

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.**

**MEMBERS PRESENT:** James Greene, Robert Ryan, Melvin Birdsong, and Pam Toler

**ABSENT:** Tony Foster, Linda Laurendeau, Jeremiah Jaspon, Orange County Public Schools (Non-voting)

**OTHERS PRESENT:** R. Jay Davoll, P.E. - Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Rogers Beckett - Special Projects Coordinate, Kyle Wilkes - Planner II, Robert Sargent - Public Information Officer, Andrew Hand, Esq., Karen Valiente, Victor Valiente, Evan Chesney, Christian Walter, Michael Voll, Bret Bienkonski, Jan Chesney, Suzanne Kidd, Don Bieger, David Yergey, Howard Washington, Shaunda Brown, Mike Cooper, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

**OPENING AND INVOCATION:** Chairperson 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 July 14, 2015, at 5:01 p.m. minutes.

**Motion:** **Melvin Birdsong made a motion to approve the Planning Commission minutes from the regular meeting on July 14, 2015, meeting at 5:01. Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, and Pam Toler (4-0).**

Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of July 28, 2015, at 5:01 p.m. minutes.

**Motion:** **Melvin Birdsong made a motion to approve the Planning Commission minutes from the special meeting on July 28, 2015, meeting at 5:01. Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, and Pam Toler (4-0).**

**SWEARING-IN** - Mr. Hand swore-in staff, the petitioners, and affected parties.

**VARIANCE – LOAVES & FISHES - PONKIN ROAD PROPERTIES, LLC** – Mr. Greene stated this is a request to approve a variance for Loaves & Fishes, located at 206 E. 8th Street, of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01.A. to allow for a reduction in the rear yard setbacks to allow a portion of a building to encroach 5’ into the required 10’ setback.

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, Planning Manager, stated this is a request to approve a variance for Loaves & Fishes, located at 206 E. 8th Street, of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01.A. to allow for a reduction in the rear yard setbacks to allow a portion of a building to encroach 5’ into the required 10’ setback. The engineer is Unroe Engineering. The future land use is Industrial and the zoning is I-1. The existing and proposed use is a public use food pantry. The tract size is 0.48 +/- acre.

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

The applicant requests up to a 5 feet reduction in the required 10 feet rear yard setbacks. The applicant is proposing to construct an additional 156 square feet of storage space on to the existing food pantry. As appearing in the exhibit, the proposed 12'x 13' storage room will encroach 5 feet into the required 10 feet setback along rear of the property abutting the CSX/FCEN railroad right-of-way. If approved and constructed per the attached exhibit, the variance will leave a 5 feet building setback rear property.

The applicable City Code is Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.01.A., Minimum rear setback of 10 feet.

Planning Commission follows the below procedures, as set forth in the City Land Development Code, reviewing a request for a variance:

1. Section 10.02.02.A. *Initial Determination*. The Planning Commission shall first determine if the proposed variance arises out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved.
2. If Planning Commission determines that the variance arises out of the physical and environmental conditions described above, then it must make the following required finds, assets forth in Section 10.02.02.B.

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 required findings (Section 10.02.02.B):

1. (Initial Determination). 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. (Does the proposed variance arise out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved?)

**Applicant Response:** The lot is triangular in shape with an existing warehouse building. The rear setback is adjacent to a railroad ROW. The proposed variance is for an encroachment into the rear of 5'. The strict implementation of the rear setback would serve no practical purpose and would restrict the ability of the non-profit from serving the needs of the community.

**Staff Response:** DRC finds that the variance request is supported by the shape of the parcel and physical surroundings, creating a valid hardship that supports a variance. DRC does not object to the Applicant's Response. The south property line abuts CSX/FCEN railroad right-of-way, preventing an ability to acquire additional contiguous land to the south. Further, encroachment into the setback will not place the building addition near another building or structure, creating no further risk to other nearby buildings.

If Planning Commission supports that Initial Determination, then it must address variance criteria 2 through 7.

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

**Applicant's Response:** No reduction in cost is anticipated with the granting of this variance.

**Staff Response:** A hardship is created by the odd triangular shape of the lot, inability to expand land area to the south because of the CSX/FCEN railroad right-of-way. 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:** The proposed construction will not increase the traffic on adjacent streets. The granting of the variance will have no effect on the amount of additional traffic generated.

