

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JUNE 12, 2017, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

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

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

**OTHERS PRESENT:** James Hitt – Community Development Director, David Moon, AICP - Planning Manager, Pamela Richmond, AICP – Senior Planner, Kyle Wilkes, AICP – Planner II, Elizabeth Florence – Planner I, Robert Sargent – Public Information Officer, Jim Hanson, Jorge Morell, Guy Wingo, Julie Kendig, Jason Revelle, Gene Cowart, Phyllis Page, Bruce Mount, Suzanne Kidd, Theresa Sargent, Herbert Jones, Philip Hamilton, John Auld, and Jeanne Green – Recording Secretary.

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

**APPROVAL OF MINUTES:**

Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of May 9, 2017, at 5:30 p.m.

**Motion:** Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting held on May 9, 2017, at 5:30 p.m. and seconded by Roger Simpson. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0).

Chairperson Greene asked if there were any corrections or additions to the additional meeting minutes of May 23, 2017, at 5:30 p.m.

**Motion:** Roger Simpson made a motion to approve the Planning Commission minutes from the additional meeting held on May 23, 2017, at 5:30 p.m. and seconded by John Sprinkle. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0).

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

**QUASI-JUDICIAL – SPECIAL EXCEPTION – MIRACLE GRACE ACADEMY** - Chairperson Greene stated this is a request to approve the Special Exception to allow a pre-kindergarten through twelfth grade private school within a property assigned a Commercial zoning category of C-1. The property is owned by Platinum Eagles 2011 LLC and the applicant is Miracle Grace Academy. The property is located at 2250 and 2252 East Semoran Boulevard.

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

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

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to the Special Exception to allow a pre-kindergarten through twelfth grade private school within a property assigned a Commercial zoning category of C-1. The property is owned by Platinum Eagles 2011 LLC and the applicant is Miracle Grace Academy. The property is located at 2250 and 2252 East Semoran Boulevard. The

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existing use is a kindergarten through second grade private school within a retail shopping center. The land use is Commercial (max. 0.25 FAR) and the zoning designation is C-1 (Retail Commercial). The proposed use is a pre-kindergarten through twelfth grade private school. The tract size is 5.29 +/- acres.

Within the C-1 (Retail Commercial) zoning category, a school is a special exception use requires Planning Commission action. The current special exception allows a pre-kindergarten through second grade private school. The application to amend the approved special exception requests to expand the grade levels through twelfth grade, with an anticipated enrollment of 25-35 students. Location of the school remains at the current site --tenant space at 2250 and 2252 East Semoran Blvd. (Wekiva Corners shopping center). The applicant received approval in 2016 for a kindergarten through second grade private school. In addition, the applicant will use the tenant space for adult continuing education/tutoring, which is permitted within the C-1 zoning district.

The property is presently assigned a Future Land Use Designation of "Commercial" and a zoning category of C-1 (Retail Commercial). School and institutional uses are allowed as a Special Exception in the C-1 zoning district per Section 2.02.02B.5.d of the Land Development Code, provided the use will not create adverse circumstances affecting the health, safety, and general welfare of the public.

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

<i><b>Direction</b></i>	<i><b>Future Land Use</b></i>	<i><b>Zoning</b></i>	<i><b>Present Use</b></i>
North (City)	Commercial (max 0.25 FAR)	C-1	Sonny's BBQ/Wells Fargo
East (City)	Commercial (max 0.25 FAR)	C-1	Muffler Man
South (City)	Residential High (0-15 du/ac)	PUD	Oasis at Wekiva Apartments
West (City)	Commercial (max 0.25 FAR)	C-1	Retail Commercial (Stinson Center)

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

- C. Special Exception Conditions of Use.

