

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

MEMBERS PRESENT: James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson

ABSENT: Jose Molina, John Sprinkle, Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer, Patrick Brackins – City Attorney, Pamela Richmond – Senior Planner, Bobby Howell – Senior Planner, Phil Martinez – Planner I, Jean Sanchez – Planner I, and Jeanne Green – Recording Secretary.

OTHERS PRESENT: Jim Hall, Mike Taufel, John Kossol, Aaron Adams, David Clutts, Jeff Welch, Suzanne Kidd, Ed Velazquez, Jeff Teresa Sargeant – Apopka Chief

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of November 14, 2017, at 5:30 p.m.

Motion: Roger Simpson made a motion to approve the Planning Commission minutes from the regular meeting held on November 14, 2017, at 5:30 p.m. and seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and Roger Simpson (4-0).

LEGISLATIVE - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – ORLANDO BELTWAY ASSOCIATES, INC. - Chairperson Greene stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Rural to “City” Mixed Use Interchange for the properties owned by Orlando Beltway Associates, Inc.; the West Parcel is located west of S.R. 429 and north of Kelly Park Road; the East Parcel is located east of S.R. 429 and north of Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review.

Staff Presentation: Phil Martinez, Planner, stated this is a request to find the proposed Future Land Use Designation consistent with the Comprehensive Plan; to recommend approval of the Large Scale Future Land Use Amendment from “County” Rural to “City” Mixed Use Interchange for the properties owned by Orlando Beltway Associates, Inc.; the West Parcel is located west of S.R. 429 and north of Kelly Park Road; the East Parcel is located east of S.R. 429 and north of Kelly Park Road; and recommend transmittal to the Florida Department of Economic Opportunities for review. That applicant is VHB, c/o Erika Hughes. The current zoning is “County” RCE-2 (ZIP). The existing use is agricultural/grazing. The proposed development for the west parcel is consistent with the Employment Overlay District of the Kelly Park Crossing Form-Based Code Area; and the east parcel is consistent with the Neighborhood Residential Overlay District of the Kelly Park Crossing For-Based Code Area. The proposed zoning is Mixed Use Interchange with the west parcel being an Employment Overlay Zoning and the east parcel being a Transition Overlay Zone. The tract sizes are 51.0 +/- acres for the west parcel; and 56.5 +/- acres for the east parcel.

Presently, the subject properties do not have a “City” future land use designation or “City” zoning classification assigned. The applicant requests a future land use designation of “City” Mixed Use Interchange. Presently, the applicant proposes a residential subdivision on the parcel east of State Route 429. The residential subdivision is in the Transition Overlay Zoning Districts, as defined in the Kelly Park Crossing Form-Based Code.

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use Interchange future a land use designation must be assigned to the property.

The subject parcels are located within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore is required to adhere to the Kelly Park Crossing Form Based Code. The two parcels are located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation and the Overlay District covering the property within the Vision Plan.

The proposed use of the property is compatible with the character of the surrounding area, is within one mile of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Wekiva Parkway Interchange Vision Plan a (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant's request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.
7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

Transportation Element

1. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, short trip lengths and balanced trip demand.

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

2. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses...This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses.

3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

The properties are located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the Kelly Park Crossing Form-Based Code, Mixed- Use Interchange Zoning District and Neighborhood, Transition, and Employment Overlay Districts. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

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 15, 2017. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

The Development Review Committee recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by Orlando Beltway Associates subject to the information and findings in the staff report.

Staff's recommendation is to find the Future Land Use Designation consistent with the Comprehensive Plan and recommend a change in Future Land Use Designation to Mixed Use Interchange for the properties owned by Orlando Beltway Associates subject to the information and findings in the staff report.

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

Jim Hall, VHB, 225 East Robinson Street, Suite 300, Orlando, there is a small portion of neighborhood on the west side which is all employment and all of the east side is transition. Our proposal is to take that small portion of neighborhood on the west side where the more intense development will be and move it to the east side. North is all neighborhood. We would then move the transition to the west so that the west would be employment and transition. He said they currently have a letter of intent for residential on the east and a major employer on the west. We need to do the switch.

Ms. Phillips arrived at 5:35 p.m.

Mr. Moon stated that the only future land use designation permitted for this area is the Mixed Use Interchange. Mr. Hall's request would be addressed during the change of zoning/master plan process.

Chairperson Green introduced and welcomed Patrice Phillips to the Planning Commission. Ms. Phillips was appointed by City Council, at its meeting on December 6, 2017.

