

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON DECEMBER 13, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: James Hitt – Community Development Director, Police Chief Michael McKinley, Jay Davoll – Public Services Director/City Engineer, David Moon, AICP - Planning Manager, Andrew Hand – City Attorney, Captain Randall Fernandez, Lieutenant Steve Brick, Captain Wil Sanchez, Rogers Beckett – Special Project Coordinator, Kyle Wilkes, AICP – Planner II, Robert Sargent – Public Information Officer, Christopher Allen, Victor Norman, Randy Olson, Michael Files, Geoff Summit, Brian Gilbert, Jenna Walls, Marvin Guttman, Martin Koller, Misha Corbett, Jacki Sandler, Amin Gulamali, Jaymie McCoy, Ed Velazquez, Suzanne Kidd, Theresa Sargent, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of November 14, 2016, at 5:30 p.m. minutes.

Motion: Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on November 14, 2016, at 5:30 p.m. and seconded by Jose Molina. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, and John Sprinkle (7-0).

LEGISLATIVE – CODE OF ORDINANCES, PART II, CHAPTER 78 – TRAFFIC AND MOTOR VEHICLES – STOPPING, STANDING AND PARKING - Chairperson Greene stated this is a request to recommend approval of the proposed amendment to the City of Apopka Code of Ordinances, Part II, Chapter 78 – Traffic and Motor Vehicles, Article II – Stopping, Standing and Parking in its entirety.

Staff Presentation: David Moon, ACIP, Planning Manager, stated that the last update to Chapter 78, Article II – Stopping, Standing and Parking, of the Apopka Code of Ordinances (hereafter Parking Ordinance) was in 2013. Upon implementation of the ordinance, the City received significant comment and input from the Apopka Community. In 2016, the Apopka Police Department established a parking ordinance committee comprised of Apopka residents, from various neighborhoods, to review the effectiveness of the 2013 parking ordinance. Beginning with a kick-off meeting in July 2016, this committee met several times at workshop settings through mid-September. After recommending potential changes to the parking ordinance, the committee held a public hearing on September 26th to gather input from the general public. A final workshop was held on October 10th to discuss public comments from the September public hearing.

The current draft amendment to the Parking Ordinance is based on input and direction from the parking ordinance committee to achieve the following purpose:

- Allow on-street parking with reasonable restrictions.
- Ensure public safety vehicles have access throughout the community
- Ensure delivery of other governmental services.

Recommend that City Council adopt the amendments to the City Of Apopka Code Of Ordinances, Part II, Chapter 78 – Traffic and Motor Vehicles, Article II – Stopping, Standing and Parking in its Entirety.

Chairperson Greene opened the meeting for public hearing.

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In response to a comment by Ms. Laurendeau, Chief McKinley stated that the restriction of on-street parking in cul-de-sacs was intended to mean the circular portion at the end of the street, not the entire street. However, they would research the Florida Statutes and clarify the definition prior to the ordinance going to City Council.

Jacki Sandler, 1272 Wyndham Pine Avenue, stated that she had been a member of the Parking Committee; however one issue the Committee was unable to discuss was parking for guests visiting residents for various events such as during the holidays. She added that she did not receive a call-back from the Public Services Director regarding this issue.

Chief McKinley stated that issuing parking tickets was up to the officer's discretion. Considerations can be made for the occasional event when a resident has visitors; however, on-street parking will not be allowed for regularly scheduled meetings unless they are social meetings. He said that they went from a complete prohibition of on-street parking to allowing it under certain circumstances not covered by the Florida Statutes. He added that in regard to the Public Services Director not returning Ms. Sandler's call, he had requested that any calls regarding parking be forwarded to him and he returned those calls.

In response to question by Mr. Foster, Chief McKinley that on-street parking will be allowed with reasonable restrictions. Such as no on-street parking on a cul-de-sac because it causes a major safety issue.

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

Motion: Melvin Birdsong made a motion to recommend approval of the proposed amendment to the City of Apopka Code of Ordinances, Part II, Chapter 78 – Traffic and Motor Vehicles, Article II – Stopping, Standing and Parking in its entirety. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (7-0). (Vote taken by poll.)

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

QUASI-JUDICIAL – SPECIAL EXCEPTION – FARISH ENTERPRISES AT MCVILL AVE - Chairperson Greene stated this is a request to approve a special exception to allow a building height of 55' for Farish Enterprises at McVilla Ave, owned by Farish Enterprises, LLC, and located at 1616 East Semoran Boulevard.

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

Brian Gilbert, 602 S. Lake Pleasant Road, asked to be considered an affected party as his home is adjacent to the project site.

