

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MAY 12, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan, and Pamela Toler

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: Andrew Hand, Esq., R. Jay Davoll, P.E. - Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Rogers Beckett – Special Projects Coordinator, Kyle Wilkes – Planner II, Robert Sargent – Public Information Officer, Stuart Buchanan, Bobby Wanas, Ken Stoltenberg, John Townsend, Scott Banta, Todd W. Bonnett, Gordon Lovestrand, Judith Lovestrand, Christian M. Swann, Ed Velazquez, Anthony Call, Patrick Panza, Ed Hampden, Suzanne Kidd, Genevieve Hamm, Chuck Ebersole, Marc Stehli, Barbara Long, Lisa Hill, David Hill, Mike Winslow, Mardly Smith, Elsie Perez, Terri Morrell, Brian Werling, Tom Sullivan, Doug Hoffman, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

Vice-Chairperson Greene introduced and welcomed Jeremiah Jaspon and Linda Laurendeau as new members to the Planning Commission.

ELECTION OF OFFICERS:

CHAIRPERSON:

MOTION: Pam Toler nominated James Greene as Chairperson of the Planning Commission. Aye and Linda Laurendeau seconded the nomination. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0).

VICE - CHAIRPERSON:

MOTION: Tony Foster nominated Robert Ryan as Vice-Chairperson of the Planning Commission and Melvin Birdsong seconded the nomination. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0).

MEETING PROCEDURES OVERVIEW - Andrew Hand, Esq. from the law firm Shepard, Smith & Cassady P.A., reviewed the meeting procedures with the Planning Commission. He provided a handout of the quasi-judicial procedure that had also been provided at the educational briefing workshop. The procedure he recommended is as follows:

The Chairperson will make the introductions by reading the case style, nature of the issue, and the parties who have made the applications.

The next step would be to move to an affected party determination. Generally an affected party is going to be, most often, a neighboring land owner who would be somebody that has an interest in the outcome of the hearing more so than the general public. So for the members of the general public that have filled

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out “Intent to Speak” cards they are to be asked by the Chairperson to identify themselves if they believe if they have some sort of special concern and if the Commission determines that they are an affected party they have some special rights. They have the ability to cross-examine witnesses and so forth.

The next step is for the Commission members to disclose any ex parte communications that may have occurred. The petitioner and any affected party may ask questions about these communications directed through the Chairman.

Next is the “Swearing In” which is when the Petitioner, staff and all witnesses that will be speaking are sworn-in. Mr. Hand stated that he can do the swearing-in.

Next is staff presentation. Mr. Hand said that staff will tell those present about the project and make their recommendations. These reports and any other documentary evidence shall become a part of the record. Evidence will be presented through oral testimony of witnesses and documentary evidence.

Petitioner Presents Its Case. The petitioner may include a description of the nature of the Petition if there is additional information that has not been previously provided by the City staff. The Petitioner may introduce any documentary evidence and elicit testimony through witnesses.

Affected Party for or against the petition will present their case clearly indicating whether they support or oppose the Petition.

The next step is any rebuttal(s) by any parties that wish to respond to anything that has been said at the hearing.

The Chairman then closes the presentations and opens the public hearing. If no one speaks then the Chairman closes the public hearing at which time the Commission has its deliberation and vote of the Board.

Mr. Hand gave the Commission the following instructions. Additionally, he advised that should the Commission members have any questions during the proceedings to call on him.

In considering evidence presented to the Commission deliberations, Commission members should only consider the testimony of witnesses and the exhibits that are admitted into the record as evidence today. The Commission is not bound by the strict rules of evidence or limited to consideration of evidence which would be admissible in a court of law but as you consider the evidence both direct and circumstantial you may make deductions, reach conclusions, which reason and common sense lead you to make. The Commission shall weigh all the competent material and all relevant evidence presented giving each piece of evidence the weight he or she sees fit. The Commission may exclude evidence or testimony which is not relevant, material or competent or testimony that is unduly repetitious. The Commission will determine the relevancy of evidence and the Commission may ask the attorney for opinions on the relevancy of the evidence. Anything the lawyers say to the Commission today is not evidence in the case. It is your own recollection and interpretation of the evidence that controls. The public may provide input to the Commission. The Commission must not act merely because there is public sentiment for or against a petition. The Commission must base its decision on the facts and the competent evidence provided here at this hearing.

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Mr. Hand stated that regarding credibility of witnesses. The Commission should consider whether they believe whether each witness had to say what they had to say and how much important that testimony was. In make the decision you may believe or disbelieve any witnesses in whole or in part. Also the number of witnesses testifying concerning any particular dispute is not controlling. You may decide that the testimony of the smaller number of witnesses concerning any fact in dispute is more believable than the testimony of a larger number of witnesses to the contrary. You should ask yourself if there was evidence tending to prove that the witness testified falsely concerning some important fact or whether, at some other time, the witness said or did something or failed to say or do something which was different from the testimony that he or she gave before you during the hearing.

Mr. Hand gave a review on substantial evidence. The most important part is that the decisions made by the Commission are based on competent substantial evidence presented at this hearing. Per Florida case law competent substantial evidence is evidence that is legally sound. Is real, non-speculative, non-hypothetical, and based on facts; is no more than conjecture or unsupported generalized statements; probability, guesses, or caprices. It has to be reliable. It must be material and tends to prove the points. It establishes a reasonable substantial justification or basis of fact for the point that is argued and a reasonable mind would accept it as enough to support an argument or conclusion. To summarize further, competent substantial evidence is real, fact based material reliable evidence that tends to prove the points that must be proven and a reasonable mind would accept it as enough to support the argued for conclusion. Conversely, hypothetical, speculative, fear or emotion based generalized statements that do not address the relevant issues, and although politically persuasive, cannot be reasonable said to support the action applicable and are not competent substantial evidence.

Chairperson Greene asked Mr. Hand, since this was the first meeting under the new procedures, to intercede with any comments or suggestions as the meeting proceeds.

In response to a question by Ms. Toler, Mr. Hand stated that the swearing-in can be done in a manner that the Commission prefers. Generally it's easier to do a mass swearing in right at the very beginning.

In response to a question by Chairperson Greene, Mr. Hand stated that it would be appropriate to ask staff, the petitioner, and affected parties present themselves for the swearing in. It is appropriate to ask anyone that intends to speak or give any testimony to stand up to be sworn-in.

SWEARING IN – Mr. Hand performed a mass swearing-in of the petitioners, staff, and affected parties.

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the April 14, 2015, at 5:01 p.m. minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held on April 14, 2015 at 5:01 p.m.

Motion: **Melvin Birdsong made a motion to approve the revised Planning Commission minutes from the regular meeting on April 14, 2015, meeting at 5:01. Robert Ryan seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0).**

COMPREHENSIVE PLAN - SMALL SCALE – FUTURE LAND USE AMENDMENT – EVERLASTING COVENANT CHRISTIAN CENTER, INC. - Chairperson Greene stated this is a request to recommend approval of the Comprehensive Plan, Small Scale, Future Land Use Amendment being requested by Everlasting Covenant Christian Center, Inc., from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071)

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Mr. Hand stated that for this proceeding, an affected party determination needs to be made first.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Scott Banta, the applicant, and stated that he is here in favor of the project. He reserved the right to speak after Mr. Moon's presentation.

Mr. Hand stated that the applicant is not an affect party since they are the applicant. In this case you can move on to the ex parte disclosures.

In response to a question by Chairperson Greene, Mr. Hand stated that ex parte disclosures should be asked for before each item.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: David Moon, AICP, Planning Manager, presented the Everlasting Covenant Christian Center, Inc. and the Joseph E. and Jeff P. Ball Future Land Use and change of zoning requests together.

Mr. Moon stated this is a request to recommend approval of the Small Scale Future Land Use change from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Everlasting Covenant Christian Center, Inc. The applicant is Telesis Services, LLC, c/o Greg Banta and Scott Banta. The property is located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1250 Piedmont Wekiwa Road). The existing zoning is R-1 and the proposed zoning, presented under separate cover, is Planned Unit Development (PUD/PO/I). The proposed development is a church. The existing maximum allowable development is 8 units and the proposed maximum allowable development is 21,823 sq. ft. The tract size is 2.73 +/- acres with 1.67 +/- acres being developable. 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 16, 1998, through the adoption of Ordinance No. 1209. The proposed Small-Scale Future Land Use Amendment is being requested by the owner. 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 Future Land Use Designation of Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 2.73 acres, of which 1.67 acres is developable. The property owner intends to use the site for a church.

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 indicated in the Land Use Report.

