson, P.A., c/o Tom Sullivan, and the

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engineer is Tannath Design, Inc., c/o Brian Potts. The existing use is a Convenience Store w/ Fueling Stations and the proposed use is the same use for Lot 1 and future general business uses on Lot 2. The land use is Commercial and the zoning is PUD/C-2 (Planned Unit Development/Commercial). Lot 1 is 2.045 +/- acres and Lot 2 is 0.895 +/- acre for a total acreage of 2.94 +/- acres.

The subject property is located at 1305 West Orange Blossom Trail and is the site of a gas station and associated convenience store. According to Orange County Property Appraiser records, the gas station was constructed in 1997. Originally a RaceTrac gas station was located on the property. In 2015 the property was sold, and is now the site of a Marathon gas station with an associated convenience store.

On March 6, 2013, the City Council adopted Ordinance 2292, which rezoned the property from C-1 to PUD. The C-1 zoning district only permits gasoline sales through a Special Exception and is limited to four multiple station pumps and two single station pumps. The RaceTrac gas station had over ten fueling stations, and the site was considered a legal, non-conforming use. Ordinance 2292 allows PO/I, CN, C-1, and automotive fuel sales, which is a C-2 district permissible use as permitted uses, and was requested by the former property owner to remove the legal nonconforming status from the property. Exhibit "A" of Ordinance 2292 contains a PUD Master Plan for the RaceTrac gas station and associated convenience store.

The applicant is requesting an amendment to Ordinance 2292 to amend the PUD Master Plan to create two separate lots. Lot 1 identifies the existing Marathon (formerly known as RaceTrac) gas station consisting of a 5,928 square foot convenience store with ten fueling stations. Lot 2 is proposed to remain vacant, but is to be marketed for up to 7,200 square feet of general business uses with 24 parking spaces. The applicant is requesting the PUD Master Plan amendment to split the property and sell Lot 2 in the future.

The applicant is requesting three deviations to the City's required development standards. For a PUD master plan, a deviation from the City's Land Development Code does not represent a variance but a development standard or zoning condition unique to and approved as part of the Planned Unit Development zoning. PUD's are required to satisfy the requirements of the Land Development Code unless the City Council finds that, based on substantial evidence, a proposed alternative development guideline is adequate to protect to the public health safety, and welfare. Any deviations must be consistent with the policies of the Comprehensive Plan.

1. LDC 2.02.13.G.3 - areas adjacent to nonresidential uses or districts are required to provide a minimum five-foot landscaped bufferyard. The applicant is requesting a joint 5-foot wide landscape buffer between Lot 1 and Lot 2 in lieu of the required five foot wide landscape buffer on each parcel.

Justification: Both sites consist of commercial uses and there will be substantial landscaping within the 5-foot buffer, including 7 Crape Myrtles with 2-inch minimum Caliper 8-foot minimum height, a Sweet Viburnum Hedge 24-inch minimum height 36-inches on center and Parsons Juniper 24-inches on center. The panhandle portion of Lot 1 will remain as open space. The pan handle portion of the property shall be used for open space or stormwater retention only.

2. LDC 6.05.00.D.6.A - requires the minimum requirements for maintenance berms are ten feet around the perimeter of the stormwater pond. The applicant is requesting a reduction in width of the maintenance berm of 10 feet with fencing to 5-feet for Lot 2.

Justification: The proposed concrete wall is setback 10-feet from the property line, due to an existing easement. An additional 10-foot berm on the site side of the wall would take up additional room for recharge of the stormwater ponds, necessary to meet the goals and objectives of the City of Apopka Comprehensive Plan. The proposed pond is dry and will allow for maintenance and upkeep from inside the pond.

3. Development Design Guidelines Section 4.4, Off-street parking - The applicant is requesting a reduction of the requirement of no more than 50% of the required parking spaces in front of the proposed building on Lot 2.

Justification: Section 4.4 of the Development Design Guidelines does not permit parking areas to be located in the building setback area abutting a residential area. Lot 2 abuts an existing single-family residential subdivision. In addition, a wider landscape island is proposed in front of the proposed building on Lot 2, which increases the amount of open space on site. The reduction also allows for a cross access drive aisle in the future to the Victoria Plaza.

