

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MAY 13, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: Steve Hooks, Mallory Walters, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan

ABSENT: Melvin Birdsong, Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. – Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Ed Hampden, Daniel Kaiser, Sam Abruzzo, Shannon Marks, Velta Peterson, Frank Ayers, Suzanne Kidd, Mark Crone, Craig Cornelison, Julián H. Falgons, Tom Daly, Guy Trussell, Heather Himes, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Hooks asked if there were any corrections or additions to the April 8, 2014 minutes. With no one having any corrections or additions, he asked for a motion to approve the minutes of the Planning Commission meeting held April 8, 2014.

Motion: **Teresa Roper made a motion to approve the Planning Commission minutes from the April 8, 2014 meeting, and Ben Dreiling seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan (6-0).**

CHANGE IN ZONING – COUNTRY CROSSINGS, LLC – David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Change in Zoning from R-1AA (Residential) to Planned Unit Development (Residential), for the property owned by Country Crossing, LLC. The owner/applicant is Country Crossings, LLC, c/o Mark Crone. The property is located north of West Lester Road, west of Vick Road. The Future Land Use is Residential Low Suburban (Max. 3.5 du/ac). The existing maximum allowable development is 29 units and the proposed maximum allowable development is 25 units. The proposed development is a residential subdivision with 25 lots. The tract size is 8.16 +/- acres. 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 April 7, 2004, through the adoption of Ordinance No. 1636. The proposed Change of Zoning is being requested by the owner/applicant.

The applicant intends to develop the subject property single family residential subdivision. The proposed zoning map amendment does not authorize or imply approval of the subdivision of the subject property. Any proposed subdivision of the property will require review and approval of a development plan in accordance with the City of Apopka's Land Development Code and Development Design Guidelines.

On March 7, 2007 the City Council approved a final development plan for this property that proposed a total of nineteen (19) single family lots with a typical minimum lot area of 12,500 sq. ft. and a minimum livable house area of 1,800 square feet. (The minimum livable area for R-1AA zoning district is 1,700 sq. ft.). The final development plan expired and is no longer valid. As only 19 lots were proposed in the previous subdivision plan, a park was not required per the Land Development Code. If more than 19 residential lots are proposed within the master site plan and preliminary development Plan, a park must be included within the subdivision plan, as set forth within the Land

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Development Code. The previously approved Country Crossing Estates final development plan expired on September 7, 2008.

Only one road access point is feasible through a connection from Mt. Logan Drive, which is located within the Springs Ridge residential community.

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

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

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1AA zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- C. If a preliminary Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.
- D. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:
 - 1. The maximum number of single family homes allowed in this PUD is twenty-five (25).
 - 2. Any lot abutting an existing platted lot that has a width of eighty-five (85) feet or greater, shall have a minimum lot width standard of eighty-five (85) feet and a minimum lot area standard of 10,200 square feet.
 - 3. Any lot abutting an existing platted lot with a width less than eighty-five (feet), and for all interior lots within the PUD, the minimum lot width standard is seventy-five (75) feet and the minimum lot area standard is 8,250 square feet. An interior lot for purposes of this PUD is one that does not abut the western or northern boundary of the PUD.
 - 4. Pertaining to paragraph 2 and 3, any portion of a proposed lot that has fifty (50) percent or more of its rear lot line abutting an existing platted lot with a width of eight-five (85)

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feet or greater, the minimum lot width shall be no less than eighty-five (85) feet.

5. The minimum livable area for a house shall be 1,700 square feet.
6. Unless otherwise addressed within the PUD development standards, the R-1AA zoning standards will apply to the subject property.
7. The long narrow tract extending eastward from the northeast corner of the PUD shall be owned and maintained by the property owner association.
8. If the PUD property is incorporated into the Spring Ridge property owners association, the park requirement will be waived. Otherwise, a compact park area not less than 8,250 square feet shall be included within the master site plan.

The proposed Change of Zoning designation is consistent with the City's proposed Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies or as set forth in the PUD ordinance.