The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City's proposed Planned Unit Development (PUD/PO/I) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

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The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

The Development Review Committee finds the proposed amendment is consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval of the change in Future Land Use from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Everlasting Covenant Christian Center, LLC, subject to adoption of zoning regulations that assure compatibility with residential character of areas to the east and north.

In response to questions by Ms. Toler, Mr. Moon stated that a soil study, including the karst features, would be required during the final development application process. There is a 25 foot upland buffer required from wetlands.

Petitioner Presentation: Scott Banta, P. O. Box 520021, Longwood, Florida, stated he was the representative for the Everlasting Covenant Christian Center, Inc. and Joseph E. Ball and Jeff P. Ball. He stated that he concurred with staff's presentation and was available to answer any questions.

Affected Party (ies) Presentation: Terri Morrell, 2432 Deermeadow Drive, in the Piedmont Lakes Community, directly opposite of these properties.

Due to Ms. Morrell not being present during the mass swearing-in, Mr. Hand swore her in.

Ms. Morrell expressed her concerns that her community backs up to lakes that the subject properties abut and any effects to the environment such as the parking on the back where the wetlands are located, the potential for flooding and traffic impacts. She asked what has been done to review the flood plains and the 100-year floods what could impact that property. She said there has been flooding in the area previously. She stated that the lakes in her community are under the auspices of St. Johns River Water Management District and there is a pump that, if there is flooding, allows us to pump into, she believes, and is Lake Page. She asked if SJRWMD has been contacted and if a traffic study has been completed.

Staff/Petitioner Rebuttal: Jay Davoll, P.E., Community Development Director/City Engineer, stated this is the requests to change the future land use and zoning on these properties. Her concerns cannot be answered until the preliminary and final Development Plans are submittal. Some of the site issues won't be addressed until staff sees how the site is and what is on the site. This includes site issues such as the type of soils and parking lots in the back. There are requirements in the City's Code of Ordinance in Chapter 6 regarding stormwater retention and also SJRWMD permits are required for any site that would come in. Piedmont Wekiwa Road is a functionally classified road which the pavement is Orange County's to maintain, the right-of-way in some areas is the City of Apopka's. Traffic studies would be required to be submitted as part of the City's code for any development that comes in. The increase of traffic would be addressed with the traffic report and the volumes are taken by the City each year. All of those issues will be address when the development plans are submitted.

Chairperson Greene closed the staff, petitioner, and affected parties portion and opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission for their deliberation and vote.

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Motion: Linda Laurendeau made a motion to recommend approval of the Future Land Use amendment from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by the Everlasting Covenant Christian Center, Inc., and located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard, subject to the information and findings in the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

CHANGE IN ZONING – EVERLASTING COVENANT CHRISTIAN CENTER, INC. -

Chairperson Greene stated this is a request to recommend approval of the Change of Zoning for Everlasting Covenant Christian Center, Inc., from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. With no one wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Change in Zoning from R-1 to Planned Unit Development (PUD/PO-I) for the property owned by Everlasting Covenant Christian Center, Inc. The applicant is Telesis Services, LLC, c/o Greg Banta and Scott Banta. The property is located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1250 Piedmont Wekiwa Road). The existing zoning is R-1 and the proposed zoning, presented under separate cover, is Planned Unit Development (PUD/PO/I). The proposed development is a church. The existing maximum allowable development is 8 units and the proposed maximum allowable development is 21,823 sq. ft. The tract size is 2.73 +/- acres with 1.67 +/- acres being developable. 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 16, 1998, through the adoption of Ordinance No. 1209. The proposed change of zoning is being requested by the owner.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as indicated in the Zoning Report.

PUD recommendations are that the zoning classification of the 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 shall be: all such uses permitted within the PO/I (Professional Office/Institutional PO\I (zoning category) except for following PO\I uses shall be prohibited:
 - 1. Hospitals, museums, libraries or cultural institutions;
 - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;

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3. All other uses listed as prohibited within the Professional Office/Institutional zoning district.

A church parsonage will require a special exception approval from the Planning Commission.

- 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 Final Development Plan submitted in association with the PUD district.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three 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 Final 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 that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the master site plan:

Building Design Standards:

1. New development shall have architectural features and materials that are residential in character.
 - a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
 - b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
 - c. Windows shall include fenestration detail and/or shutters.
 - d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
 - e. A main building entrance shall face a public street.

Building Design Guidelines

1. Building exterior design uses residential-scale fenestration that may include:
 - i. Windows with multi-pane glazing
 - ii. Dormers or similar architectural features
 - iii. Roof overhang, cornice, eaves, soffits

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2. Building façades that are modulated into house-sized segments or broken into separate buildings are encouraged.
3. A portico or porch is encouraged to define a main building entrance.
4. The total area of the first floor of a building shall not exceed 12,000 sq. ft. and the total gross floor area of a building shall not exceed 18,000 sq. ft. The minimum and maximum floor area does not apply to churches.

Site Design Standards:

1. The front façade and primary entrance of the building shall be oriented toward the front of the property.
2. Minimum front setback of 15 ft. and a maximum of 25 ft.
3. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
4. Parking is located at the rear or side of any building.

Signage

1. Sign copy on a monument sign shall not exceed 36 sq. ft.
2. No sign shall include changeable sign copy or electronic reader board signage.
3. An office building shall include wall signage.

The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City's proposed Planned Unit Development (PUD/PO/I) Zoning classifications. 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 April 10, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Zoning from R-1 to Planned Unit Development (PUD/PO/I) subject to the PUD developments standards for the property owned by Everlasting Covenant Christian Center, LLC.

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 Greene closed the staff, petitioner, and affected parties portion and opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission for their deliberation and vote.

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Motion: Melvin Birdsong made a motion to recommend approval of the Change in Zoning from R-1 to Planned Unit Development (PUD/PO/I) for the property owned by the Everlasting Covenant Christian Center, Inc., and located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard subject to the information and findings in the staff report; and Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

COMPREHENSIVE PLAN - SMALL SCALE – FUTURE LAND USE AMENDMENT – JOSEPH E. BALL AND JEFF P. BALL - Chairperson Greene stated this is a request to recommend approval of the Comprehensive Plan, Small Scale, Future Land Use Amendment for Joseph E. and Jeff P. Ball, from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. With no one wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Small Scale Future Land Use change from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Joseph E. Ball and Jeff P. Ball. The applicant is Telesis Services, LLC, c/o Greg Banta and Scott Banta. The property is located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1166 Piedmont Wekiwa Road). The existing zoning is “County” A-1 (ZIP) and the proposed zoning, presented under separate cover, is Planned Unit Development (PUD/PO/I). The proposed development is a professional office. The existing maximum allowable development is 19 units and the proposed maximum allowable development is 48,162 sq. ft. The tract size is 6.49 +/- acres with 3.72 +/- acres being developable. 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 19, 2007, through the adoption of Ordinance No. 2011. The proposed Small-Scale Future Land Use Amendment is being requested by the owner. 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 Future Land Use Designation of Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 6.49 acres, of which 3.72 acres are developable. The property owner intends to use the site for a professional office 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).

The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City’s proposed Planned Unit Development (PUD/PO/I) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

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The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

The Development Review Committee the proposed amendment is consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval of the change in Future Land Use from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Joseph E. Ball and Jeff P. Ball, subject to adoption of zoning regulations that assure compatibility with residential character of areas to the east and north.

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 Greene closed the staff, petitioner, and affected parties portion and opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission for their deliberation and vote.

Motion: Tony Foster made a motion to recommend approval of the Future Land Use amendment from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Joseph E. Ball and Jeff P. Ball, and located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

CHANGE IN ZONING – JOSEPH E. BALL AND JEFF P. BALL - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning for Joseph E. and Jeff P. Ball, from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. With no one wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Change in Zoning from “County” A-1 (ZIP) to Planned Unit Development (PUD/PO-I) for the property owned by Joseph E. Ball and Jeff P. Ball. The applicant is Telesis Services, LLC, c/o Greg Banta and Scott Banta. The property is located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1166 Piedmont Wekiwa Road). The existing zoning is “County” A-1 (ZIP) and the proposed zoning, presented under separate cover, is Planned Unit Development (PUD/PO/I). The proposed development is a professional office. The existing maximum allowable development is 19 units and the proposed maximum allowable development is 48,162 sq. ft. The tract size is 6.49 +/- acres with 3.72 +/- acres being developable. 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 19, 2007, through the adoption of Ordinance No. 2011. The proposed Change of Zoning is being requested by the owner.