1. The number of ~~kindergarten~~ pre-kindergarten through ~~second-grade~~ twelfth grade students (full-time equivalent) shall not exceed 50.
2. The total floor area of the proposed private school shall not exceed 5,000 sq. ft., all floor area of the school shall be contiguous, and access to all classrooms shall occur from internal to the building.
3. No outdoor activities related to this proposed special exception use shall occur except for such activities authorized through a special event permit approved by the City.
4. The Special Exception Use only applies to land contained within Parcel No. 12-21-28-0000-00-014 as of the date of the adoption hearing.
5. This Special Exception authorization expires if (a) the applicant fails to obtain a certificate of occupancy or a business tax receipt within two years from the date of the Special Exception approval; and (b) the Special Exception Use has vacated the parcel for more than 180 consecutive days.

The Development Review Committee recommends approval of the amendment to the Miracle Grace Academy Special Exception to allow a private Pre-Kindergarten through Twelfth Grade school not to exceed 50 students and 5,000 sq. ft. floor area in size within a C-1 zoning district subject to the special exception conditions within the Staff Report.

Staff recommends the Planning Commission approve an amendment to the Miracle Grace Academy Special Exception Use to allow a private Pre-Kindergarten through Twelfth Grade subject to the Special Exception Conditions of Use at its current approved location.

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

Suzanne Kidd, 1260 Lexington Parkway, Apopka, voiced her opposition to the special exception request stating her belief, as a former teacher, that the retail space to be utilized is not large enough to adequately provide the kind of environment and space the proposed number of students need; and that there is no access to allow for outdoors activities.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

**Motion:** Roger Simpson made a motion to approve the Special Exception request to allow a pre-kindergarten through twelfth grade private school within a property assigned a Commercial zoning category of C-1 for property is owned by Platinum Eagles 2011 LLC; the applicant is Miracle Grace Academy; and the property is located at 2250 and 2252 East Semoran Boulevard. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll.)

**QUASI-JUDICIAL - CHANGE OF ZONING – THOMPSON HILLS ESTATES (OAK POINTE SOUTH PUD)** - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and to recommend approval of the change in zoning from Planned Unit Development to Planned Unit Development (New Master Site Plan) for property owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. Gene Cowart announced that he was representing Jason Revelle who owns the property located in the center of the proposed project and asked that Mr. Revelle be considered an affected party.

The Commission unanimously agreed that Mr. Revelle is an affected party due to his proximity to the subject property.

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding

area, and to recommend approval of the change in zoning from R-3 (Residential) to PO/I (Professional Office/Institutional) for property owned by Thompson Hills Estates LLC (Oak Pointe PUD) and located east of Ocoee Apopka Road, north of McCormick Road. The future land use is Mixed Use. The current use is vacant land. The proposed use is a single-family and townhome residential development with 118 single family homes and 106 townhome units. The tract size is 67.7 +/- acres.

The proposed change of zoning is being requested by the owner. The subject properties were annexed into the City via Ordinance 1651 on December 18, 2002. A public road with a right-of-way width ranging from 80 to 150 feet extends from McCormick Road to the Tract L-1 of the project.

The existing PUD Master Plan expired and the applicant must re-submit a new PUD Master Plan. In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as depicted in the Zoning Report.

The applicant proposes to develop the property as a private, gated residential community with single-family and townhome homes. Located along McCormick Road, the City of Ocoee is situated along the south side of McCormick Road, which is a County road. State Road 429 follows the western project boundary. The proposed residential PUD Master Plan abuts land zoned commercial. The commercial land sites between McCormick Road and the residential Master Plan. An existing public road – Irmalee Lane – extends from McCormick Road northward through the property. Apopka Woods is a 76 lot, single family residential neighborhood that abuts most of the eastern boundary of Oak Pointe. Typical lots within Apopka wood have a minimum width of 70 feet and a minimum land area of 7,500 sq. ft.

Directly to the south of Oak Pointe is a private gated residential community – McCormick Woods – with typical lots of 70 x 125 (8,750 sq. ft.).