The proposed amendment to Ordinance 2292 is consistent with the City's Commercial Future Land Use category. Development plans shall not exceed the intensity allowed under the adopted Commercial Future Land Use designation.

The Property is located on a major arterial road (West Orange Blossom Trail). The proposed amendment to Ordinance 2292 will not create any land use or traffic compatibility issues with adjacent uses. Development of the site must occur consistent with standards set forth in the Land Development Code and Development Design Guidelines unless otherwise approved within the PUD master plan.

Areas adjacent to all road right of ways shall provide a minimum ten foot landscape bufferyard. Areas adjacent to residential uses or districts shall provide a six foot high masonry wall within a ten-foot landscape buffer. The PUD Master Plan proposes extending an existing six foot high masonry wall located behind the Marathon gas station (Lot 1) along the rear of the proposed Lot 2 as it abuts residential development.

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:

Section I. 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 subject to the following zoning provisions:

- A. The uses permitted within the PUD district are PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use.
- B. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
 1. Signage shall comply with the City's sign codes unless otherwise approved through a master sign plan
 2. Illumination plan shall be provided with the preliminary or final development plan.
 3. No outside activities including but not limited to, outside storage of parts, vending machines, supplies, merchandise or materials.
- C. The C-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.
- D. A cross access easement shall be illustrated in the preliminary and final development plans and the plat that connect the U.S. 441 entrance to the eastern boundary of the project, allowing for

future connection to the Victoria Plaza.

E. The parcel split shall occur through a plat at the time of the final development plan application.

F. No driveway cut will be allowed onto Old Dixie Highway. The northern panhandle portion of the Property shall only be used as open space or stormwater retention.

The Development Review Committee recommends approval of the amendment to Ordinance 2292, for the property owned by Spirit SPE Portfolio CA C-Stores, LLC, located at 1301 West Orange Blossom Trail, subject to PUD Recommendations and the information and findings in the staff report.

The role of the Planning Commission Role is advisory to City Council; and can recommend to approve, deny or to approve with conditions.

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

Petitioner Presentation: Tom Sullivan, Gray Robinson PA, 301 East Pine Street, Suite 1400, Orlando, stated he represents the applicant. Their position is to position this property for sale. They agree with the staff report and stated he was available to answer any questions.

Affected Party Presentation: None.

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

Motion: **Tony Foster made a motion to find the proposed amendment consistent with the Comprehensive Plan and recommend approval of the amendment to Ordinance 2292 to amend the PUD Master Plan to create two separate lots; and the deviations from Land Development Code (LDC), Section 2.02.13.G.3 to allow a joint 5-foot wide landscape buffer between Lot 1 and Lot 2 in lieu of the required five foot wide landscape buffer on each parcel; and LDC 6.05.00.D.6.A to allow a reduction in width of the maintenance berm of 10 feet with fencing to 5-feet for Lot 2, for the property owned by Spirit SPE Portfolio CA C-Stores, LLC, located at 1301 West Orange Blossom Trail, subject to the PUD Recommendations and the information and findings in the staff report. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and John Sprinkle. (4-0). (Vote taken by poll.)**

QUASI-JUDICIAL – VARIANCE REQUEST – 1350 SHEELER AVENUE - Chairperson Greene stated this is a request to approve a request for variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.15(G)(3), to allow a 30 foot wide landscape buffer in lieu of the required 50 foot wide buffer for the property owned by Little Brownie Properties, Inc., c/o Peter Wood, President, and located at 1350 Sheeler Avenue.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Jean Sanchez, Planner I, stated this is a request for variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.15(G)(3), to allow a 30 foot wide

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landscape buffer in lieu of the required 50 foot wide buffer for the property owned by Little Brownie Properties, Inc., c/o Peter Wood, President, and located at 1350 Sheeler Avenue. The land use is Industrial and the zoning is I-1 (Restricted Industrial). The existing use is a warehouse. The tract size is 21.15 +/- Acres.