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A request to assign a zoning designation of PUD/PO/I is compatible with the designations assigned to abutting properties. The zoning application covers approximately 6.49 acres, of which 3.72 acres are developable. The property owner intends to use the site for a professional office use.

The subject property is located adjacent to a residential district. Staff recommends the development standards below that would allow for limited professional office development and also preserve the residential character of the surrounding area:

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

The 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 subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: all such uses permitted within the PO/I (Professional Office/Institutional PO/I (zoning category) except for following PO/I uses shall be prohibited:
 - 1. Hospitals, museums, libraries or cultural institutions;
 - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
 - 3. All other uses listed as prohibited within the Professional Office/Institutional zoning district.
- 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 Final Development Plan submitted in association with the PUD district.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three 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 Final 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 that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the master site plan:

Site Design Standards

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1. The front façade and primary entrance of the building shall be oriented toward Piedmont-Wekiwa Road with the buildings (s) near the street and parking located to the rear or side of the building. Alternatively, the building(s) may be located just outside the required upland buffer to Lake Page with parking located between the building and Piedmont-Wekiwa Road.
2. Minimum front setback of 15 ft. and a maximum of 25 ft. if building oriented to Piedmont-Wekiwa Road.
3. Parking areas shall be screened from the public street by a hedge or a 3-foot decorative stone wall. Additional landscaping or earth-berm shall be provided if the building(s) are oriented to Lake Page.

Building Design Standards

New development shall have architectural features and materials that are residential in character.

- a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
- b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
- c. Windows shall include fenestration detail and/or shutters.
- d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
- e. A main building entrance shall face a public street with designate pedestrian walkway leading to a sidewalk within the public street.

Building Design Guidelines

1. Building exterior design uses residential-scale fenestration that may include:
 - i. Windows with multi-pane glazing
 - ii. Dormers or similar architectural features
 - iii. Roof overhang, cornice, eaves, soffits
2. Building façades that are modulated into house-sized segments or broken into separate buildings are encouraged.
3. A portico or porch is encouraged to define a main building entrance.
4. The total area of the first floor of a building shall not exceed 12,000 sq. ft. and the total gross floor area of a building shall not exceed 18,000 sq. ft. The minimum and maximum floor area does not apply to churches.

Signage

1. Sign copy on a monument sign shall not exceed 36 sq. ft.

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2. No sign shall include changeable sign copy or electronic reader board signage.
3. An office building shall include wall signage.

The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City's proposed Planned Unit Development (PUD/PO/I) Zoning classifications. 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 April 10, 2015.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of surrounding residential areas, and recommends approval of the change in zoning from "County" A-1 (ZIP) to Planned Unit Development (PUD/PO/I) subject to the PUD developments standards for the property owned by Joseph E. Ball and Jeff P. Ball.

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 Greene closed the staff, petitioner, and affected parties portion and opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission for their deliberation and vote.

Motion: Linda Laurendeau made a motion to recommend approval of the Change in Zoning from "County" A-1 (ZIP) to Planned Unit Development (PUD/PO-I) "City" Planned Unit Development (PUD/PO/I) for the property owned by Joseph E. Ball and Jeff P. Ball, and located west of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard subject to the information and findings in the staff report; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

CHANGE IN ZONING/PUD MASTER PLAN – AVIAN POINTE – APOPKA CLEAR LAKE INVESTMENTS, LLC - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning and Master Plan for Avian Pointe owned by Apopka Clear Lake Investments, LLC – From "City" Planned Unit Development (PUD) (89.47 AC) and "County" A-2 (ZIP) (5.29 AC) to "City" Planned Unit Development (PUD/R-3), for property located east of S.R. 429, south of Peterson Road, and north of Lust Road. (Parcel ID Nos. 07-21-28-0000-00-002 & 07-21-28-0000-00-023)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. With no one wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Change in Zoning from "City" Planned Unit Development (PUD) and "County" A-2 to "City" Planned Unit Development

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(PUD/R-3) for the property owned by Apopka Clear Lake Investments, LLC and Lust Grant\WD Long Family Farms. The property is located east of S.R. 429, south of Peterson Road, and north of Lust Road. The applicant is Apopka Clear Lake Investments, LLC, c/o Ken Stoltenberg. The Engineering firm/Planner is Tanner Design, c/o Holly Swanson. The existing use is vacant land and the proposed use is mixed use residential and flex use. The future land use is Residential Medium Density (90.7 ac) and Residential Low Density (30.3 ac). The existing maximum allowable development is 626 units and the proposed maximum allowable development is 1,253 unit. The tract size is 125.27 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcels were annexed into the City of Apopka as follows:

Parcel ID No.	Date Annexed	Ordinance No.	Acres +/-
07-21-28-0000-00-002	December 17, 1997	1129	89.47
07-21-28-0000-00-015	August 16, 2000	1365	30.51
07-21-28-0000-00-023	January 7, 2004	1621	5.29

The proposed Change of Zoning is being requested by the owner.

The applicant submitted an application to the City requesting a zoning category of Planned Unit Development for these same two parcels as well as the parcel abutting the northwest corner of the subject property. This third parcel, owned by W.D. Long Family Farms et.al

Development Profile:

Total Residential Units	758 units		Min. Livable Area
Single Family (70' width; 8,400 sq. ft. min.)	58 units	7.65%	1,700 sq. ft.
Townhomes	216 units	28.50%	1,350 sq. ft.
Apartments	484 units	63.85%	1-bedroom: 750 sq. ft.
			2-bedroom: 900 sq. ft.
			3-bedroom: 1,050 sq. ft.
Flex Use			
Public\private school; ALF\Senior housing; 100-bed boutique hotel	6.09 ac		
Community Park	10.36 ac		
Open Space	30%		
Park & Recreation	Each residential phase has its own park and recreation facility plan.		
Building Height			
Apartments	3 stories; 45 ft.		
Townhomes	3 stories; 45 ft.		

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The applicant has obtained a School Capacity Enhancement Agreement from Orange County Public Schools. School concurrency will be required at the time of the Preliminary Development Plan application. Location served by the following schools: Apopka Elementary; Wolf Lake Middle School; and Apopka High School.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

The Development Review Committee recommends approval of: 1) Change in Zoning from "City" Planned Unit Development and "County" A-2 (ZIP) to "City" Planned Unit Development (PUD/R-3) for approximately 125.27 +/- acres for the property owned by Apopka Clear Lake Investments LLC and Lust Grant, subject to the information and findings in the staff report and City approval of a Development Agreement for transportation and other infrastructure improvements; and the 2) Avian Pointe PUD Master Plan.

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

In response to a question by Mr. Ryan, Mr. Moon stated that he did not know what the total number of bedrooms would be for the complex.

Mr. Ryan expressed his concern that there would be adequate parking.

Mr. Moon stated that no more than 40% of the apartments can be one-bedroom. A minimum of 20% have to be three-bedroom. The number of two-bedrooms would fall somewhere in those standards. He said that how that calculates into number of beds, he has not done that calculation because the number of two- and three-bedroom apartments could vary in the final products.

In response to a question by Mr. Ryan, Mr. Moon stated there are limitations on parking. The one-bedroom apartments can't exceed 40% of the total 484 units. The applicant's intent is to attract young professionals or young couples.

Mr. Ryan stated that there should be one parking space for every bedroom.

Mr. Moon stated that parking standards for apartments are 1.5 spaces per apartment. For the townhomes and single-family homes they are required to have the minimum of two parking spaces. Single-family have to have the required two-car garage. The apartments can have one-car garage based on the development standards; however, the driveway will accommodate additional vehicles.

In response to questions by Mr. Ryan, Mr. Moon stated the apartments do not have garages. All the parking is exterior. Between each of the apartment buildings is a parking lot and on-street parking. There are 1.5 parking spaces per bedroom but then there is also overflow parking. Not per bedroom, per apartment. A three-bedroom apartment gets 1.5 parking spaces.

Mr. Ryan reiterated his concern about only 1.5 parking spaces per apartment and expressed concern with emergency vehicles being able to access the property.

Mr. Moon stated that there is overflow parking that is also provided and shared parking between the villages as well. He stated that with regard to accessibility to the additional parking areas the Fire and Police department, as representatives on the Development Review Committee, have reviewed the plans

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and they did not identify any concerns regarding access to the apartment complex.

In response to questions by Mr. Foster, Mr. Moon stated the state has spent millions of dollars on improvement of the water quality in Lake Apopka over the last decade and those activities by the Water Management District are expected to continue over the next decade. He stated he has been informed by a Water Management representative that all of the fish species in the lake can be eaten except for one.

