

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON SEPTEMBER 9, 2014, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, and Robert Ryan

**ABSENT:** Orange County Public Schools (Non-voting)

**OTHERS PRESENT:** R. Jay Davoll, P.E. – Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Michael Holmes, Kenneth Sumner, Bob Palmer, Jean Palmer, Tia Jamieson, Anastasia Durden, Lou Haubner, Diann Haubner, Mary Smothers, Jerry Smothers, Katherine Youmans, Jenny McBee, David McBee, Lillian Myers, Paul Han, Suzanne Kidd, Ellen O'Connor, Eli Rivera, Jesenia Rios, Alex Toledo, Akbar Allan Ali, Mark Barsrupal, Ashley Keating – Asma & Asma P.A., Diane Harmon, Steve Harmon, Kathryn Morris, Bill Morris, Tammy Morris, Les Hess, Adam Morris, John Morris, Jill Cooper, Debbie Nelson, Beau Schwarberg, Mary Schwarberg, Jack Cooper, Mike Cooper, Ed Velazquez, Lillian Myers, Shelli Girard, Christian Butera, Dianne Harmon, Alan Goldberg – Florida Land Trust #111, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

**OPENING AND INVOCATION:** Chairperson Hooks called the meeting to order, opened with a prayer followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES:** Chairperson Hooks asked if there were any corrections or additions to the August 12, 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 August 12, 2014.

**Motion:** **James Greene made a motion to approve the Planning Commission minutes from the August 12, 2014 meeting, and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, and Robert Ryan (5-0).**

**CHANGE IN ZONING – ALLAN AKBAR ALI A/K/A ALL AKBAR ALI** – David Moon, AICP, Planning Manager stated this is a request to recommend approval of the Change in Zoning from R-1A (0-5 du/ac) (Residential) to AG-E (0-5 du/ac) (Residential/Barns/Stables/Livestock) for the property owned by Allan Akbar Ali also known as All Akbar Ali. The applicant is Asma & Asma, P.A., c/o C. Nick Asma, Esq. The property is located east of Lakeville Road, west of North Hiawassee Boulevard, north of Foxwood Court at 2277 Lakeville Road. The existing and proposed uses are three (3) single family residences, barns, stables and livestock. The tract size is 9.86 +/- acres. The existing maximum allowable development is 32 residential units and the proposed maximum allowable development is 3 residential units. 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 May 17, 1995, through the adoption of Ordinance No. 882. The proposed zoning change is compatible with the character of the surrounding area. Currently, the 9.8 acre parcel accommodates a 3,180 sq. ft. residence, a guest/granny quarters, and a barn and fenced fields for livestock. Horses and other farm animals are kept at the property. The applicant has requested the AG-E zoning to assure that the property can continue to be used for horses or other farm animals. In the event the property owner sells the property, the new owner will want assurance that horses, livestock and barns will be allowed as currently occurs on the property. Horses and other farm livestock are a permissible use under the AG-E zoning category but are not allowed under the R-1A zoning.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

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The proposed AG-E rezoning is consistent with the Future Land Use Designation of Residential Low Density (up to five units per acre) that is assigned to the property. Minimum lot size for property assigned the AG-E zoning category is 2.5 acres.

The proposed rezoning will result in a decrease in the number of residential units which could be developed at the subject property. Zoning currently assigned to the property, R-1A, allows a minimum lot size of 10,000 sq. ft., while the proposed change of zoning to AG-E limits lot size to a minimum of 2.5 acres. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be less than that generated by the current R-1A zoning.

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 August 8, 2014. As the subject property is located next to Lakeville Elementary School, OCPS has been notified of the proposed zoning request.

The Development Review Committee recommends approval of the change in Zoning from R-1A to AG-E for the parcel owned by Allen Akbar Ali a/k/a All Akbar Ali.

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

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

**Motion:** Mallory Walters made a motion to recommend approval of the Change in Zoning from R-1A (0-5 du/ac) (Residential) to AG-E (0-5 du/ac) (Residential/Barns/Stables/Livestock) for the property located east of Lakeville Road, west of North Hiawassee Boulevard, north of Foxwood Court at 2277 Lakeville Road, owned by Allan Akbar Ali also known as All Akbar Ali, subject to the information and findings in the staff report; and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, and Robert Ryan (5-0).

Teresa Roper arrived at 5:10 p.m.

Chairperson Hooks announced that the variance request on the agenda would be presented before the Florida Land Trust #111 Change of Zoning.

**VARIANCE – JESENIA RIOS – 18 W. OAK STREET** – Mr. Moon stated this is a request for approval of a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E.3 to allow for a reduction of 7 feet to the 95 foot wide lot width requirement for property owned by Jesenia Rios located at 18 West Oak Street. The future land use is Residential Low (0-5 du/ac) and the zoning is R-1AA. The existing is vacant land and the proposed use is a single family residence. The tract size is 0.37 +/- acre. The staff report and its findings are to be incorporated into and made a part of the minutes.

The applicant is requesting a variance to allow for a reduction in the R-1AA zoning lot width requirement of ninety-five (95) feet, for property located at 18 West Oak Street. The R-1AA zoning district has four (4) minimum requirement standards for residential development: site area, lot width, living area and setbacks. The variance request would allow for the applicant to construct a single family residence on an eighty-eight (88) feet wide lot, seven (7) feet less the R-1AA zoning requirement. The proposed home site will meet three (3) of the four (4) minimum residential development standards: site area, living area and setbacks.

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| <b>Zoning District</b>      | <b>Site Area<br/>Sq. Ft.</b> | <b>Lot Width</b> | <b>Living Area<br/>Sq. Ft.</b> | <b>Setbacks</b>   |
|-----------------------------|------------------------------|------------------|--------------------------------|---|
| <b>R-1AA</b>                | <b>12,500</b>                | <b>95'</b>       | <b>1,700</b>                   | <b>Front: 25'</b><br><b>Side: 10'</b><br><b>Rear: 20'</b><br><b>Corner: 25'</b> |
| <b>(Proposed) Home Site</b> | <b>15,907</b>                | <b>88'</b>       | <b>2,527</b>                   | <b>Front: 25'</b><br><b>Side: 10'</b><br><b>Rear: 20'</b><br><b>Corner: N/A</b> |

Applicable City Code: City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.05.E(3) - Lot Width - 95 feet, measured at the front property line and the building line. Lots located on cul-de-sacs and curves shall be permitted up to a 40 percent reduction of the minimum width at the property line, but shall be required to maintain 95 feet at the building line.

Applicant's Response to Seven Variance Criteria: When evaluating a variance application, the Planning Commission shall not vary from the requirements of the code unless it makes a positive finding, based on substantial competent evidence on each of the following:

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

**Applicant Response:** *Yes it can be the size of the lot or any other change in the city regulations.*

**Staff Response:** DRC finds that a valid hardship occurs and does not object to the Applicant's Response.

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

**Applicant's Response:** *No, the variance request is base in change due to size or new regulation*

**Staff Response:** There is no evidence of applicant's desire to reduce any cost associated with developing the site. DRC does not object to the Applicant's Response.

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

**Applicant's Response:** *Absolutely not, is only a formal and legal request from the city to the applicant in request of a new construction.*

**Staff Response:** The granting of this variance will have minimal effect on the amount of additional traffic generated on the surrounding public streets. DRC does not object to the Applicant's Response.

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

**Applicant's Response:** *It won't, the property value is not only base in size, and the new construction won't alter any surroundings areas.*

**Staff Response:** The proposed variance will not interfere with the ability of abutting property owners to use their property or reduce property values. DRC does not object to the Applicant's Response.