The Commission unanimously agreed that Mr. Gilbert is an affected party.

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to approve a Special Exception to allow a building height of 55' for Farish Enterprises at McVilla Ave, owned by Farish Enterprises, LLC, and located at 1616 East Semoran Boulevard. The future land use is Commercial and the zoning is C-2. The existing use is vacant land and the proposed use is a four-story, 80-room hotel, with a building height up to 55'. The tract size is 12.11 +/- acres (527,687 S.F.)

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The applicant is proposing to construct an eighty (80) room hotel and self-storage building on the 12.11 acre site. The height of the proposed hotel will be fifty-three (53) feet in height, which exceeds the maximum height of 35 feet allowed by the Land Development Code. The applicant is requesting a fifty-five feet height limitation on the site for the proposed hotel. The project will be adjacent to Commercial C-2 zoning districts to the north and west and Medium Density R-2 zoning districts to the east and south boundaries of the site. The nearest residential structure is approximately 100 feet east of the proposed hotel.

The design of the building exterior meets the intent of the City’s Development Design Guidelines. Ingress/egress for the development will be via a full access point from McVilla Road.

The special exception criteria and requirements specified in Article II, Sec. 2.02.01(B)(5) of this Code are not applicable to building height. Special exceptions may only be applied for and granted non-residential development. All special exception applications for building height shall include a development plan and shall be reviewed by the planning commission for approval to ensure that the application meets all requirements of this Code and the below criteria. The applicant has provided additional supporting information within the special exception site plan.

#	Criteria Questions	Applicant Response	Staff Response
1	Whether the height exception will have an adverse effect on land uses in adjacent areas.	The height exception would have no adverse effect on the commercial and residential land uses adjacent to the property. All proposed development will be as far from the adjacent residentially zoned property as possible, an approximately 100 foot building setback provided. Due to the fact the site is located below the elevation of the existing commercially zoned properties along SR 436, the additional height allowed on this property will not adversely affect those adjacent properties. The approximately 20 feet the site drops from SR 436 to the proposed building pads is equal to the requested height exception.	No objection - The applicant has provided additional documentation the support the above statement.
2	Whether the height exception will severely reduce light and air in adjacent areas.	The height exception will not, the proposed buildings lack sufficient mass to severely reduce light and air in adjacent areas. In addition, the site slopes up on its northern side, ensuring the proposed buildings will not block an inordinate amount of natural light.	No objection - The applicant has provided additional documentation the support the above statement.
3	Whether the height exception will be a detriment to the improvement or development of adjacent property in accord with existing regulations.	We believe that the proposed height exception will not be a detriment to the improvement or development of adjacent property; in fact the increased density on this parcel could encourage higher density redevelopment along SR 436 or development of existing vacant lands.	No objection - The applicant has provided additional documentation the support the above statement.
4	Whether the height exception will adversely affect property values in adjacent areas.	The height exception will likely increase the value of adjacent commercial development as the increased density will encourage further denser development, and the additional temporary residents from the hotel will spend money in nearby businesses. The height exception should have no effect on adjacent residential property values as the buildings will be far enough away and at a low enough elevation, in relation to other existing structures on SR 436, to look no larger than the existing buildings.	No objection - The applicant has provided additional documentation the support the above statement.
5	Whether the height exception will adversely influence living conditions in	The height exception will have no impact on living conditions in adjacent areas. The proposed buildings will be sufficiently setback from residential properties to eliminate any negative impact due to	No objection - The applicant has provided additional documentation the support the above

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	adjacent areas.	noise, shadows, or privacy concerns. The height exception results in no additional stormwater runoff or other similar environmental impact.	statement.
#	Criteria Questions	Applicant Response	Staff Response
6	Whether the height exception is compatible with adjacent areas, neighborhoods, and urban form.	The height exception is compatible with adjacent areas and neighborhoods as SR 436 is already heavily developed with many different forms of commercial development, including several car dealerships, strip malls, restaurants and office space. The additional height would appear from SR 436 to be no higher than other development along the road meeting the current height restriction. From adjacent residential properties the buildings will be difficult, if not impossible, to see.	No objection - The applicant has provided additional documentation the support the above statement.
7	Whether the height exception will impair scenic views.	The height exception will not impair scenic views. The proposed buildings would not extend above the tree line from most property lines and would be located behind and beneath existing commercial development on SR 436.	No objection - The applicant has provided additional documentation the support the above statement.

A condition of approval is that the applicant must provide a 30 foot wide landscape buffer abutting all residential zoned property. The County was notified on November 14, 2016.

The Development Review Committee recommends approval of the Farish Special Exception for a fifty-five (55) feet height as set forth in the special exception site plan, subject to the conditions within the Staff Report.