Mr. Davoll stated that recently they finished the Wildlife Drive that starts at Lust Road and ends over on Jones Road. It takes about an hour because the speed limit is 10 mph and it goes through the whole north shore area so that you can see the wildlife. There is an option to go closer to the lake or stay on the berms in that area. It will be open on Fridays, Saturdays, and Sundays.

Mr. Foster stated the area is quite beautiful.

In response to questions by Ms. Toler, Mr. Moon stated that with regard to the building height, as part of the planned unit development application and applicant can propose their own specific development standards for that project. This happens quite often and then the City has more control over the PUD process to evaluate what impacts that deviation may create. The Fire Department has evaluated this application and the height issue wasn't a concern to them in terms of being able to address it from a fire safety standpoint. That standard is within the Land Development Code. He mentioned precedencies that have occurred where greater heights were allowed than what is in the Land Development Code. There will be 758 units in this project. A preliminary transportation study was submitted for staff to review. The traffic impacts from a potential of over 1,000 vehicles accessing U.S. 441 was taken into consideration. When the future land use amendment was processed last year, because of the size of the property, required state agency review which included the Florida Department of Transportation. FDOT did raise some comments related to traffic congestion on U.S. 441 and staff addressed those comments and they gave their okay for the project to move forward. FDOT recognized that the U.S. 441 Alternative Study, completed last year, was lengthy eighteen month study that looked at different transportation modes in the future from rail to bus service and its recommendations were finalized. The best alternatives for rail on in the future because the population density isn't high enough to support rail. There is opportunity to expand bus service within the Apopka area and that they would continue review U.S. 441 over the next five to ten year period.

In response to questions by Ms. Laurendeau regarding the length of the parking spaces and if there will be assigned parking, Mr. Moon stated the townhomes will have a minimum, the final design has not been completed at this time, but they are required to have one enclosed parking stall, a garage, and then another car will have space within the driveway. There is overflow parking along the street in Village B. There is a potential for on-street parking on the west side of the boulevard in Village A, a single-family residential, and that will be reviewed during the final development plan process. There will also be on-street parking along the park areas.

In response to questions by Mr. Birdsong, Mr. Moon said a maximum of 40% of the apartment units can be one-bedroom. He stated the he will let the applicant address the parking. He stated that he believes there are 71 overflow spaces for the apartment complex.

Mr. Birdsong stated that 71 overflow parking spaces for this number of apartment units is not a lot.

In response to a question by Mr. Jaspon regarding whether there was another developments within the City that would mirror this type of development, Mr. Moon stated that apartments represent a low percentage of the City's housing stock. AngelouEconomics prepared a study last year for the Tri-City area that found

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that there are very few people in the area between the ages of 21 and 35. One of the reasons for that is there are few apartment rental opportunities. He stated with the proximity of S.R. 429 and the proposed hospital it is an attractive location for apartments. He stated that he does not have very many developers of single-family homes that want to put them next to a toll way.

Petitioner Presentation: Tom Sullivan, Gray Robinson Law Firm, 301 East Pine Street, Suite 1400, Orlando, stated that he was representing the owner, Apopka Clear Lake Investments, thanked the Commission and staff for their time. He said they have been working on this project for some time and went through a lengthy process to change the future land use. Now they are requesting a change of zoning. He said that the Florida Hospital is a driver for the need of this use. He said that since the S.R. 429 has now been built he said they believe the timing is right for this project and the clear demand for this type of multi-family product that caters to young professionals. He said this is a quality, high-end project. He stated that the side-yard setbacks for the single-family portion of the project have been increased to 7.5 feet which is consistent with other developments in the area. He stated that the project, as proposed, exceeds the code requirement for parking spaces. He said the 45 foot height of the buildings makes sense given the proximity of S.R. 429. It helps to get the critical mass that is needed to make the project successful. He said he appreciates staff's support and that he and Kenneth Stoltenberg, the owner, is available to answer any questions.

Ken Stultenberg, 511 West Bay Street, Suite 350, Tampa, stated that the length of their parking spaces exceeds that of the code requirements. He said that parking spaces can go from 16 feet to 18 feet in length. He said they are very experienced with urban development and they do structured parking all the time. The amount of spaces we have, we always exceed code and we understand that if we don't have enough parking that is one of the most detrimental things that can be done to the value of a community. We have overflow parking within the community and within the park that can be used for special events. The 16 feet length of the parking spaces is not a problem. He said they do it all the time in Tampa and Orlando. Where you do have a problem is when you go from 10 feet to 9 feet or 8 feet on the width. He stated that the reason they requested the 45 foot height was so that they could come up with some really neat architectural features and not have a bunch of flat, sloped roofs so they can make the community better and more attractive.

Mr. Moon stated that in the master plan there is a parking summary that indicates one-bedroom apartments will have 1.5 parking spaces per unit. Two- and three-bedrooms apartment will each have 2 parking spaces per unit. There is a footnote that states that additional spaces pending preliminary site plan design. At the time the preliminary plan is reviewed on a phase by phase basis that allows staff to request additional parking spaces if necessary.

Affected Party (ies) Presentation: None.

Staff/Petitioner Rebuttal: None.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

Motion: Tony Foster made a motion to recommend approval of the Change in Zoning from "City" Planned Unit Development (PUD) and "County" A-2 to "City" Planned Unit Development (PUD/R-3) for the parcel owned by Apopka Clear Lake Investments, LLC and Lust Grant\WD Long Family Farms, subject to the PUD Development Standards and Conditions as well as the findings described within the staff report

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and City approval of a Development Agreement for transportation and other infrastructure improvements; and Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

Motion: Melvin Birdsong made a motion to recommend approval of the PUD Master Plan for the parcel owned by Apopka Clear Lake Investments, LLC and Lust Grant\WD Long Family Farms, subject to the PUD Development Standards and Conditions as well as the findings described within the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

CHANGE IN ZONING/PUD MASTER PLAN – MARDEN RIDGE APARTMENTS, PAGE 1B – EMERSON POINT ASSOCIATES, LLLP - Chairperson Greene stated this is a request to recommend approval of the Change of Zoning/Master Plan and Preliminary Development Plan for Marden Ridge owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E., from R-3 (Residential) and C-1 (Commercial) to Planned Unit Development (R-3/C-1) for property located between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. With no one wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Change in Zoning from R-3 and C-1 to Planned Unit Development (PUD\R-3\C-1) for the property owned by Emerson Point Associates, LLLP. The property is located between S.R. 451 and Marden Road, south of Ocoee Apopka Road and north of the Apopka Expressway (S.R. 414). The applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. The Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The existing use is planted pine and the proposed uses are apartments (272 units within 5 buildings) and retail commercial. The future land use is Residential High Density (18.05 ac) and Commercial (6.43 ac). The existing maximum allowable development is 536 (35.74 ac) and the proposed maximum allowable development is 272 units (Phase 1B) (18.05 ac). The tract size is 42.17 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1975.

The Marden Ridge Master Plan contains a total of 42.17 acres, of which 35.74 acres is currently assigned an R-3 zoning category and 6.43 acres is assigned a C-1 commercial zoning category. The developer proposes to construct 272 residential apartments (15 du/ac) on 18.05 acres of the 35.74 residential acres. Development of the remaining 17.69 acres of residential land will occur at a later date through a separate Preliminary Development Plan application, as will development of the 6.43 acres of land assigned the C-1 commercial zoning category. An outline of the proposed development profile for the Phase 1B apartments is as follows:

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Development Profile:

Apartment Units:	272
Units by # of Bedrooms	
One Bedroom:	56
Two Bedroom:	176
Three Bedroom:	40
Maximum Building Height:	60 feet
Maximum No. of Stories:	4
Parking Spaces	
Standard Spaces:	522
A.D.A. Accessible Spaces:	11
Total Spaces:	544
Park and Open Space	
Open Space:	30.1 %
Park Area:	2.98 ac

Development Standards are provided in the exhibits. Sheet C2.10 of the Master Site Plan shall be consistent with the Exhibit.

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1975. The proposed Change of Zoning is being requested by the property owner. Phase 1B of the Marden Ridge Master Plan/Preliminary Development Plan comprises the apartment complex (18.05 acres); Phase 1A is the mass grading plan. The commercial phase and the northern residential phase will be approved under a separate preliminary development plan. An amendment to the Master Site Plan for the future residential and commercial will not be necessary.

A request to assign a zoning designation of PUD/R-1/C-1 is compatible with the designations assigned to abutting properties. The zoning application covers approximately 42.17 +/- acres. The property owner intends to use the site for apartments (272 units in 5 buildings) and retail commercial.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as indicated in the Zoning Report.