**Staff Response:** DRC does not object to the Applicant's Response. Traffic impacts created by an encroachment of a small portion of the building into the setback will have a de minimus (minor or un-noticeable) impact on nearby roads.

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:** The proposed encroachment into the rear setback is not visible to the surrounding property and will have no impact on the character of the surrounding property.

**Staff Response:** DRC does not object to the Applicant's Response. Expansion of the existing building and the proposed variance will not interfere with the ability of abutting property owners to use their property.

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:** The setback requirements are intended to allow for sufficient open space. The proposed variance will result in 60 sq. ft. of additional building on a 1/2 acre site.

**Staff Response:** The subject property is assigned an I-1 Industrial zoning category. Properties to the south and west are assigned I-1 zoning category. 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:** The proposed addition will "square off" the existing building. The existing building was constructed before the current owner purchased the property.

**Staff Response:** DRC finds that a valid hardship occurs and does not object to the Applicant's Response. The southern property line abuts CSX/FCEN railroad right-of-way, preventing an ability to acquire additional land to the south.

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 proposed variance is behind the existing building and will not impact the public in any way.

**Staff Response:** 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 the proposed building addition to encroach 5 feet into the 10 foot rear setback.

The Planning Commission may authorize the approval of a variance to Sections 2.02.01.A., of the Land Development Code, to allow a portion of the building addition, as shown in the site plan, to encroach no more than five feet into the ten foot rear yard setback.

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.

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: Pam Toler made a motion to determine that the variance request for Loaves & Fishes, located at 206 E. 8th Street, arises out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved; and Robert Ryan seconded the motion.**

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

**Aye votes were cast by James Greene, Melvin Birdsong, Robert Ryan and Pam Toler (4-0). (Vote taken by poll.)**

**Motion: Melvin Birdsong made a motion to find Positive Findings for Criteria 2 through 7 for the variance request for Loaves & Fishes, located at 206 E. 8th Street, of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01.A. to allow for a reduction in the rear yard setbacks to allow a portion of a building to encroach 5' into the required 10' setback; and Pam Toler seconded the motion.**

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

**Aye votes were cast by James Greene, Melvin Birdsong, Robert Ryan and Pam Toler (4-0). (Vote taken by poll.)**

**SPECIAL EXCEPTION - PONKIN ROAD PROPERTIES, LLC** – Mr. Greene stated this is a request to approve the Special Exception request by Ponkin Road Properties, LLC, for property located south of West Ponkan Road, west of Plymouth Sorrento Road, in accordance with the Apopka Code of Ordinances, Part II,

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

Chapter 75, Section 75-26.b.3.c and Part III, Land Development Code, Article II, Section 2.02.19 to allow a monopole telecommunication tower within the AG-E zoning district; and to approve the request for a variance in accordance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.19.g. to allow for a reduction in the rear yard setbacks.

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: Mr. Moon stated that this is a request to approve the Special Exception request by Ponkin Road Properties, LLC, for property located south of West Ponkan Road, west of Plymouth Sorrento Road, in accordance with the Apopka Code of Ordinances, Part II, Chapter 75, Section 75-26.b.3.c and Part III, Land Development Code, Article II, Section 2.02.19 to allow a monopole telecommunication tower within the AG-E zoning district; and to approve the request for a variance in accordance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.19.g. to allow for a reduction in the rear yard setbacks. The property is located south of West Ponkan Road, west of Plymouth Sorrento Road. The owner is Ponkin Road Property, LLC; the applicant is GM2 Communications, LLC. c/o Michael Voll; and the engineer is Avcon, Inc. c/o Donald C. Bieger, P.E. The property is located at 3320 West Ponkan Road. The land use is Residential Low Suburban (0-3.5 du/ac). The existing zoning is "County" A-1 (ZIP). The first reading of Ordinance No. 2442 was accepted by the City Council, at its meeting on August 6 5, 2015, to change the zoning to "City" AG-E. Second reading and adoption are scheduled for the August 19, 2015, City Council meeting. The existing use is vacant land and the proposed use is the installation of a 150 foot high telecommunication monopole tower. The entire tract size is 7.28 +/- acres. The tower site will cover 0.14 +/- acre of the entire tract.