Ms. Sanchez stated that Section 2.02.15 (G)(3) – Setback Widths, requires a 50 foot wide buffer where an I-1 Industrial Zoning District abuts a residential use or district. Little Brownie Properties proposes to demolish a few small buildings interior to the site and construct a new building near the southern property line next to an established residential neighborhood. To accommodate internal traffic flow within the Little Brown Property, the building is proposed to be placed closer to the southern property line. To accomplish this, a required 50 foot wide landscape buffer will need to be reduced to thirty feet. Presently, no buffer exists. A 30 foot-wide buffer, though not as wide as the Code requirement, will improve existing buffering to residential homes to the south.

Variance Request - Code Standard, Sec. 2.02.15(G)(3) - Setback Width - Areas adjacent to residential uses or districts shall provide a minimum of 50-foot landscaped bufferyard. The applicant is requesting to be allowed a 30' setback from residential subdivision adjacent to the southern property boundary.

Per Land Development Code Section 10.02.00, the Planning Commission must follow two steps to approve a variance:

Step 1: Section 10.02.02.A, Limitations on Granting Variances. The Planning Commission “shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.” This is known as a physical hardship. If the Planning Commission makes this determination, then it must take action on the seven variance criteria set forth in Section 10.02.02.B.

Step 2: Section 10.02.02.B, Required Findings. Once a “physical hardship” has been determined, the Planning Commission shall not vary from the requirements of any provision of the LDC unless it makes a positive finding, based on substantial competent evidence, on the seven variance criteria.

APPLICABLE CITY CODES:

1. Section 2.02.15(G)(3) – Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 50-foot landscaped bufferyard.

Variance Hardship Determination (Step 1): The first step of the variance determination process is to determine if a hardship occurs pursuant to Section 10.02.02.A, “whether the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved.”

Applicant’s Response. Because of physical surroundings, topography conditions, and physical conditions (buildings, truck docks, driveways, etc.) that have been in place for many decades, it has posed practical challenges specific to this property.

Staff Response. No objection.

Seven Variance Criteria Findings (Step 2): If the Planning Commission accepts the hardship in Paragraph A. above, the second step is to make a finding on the seven criteria below. The Planning Commission must make a positive finding, based on substantial competent evidence, on each of the following seven criteria:

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

Applicant's Response: Current conditions and operations of the site, which were built prior to the current owner's purchase of the property, require a significant amount of space for tractor-trailers to back into south facing bays north of the proposed building. Carrying out the setback to the strict letter of the regulation (50' setback) for the proposed building will create unsafe maneuvering for the tractor trailers and a reduction in the setback to 30' will put the proposed building at the same setback of the two existing building it will be replacing. In addition, elevation differences between the properties to the south and our property will reduce the effects of a masonry wall.

Staff's Response: No objection.

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

Applicant's Response: The request is based on the desire to enhance the property and the properties around it. The reduction in the setback is based solely on operation of the site and not cost.

Staff's Response: No objection. However, Planning staff recommends a condition that no outdoor storage or vehicle parking occur anywhere within thirty feet of the southern property line of the subject Property; and no overnight parking of trucks or trailers shall occur in front of the building facing Sheeler Avenue.

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

Applicant's Response: Although the replacement of two smaller buildings with a large building can potentially increase traffic, it will, in no way, impact it enough to increase congestion on the surrounding public streets.

Staff's Response: No objection.

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

Applicant's Response: As stated before, the new building is intended to enhance the property and the properties around it by moving the property to flex spacing instead of trucking.

Staff's Response: City staff does not hold professional expertise to address property values.

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

Applicant's Response: The proposed variance will result in better conditions for the property with a larger building acting as a buffer from existing truck activity within the site. In addition, we are committed to enhancing the buffer planting requirements adjacent to the building. We feel these items are in harmony with the general intent of the code.

Staff Response: No objection.

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

Applicant's Response: All buildings on the site were built prior to the current owner's procurement of the property, so special conditions and circumstances do not result from the actions of the applicant.