The existing and proposed use of the property is consistent with the Residential High Land Use designation and the City's proposed Planned Unit Development (PUD/R-3/C-1) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Located served by the following schools: Wheatley Elementary School, Wolf Lake Middle School, and Apopka High School.

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on April 22, 2015.

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The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from R-3 and C-1 to Planned Unit Development (PUD/R-3/C-1) and approval of the Marden Ridge Apartments – Phase 1B Master Site Plan/Preliminary Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

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: Anthony Call, GAI Consultants, Inc., 618 E. South Street, Suite 700, Orlando, stated he is the civil engineer and is representing the owner and applicant, Mike Wright. He stated the owner/applicant purchased this property more than ten years ago from Emerson Projects. The land is currently slated as silviculture but because of the expansion of growth and the enticement of the hospital program, his client has worked over the past several years with the Expressway Authority and recently with the City to develop an interchange that will allow people to leave the John Land Expressway and deposit to Marden Road. Currently access to Marden Road is very limited. Our client has already paid for an Interchange Justification Report (IJR) to the Expressway Authority and has the agreements in place to build an interchange in support of this project. This will not only spur excitement for the property as residential access but the commercial on the south as well as the adjacent users that will benefit from a shorter trip. Regarding the heights on the building, this is a 58 foot four-story apartment complex and the owner/developer MMI Development, Inc. has a similar product off of Reams Road behind the northern portion of Disney. It will be four-story buildings with elevator access. Each unit is designed to be ADA accessible and the ADA parking has been doubled. There is also electronic car parking. This is the first 100% smoke free environment. There is a tot lot and a clubhouse with all the amenities that the new upcoming professionals are looking for. Because the demographic is not conducive to having a lot of children, the tot lot does not get the use that is anticipated but the dog park does. The dog park is being more utilized on the signature prototype project, which is called “Windemere Cay,” than the tot lot is being used. The landscaping plan restores the planting. Because it was silvaculture, planted pine, there is not a lot of aesthetic value to that and the client has agreed to meet the code and restore those with oaks to provide the long term canopy to the project. He thanked staff for their work on this project. He introduced Patrick Panza who is the GAI’s planner who was also available to answer any questions.

Affected Party(ies) Presentation: None.

Staff/Petitioner Rebuttal: None.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

Motion: Linda Laurendeau made a motion to recommend approval of the Change in Zoning from R-3 (Residential) and C-1 (Commercial) to Planned Unit Development (PUD/R-3/C-1); recommend approval of the Marden Ridge Apartments – Phase 1B Master Site Plan/Preliminary Development Plan for the property owned by Emerson Point Associates, LLLP, subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

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CHANGE IN ZONING/SMALL LOT OVERLAY DISTRICT MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – SILVER OAKS – TALLMAN DEVELOPMENT COMPANY -

Chairperson Greene stated this is a request to recommend approval of the Change of Zoning/Small Lot Overlay District Master Plan/Preliminary Development Plan for Silver Oaks owned by Tallman Development Company, c/o Ed Hampden; engineer is Poulos & Bennett, LLC, c/o Marc Stehli, P.E. – From R-3 to R-3/Small Lot Overlay District, for property located north of East Keene Road, west of South Sheeler Avenue (2220 S. Sheeler Road). (Parcel ID Nos. 22-21-28-0000-00-078, 22-21-28-0000-00-079, 22-21-28-0000-00-081, 22-21-28-0000-00-082, 22-21-28-0000-00-105, 22-21-28-0000-00-108, 22-21-28-0000-00-109, 22-21-28-0000-00-114, 22-21-28-0000-00-117, 22-21-28-0000-00-122)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Mardly Smith, 2064 Cobblefield Circle, Apopka, asked if the homes that are on that land being removed.

Mr. Hand stated that the appropriate procedure would be to determine whether she is an affected party. Whether or not she has a special interest. She received the notification as an adjacent neighborhood. Quite often adjacent neighborhoods are considered affected parties. The Commission can make that determination depending on what she tells you. If the Commission determines that she is an affected party she'll have the opportunity to ask questions during the affected party portion after the petitioner presents their case.

In response to a question by Chairperson Greene, Ms. Smith acknowledged that she resides very close to this property.

Chairperson Greene stated that the Commission would consider Ms. Smith an affected party.

In response to a question by Chairperson Greene, Ms. Smith stated that she was not sworn in at the beginning of the meeting.

Chairperson Greene stated that Ms. Smith would be sworn in at the time the affected party presents their case.

With no one else wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Change in Zoning from R-3 to R-3/Small Lot Overlay District (Residential) for the property owned by Tallman Development Company, c/o Ed Hampden who is also the applicant. The property is located north of East Keene Road, west of South Sheeler Avenue. The Engineer is Poulos & Bennett, LLC, c/o Marc Stehli, P.E. and Bobby Wanas. The existing use is a vacant nursery and four (4) mobile homes. The proposed use is a single-family residential subdivision per the Small Lot Overlay District ordinance with 185 total single family lots. The existing maximum allowable development is 185 units and the proposed maximum allowable development is up to 685 units. The tract size is tract size is 50.59 +/- acres. The staff report and its findings are to be incorporated into and made a part of the minutes.

The subject parcels were annexed into the City of Apopka as follows:

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Parcel No(s).	Ordinance No.	Date Annexed
22-21-28-0000-00-076 22-21-28-0000-00-081 22-21-28-0000-00-082 22-21-28-0000-00-122	706	December 30, 1991
22-21-28-0000-00-105	751	December 16, 1992
22-21-28-0000-00-109	1824	July 6, 2006
22-21-28-0000-00-108 22-21-28-0000-00-117	2264	June 12, 2012
22-21-28-0000-00-114	2351	March 19, 2014
22-21-28-0000-00-078	2352	March 19, 2014

The proposed zoning change is requested by the applicant. The Applicant requests the City to assign a Small Lot Overlay to the subject property to allow a mix of single family lots with a minimum width of 40 feet and 50 feet for a total of 185 residential homes. Development will occur according to two development phases.

Development Profile:

Total Residential Units	185	
50' width	100	54.1%
40' width	85	45.9%
Phase 1	116	
50' width	71	61.2%
40' width	45	48.8%
Phase 2	69	
50' width	26	37.6%
40' width	43	62.4%
Open Space	15.18 ac	30%
Park\Recreation	6.27 ac	1.73 ac req.
Parking	Four per unit; two enclosed	
	51 overflow spaces	
Min. Livable Area use)	Max.. 46 units have a min. 1,500 sq. ft.; remaining to have minimum of 1,700 s. ft.	

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as indicated in the Zoning Report.

The subject property meets the location criteria set forth within Section 3.04.05 of the Small Lot Overlay Zoning District:

1. The property must be assigned both a Residential High Future Land use Designation and an R-3 zoning category. (Sec. 3.04.05.1.a) The subject property meets both these requirements, as demonstrated by the Future Land Use Map and the Zoning Map.

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2. A Small Lot Overlay District shall not be located within a half mile from another Small Lot Overlay District. (Sec. 3.04.051.b) Another established Small Lot Overlay District is not located within a half mile.
3. Property comprising a Small Lot overlay District shall be contiguous and generally compact. (Sec. 3.04.05.1.c) The property meets these criteria as demonstrated by the proposed Master Plan.
4. A boundary line of a Small Lot Overlay District must satisfy one (1) of the following criteria: b. Located within a half mile from an entrance to a limited access highway, or abutting a limited access highway. (Sec. 3.04.05.a) The entrance to S.R. 414 at Keene Road is a few hundred feet from the subject property.

The subject property complies with the development Section 3.04.04, Small Lot Overlay District, by meeting the development standards and design guidelines as demonstrated within the proposed Silver Oak Subdivision Master Plan\Preliminary Development Plan.

A School Capacity Enhancement Agreement has been approved by OCPS for all parcels. Location served by the following schools: Lakeville Elementary, Piedmont Lakes Middle School, and Wekiva High School. No development activity shall occur on the subject property until the developer has obtained a school concurrency mitigation agreement or letter from OCPS.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board for a proposed rezoning or future land use amendment on property abutting unincorporated lands. The City properly notified Orange County on April 10, 2015.

The Development Review Committee recommends:

1. Approval of the change in zoning from R-3 to R-3/Small Lot Overlay Zoning District for the property owned by Tallman Development Company, c/o Ed Hampden, subject to the findings of the Staff Report.
2. Waiver Requests:
 - a. Section 2.02.07.H.3, LDC, requires a six foot high brick or masonry wall within a five-foot-wide bufferyard adjacent to agricultural districts or uses. Request: Along the western and northern project line, applicant requests to install a six foot high vinyl fence. DRC does not object to the waiver request.
 - b. Section 3.04.09(2), Small Lot Overlay Zoning District: No swimming pools are allowed within a small lot. A Small Lot is defined as a lot that has a width of less than 70 feet or a lot area less than 7,000 square feet.