The applicant is proposing a 150 foot tall monopole telecommunications tower located at the southwest end of parcel number 25-20-27-0000-00-003, as depicted in the Vicinity Map. The tower will allow for the future co-location of additional users. A special exception approval from the Planning Commission must be obtained by the applicant before a telecommunication tower can be installed site. The applicant has obtained a contract with a telecommunication company desiring to use the tower. A final development plan has been submitted by the applicant and will be reviewed by the Planning Commission. Staff has determined the following:

1. The proposed tower site complies with the distance separation requirements between other telecommunications towers. Based on location of existing towers, the nearest tower is 6,785 feet (1.285) miles from the proposed monopole site. City standards require a minimum distance of 1,500 (0.28 miles) linear feet between monopole towers.
2. The tower will accommodate up to four (4) telecommunication antennae.
3. Access to the property will occur through a cross-access easement agreement to Ponkan Road.

The parent parcel may experience future residential development either within its boundaries or at adjacent parcels.

Typically, the main issue associated with telecommunication towers is the separation distance from residential areas, particularly existing home and established neighborhoods. Based on the location of the

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

proposed site for the telecommunications tower, the nearest existing residential neighborhood – Wekiva Run – more than 1700 feet to the southeast and situated on the east side of Plymouth Sorrento Road. Individual single family homes or mobile homes do occur on abutting parcels, the nearest single family home is approximately 428 feet from the tower site.

The extensive requirements for a telecommunications tower Special Exception are presented in Chapter 75 of the Apopka Code of Ordinances. Excerpts from this chapter, particularly section 75-27 are provided for reference. A final development plan must appear before the Planning Commission, at which time all applicable requirements of the telecommunications ordinance and Land Development Code must be met. The Planning Commission has the authority to grant or deny this Special Exception request.

The applicant requests a fifteen (15) foot reduction in the required fifty (50) feet rear yard setback. The applicant is proposing to construct a 150 feet high telecommunication tower. As appearing on the Final Development Plan, the proposed 80'x 80' tower site will encroach into the rear yard setback. If approved and constructed per the Final Development Plan, the variance would provide a thirty-five (35) foot rear yard buffer between the tower and the abutting parcel.

As set forth in the City Land Development Code, the Planning Commission follows the procedures below when reviewing a request for a variance:

1. Section 10.02.02.A. *Initial Determination*. The Planning Commission shall first determine if the proposed variance arises out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved.
2. If Planning Commission determines that the variance arises out of the physical and environmental conditions described above, then it must make the following required finds, assets forth in Section 10.02.02.B.

Applicable City Code: City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.19.G., minimum rear yard setback of 50 feet.

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. (Initial Determination). 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. (Does the proposed variance arise out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved?)

**Applicant Response:** The applicant proposes to decrease the south setback requirement to minimize the removal of existing trees and native vegetation and to leave more open space for future development of the parent property.

**Staff Response:** DRC determines that the physical surroundings abutting the west and south side of the subject parcel support the variance request. A future retention pond for S.R. 429 (Wekiva Parkway) and right-of-way for S.R. 429 abut the south and west sides of the parcel. Placement of the tower and equipment further to the south and west places them a little bit further away from

existing and future residential homes to the north and east and places no impacts on abutting future highway development to the west and south.

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

**Applicant's Response:** The variance request is based on minimizing the removal of the existing oak trees and native vegetation.

**Staff Response:** Staff supports the applicant's response and includes reasons addressed in the Initial Determination.

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

**Applicant's Response:** The project proposes to build a cell phone tower and the necessary infrastructure to serve it. It has a very low impact to the traffic on the public roads surrounding the project.

**Staff Response:** Staff supports the applicant's response and includes reasons addressed in the Initial Determination.

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:** The applicant will lease 0.14 acres of land from the parent property increasing the revenue and value for the property owner. Also, this project requires a low land area footprint, it is design to blend to the surrounding area and not change the essential characteristics of the properties around it.

**Staff Response:** Staff supports the applicant's response and includes reasons addressed in the Initial Determination.

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:** This project requires a low land area footprint and it is design to minimize the impact on the rural and agriculture surroundings.