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. The development will not be subject to School Capacity Enhancement because the change in zoning will not generate a more than nine residential units above what could be generated from the current zoning category assigned to the property. School concurrency evaluation will apply to the site at the time of a preliminary development plan application for a subdivision.

Due to the property being surrounded by properties located within the City limits of Apopka, notice to Orange County, as required in the JPA, does not apply.

The Development Review Committee recommends approval of the Change in Zoning from R-1AA (Residential) to PUD (Residential) for the property owned by Country Crossings, LLC, subject to the PUD development standards recommended in 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.

Chairperson Hooks opened the meeting for public hearing.

In response to a question by Ms. Roper, Mr. Moon stated that due to the prior plans having 19 lots, the developer at that time was not required to have a park. The new plans have 25 lots and due to that increase in the number of lots, the developer will be required to have a park area. However, if the developer could arrange for Country Crossing to join the adjacent Spring Ridge Homeowners' Association, they would not be required to include a park because Spring Ridge already has a park.

In response to a question by Chairperson Hooks, Mr. Moon stated that, as per the Code, property owners within 300 feet of the subject property were notified of the proposed zoning change. Since the Spring Ridge Homeowners' Association's park is within that 300' that HOA would have been sent a notice.

Velva Peterson, 1247 Mt. Logan Drive, Apopka, stated her opposition to the project citing concerns regarding traffic impacts to the neighborhood, noise, and the wildlife, gopher tortoises in particular,

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which are located on the site. She stated that she had been in contact with State wildlife agencies and was unable to locate a permit to allow anyone to remove the tortoises. She noted that when she arranged for a wildlife officer to tour the property from the perimeter with her, a known gopher tortoise hole had been disturbed and filled in.

In response to a question by Chairperson Hooks, Ms. Peterson stated that if she had known the property was for sale she would have tried to get her neighborhood to buy it. She stated that, with regard to the long, oddly shaped portion of the parcel, the previous owners had attempted to make it a nature trail; however, the adjacent homeowners' association said no.

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

Motion: James Greene made a motion to recommend approval of the Change in Zoning from R-1AA (Residential) to Planned Unit Development (PUD/R-1AA) (Residential) for the property located north of West Lester Road, west of Vick Road, owned by Country Crossing, LLC, subject to the information and findings in the staff report; and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan (6-0).

REVISED FINAL DEVELOPMENT PLAN – BELMONTE RESERVE SUBDIVISION – Jay Davoll, P.E., Community Development Director/City Engineer, stated this is a request to recommend approval of the Revised Final Development Plan for the Belmonte Reserve Subdivision. The owner is K. Hovnanian Belmont Reserve, LLC, c/o Heather Himes, Esq., Akerman, LLP. The applicant/engineer is Civil Design Group, Inc., c/o William C. Fogle. The property is located south of Lester Road, northeast of Stoneywood Way and North Fairway Drive. The future land use is Residential High (0-15 du/ac) and the zoning designation is R-3. The existing use is vacant land and the proposed use is an attached multi-family townhome development with 14 building that will contain 78 fee-simple ownership lots. The tract size is 8.27 +/- acres and the density is 9.33 du/ac.

The Final Development Plan for Belmonte Reserve, which consisted of 78 townhomes units, was approved by City Council on October 4, 2006. A pre-construction meeting was convened on February 5, 2007, at which time construction began on the site. A final walk through was conducted on January 28, 2009, to review the construction activity and created a small list of items that needed to be completed in order to accept the project. This list of items was never completed and a Certificate of Acceptance was not issued. Until recently, the site remained in the same condition as noted in the January 28, 2009, final walkthrough punch list letter.

The applicant has submitted the Belmonte Reserve Revised Final Development Plan with the following changes: name of owner; addition of hardship criteria table and variance requests; revised parking and open space calculations; lot sizes; and changes to building footprint.