Request: The applicant requests to prohibit pools on lots less than 50 feet wide. For lots 50 feet wide or greater, the applicant requests to limit pools to certain lots – Lots 1 – 21, 38 – 92, 149 -172. DRC staff does not support this request.
 - c. Section 3.04.09(3). Metal, vinyl, or other similar materials shall not be used for patios, porticos or porches that extend beyond the wall of the primary residential structure. Materials used for these features shall be compatible with those of the primary residential structure. Request: Applicant requests to allow screened rooms for pools for Lots 1 -21 and Lots 55 – 92. DRC does not support this request.

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3. Approval of the Silver Oak Subdivision Master Plan\ Preliminary Development Plan subject to City approval of a development agreement or other legal instrument to establish a special homeowner fee for maintenance of the on-street parking.

The role of the Planning Commission role is advisory to City Council and may 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.

Meeting Recessed at 7:25 P.M.

Meeting Reconvened at 7:34 P.M.

In response to questions by Ms. Laurendeau, Mr. Moon stated that the northeastern parcel is a retention pond that is a part of the project. He said the four parcels at the south side of the project are in unincorporated Orange County and is not owned by the applicant for this project. The applicant has talked to the owners to see if they would be interested in selling; however they were not interested.

In response to questions by Mr. Jaspon regarding the wall waiver request, Mr. Moon stated that he did not know the reason the applicant is requesting a waiver of the wall; however, typically when an applicant requests a waiver of a wall it is due to the cost and the application. The vinyl wall is proving a buffer to agricultural areas so there are not residences behind this project and the agricultural use is not a high intensity use. He stated that the City's standard in the past is to require a brick wall adjacent to agricultural properties.

Mr. Jaspon expressed his concern about the aesthetic value of a white vinyl fence rather than a brick wall.

Mr. Moon stated that from review of the parcels to the north, he does not believe that there will be a roadway that will abut these lots within Silver Oak. It will likely be single-family homes or continue as agricultural use which is a nursery.

In response to questions by Mr. Jaspon regarding the waiver request for small lots to have pools, Mr. Moon stated that the DRC basis for denying this request was that we were amending a policy for a new ordinance that was established by City Council and the Planning Commission. DRC did not feel it was appropriate to change something that they voted to create but the intent was to reduce the appearance of congestion or clutter within the community by having development on top of each other. The intent is to have a lot of small lots and a lot of them. Some of that issue has been addressed throughout the project such providing an open space areas throughout the project. He said that potential owners of the smaller lots will be told that they will not be permitted to build a pool. He stated that the homeowners' covenants and restrictions that have to be signed by the owner will contain that pools are prohibited.

In response to a question by Ms. Laurendeau, Mr. Moon stated that there is a club house and community pool included in the project.

In response to questions by Mr. Jaspon regarding the waiver request to allow screened rooms for pools only for Lots 1 - 21 and Lots 55 - 92, Mr. Moon stated if the Planning Commission and City Council to allow pools but prohibit screen enclosures then there would be pools not surrounded by a screen room with aluminum supports. Based on the applicant's waiver request, they agreed to prohibit pools and screen rooms on the 40 foot wide lots and those represent about 45% of the homes. All of those homes are interior to the project and all have rear access garage entry through an alley way. So it is the homes on the perimeter that would be allowed to have the pools.

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In response to questions by Mr. Ryan regarding the location of the allowed pools, Mr. Moon the 40' products would not be allowed to have the pools. The 50' products would all have a front entry garage so the pool, as required, would be in the back yard and they have to be contained within the walls of the house. The side yard setback is 5 feet for the pool.

In response to a question by Chairperson Mr. Greene, Mr. Moon stated that the side yard setback is 5 feet. In the rear yard the edge of the pool would have to be 5 feet from the rear yard property line.

Ms. Laurendeau commented that the pool would have to be fenced and locked.

In response to a question by Chairperson Greene, Mr. Moon stated that the pool cannot extend beyond the width of the house.

In response to questions by Mr. Ryan, Mr. Moon stated that the alleyways are one-way and the widths vary from 18 to 22 feet wide.

Petitioner Presentation: Stuart Buchanan, Swann Hadley Stump Dietrich & Spears, P.A., 1031 West Morse Boulevard, Suite 350, Winter Park, stated that he is the representative for the applicant and Surrey Homes, the builder. Surrey Homes is based in Winter Park and has multiple projects going in Orange, Osceola, and Seminole Counties. He said the applicant and the home building company believe that the quality of the project directly impacts the issue of the pool. The Small Lot Overlay has a lot of criteria in it. The applicant and the builder have been working with the City and home to agreement on almost everything. There are a couple of things that we would like that City staff is not willing to agree to and one is in regards to the pool. Even though the Small Lot Overlay is very detailed in nature and very well thought out it can't anticipate every single circumstance. This is the first project coming through under the Small Lot Overlay designation. The Overlay designation allows for duplexes, townhomes, and single-family homes. Maybe where there are duplexes or townhomes, a pool would not be appropriate. We feel that pools on 50 foot internal lots is appropriate and we feel that helps satisfy the one of the overarching issues of the City is that they want something that is nice. There is a certain amount of people that want their own pool. The home building industry knows their business and they know that about 25 of the 50 foot wide lots are going to want pools and half of those will want some kind of screen enclosure.

Mr. Buchanan introduced Christian Swann, with Surrey Homes, Mark Stehli, the civil engineer, Brian Werling, the architect, and Todd Bennett, the landscape architect and in charge of theming the project. He stated they were available to address any concerns the Commission may have.

Mr. Buchanan stated that there could be over 700 apartments in this project but what is being proposed is significantly less than that. This is 185 single-family homes essentially. Cobblefield is the only neighboring residential use with 50 foot lots. Basically the characteristics at Silver Oak are 100 lots that are 50 feet wide by 115 to 120 feet deep. There are 85 lots that are 40 feet wide by 115 feet deep. The lots are narrow but they are not short. This is a very well designed project. There are six parks and seven open spaces throughout the development including a dog park, a clubhouse and pool. He said for every 40 and 50 foot lots there will be four parking spaces with two in the garage and two in the driveway. The 40 foot lots parking is in the back and the 50 foot wide lots are in the front. There is an additional 76 on-street parking spaces scattered around the perimeter.

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Mr. Buchanan stated that there is a variety of styles and building materials that are compatible with that style. There are even allowances for two-store houses. It will be an eclectic mix of house and not cookie cutter townhouses or apartments.

Mr. Buchanan stated that the pools are being requested for just the one hundred 50 foot wide lots. With regard to the City's concerns regarding the appearance of clutter, all these yards are going to have fences in the back so you can't see a pool that's on the ground so there can't be any visual clutter from the pool itself. The pool enclosures can be seen and could be considered clutter; however, the applicant has limited where the pool enclosures could be installed. Pool enclosures are limited to the exterior 50 foot wide lots that do not face major roadways. There are 58 of those lots.

In response to questions by Mr. Ryan, Mr. Buchanan said that the applicant wants the vinyl fence rather than a brick wall because the adjacent property is agricultural operation. It really matters where you put your money and they would like to put their money into the project. Masonry walls are very expensive. Anywhere that there is a visual affect will have the stone wall. Mr. Buchanan stated that the life expectancy of a vinyl fence as opposed to a stone wall is significantly less.

In response to a question by Mr. Foster, Mr. Buchanan said based on the sales history the applicant believes that of those 100 50-foot wide lots that would be eligible for pools maybe 25 of them would get a pool and about half of those would get a screen enclosure.

In response to a question by Ms. Toler, Mr. Buchanan stated that the distance between the 50-wide lot houses is 10 feet.

Ms. Toler expressed her concern with the distance between the homes and the noise impact.

Mr. Buchanan said kids playing and making noise is going to travel whether it is a 100 foot lot or a 50 foot lot. If the noise is caused by a big party then there is code enforcement to deal with that.

In response to a question by Ms. Toler, Mr. Buchanan stated that with regard to allowing some lots to have pools in addition to having a community pool is not unusual. Most subdivisions have a community pool with the community club house and then single-family homes in that subdivision have their own pool. It's a market thing.

