

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 25, 2017, AT 6:00 P.M. IN THE CITY OF APOPKA COMMUNITY CENTER, 519 S. CENTRAL AVENUE, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: James Hitt, FRA-RA, Community Development Director, David Moon, AICP - Planning Manager, Richard Earp – City Engineer; Patrick Brackins – City Attorney, Pam Richmond, AICP, Senior Planner, and Jeanne Green – Recording Secretary. There were approximately 300 residents in the audience. (The sign-in sheets are made a part of the record.)

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

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

QUASI-JUDICIAL – PLAT – CARRIAGE HILL RESIDENTIAL SUBDIVISION - Chairperson Greene stated this is a request to find the proposed Plat consistent with the Comprehensive Plan; and recommend approval of the Plat for Carriage Hill Residential Subdivision owned by JTD Land at Rogers Rd, LLC, and located east of Rogers Road, north of Lester Road (2303 Rogers Road).

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

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

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to find the proposed Plat consistent with the Comprehensive Plan; and recommend approval of the Plat for Carriage Hill Residential Subdivision owned by JTD Land at Rogers Rd, LLC, and located east of Rogers Road, north of Lester Road (2303 Rogers Road). The engineer is Dewberry Engineers, Inc. c/o Christopher Allen, P.E. The existing use is vacant land and the proposed use is a single-family residential subdivision with 72 lots. The minimum lot area to be 9,000 sq. ft. and minimum lot wide of 75 ft. The future land use is Residential Low Suburban (Max 3.5 du/ac) and the zoning is R-1. The proposed density is 2.42 du/ac. The tract size is 30.58 +/- acres and the developable area is 29.73 +/- acres with 1.78 +/- acres of open space.

The Carriage Hill Final Development Plan proposes the development of 72 single family residential lots and 0.42 acre Active and Passive Park. The community proposed a minimum typical lot width of 75 feet with a minimum lot size of 9,000 square feet (8,000 s.f. is required by code). The proposed minimum living area is 1,500 s.f., as set forth in Section 2.02.05.F of the Land Development Code.

The minimum setbacks applicable to this project are:

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

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 25, 2017, AT 6:00 P.M.

*Front-entry garage must be setback 30 feet.

Ingress/egress access points for the development will be via full access onto Rogers Road. Future road right-of-way is reserved for connection to future development on the northern abutting parcel, as shown between lots 15 and 16. A connection to the west in front of Lot 19 prevents the abutting western parcel from becoming landlocked.

There is one retention pond designed to meet the City's Land Development Code requirements.

The developer is providing 0.42 +/- acre (18,295.20 s.f.) of active and passive recreation space. Details of active and passive recreation equipment and facilities are as follows: playground and open space.

Landscape buffers provided are consistent with the Land Development. The City's Land Development Code and Tree Bank policy authorize the City Council to require the applicant to make a contribution to the City's Tree Bank to mitigate the remaining tree inches for the residential section. The Applicant has committed to pay \$10.00 per deficient tree inch (totaling \$11,590.00) into the Tree Bank prior to issuance of the initial Arbor/Clearing permit.

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

Total inches on-site:	5009
Total number of specimen trees:	56
Total inches removed:	4737
Total inches retained:	272
Total inches replaced:	1160
Total Inches (Post Development):	1432

A school mitigation agreement has been obtained from OCPS. The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

The Development Review Committee recommends approval of the Carriage Hill - Plat, subject to the findings of the staff report. The Plat is consistent with the Final Development Plan, and the Final Development Plan is consistent with the approved Preliminary Development Plan.

Staff's recommendation is for the Planning Commission to find the Carriage Hill Plat consistent with the Final Development Plan and recommend approval of Carriage Hill Subdivision - Plat.

The role of the Planning Commission for this development application is to advise the City Council to approve or deny, the PLAT based on consistency with the Comprehensive Plan and Land Development Code. Planning Commission has already reviewed the Preliminary Development Plan for this project; therefore, the Final Development Plan goes directly to City Council.

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

Petitioner Presentation: 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: Tony Foster made a motion to find the proposed Plat consistent with the Comprehensive Plan; and recommend approval of the Plat for Carriage Hill Residential Subdivision owned by JTD Land at Rogers Rd, LLC, and located east of Rogers Road, north of Lester Road (2303 Rogers Road). Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (7-0). (Vote taken by poll.)