Oak Pointe is a proposed private residential community with 112 single family lots and 106 townhome lots. Single family homes have a typical lot size with a minimum width of 70 feet, a typical depth of 110 feet, with a minimum lot area of 7,700 sq. ft. Each single family home will have a two-car garage. Townhomes are on a lot with a minimum width of 23 feet. The Master Plan provides not breakdown of the percentage of townhomes that will have one-car and two-car garages. While the Master Plan makes reference to one- and two-car garages, the minimum lot with for all lots does not appear width enough to accommodate a two car garage. Also, architectural rendering for the townhomes all show a one care The Master Plan does not identify a minimum livable area for either the townhome or the single family home

The Master Plan\Preliminary Development Plan is not consistent with the Land Development Code and the Development Design Standards\Guidelines established therein. A list of inconsistencies that City DRC members have identified are included in the exhibits. Therefore, DRC cannot recommend approval of the Oak Pointe PUD Master Plan and Preliminary Development Plan.

The existing and proposed use of the property is consistent with the Residential Low Future Land Use designation but is not consistent with the Land Development Code.

A capacity enhancement agreement with OCPS or a letter exempting the project from school capacity enhancement is required prior to submittal of a final development plan.

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 May 19, 2017.

The Development Review Committee finds the proposed amendment not consistent with the Comprehensive Plan and Land Development Code and recommends denial of the Oak Pointe Planned Unit Development Master Plan and Preliminary Development Plan.

Staff recommends denial of change of zoning category from Planned Unit Development Master Plan and

Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits.

Should Planning Commission recommend to approve the PUD Mater Plan\Preliminary Development Plan, then staff recommends it do so subject to the condition that all terms and conditions presented in the staff report and exhibits must be addressed by the applicant and that the Master Plan and Preliminary Plan must comply with the Land Development Code and acceptable to the Development Review Committee.

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

In response to a question by Ms. Laurendeau, Mr. Moon stated that the owner of the property located in the middle of the subject gated community would be given an easement and access codes to enter by the gates.

In response to a question by Mr. Simpson, Mr. Moon stated that a Planned Unit Development allows an applicant to create their own design standards; however, those design standards must be equal to or greater than what is required in the Land Development Code. The applicant's request for a 10' landscape buffer along S.R. 429 without the required 6' brick wall is not equal to or greater than what is required in the Land Development Code.

Petitioner Presentation: David Evans, Evans Engineering, Inc., 719 Irma Avenue, Orlando, stated his company is the engineer for the subject project. He said the original PUD master plan expired and they have been working with staff for a year to create a new PUD master plan. He went over his timeline; described the proposed amenities; and explained how the site will be accessed and the internal roads would be private.

In response to questions by Mr. Sprinkle, Mr. Evans stated that Mr. Revelle would be a member of the community and would be given a remote access like the residents in the community. He said it remained to be seen if Mr. Revelle would be required to belong to and pay homeowners association fees.

In response to a question by Mr. Simpson, Mr. Evans stated that they have been working with staff and would continue to work with staff.

Affected Party Presentation: Gene Cowart, 12638 Scottish Pine Ln, Clermont, stated he was representing Jason Revelle, who owns the property on Irma Lee Lane that sits in the middle of the proposed project. On behalf of Mr. Revelle, Mr. Cowart expressed concerns with what the responsibilities would be if the road is privatized but the project is not constructed such as who would be responsible for maintaining the road. He expressed Mr. Revelle's concerns about construction traffic through Irma Lee Lane; on-street parking being allowed in either the single family portion or the townhomes; the residential and commercial parcels using the same road as access; and, the lack of any buffering between the residential and the commercial parcels.

Mr. Moon stated that the City has a parking ordinance that addresses on-street parking. He added that the single family units will have two-car garages. The townhomes will have one to two-car garages and while there will also be on-street parking, those parking spaces are outside the travel lane. He stated that the concept plans provided by the applicant were not consistent with the Land Development Code or the Comprehensive Plan; however, the applicant requested it be brought to a public hearing.

Ms. Laurendeau expressed her concern that the landscape plans indicates the property is to be clear cut. She expressed her opposition to the plans because they did not include basic information such as building heights, the size of the dwellings, or lengths of the driveways.