Christian Swann, Executive Vice President of Surrey Homes, LLC, 1133 Louisiana Avenue, Suite 106, Winter Park, stated they are ultimately the buyer and developer of this property. As to the pools, our experience says that 25% or less of the homes with a pool and a screen enclosure. He said they typically write very strict Architectural Review Board (ARB) standards and to the extent they can by statute they can make a super majority to change anything which makes it more difficult. Of the 185 lots, they expect to have 14 units with a screen enclosure, but they would only offer a screen enclosure that would not exceed the height of a single story. Secondly, it would have to be of black or bronze aluminum with a dark mesh so that it blends in and is pleasing to the eye. Of the total number of units in the project it would be a very limited number of screen enclosures relative to its size. Pools help drive values higher. There would be a base price for a home and then if a pool is added it can add anywhere from \$30,00 to \$50,000 to the price of the home. Not everybody would be able to afford that. For the builder it is about pushing the values forward and not limiting future home owners who didn't have a pool to not restrict themselves to that portion of the market. As to the vinyl fence, he stated that he would not propose a

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white fence because that would be very stark and would show dirt. He said that they have multiple subdivisions that have vinyl fencing that is structural in nature and the stands are embedded in concrete. They propose a beige color for the vinyl fencing. He said there are certain things they will not offer such as paver driveways and then offer only one blend of a paver. Those are some of the things that would be included in the ARB standards but also only offer as a product offering in our sales and marketing.

In response to questions by Mr. Jaspon, Mr. Swann stated that requiring a brick wall where they request vinyl is a barrier to their developing this project. He stated that they wanted to be able to put the money into the areas that are most exposed to the public. There are greenhouses currently on the northwestern part of the property and on the northern boundary line. Ultimately those will probably be single-family lots but those will be in the rear based on the access that those properties have. He stated that they have done \$500,000 to \$600,000 subdivisions where people routinely put those beige fences up as perimeter as well as rear buffers. Their maiden community down by the airport on Lake Conway is entirely enclosed in the beige vinyl fencing and the average price in that development is \$480,000. It is a very well received material. Regarding the screen rooms, he stated that their experience has been that 25% or less of our buyers actually put in a pool much less a screen enclosure. So in totality, we would expect to see 14 or less screen enclosures in the community. Out of almost 200 units it is quite a limited number. Additionally, if a deck is installed that extends beyond the covered, structural lanai you would not be allowed to have a screen enclosure of any kind.

In response to a question by Mr. Ryan, Mr. Swann stated that a picture of the proposed vinyl is included in the exhibits.

Mr. Buchanan stated that the screen enclosures would just be for pools. The Planning Commission could add conditions to the recommendation that the HOA would have to put in its rules regarding the type of material, color of screen, and the same type architecture.

In response to questions by Mr. Jaspon, Todd Bonnett, Bonnett Design Group, 151 Circle Drive, Maitland, stated that all of the conditions where they propose the vinyl fence along the north and west perimeter has a 5 foot buffer and the fence is internal to that buffer. The exterior buffer also has a hedge which is required as part of the code. What will be seen from the exterior is the hedge after the first year or two whether it is a brick wall or the vinyl fencing. In all areas that are visible by the public will be the pre-cast wall with the stone or brick appearance or if it's looking into an open space within the community it will be the fencing that is open with a wrought iron look that is 6 foot.

In response to a question by Ms. Laurendeau, Mr. Swann stated that the short answer is that there is a poured concrete, undercover, opened space in the rear of the homes. He said the lanai is structural with the house.

Brian Werling, Surrey Homes, LLC, 1133 Louisiana Avenue, Suite 106, Winter Park, stated he is the architect for Surrey Homes. The lanais on the back will be covered and the minimum size will be 8 to 10 feet deep, 12 to 16 feet wide. Enough room for a small little room or sitting area. Regarding the pools, since we have to put the A/C condenser units in the back of the house the pool enclosures are general rectangular, the length between pools varies between 15 and 20 feet. The pools do not match the size and width of the home. The size of pools available for the rear yards for the 50 foot wide lots there is a minimum of a 20 foot rear setback. Per the ordinance you can only have 75% impervious area so a bigger house pad will limit the ability to a pool in the back. What typically happens is a shallower house is built

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to allow for a bigger rear yard which allows a big enough depth for a pool. With regard to allowing screened enclosures, in Florida there is a big bug problem. Screened enclosures over pools would allow a home owner to be outside to enjoy the outdoors with attacks from mosquitos.

In response to questions by Ms. Toler, Mr. Werling stated the pool enclosures must have bronze frames, dark mesh, and have a pitched or domed roof. The size will be governed by the parameters of the house. So they won't be uniform. Normally they will be about 30 feet wide.

In response to a question by Ms. Laurendeau, Mr. Werling stated the owner will have the choice of a pitched or domed roof.

In response to a question by Ms. Toler, Mr. Werling stated that he believes there is not a condition that a home owner could not use an outside contractor to install the pool or screened enclosure.

Affected Party(ies) Presentation: Ms. Smith left the meeting prior to giving her testimony.

Staff/Petitioner Rebuttal: Mr. Moon clarified the comment regarding the vinyl fence along the perimeter of the project, but on the interior to the project, The 40 foot wide lots not allowed having fences; however the 50 foot wide lots will be able to have a vinyl fence installed. They can have wrought iron style fences and the intent of that design standard is to help create the appearance that there is no clutter and congestion to allow movement of air. If there is a wrought iron fence in someone's back yard and there is a driveway, the fence has to be set back 2 feet from the driveway.

In response to a question by Mr. Davoll, Mr. Swann stated that fencing all of the 50 foot wide lots is a marketing issue.

Mr. Werling stated that there will not be a requirement for all the 50 foot wide lots to be fenced. The only place where there will be fencing is on the perimeter. The design standard does not require every 50 foot wide lot to have a fence.

Mr. Buchanan stated that with regard to the issue of clutter, the question becomes who is going to see it. It won't be from the front of anyone's house. There will not be any enclosures permitted where they could be seen from the front of the house.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

In response to concerns expressed by Ms. Toler regarding the first waiver, Mr. Moon stated the waiver request on the wall refers to the western and a portion of the northern property. There will be a 5 foot tract, separate ownership, separate boundaries for the 5 foot tract that will be assigned to the homeowners' association who will be responsible for maintaining the wall as well as the landscaping that may be within that 5 foot buffer.

Mr. Jaspon stated that he had a concern until he heard about the hedge and that in all the visual areas there would be a stone facing as well as the other fencing that would be more visually pleasing. Additionally, if the vinyl fencing looks bad they will have a hard time selling a house.

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Motion: Jeremiah Jaspon made a motion to recommend approval of the waiver request to allow a six foot high vinyl fence along the western and north property lines in lieu of the required six foot high brick or masonry wall within a five-foot wide bufferyard as required in Section 2.02.07.H.3, of the Land Development Code; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

Motion: Pam Toler made a motion to recommend denial of the waiver request to prohibit pools on lots less than 50 feet wide. For lots 50 feet wide or greater, the applicant requests to limit pools to certain lots – Lots 1–21, 38–92, 149-172 in lieu of the requirement in Section 3.04.09(2), Small Lot Overlay Zoning District that states no swimming pools are allowed within a small lot. A Small Lot is defined as a lot that has a width of less than 70 feet or a lot area less than 7,000 square feet; and Linda Laurendeau seconded the motion.

Mr. Jaspon stated that his concern is that for anyone wanting to buy a house there is being completely limited to enjoy Florida and have a pool. He understands the builder's concern that it is going to severely limit them from selling houses. He thinks the Commission should take that into consideration.

Chairperson Greene reminded the Commission that they were making a recommendation to City Council who will have the final say on whether this waiver is approved or denied.

Ms. Toler stated that the City Council has already approved pools on lots 70 feet or wider.

Ms. Laurendeau stated that was why she asked about the lanai. She added there is a community swimming pool and the property owners who purchased into this community because they didn't want a big lot to take care of would not want to take care of a pool.

Mr. Jaspon stated that buyers should be given a choice as to whether they want a pool or not.

Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau and Pam Toler. Jeremiah Jaspon and Robert Ryan voted nay. (5-2). (Vote taken by poll.)

In response to a question by Mr. Birdsong, Chairperson Greene stated it is appropriate to make a recommendation on the waiver for screened rooms regardless of the Commission's recommendation of denial of the first waiver.

Ms. Toler stated City Council could vote to approve the pools but not to approve the screened enclosures.

Chairperson Greene stated the Commission should act on each waiver.