LEGISLATIVE – COMPREHENSIVE PLAN - LARGE SCALE – FUTURE LAND USE – NEW ERROL - Chairperson Greene stated this is a request to find the proposed Future Land Use Amendment consistent with the Comprehensive Plan; and to recommend approval of the Large Scale Future Land Use Amendment from Parks & Recreation to Residential Medium (0-10 du/ac); Residential High (0-15 du/ac); and Commercial (Max 0.25 FAR) for the property owned by Errol Club Villas Condo Assoc. Inc.; 5th Hole Investments; Errol Estate Country Club LTD; Errol Estate Management; Lexington Homes; and the City of Apopka generally located north of Lake Marion Drive and Lexington Parkway, south of Lester Road, east of Schopke Lester Road, and west of Vick Road; and to recommend approval to transmit to the Florida Department of Economic Opportunities for review.

Staff Presentation: James Hitt, FRA-RA, Community Development Director, stated this is a request to find the proposed Future Land Use Amendment consistent with the Comprehensive Plan; and to recommend approval of the Large Scale Future Land Use Amendment from Parks & Recreation to Residential Medium (0-10 du/ac); Residential High (0-15 du/ac); and Commercial (Max 0.25 FAR) for the property owned by Errol Club Villas Condo Assoc. Inc.; 5th Hole Investments; Errol Estate Country Club LTD; Errol Estate Management; Lexington Homes; and the City of Apopka; and to recommend approval to transmit to the Florida Department of Economic Opportunities for review. The area is generally located north of Lake Marion Drive and Lexington Parkway, south of Lester Road, east of Schopke Lester Road, and west of Vick Road.

The applicant is Signature H Property Group and the consulting planner is GAI Consultants. The existing use is a golf course and club house. The proposed uses are single family units, townhomes, an assisted living facility, community parks, a commercial amenities complex with hotel, restaurant, aquatic park, and recreation facilities. The current zoning is Parks & Recreation and the proposed zoning is Planned Unit Development (PUD). The tract size is 79.09 +/- acres.

The existing maximum allowable development is a golf course and a club house. The proposed maximum allowable development is up to 400 dwelling units (67 single family, 194 townhome and 139 multi-family), commercial amenity complex with hotel, restaurant, aquatic park, and recreation facilities; or up to 261 du (67 single family, 194 townhome), commercial amenity complex with hotel, restaurant, aquatic park, and recreation facilities; 240 bed assisted living facility

The proposed use of the property is compatible with the character of the surrounding area, is within close proximity to the SR 429/Ocoee Apopka Road interchange, and is consistent with the Mixed Use 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 Ocoee Apopka Road Small Area Study (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.2** Development and redevelopment shall be integrated with the adjacent land uses through: (1) the creation of like uses; or (2) creation of complementary uses; or (3) mitigation of adverse impacts.

The proposed use for the subject properties as mixed use residential/non-residential development is consistent with the current and future proposed development of the surrounding area as recommended by Planning staff in the Recommendations below.

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, shorter trip lengths and balanced trip demand.

The New Errol project has a proposed master plan as provided with the supporting documents. 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 December 9, 2016.

The Development Review Committee recommends approval as provided below:

The applicant proposed Future Land Use Designations that allow higher densities than that which are proposed within the proposed Master Plan. Thus, the master plan demonstrates a more suitable density for the proposed development sites. Further, compatibility of the proposed FLUM designations, as recommended by planning staff below, with adjacent and surrounding areas must be further demonstrated through buffer and screen techniques, land use design, and development standards. As these remain incomplete in the Master Plan, the applicant may be able to demonstrate potential for compatibility through modifications to the Master Plan. Staff is recommending to transmit the proposed FLUM amendments, as shown below, to State agencies.

Staff's recommendation to the Planning Commission is to recommend transmittal of the proposed Future Land Use Map amendments for New Errol to State agencies as follows:

1. Neighborhood "A": Residential Low Suburban (0 – 7.5 du/ac)
2. Neighborhood "B": B-1 – Commercial;
B-2 – Residential Medium Density (0 -10 du\ac)
3. Neighborhood "C": Residential Medium Low (up to 7.5 du\ac)
4. Neighborhood "D": Residential Medium Low (up to 7.5 du\ac)
5. Neighborhood "E": Neighborhood E South: Residential Low Suburban (up to 3.5 du\ac)
Neighborhood E North: Residential Low (up to 5 du\ac) for Neighborhood E South.
6. Neighborhood "F": Neighborhood F South: Residential Low (up to 5 du\ac)
Neighborhood F North: Residential Medium Low (up to 7.5 du\ac)

7. Neighborhood "G": Residential Medium Low Density (Up to 7.5 du\ac) (with interpretation of Policy 3.1.f that institutional uses of 10 acres or less are allowed under PUD zoning and that an assisted living type facility may be deemed a compatible land use through PUD zoning.
8. A master plan under PUD zoning and a development agreement demonstrate that each of the proposed FLUM amendments are compatible with surrounding and abutting residential uses through appropriate buffer and screen techniques, height restrictions, other applicable and appropriate performance standards, and management of compatible and complementary land uses allowed or prohibited within each "Neighborhood" zone.