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

**Motion:** Linda Laurendeau made a motion to deny the request for a change of zoning for the from Planned Unit Development Master Plan and Preliminary Development Plan based on the findings and facts presented in the staff report and exhibits. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll.)

**QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – LAKE LUCIE EQUESTRIAL TRAIL HEAD**  
- Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for the Lake Lucie Equestrian Trail Head. The owner is the Orange County Board of County Commissioners and the applicant is Borrelli and Partners, c/o Christopher Rice. The property is located at 43 Rainey Road which is south of the Orange County/Lake County line, west of Rainey Road, east of Plymouth Sorrento Road.

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

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

Staff Presentation: Pamela Richmond, AICP, Senior Planner, stated this is a request to recommend approval of the Final Development Plan for the Lake Lucie Equestrian Trail Head. The owner is the Orange County Board of County Commissioners and the applicant is Borrelli and Partners, c/o Christopher Rice. The property is located at 43 Rainey Road which is south of the Orange County/Lake County line, west of Rainey Road, east of Plymouth Sorrento Road. The future land use is Conservation and the zoning is PR (Parks & Recreation). The existing use is vacant land and the proposed use is an equestrian trail. The tract size is 166 +/- acre.

The Lake Lucie Equestrian Trail project is a proposed 166 acre site to be used exclusively for equestrian riding. This project is owned by Orange County and will be operated and maintained by Orange County. The site was developed with the goal of preserving the natural setting and great care was given to preserve as many trees as possible. Crushed concrete will be used as the surface for the parking lot and driveways to the site's two access points to Rainey Road. Handicap parking will be paved according to requirements of Florida Statutes. Parking and access are designed to accommodate horse trailers. Amenities, in addition to the trail include hitching posts, a hand pump well and an animal proof trash receptacle.

The Development Review Committee finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Lake Lucie Equestrian Trailhead Final Development Plan, subject to the findings of this staff report.

Staff recommends that the Planning Commission find the Final Development Plan consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Lake Lucie Equestrian Trailhead Final Development Plan, subject to the findings of 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.

Ms. Laurendeau enthusiastically expressed her approval of the plan.

Petitioner Presentation: None.

Affected Party Presentation: None.

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

**Motion:** Jose Molina made a motion to find the Lake Lucie Equestrian Trail Head Final Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for the property owned by the Orange County Board of County Commissioners, c/o Borrelli and Partners, c/o Christopher Rice, and located on 43 Rainey Road which is south of the Orange County/Lake County line, west of Rainey Road, east of Plymouth Sorrento Road. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle. (6-0) (Vote taken by poll.)

**QUASI-JUDICIAL – MASTER SIGN PLAN – PIEDMONT PLAZA -** Chairperson Greene stated this is a request to approve the Master Sign Plan for Piedmont Plaza, owned by G and I VIII Piedmont Plaza, LLC, c/o Greenberg Traurig, P.A., and located south of Semoran Boulevard (SR 436), east of Piedmont-Wekiwa Road.

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

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

Staff Presentation: Elizabeth Florence, Planner, stated this is a request to approve the Master Sign Plan for Piedmont Plaza, owned by G and I VIII Piedmont Plaza, LLC, c/o Greenberg Traurig, P.A., and located south of Semoran Boulevard (SR 436), east of Piedmont-Wekiwa Road. The existing use is a retail shopping plaza. The future land use is Commercial and the zoning is C-1. The tract size is 13.74 +/- acres.

The Piedmont Plaza Master Sign Plan includes existing and proposed signage for their site. Through the proposed Master Sign Plan, the existing pylon signage is required to be removed. The applicant agrees to forfeit a Hobby Lobby monument sign to allow two monument signs at 169.86 sq. ft. each. Proposed sign elevations appear within the Master Sign Plan package. Many of the proposed wall signs for main tenants (10,000 sq. ft.) are under their allowable sign square footage, so the extra square footage has been transferred to the Fuddruckers' signage to allow them two 100 sq. ft. signs.