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

Motion: Linda Laurendeau made a motion to find the application consistent with the Apopka Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Large Scale Future Land use amendment from “County” Rural to “City” Mixed Use Interchange for the property owned by Orlando Beltway Associates, Inc.; the West Parcel is located west of S.R. 429 and north of Kelly Park Road; the East Parcel is located east of S.R. 429 and north of Kelly Park Road; and recommend transmittal to the Department of Economic Opportunity. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, and Roger Simpson (4-0). Patrice Phillips abstained from voting and will file a Form 8B. (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – ADAMS BROTHERS CONSTRUCTION COMPANY - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Adams Brothers Construction Company, c/o Aaron Adams. The engineer is Civil Engineering Solutions, Inc., c/o David Clutts, P.E.; and the architect is L. R. Huffsterler, Inc., for the property located on the south side of East 13th Street between Tilden Avenue and South Apopka 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: Pam Richmond, AICP, Senior Planner, stated this is a request to recommend approval of the Final Development Plan for Adams Brothers Construction Company, c/o Aaron Adams. The engineer is Civil Engineering Solutions, Inc., c/o David Clutts, P.E.; and the architect is L. R. Huffsterler, Inc., for the property located on the south side of East 13th Street between Tilden Avenue and South Apopka Boulevard. The future land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is light industrial. The tract size is 2.92 +/- acres; and the building size is 42,068 sq. ft.

The Adams Brothers Project Final Development Plan proposes a light industrial business to be housed in an open 42,068 square feet pre-engineered open metal building. The 1.96 acre site is located on the south side of East 13th Street between Tilden Avenue and South Apopka Boulevard. The south side of the site is bounded by Florida Central Railroad tracks.

A total of 42 parking spaces are provided of which 2 are reserved as a handicapped parking space. The City’s LDC methodology for calculating required parking for industrial uses would require 89 spaces, but based on parking demand at the applicant’s existing facility, which is on the adjoining parcel to the east,

this is more than double the needed parking. To validate this assertion, the applicant has conducted a parking study using rates in the ITE Parking Generation Manual, 4th Edition. This analysis was conducted according to the requirements in 6.0.301.H.1 LDC and has been reviewed by the City Engineer. Based on the analysis and information provided by the applicant about parking at the existing facility, it has been determined that 42 parking spaces are sufficient to accommodate vehicles for employees and customers. Access to the site is provided by a two (2) driveway cuts along East 13th Street. The separation of the driveways meets City standard

At its highest point at the ridge, the proposed building is 36' 6" and at the eaves, it is 32' 6", making the mean height of the building 35'. According to 1.08.13 LDC, the definition of building height is "The vertical distance from the grade to the highest point of a flat roof or a mansard roof or to the mean *height* level between the eaves and ridge for gable, hip and gambrel roofs." Therefore, the building meets the LDC for building height building. Regarding the building elevations, staff has found those proposed for this project to be in accordance with the City's Development Design Guidelines.

The master stormwater management system is designed according to standards set forth in the Land Development Code.

The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

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

Total inches on-site:	198
Total number of specimen trees:	0
Total inches removed	198
Total inches retained:	0
Total inches replaced:	198
Total inches post development:	198

The Development Review Committee recommends approval of the Adams Brothers – 644 East 13th Street Project Final Development Plan, subject to the findings of this staff report.

Staff recommended the Planning Commission find the Adams Brothers Final Development Plan consistent with the Land Development Code and Comprehensive Plan, and recommend approval of the Adams Brothers – 644 East 13th Street Project Final Development Plan, subject to the findings of this staff report.

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

In response to a question by Ms. Phillips, Ms. Richmond stated that there were no schools in the immediate vicinity of the project.

In response to questions by Ms. Laurendeau, Mr. Moon stated that the I-1 zoning is less intensive. The Development Review Committee researched impacts to the surrounding properties and the only issue that was a concern was possible noise from the site; however, there is sufficient historical information

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regarding industrial uses on this site as this site has had industrial uses for many years. There has been no significant impact on the surrounding area.

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

Petitioner Presentation: David Clutts, P.E., Civil Engineering Solutions, Inc., 322 North Rockingham Ave, Tavares, stated that the use will be light industrial. The company fabricates steel rebar.

In response to questions by Ms. Phillips, Mr. Clutts stated that their customers are any businesses that use rebar to stabilize concrete structures. He said that they work during the day. There is no evening or night work done. There are industrial uses on the east, west, and south sides of the property. There is some residential uses on the north side.

In response to questions by Ms. Phillips, Aaron Adams, 806 E. 13th Street, Apopka, stated he is one of the property owners and they have been in the rebar business for approximately 17 years. The property has been in his family for about 50 years and a few years ago they annexed into the City. He said there is a church adjacent to the property; however it is not affected by the business because they are not open on Sunday. He said there is very little impact to the adjacent properties.

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 find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for the property owned by Adams Brothers Construction Company, subject to the conditions of approval, located on the south side of East 13th Street between Tilden Avenue and South Apopka Boulevard. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – FINAL DEVELOPMENT PLAN – KMG FENCE NEW HEADQUARTERS - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for KMG Fence New Headquarters. The owner/applicant is KMG Fence, LLC, c/o Karen and Joe Grimsley; and the engineer is Unroe Engineering, Inc., c/o Darcy Unroe P.E. The property is located on the northwest corner of Johns Road and Bradshaw 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: Ms. Richmond stated this is a request to recommend approval of the Final Development Plan for KMG Fence New Headquarters. The owner/applicant is KMG Fence, LLC, c/o Karen and Joe Grimsley; and the engineer is Unroe Engineering, Inc., c/o Darcy Unroe P.E. The property is located on the northwest corner of Johns Road and Bradshaw Road. The land use is

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Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is an office (3,000 sq. ft.) and warehouse (9,000 sq. ft.). The overall building size is 12,000 sq. ft. The tract size is 1.96 +/- acres.