The Belmonte Reserve proposes to continue the development of 78 attached townhome units/lots. Each unit/lot will be sold as "fee-simple," i.e., title goes to the resident for the lot and building unit, but the overall community (internal roads, club house, retention, etc.) is owned and governed by the Homeowner's Association. The project is to be developed in a single phase. This proposed development will have no affiliation or involvement with the existing Greenbrook Villas town homes to the south.

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The Project Site Details Include: (1) Proposed minimum living area of 1,670 square feet (1,350 square feet required by code); (2) Maximum 2-story building height; (3) Of the proposed town home buildings, 4 will be designed with 4-units, the remaining buildings will contain 6-units; (4) No outside storage of RV, boats, trailers, etc. will be allowed; and (5) A community pool and club house will be provided for the residents.

Each unit will provide 2 parking spaces for resident/guest parking. The parking for the units will be via a single car garage and one driveway space. A total of 281 parking spaces have been proposed (156 required by code). Individual golf carts will not be allowed, a condition that is self-imposed by the developer.

The project is planned as a gated community with access off Lester Road and North Fairway Drive. The entrance gates will be equipped with OPTICON devices for emergency vehicle access.

A six-foot high brick wall with columns and landscaping is already in place along Lester Road and Stoneywood Way. A six-foot high ornamental metal fence with brick columns is North Fairway Drive.

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

Total inches on-site:	99
Total inches removed:	56
Total inches replaced:	446

The applicant will revise the landscape plan to add cathedral oak along the interior side of the Lester Road brick wall and Stoneywood subdivision, to achieve a spacing of a canopy tree every 35 linear feet.

The property is exempt from school concurrency as the infrastructure has already been substantially completed within a previously approved project.

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.

VARIANCE REQUEST: The applicant has proposed the following variance requests:

1. LDC Section 2.02.07.G.a) – Five-foot encroachment into 25 Setback. Multifamily dwelling units for front, side, corner, and rear yards shall all be a minimum of 25 feet from the property line. The applicant requests a variance for all perimeter lots to allow the encroachment of covered porches and second (2nd) floor building extensions into the 25' setback. Buildings will meet the 25 foot setback. The City previously approved the Belmont Reserve final development plan with the buildings lot lines set back 20 feet the property line. The five foot variance previously approved by the City is being documented within the final development plan. The applicant has agreed to prohibit metal or vinyl covered patios, and to require any covered patios facing Lester Road to be constructed of materials and colors compatible with those used for the building. **Staff does not object to this variance.**

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2. LDC Section 2.02.07 G(3)(a). Lot 68 was previously approved with a seven foot encroachment into the 25 foot building set back. The proposed plan revisions recognize the variance that was previously approved with the original final development plan. **Staff does not object to this variance.**
3. LDC 2.02.07G(3)(a). The pool location was previously approved at current location. The plan revisions documents the variance needed to accommodate the approved pool location. **Staff does not object to this variance.**
4. LDC 2.02.07.H.(5). The proposed dumpster enclosure is located within the required ten (10) feet wide landscape buffer yard. The applicant is requesting a variance of nine (9) feet to place the dumpster enclosure within one (1) foot of the western property line abutting Stonewood subdivision. **Staff does not object to this variance request.**

The Development Review Committee recommends approval of the Belmonte Reserve Revised Final Development Plan, subject to approval of the four variances requests.

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.

Heather Himes, Esq., Akerman, LLP, 420 S. Orange Avenue, Suite 1200, Orlando, clarified that the minimum living area for the project is 1,600 square feet. She advised the Commission that the project will not comply 100 % with the requirements of the City's "Water-Wise" Ordinance No. 2069 for landscape planting materials. This project had been previously designed, approved and started prior to the adoption of Ordinance No. 2069. Since moving forward with the project, they have implemented the use of Bahia in as many areas as they could and reworked the irrigation system design; however, they would not meet the requirement that no more than 50% of the green space area or ½ acre, whichever is smaller, be covered with St. Augustine grass.