**Staff Response:** Staff supports the applicant's response and includes reasons addressed in the Initial Determination.

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

**Applicant's Response:** This site is heavily wooded mainly composed of old oak trees. The applicant is proposing to reduce the rear lot setback to minimize the impact on the existing land and the removal of the existing native vegetation.

**Staff Response:** Staff supports the applicant's response and includes reasons addressed in the Initial Determination.

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 proposed rear lot setback variance will leave more developable area on the parent property for future development and it is design to blend to the surrounding environment minimizing the impact on the properties around it and not creating any safety hazard and other detriments to the public.

**Staff Response:** Staff supports the applicant's response and includes reasons addressed in the Initial Determination.

The City notified Orange County on July 9, 2015. The City has not received any correspondence from Orange County in regards to this Special Exception.

The Development Review Committee recommends approval of the Ponkan Road Cell Tower – Ponkin Road Property, LLC., Tower Special Exception for the location and height of a telecommunications tower in the AG-E zoning district for the property owned by Ponkin Road Property, LLC and the Variance Request subject to the City Council approval of the AG-E zoning ordinance and the following conditions:

- 1.) The Special Exception shall expire one year from the effective date, which shall be the date that the Planning Commission approves the Special Exception or the date that an appeal is approve by City Council, whichever occurs first. If a final development plan for the telecommunication tower is approved prior to the expiration of the special exception, the special exception shall remain in effect until the final development plan expires.

The role of the Planning Commission is to approve, deny, or approve with conditions the Special Exception requests made by the Applicant.

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. Ryan, Mr. Moon stated that the applicant could comply with the setback standards by having the cell tower and other site equipment at least 50 feet away from the property lines. It just places it a little further to the north or possibly to the east putting it closer to other residential development.

Mr. Ryan stated that he does not see a hardship in this case and if the applicant can comply with the setback standards he did not see why he needed to move it south.

In response to a question by Mr. Ryan, Mr. Moon stated that he was not prepared to answer questions regarding other cities standards for cell towers. He said there are two types of setbacks. There is a setback from the property line and that falls under the definition of setback; and then there are distance separation requirements. That is the distance between one cell tower and another cell tower or the distance between the cell tower and residential development. In this case, the cell tower has to meet a distance separation requirement between the tower and the nearest residential and that is greater than the required 50 foot setback. He stated while other cities require a setback equivalent to the height of the tower, the Planning Commission's duty is to evaluate an application based on the requirements set forth within the City's ordinances.



**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

Mr. Ryan stated that he was saying that the City is very liberal regarding cell towers compared with other cities. He said that if the tower can be constructed under the current setbacks then we should stick with the existing setbacks.

Chairperson Greene stated that granting the reduced setback moves the tower away from an existing residential area and closer to something, such as the Expressway property, where the tower location wouldn't matter.

Mr. Moon stated the City's retention pond is going to be located to the south, the highway to the west, and there shouldn't be a change of use on either of those properties for the next 100 plus years.

Ms. Toler asked for clarification of the applicant's response to the sixth criteria that reads: "This site is heavily wooded mainly composed of old oak trees. The applicant is proposing to reduce the rear lot setback to minimize the impact on the existing land and the removal of the existing native vegetation."

Petitioner Presentation: Don Beiger, Avcon, Inc., 5555 Michigan Street, Suite 200, Orlando, stated he represents Ponkin Road Properties, LLC and GM2 Communications, LLC. Regarding setbacks, he said they currently have a cell tower going potentially on the ABC Store located between the City of Orlando and Winter Park. They are about 10 feet away from the property line and abutting the building. The cell tower is being constructed and manufactured so that it is a cell tower that, if during high winds, it has to fall within an area and designed and built so that it can break apart. With the urbanization and urban build up in the corridors there and lack of some of the over lag that is going on with cell towers at this point and time, people wanting faster band widths and so on. We have to put things closer and closer. There are some municipalities that have some interesting setbacks and there are other ones that do one way to the other. With regard to the south setback. To keep this thing as far south as possible, GM2, private owner, they are going to put in a long term lease on the property. We already have a couple of people who are providers that have signed up for this. Working with Ponkan Road Properties, LLC, their main focus was to keep us as far to one corner as possible which allows them with the AG-E zoning, at 2.5 acres, maximize that piece of property and get people in there. Regarding the trees. There is less density as you come down to the south side of that piece of property and that is another reason why we put it there. As you go farther north along the property, it is a little denser. We are trying to save trees. He said they have met the St. Johns Water Management District criteria, the City code and the Land Development Code for stormwater within the area with the cell tower. He stated he is available to answer any questions.