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

**Applicant's Response:** *Yes, the effect of the proposed variance in this property is with the intention to follow all the general codes in subject to the area, where the variance request is.*

**Staff Response:** DRC does not object to the Applicant's Response.

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

**Applicant's Response:** *NO, the condition in this situation is based on the codes and regulations of the city, in order to complain all the request between the applicant and the city.*

**Staff Response:** There are no special conditions or circumstances resulting from this variance. DRC does not object to the Applicant's Response.

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

**Applicant's Response:** *The variance in this case won't create any changes to the land, building or structure in the surroundings areas or city and will not create any safety hazards to other detriment to the public.*

**Staff Response:** The variance request only grants a reduction in the lot width requirement for the site. The applicant will be required to comply with all other development standards within the R-1AA zoning district. DRC does not object to the Applicant's Response.

The Development Review Committee finds that a valid hardship exists and does not object to the variance request to allow for a reduction in the ninety-five (95) foot lot width requirement.

As per the Land Development Code, Article XI - 11.05.00.A. - The Planning Commission has been established as a citizen board to review and approve variances.

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

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

**Motion:** **Mallory Walters made a motion to approve the request for variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.05.E.3 to allow for a reduction of 7 feet to the 95 foot wide lot width requirement for property owned by Jesenia Rios located at 18 West Oak Street, subject to the information and findings in the staff report, and Melvin Birdsong seconded the motion. Aye votes were cast by Steve Hooks, Mallory Walters, Melvin Birdsong, James Greene, Teresa Roper, and Robert Ryan (6-0).**

**CHANGE IN ZONING/MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN – FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC**

Hooks: All right. Back to item number two. Change of zoning, master plan and preliminary development plan for Florida Land Trust on Sandpiper. And again, if you wish to speak to that item, if you'll turn in a notice to intent to speak card so we can get you on the agenda. All right, David.

Moon: We're to the main event. The application before you is a request to assign a City Planned Unit Development to a parcel located on the south side of Sandpiper Road, east of Ustler and west of Thompson Road. This property, several years ago, was unincorporated and under the control of the Orange County Board of County Commissioners which approved a Planned Unit Development with a maximum of 49 dwelling units. The applicant, Florida Land Trust, is requesting 49 residential units on 48.4 developable acres. The total site comprises 58.23 acres. The additional property represents wetlands. Within your package, as part of the PUD zoning request is a Master Site Plan. The Master Site Plan presents the proposed layout of the development and as a planned unit development it can establish unique and specific design standards for the property based on the characteristics that are unique to that site. In the case of this project, there are approximately 15 acres east of Ustler that the developer is proposing to preserve and leave as open space or recreation lands in the future. Within the development there is one entrance off of the south side of Sandpiper. There is existing residential to the south and to the east. On the other side of Ustler is residential development as well and there are lot residential lots to the north. So the property is surrounded by a residential area. Within the 49 lots, they vary in lot size typically from between 80 and 110 feet wide. The lot sizes are typically between 12,800 to 26,000 square feet and that is developable lot. There are eight lake front lots which extend into wetland areas that are along the north side of Lake McCoy. The lot lines extend into the lake and across wetlands; however, those areas are not included in the lot size. The minimum lot size for the development is 10,000 square feet but the applicant is proposing from 12,800 to 26,000 square feet. The minimum lot width that is allowed is 75 feet but the majority of the lots widths range from 80 feet to 110. The minimum living area that is allowed is a 2,000 square foot home that will not exceed 2,000 square feet. For the benefit of the Planning Commission it's recognized that it is difficult to read the development conditions within the development project, as we see here, so they are presented within Exhibit "F" of your package. When you make a motion to recommend to approve or deny or recommend to approve with conditions you'll want to refer to Exhibit "F" if you are making changes to design standards. In terms of the buffer, and that appears to be an important issue to the surrounding community, along the south side of the community, the lots have a 30 foot conservation easement along that south property line. Conditions within Exhibit "F" limit the use of that area, 30 foot conservation buffer, to preservation of the existing trees and landscaping. The intent is to preserve that area its natural vegetation. The lot owners, as set forth within the proposed development conditions, cannot install a fence, swimming pool, or any other accessory structure within that 30 foot buffer. It's to remain natural. It's still under the ownership of the lot owner; the easement is assigned to the HOA, so the HOA, homeowners association, becomes the enforcement for it. On the west side of the property, in terms of buffers, the open space area is approximately 600 or more feet from Ustler Road. So that's not an issue and there are no lots that are proposed on Ustler or Sandpiper in this section of the proposed project. Along Sandpiper Road, the applicant proposes a 10 foot landscape buffer with no masonry wall. The typical residential subdivision, based upon the adopted Land Development Code, requires a 10 foot landscape buffer with a 6 foot masonry wall. That condition... that situation is highlighted in your packet under E-3 on page 3. The first language that is listed is the applicant's proposal; staff's recommendation is underscored in the language beneath it, the paragraph beneath it where it states "Staff recommendation." Staff's recommendation is that from the eastern most lot to the entrance that a... the 10 foot landscape easement must include a 10 foot masonry wall along the southern

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Hooks: Six (6) foot masonry wall.

Moon: Six foot masonry wall. Did I say 10 foot?

Hooks: Yes.

Moon: It's a 10 foot buffer with a 6 foot masonry wall. It will be located at the southern edge of that 10 foot landscape easement. Then west of the entrance road to the western most lot a post and wrought iron fence would be located within that 10 foot buffer tract. It's a tract and not an easement on both sides so it would be owned and maintained by the homeowners' association. The applicant proposes no fence along the south side of Sandpiper Road west of the entrance road. The reason staff took the position made the recommendation to follow current code is that, not only is that other similar subdivisions have installed similar types of buffers, is that without such a wall with the rear yard setback at 20 feet and the accessory of 10 feet, the screened fence... screened room for a swimming pool could be located 20 feet from the roadway. The traveler on the roadway could see a row of swimming pools and screened fences... screened rooms along the roadway. However, along that western point, where the wrought iron style fence ends there is no fence because it enters into the open space area all the way to Ustler Road and the applicant is not proposing to eliminate or remove any of that existing vegetation through to Ustler Road. The other development condition is the sidewalk. The applicant has requested not to include a sidewalk along the south side of Sandpiper Road. There is an existing sidewalk on the north side that extends all the way to Park Avenue, Rock Springs Road. On the south side of sandpiper there is no sidewalk for most of the south side of that road over to Rock Springs Road, however, there is a path along Ustler that follows another City road over to Rock Springs Road. However, this proposed subdivision is located within two miles of Apopka Middle School and Dream Lake Elementary so any school age children residing in this community that attends Orange County Public Schools will likely walk to school. So it was the position of the Development Review Committee that a sidewalk should be installed. So to conclude my presentation the recommendation from DRC is to approve the PUD zoning subject to the staff report and the conditions within Exhibit "F" and subject to the applicant obtaining the school capacity enhancement determination from OCPS. As part of that recommendation, if you follow that recommendation, then the sidewalk will be included and the wall as proposed by staff will be placed along Sandpiper Road. If the Planning Commission does not agree with the fence or the sidewalk then you need to recognize that in your motion or to take a separate motion on those items. I'll address any questions the Planning Commission may have.

Hooks: All right, does the Commission have any questions of David... of staff? No questions? All right, get to the public hearing. Is the representative of this development here and desires to speak or not? Nope. Yes? Then you need to come up and give us your name and address and make your presentation.

Goldberg: Hi, my name is Alan Goldberg and I'm the representative of Florida Land Trust 111. I've been working on this project since we purchased it a couple of years ago and we have had a couple of community meetings since then to go over specific issues that the community has and I would like to put up a slider or just give it out to each Commissioner possible?