Tom Daly, Daly Design Group, Inc., 913 N. Pennsylvania Avenue, Winter Park, Florida, stated that the previously approved landscaping plan relied on a high use of sod. They redesigned the plans and reduced the need for irrigation by more than 50%; however, there would still be more than 50% of the sod being St. Augustine. He asked that the Commission approve a variance of this requirement or recommend approval of a waiver of the no more than 50% of the green area or ½ be covered in St. Augustine grass.

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

Motion: Ben Dreiling made a motion to recommend approval of the Belmonte Reserve [1]

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Revised Final Development Plan; [2] to allow the following variance requests: (a.) Land Development Code (LDC), Section 2.02.07.G.a) to allow a five-foot encroachment into 25 Setback for all perimeter lots to allow covered porches and second floor building extensions into the 25' setback; (b.) LDC Section 2.02.07.G(3)(a) to allow the previously approved seven foot encroachment into the 25 foot building setback for Lot 68; and (c.) LDC 2.02.07G(3)(a) to allow the previously approved location of the pool; (d) LDC 2.02.07.H.(5) to allow the proposed dumpster enclosure to be located within the required ten (10) feet wide landscape buffer yard; [3] waiver of the Water Wise Ordinance requirement that there be no more than 50% of the green area or 1/2 be covered in St. Augustine grass; and [4] the findings in the staff report. Mallory Walters seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Ben Dreiling, James Greene, and Robert Ryan; Teresa Roper voted against. (5-1).

FINAL DEVELOPMENT PLAN – TACO BELL – 1154 ROCK SPRINGS ROAD – Mr. Davoll stated this is a request to recommend approval of the Final Development Plan for Taco Bell to be located at 1154 Rock Springs Road. The owner/applicant is Special K Enterprises, LLC, c/o James P. Whelan. The engineering firm is Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E. The future land use is Commercial and the zoning designation is C-1. The existing use is a vacant ice cream shop (formerly Bruster's Ice Cream) and the proposed use is a drive-thru restaurant. The current building is to be demolished. The tract size is 0.76 +/- acre (33,158 sq. ft.) and the proposed building size is 2,153 sq. ft.

The Taco Bell – 1154 Rock Springs Road Final Development Plan proposes a 2,153 square foot restaurant with a drive-thru. To accommodate the new restaurant, the existing 1,366 square foot building will be demolished. Access to the site will use the same driveway access to Rock Springs Road that was used for the former Bruster's Ice Cream.

Stormwater run-off and drainage will be accommodated by on-site retention. The on-site stormwater management system is designed according to standards set forth in the Land Development Code

A ten foot landscape buffer is provided along Rock Springs Road, and the landscape buffers along the north and south parcel lines follow the previous buffers approved for the Bruster's Ice Cream store.

A total of 23 parking space are provided, of which two are handicapped parking space. A single driveway to Rock Springs Road uses the same access created for the former Bruster's Ice Cream store.

Design of the building exterior meets the intent of the City's Development Design Guidelines.

The monument sign proposed near the driveway entrance meets the City's sign code but must be moved to three to four feet towards the interior of the parcel to accommodate the necessary line-of-sight at the driveway cross bar at Rock Springs Road. Prior to commencing site construction, the applicant's engineer shall certify that the monument sign location meets an acceptable line-of-site distance and sight triangle.

Menu board signs shall not exceed six feet in height nor 30 square feet of sign area. The menu board

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signs shall be supported from the grade to the bottom of the sign having or appearing to have a solid base similar to and complementary to the development's monument sign. The design, materials, and finish of a menu board sign shall match those of the buildings on the same lot. One menu board sign is permitted per drive-thru lane or drive-in station. No other commercial or promotional signs, including snipe-type signs, shall be located along the drive-thru lanes. The Taco Bell Logo's shown on the post supporting the clearance bar and drive-thru canopy will need to be removed. Applicant must resubmit menu board plans that are consistent with the City code.