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

Tony Foster Left the meeting.

In response to a question by Mr. Molina, Mr. Beckett stated that not all of the building would be 55' in height. The elevator shaft roof would be approximately 53' in height. The rest of the building roof would be approximately 44' in height.

In response to a question by Chairperson Greene, Mr. Moon stated that the Planning Commission could recommend approval of a condition that no windows face the residential area.

Petitioner Presentation: Christopher Blurton, Interplan, LLC, 604 Courtland Street, Suite 100, Orlando, stated that there would be no room windows on the east side of the building; however, there would be corridor windows.

In response to questions by Mr. Sprinkle, Mr. Blurton stated that there is a large 150' retention pond and many trees on the south side of the property. The building would be approximately 100' feet from the adjacent homes.

In response to a question by Mr. Molina, Mr. Blurton stated they will be saving as many trees as possible including the 30' natural buffer along the residential side of the project.

Affected Party Presentation: Brian Gilbert, 602 S. Lake Pleasant Road, expressed his opposition to the requested building height increase citing privacy concerns, noise and lighting pollution.

In response to questions by Mr. Simpson, Mr. Gilbert stated that his front door faces South Lake Pleasant Road and is approximately 80' off of South Lake Pleasant Road. Their bedrooms face the project site.

They spend a lot of time in their backyard and the forest between their home and the proposed project is very sparse.

Jenna Wall, 602 S. Lake Pleasant Road, expressed her opposition to the requested building height increase citing privacy concerns, noise and lighting pollution and concern for any wildlife in the area.

Ms. Laurendeau noted that based on the site plan provided, the building and parking area would be quite a distance from the residential area.

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

Motion: **Jose Molina made a motion to approve the Farish Enterprises at McVilla Ave Special Exception Use to allow a building height of 55' based on the findings of the seven (7) criteria, and subject to the Special Exception Conditions of Use including the condition that on the south side of the project the Final Development Plan retain the 30' natural landscape buffer and a six (6) foot high masonry wall. Motion second by Roger Simpson.**

In response to a question by Mr. Sprinkle, Mr. Moon stated that the code requires a 6' high masonry fence between commercial property and residential property.

Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll)

In response to a question by Mr. Simpson, Mr. Moon stated that the applicant could come back at the time of the development plan and asked for a variance to not construct the wall, they would have to prove a hardship. Additionally, a variance would come back before the Planning Commission.

QUASI-JUDICIAL – SPECIAL EXCEPTION – TRIQUINT SEMICONDUCTOR (AKA QORVO)

- Chairperson Greene stated this is a request to approve a special exception to allow a building height of 55' for Qorvo, owned by TriQuint Semiconductor, Inc., located at 1818 South Orange Blossom Trail.

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

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

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to approve a Special Exception to allow a building height of 55' for Qorvo, owned by TriQuint Semiconductor, Inc., located at 1818 South Orange Blossom Trail. The future land use is Industrial and the zoning is I-1. The existing use is Light industrial and professional office and the proposed use is a professional office building not to exceed fifty-five (55) feet in height. The tract size is 15.5 +/- acres.

Section 2.02.01(B)(3) of the Apopka Land Development Code requires a special exception to allow a building height to exceed 35 feet in height. A special exception requires Planning Commission action. The current application requests to increase the allowable building height for a proposed 3-story, 36,900 sq. ft. professional office building. The proposed use is permitted within the I-1 zoning district and the requested 55-foot building height is compatible with the general character of the surrounding, which is predominantly industrial and commercial in nature. The proposed 55-foot structure (as depicted on the special exception plan listed as Exhibit 'A') will be oriented toward existing light industrial developments and will not adversely affect property values or light/shadow conditions on adjacent properties. Further, the propose

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The property is presently assigned a Future Land Use Designation of “Industrial” and a zoning category of I-1 (Restricted Industrial).

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

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial (max 0.6 FAR)	I-1	R-O-W & Warehousing
East (City)	Industrial (max 0.6 FAR)	I-1	Light manufacturing (printing)
South (County)	Rural (0-10 du/ac)	A-1	Single-family home
West (City)	Commercial (max 0.25 FAR)	C-1	Retail (Sam’s Club)

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

- C. Special Exception Conditions of Use.

1. The height of the proposed 3-story, 36,900 sq. ft. professional office building shall not exceed 55 feet in height.
2. The Special Exception Use only applies to the building within the special exception site plan that exceeds 35 feet in height and located within Parcel No. 24-21-28-0000-00-055.