Green: Thank you.

Goldberg: While we're doing that I'll catch you up with my address.

Hooks: Okay.

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Goldberg: Which is 100 South Virginia Avenue, Unit 201, Winter Park, Florida.

Hooks: Thank you.

Goldberg: So as we are getting that up... a little bit of history with this project. This was a project that was annexed from Orange County. It was accepted as an annexed property by the City of Apopka back in 2008. The City of Apopka Commission approved a PDP at that time and this schedule is basically taking a look at what was approved at that point and time versus what you are looking at today. And this is basically an accumulation of comments from the community and the changes made between the old and the new plan. Number one basically the lot yield never changed. It's still 49 lots. Based on discussions with the majority of the land owners along Sandpiper Road, they were interested in keeping the community as close to suburban as possible. Which in their estimation they did not want that stark wall along our side of the property. They wanted a landscape buffer and possibly putting up a tri-rail fence... a wood tri-rail fence to keep in within the community flair. Number... we just talked about number three along Sandpiper Road. Let's go back to number two. The brick wall along the southern border... In the original plan there was a brick wall along the southern border of the property. The original PDP and approval said that the residents that abutted the property at the south, the majority of those would make a decision on what type of buffer they would like. I had a meeting with those adjacent home owners probably a month, month and a half ago, and their final decision was to have that 30 foot conservation easement as their buffer rather than a wall along their property. I know that Ms. Nelson is going to speak tonight. Okay, she was one of the cohorts in that meeting and that decision. Number four, originally there were three lots in that 15 acre parcel on the west side of the property. That was a concern of the residents along Ustler. They were concerned about flooding and getting into the wetlands, which would never happen, but I decided to pull those three lots out of that 15 acre parcel and move those into the major portion of the property and leave that 15 acres as an open area most likely to be a recreation, park, walking path within the uplands in that area. Number five, the lake lots in the original PDP was nine lots. Now there's only eight and those are the only eight lots that would be allowed to have docks into Lake McCoy. The boundary lots along the entire boundary of the property hasn't changed. They were originally a minimum of 110 feet wide. They are currently 110 feet wide. The minimum... number seven, the minimum lot size originally was 85' x 130' within 11,000 square foot lot and we are asking for a minimum of 75' x 140' which is a 10,500 square foot lot. I don't think we have a minimum 75 foot lot in here. I think the minimum lot is an 80 foot lot. Those are predominantly the lake lots. Those are the smaller lots. And as David... or Mr. Moon said previously, the minimum square foot we are requesting now is 2,000 square feet. I think I have done a pretty good job, we're going to find out soon here, of looking at what the community wanted from the standpoint of this community. The big concern was that it wasn't going to be any more than 49 lots. We had discussion previously about increasing that so I am back to just keeping it at 49. Which is basically one to the acre. I want to address the wall issue and the fence issue that staff brought up. Again that was the reason we did not put up a wall along Sandpiper was to keep that... the community suburban feel and that was comments from the existing landowners across the street. The sidewalk issue, the original PDP did not have a sidewalk on it either. The discuss was that there would be a crosswalk across the street because there's an existing sidewalk along that portion of the street and again it was brought up by the homeowners, they didn't want two sides of pedestrian traffic along that street. Again to keep it suburban. That's basically all I have. I'm hoping for questions, comments.

Ryan: What's the speed limit on Sandpiper Road?

Davoll: 40. 40. Four zero.

Ryan: I think there needs to be a sidewalk there.

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Hooks: I have a couple of concerns. One is we talk a lot about transitioning from one type of development to another type of development and they are single family homes with smaller lots to the south but across the street to the north we are talking... there's... I mean most of those lots are two acres or more across the street and we are down to lots that are a third to a half acre, slightly larger than that. So I'm a little bit concerned about that. My biggest concern about the development... I like the idea of the natural setback rather than the wall; however, with lots four (4) through twelve (12) there's a little bit of concern that there is going to be pool screens in the backyard perhaps. My druthers would be to eliminate those lots but as an alternative perhaps we can limit those lots to not having pool screen instead that are going to affect the people right across the street. I'm assuming by the plan that no one will be allowed to have access from their backyard to Sandpiper. That will be prevented right?

Goldberg: Correct.

Hooks: Okay.

Goldberg: Yes, there will be an HOA dedicated tract... landscape tract behind those lots.

Hooks: Okay. Again if there is not a fence there what's to stop someone from cutting a hole in the vegetation and driving their boats or whatever into the backyard? So that.... You know I'm a little nixed on that issue. My other major concern about this area is traffic. The road on Ustler from Sandpiper down to Tanglewilde or Hickory Road... actually Tanglewilde that's the thoroughfare through there is substandard at best and people on Sandpiper that don't want to wait at the end of Sandpiper at Park Avenue to get out because they've taken their lives into their own hands down there go down Tanglewilde and that section from Sandpiper to Tanglewilde is not a very good road to travel on. It's not fun. If you go to the north people on Sandpiper they go up Ustler or Thompson and then want to go to the west of Welch at rush hour, this time of day, traffic backs up to my subdivision, which is Wekiva Glen, so I'm saying it's close to half a mile and it's a lot of traffic that's backed up there and now we are going to add... what did I say? 400 trips a day to that? I've got some concerns about traffic issues. So I don't know if you can address those or if Jay can address those or what?

Goldberg: I think I would leave that up to staff. I would say it's under 50 lot subdivision and it's a minimal subdivision for the acreage of the property but I will leave it up to staff to talk about how traffic.

Hooks: Didn't I see... Jay didn't I see a report that the traffic generation was 400 or 500 vehicles a day?

Davoll: It's under 500 when you take the ITE standard. They did have a traffic report done by a traffic engineer following the ITE standards. When you consider the distribution of the site and that 400... that under 500 is daily you're talking 49 trips during the p.m. peak hour. When you distribute it, this size and according to the traffic report provided it's still falls with under the capacity of the road. Maybe not some of what your speaking of is a congestion issue, an operational issue...

Hooks: Congestion issues are reality.

Davoll: That's true.

Hooks: I know you keep telling me that there just congestion issues but that's what we sit in every day.

Davoll: Capacity wise, which is what our code is based off of, they meet the standards.

Hooks: All right. Anybody else have any questions?



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- Walters: Who maintains that part of, I guess Ustler to Tanglewilde?
- Davoll: It was originally constructed the way it's constructed by Orange County. Currently, I'm not exactly sure because since the one piece of annexed it may be now the City's to maintain. Public Services would have to... we would have to contact them to find out whether the County has turned in over to the City or who is actually maintaining the road right now.
- Hooks: What's the possibility of a traffic light at Sandpiper and Park?
- Davoll: There hasn't been a study done to check it out and with the offset of the west side it makes it a little more difficult because Sandpiper does not line up on the west side.
- Hooks: Okay. Does anyone else have any questions? All right.
- Goldberg: One last comment.
- Hooks: Okay. All right.
- Goldberg: I know that the comment was made about the sidewalk extending down Ustler. There is no sidewalk down Ustler now.
- Hooks: Right.
- Davoll: Yes there is.
- Goldberg: Is there?
- Walters: Yes. Yep.
- Goldberg: There is?
- Davoll: There is a sidewalk all the way on the west side of the road.
- Goldberg: Okay, I take it back.
- Davoll: On the west side of the road there is a sidewalk.  
Hooks: From...
- Goldberg: I rescind my comment.
- Davoll: From Sandpiper to Tanglewilde.
- Walters: To Tanglewilde.
- Davoll: All the way. A concrete sidewalk.
- Goldberg: Okay.
- Hooks: Right.
- Goldberg: Thank you very much for your time.
- Hooks: Thank you. All right, let's do this in an orderly fashion if you don't mind. Here's what we'll do. I'm going to go down my list as I have them here.