Master Sign Plan Conditions:

1. To meet the intent of the sign ordinance, the Master Sign Plan for Piedmont Plaza shall not be allowed to use the following sign types:
  - a. Electronic reader boards are not allowed within the any monument sign along both frontages. Sec. 8.04.08
  - b. No portable trailer signs shall be allowed for any business within Piedmont Plaza. Sec. 8.04.13
  - c. No human signs shall be allowed for any business within Piedmont Plaza. Sec. 8.05.02.F
2. The "Second Amendment to Declaration of Restrictions and Grant of Easements" shows that Hobby Lobby will be allowed a portion of the two proposed monument signs. The prohibition of a singular Hobby Lobby monument sign will allow Piedmont Plaza to use the extra signage square footage (100 sq. ft.) for larger monument signs, allowing 50 additional sq. ft. per monument sign.

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3. Monument signs on arterial streets are required to a maximum of 8 ft. high, Piedmont Plaza is requesting 13 ft. 8 in. for both monument signs to accommodate architectural features and space for Hobby Lobby.
4. All tenant and anchor wall signs affixed to a store front of the Piedmont Plaza at the time of the Master Sign Plan approval shall conform to the sign code standards when replaced due to significant damage or to accommodate a new sign face, or when an electrical permit application for such sign is submitted to the City.
5. The Piedmont Plaza landlord shall enforce these Master Sign Plan conditions through its lease agreements with all tenants.

Through the Master Sign Plan, the applicant is requesting approval of all tenant wall signs and two monument signs. In exchange for this deviation from the sign code; the Hobby Lobby owner agrees to forfeit the ability to install a monument sign for only Hobby Lobby; prohibit human signs; and forfeit the use of temporary trailer sign, so long as the monument signs (2) remain at 169.86 sq. ft.

Anchor Tenant	Storefront Length	SQ.FT. Allowed (max. 200 sq.ft.)	Proposed SQ.FT. (some recalculated)	SQ.FT. Remaining
Party City	85'	170	149.5	20.5
24 Hour Fitness - Front	120'-2 1/2"	100	91.56	8.44
24 Hour Fitness - Side	165'-2 1/2"	100	91.56	8.44
Royal Pets Market & Resort	70'-1/2"	140	82.9	57.1
Bealls Outlet	90'-1/2"	180	149	31
Bealls	166'-11 1/2"	200	198	2
Fudrucker's - Front	69'-6 1/2"	100	96.8	3.2
Fudrucker's - Side	50'-6"	100	96.8	3.2
<b>Totals:</b>		<b>1090</b>	<b>956.12</b>	<b>133.8</b>
Monument Sign 1	N/A	120 @ 8 ft high	169.86	
Monument Sign 2	N/A	60 @ 8 ft high	169.86	

In granting approval of the Master Sign Plan for Piedmont Plaza, the City of Apopka finds:

1. The Master Sign Plan for Piedmont Plaza has been submitted and reviewed by staff. The Development Review Committee does not object to the master sign plan as proposed subject to the Master Plan Conditions of Approval appearing in the staff report.

Planning Commission has authority to render a final decision on this Master Sign Plan. Signage is already in place for the existing multi-tenant shopping center and associated plaza as well as some tenant signage.

Staff's recommendation is for the Planning Commission to approve the Piedmont Plaza Master Sign Plan.

Authority is granted to the Planning Commission in Article VIII of the Land Development Code for final action regarding a Master Sign Plan.

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

Petitioner Presentation: Julie Kendig, Greenberg Traurig, 450 S Orange Avenue, Suite 650, Orlando, stated she represents the owners of the property and they support staff's recommendations. She proceeded to show before and after photos of the property.

Affected Party Presentation: None.



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

**Motion:** Roger Simpson made a motion to approve the Master Sign Plan for Piedmont Plaza, owned by G and I VIII Piedmont Plaza, LLC, c/o Greenberg Traurig, P.A., and located south of Semoran Boulevard (SR 436), east of Piedmont-Wekiwa Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (6-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:** The meeting was adjourned at 6:56 p.m.

/s/

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James Greene, Chairperson

/s/

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James K. Hitt  
Community Development Director