The KMG Fence, LLC is a fence installation business that is relocating its office and warehouse to this site in the City of Apopka. The site is comprised of two parcels that were approved in 2009, as part of Johns Road Commerce Park, a six parcel industrial subdivision. The 12,000 square foot building will be used as an office and warehouse. In addition, there will be outside storage on the site that will be placed at the rear of the site on both sides of the building, behind a black chain link fence with screening.

A total of 30 parking spaces will be provided (28 required by code), two of which are reserved as a handicapped parking space. Access to the site is provided by a single driveway pre-existing curb cut on Johns Road located 230 feet west of Bradshaw Road. Using ITE Trip Generation Rates, 9th Edition, the estimated project trip generation is 87 daily trips, 12 a.m. peak hour trips and 12 p.m. peak hour trips. The height of the proposed building is 40' (top of parapet wall). The City approved a variance on October 10, 2006 for the overall building height for this project not to exceed 50'. The proposed height 40' is well below the maximum that could be built. Staff has found the proposed building elevations to be in accordance with the City's Development Design Guidelines. Stormwater run-off and drainage will be accommodated offsite within the master stormwater drainage system approved for the Johns Road Commerce Park.

As part of the Johns Road Commerce Park development plan approval, the site was prepared with a metal and cement fence and landscaping buffer along Johns Road and Bradshaw Road. The buffer includes a lustrum hedge along both roads and twelve oak trees within the buffer. The applicant has provided a detailed landscape and irrigation plan for the KMG Fence New Headquarters site that complies with the requirements of the City's Land Development Code. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

There are twelve live oak trees on the site within the existing landscape buffer that was installed in 2009 after the approval of the Johns Road Commerce Park subdivision. The site was cleared and graded at that time so no clearing is required for this project.

Total inches on-site:	366
Total inches removed	0
Total inches retained:	366
Total inches added:	44
Total inches post development:	410

The Development Review Committee recommends approval of the KMG Fence New Headquarters Final Development Plan, subject to the findings of this staff report.

Staff recommended that the Planning Commission find the KMG Final Development Plan consistent with the Land Development Code and Comprehensive Plan, and recommend approval of the KMG Fence New Headquarters Final Development Plan, subject to the findings of this staff report.

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

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

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 find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Final Development Plan for the property owned by KMG Fence, LLC, subject to the conditions of approval, located on the northwest corner of Johns Road and Bradshaw Road. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson (5-0). (Vote taken by poll.)

QUASI-JUDICIAL – REPLAT – NORTHWEST DISTRIBUTION CENTER II REPLAT LOTS 3 & 4 - Chairperson Greene stated this is a request to recommend approval of the Replat of the Northwest Distribution Center II Lots 3 & 4 owned by Oakmont Apopka Road LLC; and located west of Ocoee Apopka Road, east of SR 451, and north of SR 414.

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend approval of the Replat of the Northwest Distribution Center II Lots 3 & 4. The owner/applicant is Oakmont Apopka Road LLC; and the surveyor is Leading Edge Land Services, Inc., c/o Jeffrey D. Hofius, P.S.M. The property is located west of Ocoee Apopka Road, east of SR 451, and north of SR 414. The land use is Industrial and the zoning is I-1. The existing use is a platted subdivision for industrial, commercial and office uses. The proposed use is a replat of a portion of the Northwest Distribution Center II affecting Lots 3 and 4. The tract size is 16.44 +/- Acres

The owners of the Northwest Distribution Center II request approval of a modification to the existing plat to address changes to their development plans for the property. The change is necessary to accommodate a single building that will occupy Lots 3 and 4. Changes to the plat involve combining Lots 3 and 4 into a single lot, to be known as Lot 1.

The Development Review Committee recommends approval of the Northwest Distribution Center II Replat of Lots 3 and 4, subject to the findings of this staff report.

Staff recommended that the Planning Commission find the Northwest Distribution Center II Replat of Lots 3 & 4 consistent with the Land Development Code and Comprehensive Plan, and recommend approval of the Northwest Distribution Center II Replat of Lots 3 & 4, subject to the findings of this staff report.

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

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

In response to a question by Mr. Simpson, Mr. Moon stated that if any changes are made to a recorded plat, then legally it must be re-platted and recorded again to replace the old plat.

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 find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend approval of the Replat of Northwest Distribution Center II, Lots 3 & 4 owned by Oakmont Apopka Road, LLC, subject to the conditions of approval, and located on west of Ocoee Apopka Road, east of S.R. 451 and north of S.R. 414. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau, Patrice Phillips, and Roger Simpson (5-0). (Vote taken by poll.)**

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:00 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt, FRA-RA
Community Development Director