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.

Blake Drury, GAI Consultants, Inc., 618 E South St Suite 700, Orlando, and Helmuth Wyzisk, Signature H Property Group, 300 South Orange Avenue Orlando, presented the details of the proposed project and a video.

In response to questions by Mr. Foster, Mr. Drury stated the proposed mix of uses are common and can be found in projects such as Oakland Park and Baldwin Park. A traffic study was completed and is consistent with the City's requirements. There will be a new access point onto Vick Road to better disperse the traffic flow. The proposed speed limit will be 25 miles per hour.

In response to a question by Mr. Foster, Mr. Wyzisk III, stated that 34 room hotel would be an ideal location for corporate events or weddings. He stated there is a limited area for possible expansion for the hotel.

In response to questions by Mr. Molina, Mr. Wyzisk III, stated that the proposed development will have no impact on the homeowners' association fees. Having the proposed development gated was considered but the decision was made not to have gates. There will be security cameras installed and possibly on-site security as well.

In response to questions by Mr. Simpson, Mr. Drury stated that due to the configuration of the land they used a unique approach to the project. They plan to extend the 18-hole golf course to create a championship golf course.

In response to a question by Mr. Molina, Mr. Wyzisk II, stated that funds for the project would come from the outside and the land would be used as collateral. The amenities will be built first so as to being pulling in revenue. He stated that once the amenities are built, finding investors will not be an issue.

Chairperson Greene opened the meeting for public hearing and asked the Recording Secretary to read several letters into the record that were received from those residents unable to attend the meeting. Those letter were made a part of the record.

Ernest Bursey, 1270 Lexington Parkway, voiced his support of the proposed land use changes and development.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 25, 2017, AT 6:00 P.M.

Sheryl Manche, 1551 Lake Marion Drive, voiced her support of the proposed land use changes and development.

Jean Swette, 1228 Green Vista Circle, voiced her support of the proposed land use changes and development.

In response questions by Madonna Patrick, 809 Pink Camelia Court, Mr. Wyzisk, III, stated that barring any financial downturns on a global scale or not being approved, the development will be built starting with the amenities. The amenities will bring in more investors. That includes the assisted living facility (ALF) and the championship golf course. During that period the proposed Staghorn Drive will only be opened to construction traffic. At this time, it is unknown if there will be a traffic signal installed at Staghorn Drive and Vick Road.

In response to questions by Ms. Patrick, Mr. Moon stated that a transportation analysis was completed and a light is proposed at Vick Road and Marden Road. He stated that if the ALF was not constructed, the proposed zoning would allow single and multi-families homes on that property. Staff is recommending a maximum density of 7.5 dwelling units per acre. He said that if the ALF is not constructed, townhomes and single family homes would likely be built in that location.

In response to a question by Ms. Patrick, Mr. Wyzisk, III, stated that currently there are approximately 269 members of the golf club. It is estimated by the end of the first year there will be approximately 300 to 500 members.

Carl Freedman, 801 Crepe Myrtle Circle, voiced his opposition to the project siting concerns regarding the intensity of the commercial portion of the project; and traffic impacts due to the new roadway being built adjacent to Crepe Myrtle Circle and White Ivey Circle.

Duane Rollins, 701 White Ivey Court, voiced his opposition to the project siting concerns regarding the intensity of the commercial portion of the project; and traffic impacts due to the new roadway being built adjacent to Crepe Myrtle Circle and White Ivey Circle. He suggested the developer come up with formulas that would address the adverse impacts on the lots that will be directly impacted by the project.

Frank Maxwell, 771 Crepe Myrtle Circle, stated he is not opposed to the projects; however he voiced his concerns regarding possible soil contamination in the area of the golf course that is to be converted for the project.

Bob Goff, 809 Red Hibiscus Court, Vice-President of the Errol Estate Property Owners Association, asked that those questions be answered in writing.

Bill Edwards, 2072 Lake Todd Court, voiced his concern regarding the potential contamination to the golf course property.

Tom Watson, 1705 Golf Garden Way, voiced his support of the proposed land use changes and development.

Louis Smith, 1817 Precious Circle, President of the Errol Estate Property Owners Association, and Mr. Goff submitted information packets for the Planning Commission that included a letter to David Moon with a list of questions that they would like to have answered prior to approval of the City Council. They asked that the questions be answered in writing.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 25, 2017, AT 6:00 P.M.