Chairperson Greene opened the meeting for public hearing.

Affected Party Presentation: None presented.

Chairperson Greene opened the meeting for public hearing.

Howard Washington, 4389 Marigold Isle Avenue, Apopka, said he doesn't live too far from this property. He expressed his concern about the aesthetic of the cell tower. He said the currently there aren't too many houses around this cell tower but eventually there will be. He asked the Commission to take that into consideration when they make their recommendations.

Mr. Bieger stated this is monopole, single pole with a round at the top with spikes. There will be up to four users on this so it will look like a large flag pole. It won't have guy wires. Another reason for putting it in the far corner is we have a very large right of way for the expressway, a very large tract of land to the south

for a stormwater pond, and then Ponkin Road Properties, LLC is rezoned to a 2.5 acre for one house. There will not be a subdivision in that house. The tower is over 900 feet to the property line. We are over 300 feet to the A-1 zoning north of here before getting to Ponkan Road which most likely go to commercial. We are not in an area where we will see at 40 foot, 50 foot, or 60 foot residential family subdivision.

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

**Motion:** Pam Toler made a motion to approve the request by Ponkin Road Properties, LLC, for property located south of West Ponkan Road, west of Plymouth Sorrento Road, for a Special Exception in accordance with the Apopka Code of Ordinances, Part II, Chapter 75, Section 75-26.B.3.C, and Part III, Land Development Code, Article II, Section 2.02.19 to allow a monopole telecommunication tower within the AG-E Zoning District; subject to the information and findings in the staff report. Motion seconded by Melvin Birdsong. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, and Pam Toler (4-0). (Vote taken by poll.)

**Motion:** Melvin Birdsong made a motion to determine that the variance request for Ponkin Road Properties, LLC, located south of West Ponkan Road, west of Plymouth Sorrento Road, arises out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved; and Pam Toler seconded the motion.

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

**Aye votes were cast by James Greene, Melvin Birdsong, Robert Ryan and Pam Toler (4-0). (Vote taken by poll.)**

**Motion:** Melvin Birdsong made a motion to find Positive Findings for Criteria 2 through 7 for the variance request for Ponkin Road Properties, LLC, located south of West Ponkan Road, west of Plymouth Sorrento Road, in accordance with Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.19.G. to allow for a reduction in the rear yard setbacks; and Pam Toler seconded the motion.

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

**Aye votes were cast by James Greene, Melvin Birdsong, Robert Ryan and Pam Toler (4-0). (Vote taken by poll.)**

**CHANGE OF ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC** – Mr. Greene stated this is a request to recommend approval of the change of zoning for Property Industrial Enterprises, LLC, c/o Michael R. Cooper, from I-1 (Restricted) to Planned Unit Development (PUD/I-1), property located North of Marshall Lake Road, west of South Bradshaw Road.

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

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

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

Staff Presentation: Mr. Moon stated this is a request for a change of zoning from I-1 (Restricted Industrial) to PUD/I-1 (Planned Unit Development) for the property owned by Property Industrial Enterprises, LLC, and located north of Marshall Lake Road, west of South Bradshaw Road. The existing use is vacant land and the proposed use is office and light industrial development. The future land use is Industrial (max 0.60 FAR). The purpose of the rezoning is to allow a maximum building height of fifty (50) feet. The tract size is 35.59 +/- acres. The existing and proposed maximum allowable development is 930,180 sq. ft.

Applicant desires to have industrial and office buildings that may accommodate a maximum height of fifty (50) feet.

The subject property was annexed into the City of Apopka on July 18, 1990. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the PUD/I-1 zoning to assure that the 35.59-acre parcels are consistent with the Industrial future land use designation, yet allow for flexibility on the maximum height of proposed development. The property owner intends to use the property for a professional office and light industrial development.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as indicated in the Zoning Report.