Motion: Pam Toler made a motion to recommend denial of the waiver request to allow screened rooms for pools for Lots 1-21 and Lots 55-92 in lieu of the requirement in Section 3.04.09(3). Metal, vinyl, or other similar materials shall not be used for patios, porticos or porches that extend beyond the wall of the primary residential structure. Materials used for these features shall be compatible with those of the primary residential structure; and Linda Laurendeau seconded the motion. Aye

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votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau and Pam Toler. Jeremiah Jaspon and Robert Ryan voted nay. (5-2). (Vote taken by poll.)

Motion: Melvin Birdsong made a motion to recommend approval of the Change in Zoning from R-3 to R-3/Small Lot Overlay Zoning District for the property owned by Tallman Development Company, c/o Ed Hampden, subject to the findings of the Staff Report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

Motion: Melvin Birdsong made a motion to recommend approval of the Silver Oak Subdivision Master Plan\Preliminary Development Plan subject to City approval of a development agreement or other legal instrument to establish a special homeowner fee for maintenance of the on-street parking property owned by Tallman Development Company, and subject to the findings described within the staff report; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

MASS GRADING PLAN – MARDEN RIDGE APARTMENTS - Chairperson Greene stated this is a request to recommend approval of the Mass Grading Plan for Marden Ridge owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E., for property located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. With no one wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Davoll stated this is a request to recommend approval of the Mass Grading Plan for the Marden Ridge Apartments project. The owner is Emerson Point Associates, LLLP. The applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located between S.R. 451 and Marden Road, south of Ocoee Apopka Road and north of the Apopka Expressway (S.R. 414). The land use is Residential High (0-15 du/ac) and Commercial (0.30 FAR). The existing use is planted pine and the proposed uses are apartments (272 units within 5 buildings) and retail commercial. The future land use is Residential High Density (18.05 ac) and Commercial (6.43 ac). The existing maximum allowable development is 536 (35.74 ac) and the proposed maximum allowable development is 272 units (Phase 1B) (18.05 ac). The tract size is 42.17 +/- acres.

The proposed mass grading plan for the proposed Marden Ridge apartment project allows site grading to occur consistent with the ground elevations and contours established within the Marden Ridge Apartment-Phase 1B Master Site Plan\Preliminary Development Plan. All required permits from the St. Johns Water Management District and other state agencies must be obtained by the applicant prior to commencing any grading activities. Planted pine has already been harvested from the subject property, leaving few canopy trees.

The Haul Route will be from Marden Road south to Keene Road; W. Keene Road eastward to S.R. 414, as illustrated on Sheet C3.00 of the Mass Grading Plan.

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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 grading or further site construction activity.

The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. The maximum tree stock formula requires a total of 2,752 tree inches to be replanted onto the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program.

No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The schools designated to serve this community are the following: Wheatley Elementary, Wolf Lake Middle and Apopka High School.

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 Marden Ridge Apartments Ph.1A Mass Grading Plan for the property owned by Emerson Point Associates, LLLP.

The role of the Planning Commission role is advisory to City Council and may 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: Anthony Call, GAI Consultants, Inc., 618 E. South Street, Suite 700, Orlando, stated he is the civil engineer and is representing the owner and applicant, Mike Wright. He stated he is available to answer any questions the Commission may have.

In response to a question by Ms. Toler, Mr. Call stated the Habitat Management Plan was executed and the gopher tortoises were the animal in question for the property and they have been relocated. The consultant was BioTech Consulting and that process has been completed.

Affected Party(ies) Presentation: None.

Staff/Petitioner Rebuttal: None.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

Motion: **Tony Foster made a motion to recommend approval of the Mass Grading Plan for Marden Ridge Apartments, owned by Emerson Point Associates, LLLP, subject to the information and findings in the staff report. Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)**

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FINAL DEVELOPMENT PLAN/PLAT – ROCK SPRINGS ESTATES - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan/Plat for Rock Springs Estates, owned by Rock Springs Estates; applicant is Pulte Group, c/o Doug Hoffman, P.E.; engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E., located south of West Lester Road, east of Vick Road. (Parcel ID Nos. 3-20-28-0000-00-015, 33-20-28-0000-00-118, 33-20-28-0000-00-003)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. With no one wishing to speak he asked if the Commission members had any ex parte communications to divulge prior to the staff presentation. With no one acknowledging ex parte communications, he opened the meeting to the staff presentation.

Staff Presentation: Mr. Davoll stated this is a request to recommend approval of the Final Development Plan/Plat for Rock Springs Estates. The owner is Rock Springs Estates, LLC and the applicant is the Pulte Group, c/o Doug Hoffman, P.E. The engineer is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E. The property is located south of West Lester Road, east of Vick Road. The future land use is Residential Low Suburban (Max. 3.5 du/ac) and the zoning is R-1. The existing use is one (1) single family residence and vacant land. The proposed use is a single-family residential subdivision with 60 lots with minimum lot areas of 8,000 sq. ft. The tract size is 25.84 +/- acres.

The Rock Springs Estates Final Development Plan/Plat proposes the development of 60 single family residential lots and a 0.42 acre park. The minimum typical lot width is 75 feet with a minimum lot size of 8,000 square feet. The proposed minimum living area for the subdivision is 1,500 square feet as set forth in Chapter 2 of the Land Development Code.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front*	25'
Side	10'
Rear	20'
Corner	25'

*Front-entry garage must be setback 30 feet.

Ingress/egress for the development will be via full access from West Lester Road. A second road connection is proposed at the southeast corner of the project. Extension of this second road may occur at the time the abutting eastern parcel is developed for residential use. A multi-use trail currently runs along the south side of Lester Road. The landscape buffer tract along Lester Road has taken into consideration the presence of this multi-use trail.

The two (2) retention ponds have been designed to meet the City's Land Development Code requirements.

The developer is providing a 0.42 acre (18,200 sq. ft.) tot lot and recreation area. At the time of the final development plan application, details of active and passive recreation equipment and facilities will be submitted for the City's review. The park will be owned and maintained by the homeowners association.

Buffers are provided consistent with the Land Development. The City's Land Development Code and Tree Bank policy authorize the City Council to require the applicant to make a contribution to the City's Tree Bank to mitigate the remaining tree inches for the residential section. The Applicant has committed to pay \$10.00 per deficient tree inch (totaling \$580.00) into the Tree Bank prior to issuance of the initial

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Arbor/Clearing permit. The landscaping median at the entrance to Rock Springs Estates will be placed into a separate tract that will be owned and maintained by the homeowners association.

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

Total inches on-site:	1,042
Total number of specimen trees:	8
Total inches removed:	602
Total inches retained:	440
Total inches replaced:	544
Total Inches (Post Development):	984

Affected Schools: Rock Springs Elementary, Apopka Memorial Middle and Apopka High School. No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement.

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 Rock Springs Estates Final Development Plan/Plat, subject to the findings of the staff report.

The role of the Planning Commission for this development application is to advise the City Council to approve or deny 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 a question by Mr. Foster, Mr. Davoll stated the horse stables are located further north from this property. Across the street is a vacant lot.

In response to a question by Ms. Toler, Mr. Davoll stated an environmental study has been completed but has not been implemented yet because their final development plan has not been approved.

Petitioner Presentation: John Townsend, Donald W. McIntosh Associates, Inc., 2200 Park Avenue North, Winter Park, was sworn in by Mr. Hand.

Mr. Townsend stated that Doug Hoffman from the Pulte Group is also in attendance. He said that they were available to answer any questions the Commission has.

Affected Party(ies) Presentation: None.

Staff/Petitioner Rebuttal: None.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MAY 12, 2015, AT 5:01 P.M.

Motion: Linda Laurendeau made a motion to recommend approval of the Rock Springs Estates Final Development Plan/Plat owned by Rock Springs Estates, LLC and subject to the information and findings in the staff report; and Tony Foster seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

OLD BUSINESS:

Planning Commission: None.

Public - None.

NEW BUSINESS:

Planning Commission:

Development Review Committee - Mr. Davoll provided to the Planning Commission members a list of the members of the Development Review Committee, often referred to as DRC, and their contact information.

Planning Commission Packets – Ms. Toler and Mr. Ryan expressed their displeasure in receiving the packets for the meeting so late and not having an appropriate amount of time to review the items on the agenda. Mr. Ryan stated that Commission members should have the meeting packet at least five days in advance to allow them the appropriate time to review the items.

Mr. Davoll apologized and stated that, in the future, staff would strive to get the packets approved and downloaded in a timely manner so that the Commission has adequate time to review the items on the agenda.

Public - None.

ADJOURNMENT: The meeting was adjourned at 8:51p.m.

/s/

James Greene, Chairperson

/s/

R. Jay Davoll, P.E.

Community Development Director