Victoria Davies, 1257 Errol Parkway, voiced her support of the proposed land use changes and development.

Greg Zbylut, 2017 Eagles Rest Drive, voiced his support of the proposed land use changes and development.

Louis Nichols, 741 White Ivey Court, voiced his support of the proposed land use changes and development; but had concerns regarding the loss of the view of the natural setting and the wildlife from his backyard. He suggested that the developer provide a method to mitigate that loss with those property owners directly affected.

David Schmidt, 1524 Lucky Pennie Way, voiced his support of the proposed land use changes and development.

Michelle Hurd, 1200 Lexington Parkway, voiced her support of the proposed land use changes and development.

Isabelle Beaux, 1177 Errol Parkway, voiced her opposition to the proposed land use change and development. Expressed concerns regarding the future of Errol Estate if the development occurs.

Mr. Helmuth II reiterated that the proposed development will create new revenue streams to sustain Errol Estate. The championship golf course and the ALF will underwrite the amenities. The waterpark will have a social membership which will create revenue. Barring any major financial disaster in the economy, the golf course will stay open. The proposed golf course will make money because it will be the best golf course in Central Florida.

Barbara Brostrom, 801 Pink Camelia Court, voiced her concerns regarding the impacts from noise and lighting. She requested that the developer not put up a brick wall and to keep the type of vegetation and trees, such as oaks, that are more characteristic of the Errol Estate community.

Connie Jones, 1249 Golf Point Loop, voiced her concern that once the development is constructed that property owners will convert their homes to short-term rentals and asked that this not be allowed.

Carol Publicover, 711 Crepe Myrtle Circle, voiced her support for the new roadway. She said that currently there is only one way in and out on Crepe Myrtle Circle and if the new road had been built it would have allowed easier access to her home during a recent family emergency.

Angela Rubright, 1815 Cranberry Isles Way, voiced her support of the proposed land use changes and development.

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

Chairperson Greene stated that this meeting was for the change in future land use for the subject properties and noted that most of the concerns expressed would be more accurately addressed during the change of zoning, once the future land use is adopted, and the development plan phases of the project.

Mr. Moon concurred with Chairperson Greene.

Motion: Linda Laurendeau made a motion to recommend approval of the Large Scale Future Land Use Amendment from Parks & Recreation to Residential Medium (0-10 du/ac); Residential High (0-15 du/ac); and Commercial (Max 0.25 FAR) subject to:

1.	Neighborhood "A":	Residential Low Suburban (0-7.5 du/ac)
2.	Neighborhood "B":	B-1 – Commercial; B-2 – Residential Medium Density (0 -10 du/ac)
3.	Neighborhood "C":	Residential Medium Low (up to 7.5 du/ac)
4.	Neighborhood "D":	Residential Medium Low (up to 7.5 du/ac)
5.	Neighborhood "E" South:	Residential Low Suburban (up to 3.5 du/ac)
	Neighborhood "E" North:	Residential Low (up to 5 du/ac)
6.	Neighborhood "F" South:	Residential Low (up to 5 du/ac)
	Neighborhood "F" North:	Residential Medium Low (up to 7.5 du/ac)
7.	Neighborhood "G":	Residential Medium Low Density (Up to 7.5 du/ac) (with interpretation of Policy 3.1.f that institutional uses of 10 acres or less are allowed under PUD zoning and that an assisted living type facility may be deemed a compatible land use through PUD zoning.
8.	A master plan under PUD zoning and a development agreement demonstrate that each of the proposed FLUM amendments are compatible with surrounding and abutting residential uses through appropriate buffer and screen techniques, height restrictions, other applicable and appropriate performance standards, and management of compatible and complementary land uses allowed or prohibited within each "Neighborhood" zone.	

for the property owned by Errol Club Villas Condo Assoc. Inc.; 5th Hole Investments; Errol Estate Country Club LTD; Errol Estate Management; Lexington Homes; and the City of Apopka generally located north of Lake Marion Drive and Lexington Parkway, south of Lester Road, east of Schopke Lester Road, and west of Vick Road; and to recommend approval to transmit to the Florida Department of Economic Opportunities for review. Motion seconded by John Sprinkle. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, Jose Molina, Roger Simpson, and John Sprinkle (7-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: Mr. Hitt announced that the next public hearing for the New Errol Large Scale Future Land Use Amendment and request to authorize transmittal to the Florida Department of Economic Development and other state agencies will be the City Council meeting to be held on Tuesday, August 22, 2017, at 5:30 p.m. in the Apopka Community Center, 519 S. Central Avenue.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

/s/

James Greene, Chairperson

/s/

James K. Hitt

Community Development Director