The Planned Unit Development recommendation is that the zoning classification of the subject property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be those permitted within the I-1 zoning district.
- B. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
  - 1. Building Height. Maximum building height is fifty (50) feet above ground elevation.
  - 2. Building Separation. A building shall be no closer than twenty feet to another building whether located on the same lot or parcel or an abutting lot or parcel. However, the City may require a greater building separation distance if determined that a public health or safety risk may potentially occur from the construction of an industrial building or use next to a commercial, office or institutional building or use, or vice versa.
  - 3. Signage shall comply with the City's sign codes unless otherwise approved through a master sign plan.
- C. The I-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.

The proposed PUD/I-1 rezoning is consistent with the proposed Future Land Use Designation of Industrial (with a maximum FAR of 0.60) for this property.

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

A capacity enhancement agreement with OCPS is not necessary because the proposed change of zoning is to a non-residential zoning district.

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 July 10, 2015.

The Development Review Committee recommends approval of the change in Zoning from I-1 to PUD/I-1 for the parcel owned by Property Industrial Enterprises LLC.

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.

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (Marshall Lake Road). The zoning application covers approximately 35.59 acres. The property owner intends to use the property for a professional office and light industrial development.

Comprehensive Plan Compliance: The proposed I-1 zoning is consistent with the City's Industrial (0.60 max FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, I-1 zoning is one of the acceptable zoning districts allowed within the Industrial Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

I-1 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 25 ft.
	Rear: 10 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 35.59 acre parcels comply with code requirements for the I-1 zoning district.

Bufferyard Requirements:

1. Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard.
2. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.
3. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 500-foot landscaped bufferyard.
4. Industrial uses adjacent to nonresidential, nonindustrial uses or districts shall provide one of the following:

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

Allowable Uses: Wholesale distribution, storage, and light manufacturing uses and other similar and compatible uses.

In response to a question by Mr. Ryan, Mr. Moon stated that the only additionally condition that staff added was based on the increase height. The distance separation between adjacent buildings is at least 20 feet. Under the building codes it could be as close as 10 feet otherwise. Based on comments from DRC members such as the Fire Department, 20 feet was more suitable to be able to get emergency vehicles between the buildings. Particularly is they are increased in height.

In response to questions by Ms. Toler, Mr. Moon stated that the number of buildings for this location is yet to be determined. This property will eventually be subdivided into an industrial complex that could have multiple parcels or just two parcels. It depends on the market and the interest of the property owner. Right now there is one user to be located at the eastern side of the property and what occurs in the future will depend on the market. He said the building on the property to the southeast, the Sports Complex, is 50 feet high and that additional height increase was approved through a planned unit development zoning because the Land Development Code has not been revised to address changing increased building heights. The Land Development Code currently establishes the maximum building height at 35 feet.

Ms. Toler expressed her concern that there will be various building heights in this area.

Mr. Moon stated that this project is separated by a roadway and the railroad tracks from other properties. Typically an industrial area, while urban form is important, the primary goal or function of that area is to create jobs and support jobs. Architectural design of the buildings isn't a high criteria from a staff standpoint as it is the ability to create jobs and employment. The building heights would be based on the needs of the industry on a piece of property.

Petitioner Presentation: Michael R. Cooper, Property Industrial Enterprises, LLC, 517 Cooper Oaks Court, Apopka, stated the building is about a 29,000 square foot building with 18,000 square feet being manufacturing. It's a specialty manufacturing facility that specializes in aluminum siding which is a high grade aluminum siding. The aluminum siding is snap in panels and they have manufacturing facilities throughout the country. They have a firm in Europe that is making the same type of panels. The office area is 11,000 plus square feet, 3-story office complex. The actual height is a little less than 45 feet. It's a unique building and is very pretty. It matches the Sports Center to a degree. The landscaping is very nice. It's not something that is going to be an eyesore. It's going to be an asset to the community.

Mr. Moon stated clarified that the PUD ordinance application covers the entire 35 acres.

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: Melvin Birdsong made a motion to recommend approval of the Change in Zoning from I-1 (Restricted Industrial) to PUD/I-1 (Planned Unit Development) for the property owned by Property Industrial Enterprises, LLC, and located north of Marshall Lake**

**Road, west of N Hawthorne Road; subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Robert Ryan and Pam Toler (4-0). (Vote taken by poll.)**

**CHANGE OF ZONING – D. ARTHUR YERGEY TRUST** – Mr. Greene stated this is a request to recommend approval of the change of zoning for D. Arthur Yergey from “County” A-1 (ZIP) (Agriculture) to “City” I-1 (Industrial), for property located at 203 and 215 West Keene 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. None.