Staff Response: No objection.

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

Applicant's Response: As noted above, this variance will make possible the reasonable use of the land due to existing conditions and will reduce any potential safety hazards with existing operations currently within the site.

Staff Response: No objection.

Based on the information provided by the applicant at the hearing for the variance requested, the role of the Planning Commission is to first determine that sufficient substantially competent information indicates "whether a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved." If so, then the Planning Commission must find that substantially competent information occurs to accept each of the seven variance criteria.

Planning Commission has authority to take final action whether it is to approve, deny, or approve with conditions.

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

Petitioner Presentation: Stephen Allen, Civil Corp. Engineering, Inc., 630 N. Wymore Road, Suite 310, Maitland, stated he represented the owner. They agreed with the staff report and he was available to answer any questions.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

In response to questions by Martha Worland, 921 Royal Oaks Drive, Apopka, Chairperson Greene stated that if the Planning Commission approves the condition recommended by staff, there will be no outdoor storage or vehicle parking occurring anywhere within thirty feet of the southern property line of the subject property; and no overnight parking of trucks or trailers shall occur in front of the building facing Sheeler Avenue. He stated that Little Brownies Properties, Inc. is not associated with Brownie Septic.

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

Motion: Linda Laurendeau made a motion to determine a hardship does occur pursuant to Section 10.02.02.A, that the need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property owned by Little Brownie Properties, Inc., c/o Peter Wood, President, and located at 1350 Sheeler Avenue.

Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and John Sprinkle. (4-0). (Vote taken by poll.)

Motion: John Sprinkle made a motion to Approve a variance from Section 2.02.15 (G)(3), Land Development Code, to allow a 20 foot reduction from the required 50 foot wide landscape buffer along the southern property line along the approximately 1,281.2 feet of the southern parcel line, measured westward from the Sheeler Avenue right-of-way. The variance shall expire at the time the site redevelops, allowing conformance to the buffer requirements applicable at that time, for property owned by Little Brownie Properties, Inc., c/o Peter Wood, President, and located at 1350 Sheeler Avenue. Motion seconded by Tony Foster.

Amended

Motion: Linda Laurendeau made a motion to amend the previous motion to include the condition that no outdoor storage or vehicle parking occur anywhere within thirty feet of the southern property line of the subject Property; and no overnight parking of trucks or trailers shall occur in front of the building facing Sheeler Avenue. The amended Motion was seconded by John Sprinkle. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and John Sprinkle. (4-0). (Vote taken by poll.)

QUASI-JUDICIAL - PLAT – VISTAS AT WATER’S EDGE, PHASE 1 - Chairperson Greene stated this is a request to find the Vistas at Water’s Edge, Phase 1 Plat consistent with the Land Development Code; and recommend approval of the Plat subject to the findings of the staff report for the property owned by M/I Homes of Orlando, LLC, located south of Hooper’s Farm Road, west and north of Binion Road and west of Harmon Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Howell stated this is a request to find the Vistas at Water’s Edge, Phase 1 Plat consistent with the Land Development Code; and recommend approval of the Plat subject to the findings of the staff report for the property owned by M/I Homes of Orlando, LLC, located south of Hooper’s Farm Road, west and north of Binion Road and west of Harmon Road. The land use is Mixed-Use (Max. 15 du/ac) and the zoning is Mixed-EC. The existing use is vacant land and the proposed use is a single-family residential subdivision with 80 Lots. The typical lot widths range from 60 feet to 75 feet. The lot sizes range from a minimum of 7,500 square feet to 24,000 square feet. The proposed density is 1.90 du/ac. The tract size is 75.24 +/- acres of which 74.254 is developable acreage with 21.52 +/- acres of open space.

On May 17, 2017, the City Council approved a Final Development Plan and Plat for the Vistas at Water’s Edge, which proposed the development of 143 single family residential lots and 21.52 acres of active and passive recreation space. The Final Development Plan and Plat detailed the subdivision being constructed in one phase with public streets. In 2017, M/I Homes bought the property and submitted a revised Final Development Plan and Plat detailing construction of a gated development in two phases with private streets that are proposed to be owned and maintained by a yet to be established homeowners association. Subdivision infrastructure is in the process of being constructed.