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*Unintelligible:* Here's quite a few here.

Hooks: Okay, yeah bring them to me and we'll give everybody a chance to speak. What I would ask that you do, I'm going to set the timer with typically give you four minutes to speak. I am not going to enforce that unless you start getting long winded and start duplicating what other people have said. Then we will start enforcing the timer. Because we don't want to be here all night.

Green: Four minutes?

Hooks: Four minutes. If you want to talk and add something to what someone else has said or you agree with what somebody else said and have something to add. Just say that so we, you know, "I agree with what they said." and make a few comments. Don't spend four minutes saying the exact same thing somebody else has already said. Just so we know how you feel and we'll try to get through this the best we can. Again if you want to speak and you haven't already turned one of these in [intent to speak card] please do so and we'll get you up and ready to go. The first one I have is an information request. I am going to ask Kenneth Sumner if he'll come up and ask what he wants to ask and we'll see if we can get that addressed. He lives at 432 East Sandpiper.

Sumner: Ken Sumner, 432 East Sandpiper. I didn't really want to be first because I wanted to hear what other people had to say.

Hooks: Okay then I'll put you on the bottom.

Sumner: But since I'm here I'll go ahead. At one point in time, I saw a plat that had the northwest corner of Sandpiper and Ustler, there was a 300' x 150' section marked off there and I talked with Jay about it at one time and he said it had something to do with annexing into the property.

Davoll: Originally when this site was annexed, they had... I think it was 50 by the length of the property, was left out so it wouldn't create a conclave. That has since been annexed and the County didn't object to that.

Sumner: So there's no corner cut off there that could potentially be rezoned for commercial?

Davoll: Correct. There is not.

Sumner: Now, my primary concern is, I can live with the 49 houses as has been described. No egress or ingress on Ustler Road. I can live with the rest of it. The problem I have is I have dealt with a number of these kind of people who come in with this sort of proposal but it's zoned R-1 single A. Later down the road they come back and want R...

Hooks: Go ahead. Ignore him.

Sumner: Anyway. They come up with the 49 houses but R-1 single A says zero to five houses. They come back and want to double the size of the lot and during the six year to seven year period this has been going on, I have seen plats that have had 49, 75, 135 and we fought all of that and now they have got us beat down, I think, where most of us would be satisfied with 49 houses and these provisions around the border. But that R-1 single A bothers me. I would like to see it increase to R-1 four A.

Hooks: Well, what is before us today is a PUD, which is a Planned Unit Development...

Sumner: Is this plan written in stone to where they can't come back and change it?

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- Hooks: Yeah, that is what I was getting ready to tell you. Whatever is in this document that they've provided that David mentioned, Exhibit "F," that's what they have to do. They can't vary from that and it's only good for a year or two years and then it expires and it reverts back and they have to start all over again if they don't do it. So they can vary from...
- Sumner: Okay, so at the end of the two year period they could come back and ask for the same, R-1A, with five houses to the acre?
- Hooks: They could... whatever the property is zoned currently, yes.
- Sumner: This is what bothers me. These people have lots of time to wait. They could come back at a later date and say its R-1A, zero to five...
- Hooks: Right.
- Sumner: We want to put four houses to the acre.
- Hooks: Again, they would have to come back before us and you and do this all over again. So I think time is money for them at this point.
- Sumner: Okay.
- Hooks: All right. Thank you. The next one I have is Les Hess at 578 Wekiva Landing Drive. Do you still want to say something, Sir? Thank you.
- Hess: Well, like the other gentleman I hadn't planned to be first, but...
- Hooks: Second.
- Hess: That's all right. I live just around the corner on Thompson Road. The next road that comes west.
- Hooks: Right.
- Hess: I live at Wekiva Springs. My lots bigger than an acre. I bought out there... Sandpiper was horse country when I bought and was unpaved. It was a dirt road. Now these people have bought up the entire south side of it and want to make it like Misty Woods which is a slum in the making. If you know where I am talking about on Thompson Road. Just west of Thompson Road on the north side of Votaw is a subdivision built about five, ten years ago. It's quite high density and it's got problems in its future and now we're talking about putting that on the north side of me. And the essence of my objection is the density. It's just too dense. Its changing the nature of the neighborhood and it's not just all the cars that we have to wait for. It's hard to get out to turn left onto Thompson Road from our subdivision. You have to wait a long time sometimes and nobody wants stop lights at every corner.
- Hooks: Right.
- Hess: And there's only two ways to handle it is stop lots or wait forever or just don't approve such density to be in it. It's beautiful country. I mean, you know what we're talking about. There's hawks, there's Sandhill Cranes, there's all sorts of critters out there. Every once in while I'll see a Swallowtail Kite or an Eagle and this is nice country. And as it becomes more and more dense it becomes less and less of the beautiful place that we moved into. And so, I'm objecting, as I have for a long time, to 49 houses. I think it ought to be fewer than that. Thank you.

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Hooks: All right, the next one I have is Jill Cooper at 954 Oakpointe Circle.

Jill Cooper: I'm Jill Cooper. Yes, I live at 954 Oakpointe Circle on Lake McCoy. My backyard abuts the property being developed. The City of Apopka Comprehensive Plan 2030 notes that many residents consider the same town atmosphere of Apopka its most attractive quality and I would agree. I moved here thirty years ago because I liked the rural community and the beauty of the Wekiva River Basin area and I no longer wanted to live in the cookie cutter communities like Misty Woods. So while you determine the appropriate zoning please consider ways to ensure that this new development remains consistent with the character of the land and the existing neighborhoods. All of which are currently a half acre or larger. Please require a thoughtful plan for the new neighborhood. One that leaves all retention ponds naturally sloped and unfenced and lined with a product like "Golden Gold" to remove the nitrogen runoff to protect Lake McCoy and that uses the minimum use of the solid brick walls as discussed, but provides wider setbacks than currently proposed to allow for the mature trees. The requested zoning of R-1A PUD is a much higher density than the neighborhoods immediately to the north or to the south. The ones to the south are a half acre minimum, that's the neighborhood I live in, or to the east or to the west. These are all zoned half acre larger and as you mentioned many are two acre and five acre and larger. R-1AAA zoning seems like it would be more consistent with the neighborhood. Growth in Apopka can be achieved through profitable development while also considering the existing homeowners in the Wekiva River Basin Area, which is just a unique area. Please protect the small town, rural character of Apopka that so many of us have grown to love.

Hooks: Thank you. All right, Alex Toledo.

Toledo: Sir.

Hooks: And if you'll give us your address, sir.