The applicant has requested a waiver of the previously approved operating hours. The Brewster's Ice Cream Store was approved with the condition that operating hours were limited to 6:30 a.m. to 1:30 a.m. The drive-through service was previously not allowed to operate after 12:00 am (midnight) and open at 6:30 am. All customer service for the Brewster's Ice Cream Store occurred through exterior service windows and did not include interior seating. As the Taco Bell proposes all interior customer seating, conditions no longer warrant a limitation on the hours of operation. Staff supports removal of the operating hour limitation. Further, a residential home existing adjacent to the subject parcel, but has been converted to an office use. Staff does not object to this waiver request.

The applicant has requested a variance of the distance a drive-through must be from residential areas. The Brewster's Ice Cream Store received a variance to allow a drive-through service area less than 200 feet from a residential area. Since the construction of the Brewster's store, a residential home to the west of the subject parcel was converted to an office use. Property on the east side of Rock Springs Road is assigned a residential future land use and zoning, but is undeveloped. This residentially zoned, undeveloped property is within 200 feet of the Taco Bell site, measured property line to property line. The City previously approved the variance for the Brewster's store. Moving the drive-through further to the west will impact the applicant's ability to provide adequate driveway width and buffer width to the rear of the property. Staff does not object to this variance request as it was previously approved for the Brewster's Ice Cream Store.

The Development Review Committee recommends approval of the Taco Bell – 1154 Rock Springs Road Final Development Plan, the waiver request for hours of operation and the variance for the drive-through distance to a residentially zoned property, subject to the findings of this staff report.

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

In response to a question by Chairperson Hooks, Craig L. Cornelison, P.E., Cornelison Engineering & Design, Inc., 5745 Gall Boulevard, Zephyrhills, Florida, stated that this is a new prototype that will not include the arches that were constructed on the Taco Bell on Main Street.

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

Motion: **Mallory Walters made a motion to recommend approval of the Taco Bell at 1154 Rock Springs Road [1] Final Development Plan; [2] request to waive the previously approved operating hours; [3] approval of the variance request to allow a drive-through within 200 feet of residential areas; and [4] the findings in the staff report. James Greene seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Ben Dreiling, James Greene, Teresa Roper, and**

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Robert Ryan (6-0).

OLD BUSINESS:

Planning Commission:

Motion: James Greene made a motion to take the amendment to the Code of Ordinances, Part III, Land Development Code, Article III – to create a Small Lot Overlay Zoning District off the Table, and Teresa Roper seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Ben Dreiling, James Greene, Teresa Roper, and Robert Ryan (6-0).

WORKSHOP - AMENDMENT TO THE CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – OVERLAY DISTRICTS – Mr. Moon stated that this item was tabled at the March 11, 2014 meeting and then, at the April 8th meeting, staff requested a continuance until the May 13, 2014, Planning Commission meeting. He stated that at this time no formal action by the Commission is necessary. This was to be a discussion of the proposed amendment. The amendment will be brought back to the Commission for formal action once it has been advertised.

Exhibit “A” is a revised amendment to the City’s Land Development Code establishing an Overlay Zoning District related to small lot development within the City of Apopka. The purpose of the Small Lot Overlay Zoning District is to provide flexibility for a dynamic housing market; implement Comprehensive Plan policies that promote housing diversity; provide transition between lower density residential areas and more intense development such as commercial, office, industrial or other non-residential land uses, to provide transition between lower density residential areas and limited access highways; to create an increase in development options for properties assigned medium and high density future land use designations; to promote infill development while preserving the character of the existing residential neighborhoods; and to promote diversity in the size and type of new residential developments thereby providing housing opportunities for various family sizes. The Overlay District delineates permitted uses and prohibitions or limitations on certain uses, as well as certain design standards.

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

Based on the discussion at the March 11, 2014 meeting, the Planning Commission requested staff to coordinate additional review with the development community and the item was tabled. At the April 8, 2014, meeting, staff requested that the item be continued until the May meeting to allow more time for the development community’s review.