M/I Homes is requesting approval of the Plat for Phase 1 of the Vistas at Water’s Edge, which proposes all internal roadways as private instead of publicly owned and maintained. The Phase 1 plat is for 80 single-family residential lots. The plat for Phase 2 will be submitted in the future. Located within the Mixed-EC zoning district, the proposed subdivision provides a diversity of lot widths and lots sizes for both phases as

follows:

Lot Widths (Typical)	Number	Percentage
60	93	66
65	6	4
70	32	22
75	12	8

The proposed minimum living area, in aggregate of 2,000 square feet, with a no individual unit being less than 1,600 square feet as set forth in Section 2.02.20.B.4 of the Land Development Code. At the time of the final development plan, the developer will be requested to establish criteria to assure a 2,000 square foot aggregate is monitored and maintained during the building permit application cycle.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front*	25'
Side	5'
Rear	20'
Corner	25'

*Front-entry garage must be setback 30 feet.

Ingress/egress access points for the development will be via full access onto Binion Road that is gated, and a secondary gated emergency and pedestrian access point west of lot 55 connecting to Binion Road is provided.

There are two (2) retention ponds designed to meet the City’s Land Development Code requirements.

Per Section 2.02.20.H.4a of the Land Development Code, developments made up of less than 300 units shall be required to construct a minimum total of 2,000 square feet of facility or facilities for a Neighborhood Activity Center. The developer is providing 21.52 acres of active and passive recreation space and is proposing to construct a 1,720 square foot clubhouse with swimming pool, picnic area and yoga lawn within the active recreational space. Up to 25% of the Neighborhood Activity Center may be in open type facilities. The developer agreed to place a 30-foot wide landscape buffer along Binion Road and to construct an 11-foot wide multi-use trail. The trail will be dedicated to the City as part of the East Shore Trail System. Furthermore, the Master Plan\PDP included passive parks (aka landscaped focal points) at strategic locations to break up long rows of homes and also provide views of Lake Apopka.

The applicant has provided a thirty (30) foot wide landscape buffer along Binion Road with an eleven (11) foot wide multi-use trail. The applicant has proposed to use a combination of decorative precast and wrought-iron style fence material Binion Road.

The site has previously been cleared and infrastructure has been constructed. The following is a summary of the tree replacement program for this project that was previously agreed to prior to the May 2017 City Council approvals:

Total inches on-site:	2592
Total number of specimen trees:	29
Total inches removed:	1725
Total inches retained:	867
Total inches replaced:	1725
Total Inches (Post Development):	2592

The developer has obtained a school concurrency mitigation agreement with Orange County Public Schools to address school impacts generated by this residential development. The schools zoned to receive students from

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this community are the following: Apopka Elementary School, Wolf Lake Middle School and Wekiva High School.

The County was notified at the time of the subdivision plan and plat for this property through the DRC agenda distribution.

The Development Review Committee recommends approval of the Vistas at Waters Edge, Phase 1 Plat subject to the final review by the City surveyor and city engineer prior to recording the plat.

Staff proposed the Planning Commission recommend approval of the Vistas at Waters Edge, Phase 1 Plat, subject to the Conditions of Approval and final review by the City surveyor and city engineer prior to recording the plat.

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.

Petitioner Presentation: David Brown, M/I Homes of Orlando, Inc., 400 International Parkway, Suite 470, Lake Mary, stated he represents the owner. They agree with the staff report and he was available to answer any questions.

Affected Party Presentation: None.

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

Motion: **Tony Foster made a motion to find the Vistas at Water's Edge, Phase 1 Plat consistent with the Land Development Code; and recommended approval of the Plat subject to the findings of the staff report for the property owned by M/I Homes of Orlando, LLC, located south of Hooper's Farm Road, west and north of Binion Road and west of Harmon Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and John Sprinkle. (4-0). (Vote taken by poll.)**

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 5:59 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt, FRA-RA
Community Development Director