Toledo: Thank you, Commissioners. Alex Toledo, 504 Sir Arthur Court right on Lake McCoy. And I only have four minutes here so I will try to be brief. First of all I want to thank you for the thoughtful questions you've poised. It sort of restores my faith in local government that you guys are thinking about us and I thank you for that. I want to say, you know, I am originally from Miami. I've been up here for about seven years and I would ask that you consider an agent of the future in listening to me because what is being proposed here today has the markings of what I ran away from. So I would encourage you to think about that. I have three kids, as you can see behind me, and my kids have sold chocolate to a lot of the people in this gathering here today but my newest one is two months old and I would really like to preserve the integrity of this area and the beauty of this area. You know every morning when we wake up I look outside and I tend to look for things that are new and I have not seen before. I've asked my kids to draw up a list of different wildlife that they have seen since we have been up here. I mean some of the stuff we have seen, turkeys, bears, foxes, coyotes (in pictures only), gopher tortoises, bob cats, snakes, raccoons, alligators, eagles. I mean this is a jewel in the center of what is a town. Its unheard of almost and a lot of the people that live in Apopka have no idea what we have back there and it's all threatened, I think, by this planned urban development. And I have a couple of concerns coming out here. Number one is, I didn't want to seem to be, you know, sort of imposing, or threatening the developers investment but when I looked at what the developer actually paid for this 55 acres, man, there is no concern whatsoever about him losing money on this investment based on the seven parcels. According to the documentary stamp taxes that were paid on this property on the ten parcels, it was \$400,000 that was paid for 55 acres of property. If he turns around and builds on each of those parcels, you know, a mansion, he is going to get his money back. So that concern has gone away for me. The other thing is I really believe that you guys are sort of our last defense. You know, if you guys approve this it is going to change the way of life for us presently. It's going to change the way of like for my kids back there and I really do believe that they have an appreciation for the area that we live in and their here tonight, not

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because I forced them to be here but because they really do have an appreciation of the outdoors and our community and I hope that you guys will take that into consideration when you make your decisions. Thank you.

Hooks: Thank you. I would like just to comment on what he said and I'd like to maintain the wildlife that he described. Although sometimes it can be a nuisance, I had a bear in my garage last night. But I choose to live where I live and that's just a fact of life and I understand what you're saying and hopefully this development will do that and we'll talk a little more about it as we get some more comments. Thank you for your comments, Sir. All right, Jack Cooper, 954 Oakpointe Circle.

Jack Cooper: Good Afternoon, my name is Jack Cooper. My property adjoins the subject property. I live across from Lake McCoy from that property. I am going to have to look at whatever you guys approved for this site. The surrounding community, including a group of people called Friends of Sandpiper, have been opposed to the overdevelopment of this property is 2006 when they were in unincorporated Orange County. At that time, Mayor Jacobs, then Councilwoman Jacobs, said that at the Board of County review that the maximum number of lots could be less depending on the tree survey. They approved it for 49 but she says, "It may be less when the tree survey comes back." The lot sizes they are proposing is too small and they are not comparable or compatible to the surrounding area. My neighborhood is half acre lots. Lots across from the proposed Sandpiper on the north side are several acres. One I know of is ten acres. According to the drawings submitted the actual lots size on the majority of these lots are like 0.23 acres when you look buildable lots. That's less than a quarter of an acre. With lots this small people will be parking on the street, which is also a hot topic in the City of Apopka. As there is not some cow pasture on Ponkan Road with no trees or there isn't many trees and they can just cut down what they want and pay into the tree fund. It's not... We all know what Sandpiper is. The plans submitted which shows trees that would be removed also shows trees being left within the foot print of the proposed housing. I know on the plat, if you zoom in on it on a computer, you can see some trees like inside the outline of the houses that don't have x's on them. So I don't know what that means or I don't know if someone can fit a 2,000 square foot house on a quarter acre buildable lot and then still make it fit. I don't think that can happen. So they are prepping the land to resale it to a national company. That's what they do. What would prevent the national company from coming in and cutting down the remaining trees and just paying a penalty? We can't let this happen. There will be very little tree canopy left due to these lot sizes and what is buildable right now. And you can see this is the area here. This whole area what's there now. What they are proposing you don't have much left. By requiring the zoning to be at least R-1AAA or preferably R-1AAAA, which is an Orange County zoning of half acre, would preserve the look and feel of Sandpiper as you drive down the road and for the residents who abut the property it would be more comparable and compatible to the surrounding areas. And we have asked a lot... I think everybody in here would have left... I'd like to see a show of hands of everybody here that is really concerned about this development. We've asked people to wear red shirts. Some people don't own a red shirt but this is how many people you've got in here that are really concerned. They may not all want to speak but we asked them to show up and show us support. Also, I have and I can present a list of 85 signatures of Apopka residents to you. They represent homeowners that surround the proposed development on Sandpiper and Ustler. Each person signed this position because of their strong objection to the new zoning being requested. Each homeowner is asking that consideration be given to the consistency of the housing developments that surround the Sandpiper project. The over whelming majority of houses nearby are on much larger lots. The proposed zoning change will allow in some cases two-story homes to abut the backyard of existing homes where they can peer down on them. Residents of the Wekiva River Basin Area purposely moved here because of the rural setting, the beauty of the trees, the land, the wildlife, and the peace and quiet. There are plenty of neighborhoods with small lots for new homeowners to choose from but the area from Sweetwater in Apopka, just south of Wekiva River is a unique landscape of live oaks some 44 inches in diameter, water oaks,

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sweet gum trees inhabited by all kinds of wildlife. Also I have the results of an online survey we did a while back have 54 respondents. Several questions were over whelming concerned about the development and the tree survey should be a determining factor on the size of the lots and the layout. The developer has a right to build on the property but does not have the right to build anything he wants. The community also has rights. The 85 homeowners and the 54 respondents listed on this petition survey believes the Apopka Planning and Zoning Board has a responsibility to consider the surrounding character of the land and existing neighborhoods and requiring an Orange County PUD of R-1AAAA which is half acre lots for this new development. Please protect our beautiful community for current and future residents. Thank you for your time and I will try to answer any question you might have.

Hooks: Thank you. If you will turn that in to the Clerk, the petition.

Jack Cooper: Sure.

Hooks: So we can have that for the record. Appreciate it.

Jack Cooper: And one last thing. This... what everybody talked about...

Hooks: This is not that. All right, thank you. All right, Anastasia Durban.

Durban: Hi.

Hooks: Hi.

Durban: My name is Anastasia Durban and I live at 948 Oakpointe Circle in Apopka. I oversee and look over the property you're going to be developing or he is going to be developing. Our neighborhood is a jewel in itself just because of the landscape and I would like you to be extra sensitive to the surrounding landscape and preserve of the Lake McCoy and mimicking what exists already. I live on two acres. My home is a total of 4,042 square feet. My home is primarily one of the more smaller homes in our neighborhood so when you think of the homes that he is proposing in his development I would like you to think about my home looking at their home across from my lake. The other concern that I have is because 49 homes would be in this development, there's not just going to be 49 times two people living there. They are going to have people visiting them. We already have a problem with the nuisance of the people who don't live on our lake who are coming from that property and taking boats and entering our property and actually fishing next to our dock and pier and I have to run them off constantly. Our lake is super clean. You can walk out to my dock and pier and look down and see hundreds, I'm not exaggerating, hundreds of fish and at least ten turtles swim up to my dock every day. I get up in the morning, I'm able to pick out at least twenty different species of birds when I drink my hot tea. So yes, I would concur with all the other neighbors and would like you to be extra sensitive to deciding the development of the land across from my lake.

Hooks: Thank you. All right, Jenny McBee.