The Development Review Committee has no objection to recommends approval of the TriQuint Semiconductor Special Exception to allow for a building appearing in the special exception site plan not to exceed 55 feet in height within an I-1 zoning district subject to the special exception conditions within the Staff Report.

The recommended motion is to approve the TriQuint Semiconductor Special Exception Use to allow a building not to exceed 55 feet in height, subject to the Special Exception Conditions of Use.

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

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: Geoff Summit, GL Summit Engineering, Inc., 3667 Simonton Place, Lake Mary, concurred with staff and said he was available to answer any questions.

Affected Party Presentation: None.

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

Motion: **Linda Laurendeau made a motion to approve the TriQuint Semiconductor Special Exception Use to allow a building not to exceed 55 feet in height, subject to the**

Special Exception Conditions of Use. Motion second by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll)

QUASI-JUDICIAL – PRELIMINARY DEVELOPMENT PLAN – CARRIAGE HILL RESIDENTIAL SUBDIVISION - Chairperson Greene stated this is a request to recommend approval of the Preliminary Development Plan for Carriage Hill Residential Subdivision, owned by JTD Land at Rogers Road and located at 2303 Rogers Road.

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

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

Staff Presentation: Rogers Beckett, Special Projects Coordinator, stated this is a request to recommend approval of the Preliminary Development Plan for Carriage Hill Residential Subdivision, owned by JTD Land at Rogers Road and located at 2303 Rogers Road. The engineer is Dewberry Engineers, Inc. c/o Christopher Allen, P.E. The property is located east of Rogers Road, north of Lester Road. The existing use is vacant land and the proposed use is a single-family residential subdivision with 73 Lots. The minimum lot area is 9,000 sq. ft. with a minimum lot width of 85 ft. The land use is Residential Low Suburban (Max 3.5 du/ac) and the zoning is R-1. The proposed density is 2.66 du/ac. The overall tract size is 30.58 +/- acres with the developable area being 27.38 +/- acres. The proposed subdivision will have 4.49 +/- acres of open space. The Carriage Hill - Preliminary Development Plan proposes the development of 73 single family residential lots and 0.46 acre Active and Passive Park. The community proposed a minimum typical lot width of 75 feet with a minimum lot size of 9,000 square feet (8,000 s.f. is required by code). The proposed minimum living area is 1,500 s.f., as set forth in Section 2.02.05.F 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 access points for the development will be via full access onto Rogers Road. Future road right-of-way is reserved for connection to future development on the northern abutting parcel, as shown between lots 15 and 16. A connection to the west in front of Lot 19 prevents the abutting western parcel from becoming landlocked. There is one retention pond designed to meet the City's Land Development Code requirements. The developer is providing 0.46 +/- acre (20,038 s.f.) of active and passive recreation space. Details of active and passive recreation equipment and facilities will be submitted with the final development plan.

Landscape buffers provided are 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

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committed to pay \$10.00 per deficient tree inch (totaling \$11,590.00) into the Tree Bank prior to issuance of the initial Arbor/Clearing permit.

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

Total inches on-site:	4696
Total number of specimen trees:	48
Total inches removed:	3515
Total inches retained:	1181
Total inches replaced:	1175
Total Inches (Post Development):	2356

No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. Impacts on public school must be addressed prior to approval of a final development plan and plat. The schools zoned to receive students from this community are the following: Wolf Lake Elementary School, Wolf Lake Middle School 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 Carriage Hill - Preliminary Development Plan, subject to the findings of the staff report.

The recommended Motion is to approve the Carriage Hill - Preliminary Development Plan subject to the finding of the staff report.

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

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

In response to a question by Ms. Laurendeau, Mr. Beckett stated there are several subdivisions within the City of Apopka that have only one road in and out.

In response to a question by Ms. Laurendeau, Mr. Moon stated that extending Rogers Road to West Ponkan Road is not currently in the Capital Improvements Element and would require negotiations with the property owners to the north of this project.

In response to questions by Mr. Simpson, Mr. Beckett stated that there will not be any connections with the existing adjacent subdivision.

Mr. Moon stated that the City Engineering and the Community Development Department recognize that Rogers Road needs to be improved and it will be added to the budget in the future.

In response to questions by Mr. Simpson, Mr. Beckett stated that the applicant is proposing a tot lot on the eastern side of the project. He stated that proposed developments with 50 or more lots are required to provide some type of recreation area. He said that some of the subdivisions with only one way in and out

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include Hillside at Wekiva which has 55 lots and Pitman Estates.

Mr. Sprinkle noted that his subdivision, Muirfield Estates, has only one in and out access.

Petitioner Presentation: Christopher Allen, Deberry Engineers, Inc., 800 N. Magnolia Avenue, Orlando, stated that a traffic study was conducted and due to the numbers of homes a second access was not warranted.