Planning staff has worked with the development community and prepared this revised development option for the Planning Commission to consider. Several developers or homebuilders have asked the City to consider development options that accommodate smaller residential lot sizes. If after review by the Planning Commission, it is determined that this development option meets the desired vision and goals of the City, the Development Review Committee will schedule the amendment to Article III of the City’s Land Development Code.

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The change recommended by the development community was to re-write Section 3.04.05.6 - Development Standards, Vehicle Access Points, to read "All townhome and duplex dwelling lots shall have vehicle access points via a rear alley; no less than two thirds of the single family lots with a width less than fifty (50) feet shall have vehicle access points via a rear alley."

Chairperson Hooks stated that at the March meeting he requested that staff revise the design guidelines to prevent developments like Chelsea Parc and Mainline Village, due to those areas having turned into high crime areas, and to work with Mr. Hampden to incorporate some of his ideas into those design guidelines. He said that the only change was the inclusion of Mr. Hampden's suggested. He reiterated that he wanted design standards that would raise the price of the homes so that residents would be inclined to want to take care of the subdivision once it is built. He suggested that perhaps these developments be gated communities.

Mr. Moon stated that the process for a small lot overlay district would be similar to a planned unit development. They would be required to prepare a master plan and architectural renderings. Any other requirements would be based on the particular location of the project.

Chairperson Hooks stated that it all needs to be formalized in a design guideline.

Chairperson Hooks opened the meeting for public hearing.

In response to questions by Suzanne Kidd, 1260 Lexington Parkway, Apopka, Florida, Mr. Moon stated that the proposed overlay would not govern building heights. That would be covered by the Land Development Code which allows a maximum height of 35 feet. He stated that most developments have some kind of scheme such as Mediterranean or Cracker style with a slate of coordinating colors.

Ms. Walters stated that the City has worked to increase lot sizes to avoid the Chelsea Parc/Mainline Village types of developments. She expressed her skepticism of homeowners' associations' desire or ability to maintain the small lot developments. Due to the lower price in these types of developments, many of the lots are purchased by investors for rental property. She stated that the only types of development that seems to take an active interest in maintaining their property are apartment complexes where there is a single owner.

Ed Hampden, Tallman Development Company, 604 S. Lake Sybelia Drive, Maitland, assured the Commission that homeowners' associations (HOA) were among some of the most powerful entities. Regulations for the HOA are only as strong as the "covenants, conditions, restrictions and easements" documentation; however, they are enforceable.

In response to a question by Chairperson Hooks, Mr. Hampden stated that the HOA would be responsible for enforcing those documents. In the event the HOA does not enforce the documents, the City might take over the enforcement.

Chairperson Hooks stated that the City would not want to take on the enforcement of an HOA's documents. He reiterated that one way to raise the price and create an incentive to maintain the property would be to make these gated communities.

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Mr. Hampden stated that the Commission might consider that there are there are very few areas in the City where a small lot overlay district could apply. He suggested that it might help the Commission if they were to tour developments that would demonstrate the types of development that would fall under the Small Lot Overlay District. He stated that he would provide to staff a list of the developments, their addresses, and builder information such as lot size and width, living area sizes, etc. Additionally, he offered to escort the members of the Commission himself through some of these developments but the members declined citing a conflict due to ex parte communications.

Further discussion ensued.

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

Chairperson Hooks stated that he could not support this draft of the Small Lot Overlay District language.

In response to a comment by Mr. Moon, Mr. Greene stated that enforcement of the HOA documents is one item that needs to be addressed.

The Commission unanimously agreed to ask staff to schedule a workshop to go over the proposed language. They asked that the workshop be schedule for June 3, 2014, at 6:00 p.m.

Public: None.

NEW BUSINESS:

Planning Commission: None.

Public: None.

ADJOURNMENT: The meeting was adjourned at 6:30 p.m.

Steve Hooks, Chairperson

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

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