McBee: Hi, I'm Jenny and this is my husband, David. We live at 609 Oakpointe Ridge Court. I work in downtown Orlando. My husband works in Lake Mary. I would venture to say that most of our neighborhood we don't work around Apopka. We purposely sought this area out and drive a long way on our commute because we love this area. Our... we border the southern edge and of all the neighbors, and I know them all, they are, they are going to be impacted by this neighborhood for sure but we really are. Our fence, where the backyard of that proposed house would be, it would start about where you sit from where I stand. It... We are very, very close. Our lot. Again, I will just repeat a little of what has been said because we feel it so passionately. That we don't want the character of what Thompson, of what Sandpiper, of what that area feels

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like. We don't think we are asking for too much. I think why the neighbors have been as agreeable to 49 lots is not because we want 49 lots, it's because it's been approached that it could be upwards of 100 lots and, you know, when you divide it in half and you think okay I'll go for that. Because 100 lots is dreadful. But I have worries. I'm thankful for the green space because that will help our commute a little bit but I do worry about what is to prevent anybody from just walking back into our property? It's very easy to do so. There is just a flimsy fence. Traffic. I can sit in my backyard on my porch now and many, many nights, its beautiful back there, there is so much wildlife like everyone said, but I can hear motorcycles and I know the neighbors can attest to this. We hear drag racing of some sort or motorcycle racing up and down Sandpiper. Very frequently. I'm not talking about a couple of times a year, I'm talking about two to three times a week. It worries me when you put, in a modern day community like us, we have five cars with our family. You put 49 houses you could be putting a couple of hundred cars on the road. The traffic on Thompson even, just to take a left to get out. A lot of that Sandpiper they are going to come up Thompson to go the different routes out. It is a real safety issue. It's a real quality of life issue. We just want, and I especially want some assurance that the lots in the back that do border that southern edge, that do impact the neighbors where your looking... their pool... I could probably hear their conversation in their pool if they own the lots that back up against me. That they are going to be some of the deeper, bigger lots and that it won't get somehow changed in the proposal. And again, like I say we just we really would like larger, more comparable lots. People will pay to come out... they will pay to come out to the beauty to Sandpiper and the poor people that live across the street that live on many, many acres, they are going to have to contend with a typical small lotted neighborhood and it just isn't fair. Thank you.

Hooks: Thank you very much. All right, Katherine Youmans.

Youmans: Hi, my name is Katherine Youmans and I live on 1122 Oakpointe Circle. I am on the lake. I'll be brief. Most of what everyone has said I couldn't agree with more. I moved into the neighborhood about eight or nine years ago to move out of a neighborhood where there was going to be development in my backyard. I was hoping, you know, to have an established homes which we had and that nothing was going to change but obviously those ten lots with the four or five homes are now abandoned. You can see them now and walk and they are going to be sold out for 49 homes. I'm just mostly against the R-1A. I just think that is too small. Our neighborhood isn't that way. I hope that you disagree with that and stay at least triple A or quadruple A. My lot is nearly an acre and I have live oaks. One just feel the other day and it was about 300 years old and I'm sure that this lot on Sandpiper are going to have a lot of old trees and at least there's a tree survey. That would be great. But to have these types of homes, 2,000 square feet, and less than a quarter acre. The trees aren't going to stay. They're just and that is going to be such a disappointment. So. That's it.

Hooks: Thank you very much. Mr. Cooper.

Mike Cooper: Mike Cooper. 464 Songbird, Apopka. I hear everybody and I'm all for you. My thing is, a couple of different things here. I feel that the lots, the houses, and so on should be consistent with the developments that are in and around the same area. There are 2,000 square foot is not going to be consistent. The houses in Oak Water are nice large houses. The houses on Ustler are nice large houses. To put in a 2,000 square foot house on a 10,000 square foot lot is going to be miserable. The type of people that come in a buy a 2,000 square foot house, and don't get me wrong I'm not saying anything about, because they can't afford it, I'm just telling you that, you know, what you're going to get is not the ideal people that are going to be consistent with what's in the neighborhood and the surrounding neighborhoods. So I think the minimum size house should be somewhere between 3,000 and 4,000 square feet. I have land over on the lake which we are getting ready to start building on. Those houses are 4,000 square feet and the land is an acre each. An acre each of buildable property. The sidewalk and fence needs to go in. If you've

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got kids out there, especially in a 2,000 square foot house, you're going to multiple kids in there. These kids are going to run out onto the street and guess what? They are going to get run over because there is no protection there. When the kids go to school, there's no sidewalk, they are going to have to cross Sandpiper to get on the other side to get onto a sidewalk. So they are going to be hustling. They are not going down to a cross walk. They are going to go the easiest way. So instead of having a sidewalk on both sides of the street, now you only have it on one side and it happens to be on the north side. There needs to be sidewalk and fence the entire length of this property. Without a doubt if you guys okay that you're opening yourself up to major liability issues. Somebody gets killed because you don't have a fence up there or something along the lines, you all are going to be in trouble because somebody is going to have a law suit against you and they are going to say why didn't you be consistent with other neighborhoods in the City of Apopka? Go out to Lester, you guys got brick walls, you got fences, decorative fences. Make him put up a decorative fence. I'm a developer. I've got to do it and I abide by it. And the laws the law and I do what they say. Anyway, thank you for your time.

Hooks: Thank you, Sir. Mary Schwarberg.

Schwarberg: Hi, I'm Mary Schwarberg and my husband, Beau. We're here. We live at 519 Sir Arthur Court. Our property would butt up against what now is wetlands. My husband and I moved just under two years ago and we just... we move here for several reasons. Three of which are the beauty, the small town, this great feeling of Apopka. We don't work here in Apopka like some others. You know we work downtown. But we just decided that this is where we wanted to live in a small town area. The other reason is the trees. We looked for these trees and we are so happy to find them. And then the third reason is the toll road. We won't be here without it. There's going to be more of us coming. We are going to be able to afford larger homes on larger properties and they will come. Believe me. So I... we just wanted to represent a part of that of what's coming and please consider those trees, consider the size of the lots. We took at 1973 home. We gutted it. We put more money into than we should have and we plan, if the area stays the same, adding on and making it larger. So we are going to change what is here today if you allow that to happen. If you keep Apopka, Apopka. Thank you.

Hooks: Lillian Myers.

Myers: I thank you Commissioners. My name is Lillian Myers. I live at 849 Ustler Road and my property is combined with two lots there, combined just under 4 acres. That's 3 properties north of the intersection of Sandpiper and Ustler. And unfortunately, because I don't live within 300 feet around this proposed subdivision, I wasn't given any notice of changes so I relied on to just happen to notice the small street signs. Jumped out and took a picture before the rain washed them away and ...

Hooks: Good for you.

Myers: And I did let some of my other neighbors know too. So Jack, Jill, Les, Guys, we are all back again eight years later. This is... it's been quite a long time and while I'm not opposed a subdivision happening there today, in fact, I think a subdivision is probably an improvement on the blight that's overcome that property since it was stopped in 2007. The development... work that we did at that time to try to get the County and the City of Apopka to understand clearly what we wanted to see there as a reflection of what exists in our neighborhood. It is still quite important, rail fence, something like what looks like what Foxborough Farms has on the south side of Welch Road near Thompson. Those kinds of developments. Things that matter in the keeping in the consistency of the community is really what it's all about. So I just wanted to support what has been said. But my most important and most significant concern today is about traffic. We listen to crashes at the corner of Sandpiper and Ustler weekly and it is almost impossible to get out of our own driveways today. Just because it's a cut through for traffic and



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that intersection there, by the way, as far as the sidewalk is concerned, when M/I Homes put in the subdivision across the road from me, way back in 2001 or something like that, we had a big fight about the sidewalk and the sidewalk ended up being on our side of the road instead of their side of the road and the problem there is that pedestrians now have to walk across heavily traffic Ustler just to connect to a sidewalk across the street. So there does need to be a sidewalk in order to prevent that from happening with the traffic issues that there are. So I would absolutely request that there be another traffic study done at that corner specifically to assure that we don't have continued accidents and the request that I have is a four way stop there. Thank you.

Hooks: Thank you. Shelli Gerard.