Affected Party Presentation: None.

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

Motion: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Preliminary Development Plan for Carriage Hill Residential Subdivision, owned by JTD Land at Rogers Rd, LLC, and located at 2303 Rogers Road. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle. (6-0) (Vote taken by poll.)

QUASI-JUDICIAL – MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – VISTAS AT WATERS EDGE - Chairperson Greene stated this is a request to recommend approval of the Master Plan/Preliminary Development Plan for Vistas at Waters Edge owned by Vistas at Waters Edge, LLC, and located south of Hooper Farms Road, west of Binion Road.

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Master Plan/Preliminary Development Plan for Vistas at Waters Edge owned by Vistas at Waters Edge, LLC, and located south of Hooper Farms Road, west of Binion Road. The engineer is Madden, Moorhead & Stokes, Inc. c/o David Stokes, P.E. The existing use is vacant land and the proposed use is a single-family residential subdivision with 147 Lots. The typical lots widths range from 60 ft. to 75 ft. and the lot sizes range from a min. of 7,500 sq. ft. to 24,000 sq. ft. The land use is Mixed Use (Max.15 du/ac) and the zoning is Mixed-EC. The proposed density is 1.97 du/ac. The overall tract size is 75.24 +/- acres of which 74.54 +/- acres is developable. The proposed subdivision will have 21.52 acres of open space.

The Vistas at Water's Edge- Master Plan/ Preliminary Development Plan proposes the development of 147 single family residential lots and 21.52 acres of active and passive recreation space. Located within the Mixed-EC zoning district, the Vistas provides a diversity of lot widths and lots sizes as follows:

Lot Widths (Typical)	Number	Percentage
60	101	68.03
65	3	2.04
70	39	27.21
75	4	2.72

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

The minimum setbacks applicable to this project are:

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

*Front-entry garage must be setback 30 feet.

Ingress/egress access points for the development will be via full access onto Binion Road with a secondary gated emergency and pedestrian access point west of lot 115 connecting to Binion Road. There are two (2) retention ponds designed to meet the City's Land Development Code requirements. Per Section 2.02.20.H.4a of the Land Development Code, developments made up of less than 300 units shall be required to construct a minimum total of 2,000 sq. ft. of facility or facilities for a Neighborhood Activity Center. The developer is providing 21.52 acres of active and passive recreation space and is proposing to construct a 1,720 s.f. clubhouse with swimming pool, picnic area and yoga lawn within the active recreational space. Up to 25% of the Neighborhood Activity Center may be in open type facilities. The developer agreed to place a 30-foot wide landscape buffer along Binion Road and to construct an 11-foot wide multi-use trail. The trail will be dedicated to the City as part of the East Shore Trail System. Furthermore, the Master Plan/PDP included passive parks (aka landscaped focal points) at strategic locations to break up long rows of homes and also provide views of Lake Apopka.

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

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

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

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 zoned to receive students from this community are the following: Apopka Elementary School, Wolf Lake Middle School and Wekiva High School.

The County was notified at the time of the 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 Vistas at Waters Edge - Master Plan/Preliminary Development Plan, subject to the findings of the staff report.

The recommended motion is recommend approval of the Vistas at Waters Edge - Master Plan/Preliminary Development Plan subject to the finding of the staff report.

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

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

Petitioner Presentation: David Stokes, Madden Moorhead & Stokes, Inc., 431 E. Horatio Ave. Maitland, concurred with staff and stated he was available to answer any questions.

In response to questions by Mr. Molina, Mr. Stokes stated that the natural grade of the property was not conducive for multiple entrances. The additional entrance to the south is for emergency services only.

Affected Party Presentation: None.

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

Motion: Jose Molina made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Master Plan/Preliminary Development Plan subject to the condition that the emergency access on the south side of the property remain in place regardless of any future improvements to Binion Road, for Vistas at Waters Edge Subdivision owned by Vistas at Waters Edge, LLC, and located south of Hooper Farms Road, west of Binion Road Motion seconded by Melvin Birdsong. Aye votes were cast by Melvin Birdsong, Jose Molina, and John Sprinkle. Nay votes were cast by James Greene, Linda Laurendeau, and Roger Simpson. (3-3) (Vote taken by poll.)

Motion failed.

Motion: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Master Plan/Preliminary Development Plan for Vistas at Waters Edge Subdivision owned by Vistas at Waters Edge, LLC, and located south of Hooper Farms Road, west of Binion Road Motion seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Roger Simpson, and John Sprinkle. A nay vote was cast by Jose Molina. (5-1) (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 7:07 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt

Community Development Director