Gerard: Hello. I'm Shelli Gerard and I live at 924 Oakpointe Circle. Much like Jenny described, I wondered if I could show you guys a picture. Ignore the kids. This is my backyard and you can see all those beautiful trees that are there and I actually think, I might be one of the youngest people here, I'm actually quite excited about the idea of a neighborhood but I have the same concerns that all the neighbors share about the lot size you mentioned. That a lot of the homes in that area are bigger. My lot is right on the back of that and we're almost a full acre lot. My house is 2,500 square feet so if we were to build homes I would love to have homes that increase the value of my home. Much like the other neighbors I [work] live in Lake Mary and drive thirty minutes to come back and forth to work because it is absolutely beautiful. One wildlife they failed to mention was you often see wild peacocks which are really cool too. So I think if we can do the tree survey and maybe leave some more of the trees that would be really cool and the traffic concerns me as well. When I tried to turn right out of my house onto Thompson Road it often takes three or four minutes before you can even turn in the morning when you are coming out. So adding all those additional homes, traffic is going to increase. That really as you mentioned. Sorry the picture wasn't big enough but you get the point.

Hooks: Thank you. Thank you very much. Ellen O'Connor.

O'Connor: Hi, I'm Ellen O'Connor. I live at 1032 Oakpointe Circle in the Oak Water Estates. I do echo so much of what my neighbors have said. I moved up from south Florida also. From Fort Lauderdale. I'd lived there my whole life and saw all the growth and construction that occurred in Broward County. My husband is moving here from LA [Los Angeles, CA] and you can... if you've been to LA you know what the growth is like there. We researched the type of environment that we wanted to raise our children in and I have a three year old son who is going to be going to schools here Apopka. And we, of everywhere in Orange County, we wanted to live in Apopka and we picked this neighborhood because of the beautiful trees and the environment. We live on Lake McCoy. We have an acre and half property. It's a 3,500 square foot house and I plan on living there until I retire or, you know, to go onto the next part of my life but we want you, you're our neighbors also, we want you to protect this community that we live in and part of that is making sure that that development is consistent with the neighborhoods around it. What is being proposed is not consistent with our neighbor and the neighborhoods in the area so I ask that you really consider that because your protecting the future of our community and we appeal to you to do that. Thank you very much.

Hooks: Thank you. All right. Christian and I can't see the last name. Botern? Oh, you're good?

Butera: Yeah, I'm good.

Hooks: Thank you. And last but not least, I think, is Lou Haubner. Is Lou here?

Haubner: Oh yeah. I was going to be first but I've got a couple of things to say.

Hooks: All right, I knew you would.

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Haubner: It might be okay. I'm Lou Haubner, 140 East 1<sup>st</sup> Street, Apopka. I don't know a whole lot about real estate. I've only been here for 43 years, and you know where I live, and we absolutely enjoy our neighborhood. All my neighbors are back there. I developed that property for the King family and we could have gone to R-1 and built, had bigger lots, but I said, "No, We want at least two acre lots." We live on Tanglewilde and Michael lives on Ustler which is one of the lots that the King family property was on you know they used to own everything from Ustler to Park Avenue and so we decided to go with 2, 2 ½ acre lots and I can't imagine the type of neighborhood we're going to have if we have 10,000 square foot lots and 2,000 square foot homes. I think we're creating something we don't want. My wife answers the phone at the office and she can tell you that if we get ten calls a week, what are people calling for in Apopka? Do you have a house an acre lot? Do you have a house on a two acre lot? They don't call and say do you have a 4,000 square foot house on a little lot so I don't have to mow the grass anymore. So we have a firsthand view on what people want in Apopka. And so we need to protect our neighborhood and I just feel like it's time to set some rules, make some decisions, and do the right thing for our neighborhoods in the City of Apopka. Thank you.

Hooks: Thank you. All right that's all the Intent to Speak cards that I have. Does anybody else... Yes, ma'am?

Sumner: I had a few minutes left on my talk.

Hooks: Go ahead.

Sumner: I'd like to address the issue that was brought up about what I refer to as the "no man road." That's the section of road that runs from Sandpiper to Tanglewilde labeled "Ustler." Well to me it's a "no man's road."

Hooks: I hear you.

Sumner: Because I have gone round and round with Commission Brummer on a number of occasions trying to get some of those potholes filled up. I have been kidded by my neighbors who see me out there with bags of ready-made asphalt plugging up the holes myself. Brummer says it's not the County's and the City says it's not the City's. Who does it belong to?

Hooks: You.

Sumner: Must be, because if you drive down there all those black spots that are blacker than the rest of the road, at \$8.50 a bag, that's me.

Hooks: Thank you very much. My motorcycle appreciates that a lot. All right, does anybody else want to speak? We are going to be very informal here. Diane and Mary. Mary why don't you come over and sit close so you can.... Yeah, go ahead. Diane, let her say something first.

Green: Your name again?

Durban: My name is Anastasia Durban and I live at 948 Oakpointe Circle. Just want to reiterate that the property value alone for us has been very depressing and to add another neighborhood with many homes, small lots, which you have plenty of in Apopka, it's not going to help any real estate in our area. So I just wanted to reiterate that.

Harmon: My name is Diane Harmon and I live at 1041 Sandpiper Street and I just wanted to make sure that I have an opportunity to say something on behalf of Sandpiper because I don't think anybody has spoken who lives on that road. And, my husband and I have chosen... we chose to move to

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Apopka and build our home there about 38 years ago and we have lived there the whole time. Raised our whole family. Have grandchildren and we loved it from the very beginning. The pastoral atmosphere and we still love it. There are sometimes we don't like the paved road. I'd like to go back to the unpaved road just to reduce the amount of traffic on it. But I would just ask that, you know, I am in agreement with everything that has been said as far as the consistency with the surrounding areas. We have 1.72 acres and the property around us of course do have it pretty much the same or more than that on the north side of Sandpiper and would love to be able to see this being consistent. I do like... I would like to see it developed because I think right now it is becoming a negative to the community and the surroundings as far as its appearance. So a development is fine. Just would like to see lesser density, larger homes, larger lots and a beautiful pastoral surrounding. Thank you.

Hooks: Thank you. Mary.

Smothers: My name is Mary Smothers, 1005 East Sandpiper Street. My husband and I bought our property in the early 1970's. Two acres, across the street from this development. We had four children when we built our house over 36 – 37 years ago. Then we added a fifth child. So our children grew up there. My concerns are... many have already been stated. The traffic. If the traffic goes towards Thompson Road turning right is already a challenge. Turning left is sometimes impossible certain times of the day. It is very hard. Mostly because people won't signal if they are going to signal that they are going to turn onto Sandpiper until they are there and then they turn immediately, but then you have to wait for all those other cars to go by. If you go down towards Park, like Mr. Hooks said, most of us don't go to Park any more, we go to Tanglewilde and we go through that "no man's street" there, no man's land, with all the potholes. Thank you for filling those holes, Sir. But we'd rather not go through that area but we can go to the traffic light there as well as be able to turn and not wait forever to turn onto Park. If you go Ustler and go over to Welch, again Mr. Hooks said, boy, try to get out there if you are not turning right. To turn left at certain times of the day is just, again, impossible. So any direction you go you are going to have a hard time if you have to turn left anywhere. The children crossing to the other side of the street to get to the sidewalk, a crosswalk was mentioned. That's good but children are children, they are going to take the shortest route. If their backyard is closer to Sandpiper then that crosswalk, they are going to go to the shortest place to cross the road and it is dangerous. Like someone said with the motorcycles, the cars, the trucks. There is a no passing zone all the way up and down Sandpiper right now, as soon as they turn onto Sandpiper they start passing. Fast. Try to get into your driveway or out of your driveway with that traffic coming as fast as they can. Another concern that has not been mentioned, the smaller the home the more quickly people will move up to a larger home in the future. And as you get into second owner, third owner, fourth owner, the quality and the upkeep of that home goes down, down, down rapidly. Your starter home is usually kept with the first owner. After that you generally don't have a good maintenance with a secondary, third owners and stuff and that's a concern. Again very good reasoning to get larger lots, larger homes and I think everything has been stated. If a traffic light at either end of Sandpiper might be a possibility someday but none of us want more traffic lights really but we have to get out safely and not have more accidents.

Hooks: Right.

Smothers: Okay. Thank you very much.

Hooks: Thank you. All right last call. Anybody else? All right, Mr. Goldberg. Where'd you go?

Goldberg: Over here.

Hooks: You got some 'splain'n to do. Come back up here and, unfortunately for you I did not hear anybody agree with your assessment of what they said they wanted. They must of told you

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something different than what they told us just now.

Goldberg: Well.

Hooks: So.

Goldberg: That's definitely not true because I have a letter from the two homeowners associations on the south side of the property agreeing to the 30 foot buffer. I don't have it with me but the County... the City has it.

Hooks: I think I'm more concerned about the size of the lots and the number of the lots and the size of the homes. That's the three biggest issues that I heard that it's too dense, which leads to too many trees being taking out, too much traffic and small homes not lending to increasing their property values. That's what I take away from the comments.

Goldberg: I can appreciate what the home owners have and what they have lived with and it's wonderful that they can afford big lots and big houses but not many people can afford those size houses and lots.

Hooks: I agree with that but you chose the wrong place to put them.

Goldberg: I've set aside 15 acres of land that's not going to be touched. I have agreed with a 30 foot buffer along the south side of the property that's not going to be touched. I think I have done a pretty good job of laying out where we are going to save trees and how we are going to save trees and the reason I bought the property was because of the trees. I have no interest in taking them down if they don't have to come down.

Hooks: I agree with that but the 15 acres you didn't have much choice in that matter. That wasn't something you decided to do and the trees are not something you're able to keep if you've placed a home where a tree is and that's just part of the nature of developing a project. I understand that but smaller lots leads to more trees being removed and that, that was one of the concerns that I heard.

Goldberg: I understand I'm fighting uphill. This is a property where it's one per acre.

Hooks: Actually it's not one per acre. Cause when you take out the roads and the retention ponds, you know, everybody throws it out there as one dwelling unit per acre, okay, it's not one acre lots. That's misleading. So the lots are 1/3 acre to .6 or .7 or .6, I think I saw one or two .6 but that's about the extent of it there. As people have said, 1/4 to 1/3 acre lots primarily.

Goldberg: I mean it obvious that you have made your decision and I don't know what the rest of the ...

Hooks: Well, here... here's

Goldberg: If the Council has made a decision on it so I'd like to hear that discussion.

Hooks: Okay.

Goldberg: And maybe come back and say a few words at the end.

Hooks: Sure. All right. We're going to close the public hearing. Let me explain the process for everybody here. We're only, in this case, recommending board. Somebody mentioned early on that we were the last defense. We are not. That's the City Council. We are going to recommend something to City Council, either to approve the project as it's been presented to us tonight, to deny this project, to disapprove it that would be our recommendation to City Council, or to make

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a recommendation to approve it with this, this, this, this as part of the approval process. City Council doesn't have to do anything we say. They are... you' all voted them in, those of you that live in the City of Apopka, and they can do whatever they please regardless of what we recommend. So we are not the last defense. We are really the first defense. So you've got to do this all over again with these little pieces of paper in front of City Council whenever it comes to them. All right, so I'm going to close the public hearing. We are going to talk about it as a Board see what the pleasure here is. What the discussion here is. You felt... you heard my opinion, my feelings about it. So I'm hoping to... whoever wants to talk.

Birdsong: It seemed like we got so many things here that's going to need to be addressed. I mean I took some notes of some things pertaining to what was brought up about the fence, the sidewalks, the setbacks, you know, the area that you made mention to where in the back of property where possibly that buffer area where people can actually tear it down and basically using it for a driveway and we know the nature of people. Most of the time they'll take advantage of those situations within time. My thoughts and feelings on this particular issue is that it's a lot of things in here that need to be revamped. I don't know what direction we would go in but I just see a whole of things that need to be totally redone. Thank you.

Hooks: Okay. Jim.

Greene: I think we're really talking something that's out of character with the neighborhood. We're talking density. I don't see that it would be feasible to establish conditions that would meet that. My inclination would be to recommend that it not be approved and let them... City Council do what they want to do or let them go back to the drawing boards.

Hooks: Anybody else?

Walters: I grew up in this town. I partied every July 4<sup>th</sup> out there on that property. Changes is coming. Personally, I don't like what's happened to Apopka but I can't, I can't stop that because we are... we have developable land. One lady pointed out that we have more people coming and I would love for the developer to get with some marketer and find out what really is needed with those people that are going to come to Apopka. Maybe we need larger lot sizes. You know, have you even entertained that idea of doing a more upscale neighborhood in that particular area? Which suits that area. It hurts me to see that property would ever be developed but it's going to be and I think that you're going to have to come to some kind of, I guess you're going to have to reconcile that its coming and work with whoever is there and I think you've done that. I think what the developer has done as far as a 30 foot buffer and the City not requiring to build a pool or any recreation in that 30 foot buffer helps those that are abutting the property but I would just like to see the developer maybe do some more market study as to what can be built there and what the demand is in the area.

Hooks: Anybody else? I don't think I heard anybody object to a development in that area. It might not be their druthers but I don't think I heard anybody specifically say we don't want anything there. I think the message is pretty loud and clear to me they don't want 49 lots there. Maybe something half that. Is what I'm hearing tonight. Based on that, we need a recommendation to City Council from the Planning and Zoning Commission and, again, that can be either to recommend approval of the plan that's been presented to us a change of zoning, master plan, preliminary development plan from "County" PD to "City" PUD/R-1A; or we can recommend City Council not approve it; or we can recommend approval with conditions or some recommendations in the plan and Exhibit "F." So what is the pleasure of the Commission?

Greene: I would make a motion that we recommend that the Council not approve it.

Hooks: All right, there is a motion that the Planning Commission recommend to City Council that we

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recommend not approving this particular plan as it's been presented. Is there a second?

Birdsong: Second.

Walters: Second.

Hooks: There is a second by Melvin. Any discussion? All in favor indicate by saying aye.

Hooks: Aye.

Walters: Aye.

Greene: Aye.

Birdsong: Aye.

Ryan: Aye.

Roper: Aye.

Hooks: Any opposed? And that motion carries. All right. Understand those of you that are here that the developer can proceed with this plan to City Council so you'll have to be vigilant about that. The City Council, as I said, does not have to take our recommendation. That's our recommendation to City Council so it can continue to move forward and so you need to make sure you're at the City Council with as much enthusiasm. And the patience and consideration and courtesy that you've shown here tonight and I appreciate that very much from everybody from all parties. It's been very pleasant tonight. We've had meetings that have not been as pleasant so I thank you very much for how you've conducted yourselves tonight and I think you for your interest and participation tonight.

**OLD BUSINESS:**

**Planning Commission:** None.

**Public:** None.

**NEW BUSINESS:**

**Planning Commission:** None.

**Public:** None.

**ADJOURNMENT:** The meeting was adjourned at 6:35 p.m.

/s/\_\_\_\_\_  
Steve Hooks, Chairperson

/s/\_\_\_\_\_  
R. Jay Davoll, P.E.  
Community Development Director