Staff Presentation: Mr. Moon stated this is a request for a change of zoning from “County” A-1 (ZIP) (Agriculture) to “City” I-1 (Restricted Industrial) for the property owned by D. Arthur Yergey Trust and located at 203 and 215 West Keene Road. The future land use is Industrial (0.60 FAR) and the minimum lot size is 15,000 sq. ft. The existing use is a small runway for model airplanes and ancillary structures. The proposed use is to be determined and will be consistent with the I-1 zoning district. The tract size is 50.77 +/- acres. The existing maximum allowable development is 5 residential units and the proposed maximum allowable development is 1,326,924 sq. ft.

The subject property was annexed into the City of Apopka on November 7, 2008 through the adoption of Ordinance No. 2049. Since annexation into the City, a “City” zoning category has not been assigned to the subject parcels. The property owner is requesting the City to assign a zoning category compatible with the Industrial Future Land Use Designation assigned to the property. Planning staff has determined that an I-1 zoning category is the most suitable for the subject parcel.

The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the I-1 zoning to assure that the 50.77-acre parcel is consistent with the Industrial Future Land Use Designation. The property owner is asking for the change of zoning to market the property for future uses permissible within the I-1 zoning district.

Pursuant to Florida Statute, an interlocal agreement with between the City and Orange County government, and policy set forth in the City’s Comprehensive Plan, a City zoning category must be assigned to property after it annexes into a municipality. The subject property is assigned an Industrial Future Land Use Designation, and I-1 is the least intensive zoning category compatible with the assigned Future Land Use Designation.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as indicated in the Zoning Report.

The proposed I-1 rezoning is consistent with the proposed Future Land Use Designation of Industrial, with a maximum FAR of 0.60, for this property. Minimum lot size for property assigned the I-1 zoning category is 15,000 sq. ft.

A capacity enhancement agreement with OCPS is not necessary because the proposed change of zoning to a non-residential zoning district. Such rezoning will not result in an increase in the number of residential units.

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

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 July 10, 2015.

The Development Review Committee recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” I-1 for the parcel owned by the D. Arthur Yergey Trust.

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.

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (W Keene Road). The zoning application covers approximately 50.77 acres. The property owner intends to use the property for ancillary buildings related to a model airplane airport/air field.

Comprehensive Plan Compliance: The proposed I-1 zoning is consistent with the City’s Industrial (0.60 max FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, I-1 zoning is one of the acceptable zoning districts allowed within the Industrial Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

I-1 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 25 ft.
	Rear: 10 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 50.77 acre parcels comply with code requirements for the I-1 zoning district.

Bufferyard Requirements:

1. Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard.
2. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.
3. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 500-foot landscaped bufferyard.
4. Industrial uses adjacent to nonresidential, nonindustrial uses or districts shall provide one of the following:

A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

Allowable Uses: Wholesale distribution, storage, and light manufacturing uses and other similar and compatible uses.

Petitioner Presentation: David Yergey, 211 North Magnolia Avenue, Orlando, stated he is D. Arthur Yergey's son who is the trustee. He said they are merely seeking to carry out what they started a few years which is to actually apply a zoning classification to the property. He said there are no immediate plans for the property as far as an industrial use.

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: Melvin Birdsong made a motion to recommend approval of the Change in Zoning from "County" A-1 (ZIP) (Agriculture) to "City" I-1 (Restricted Industrial) for the property owned by D. Arthur Yergey Trust and located at 203 and 215 West Keene Road; subject to the information and findings in the staff report; and Pam Toler seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Robert Ryan and Pam Toler (4-0). (Vote taken by poll.)**

**PLAT - MARDEN RIDGE** - Mr. Greene stated this is a request to recommend approval of the Plat for Marden Ridge, owned by Emerson Point Associates, LLLP. The Applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway.

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: R. Jay Davoll, P.E., Community Development Director/City Engineer stated this is a request to recommend approval of the Plat for Marden Ridge. The property is owned by Emerson Point Associates, LLLP; the applicant is MMI Development, Inc., c/o Michael E. Wright, Esq.; and the engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. The land use is Commercial and Residential High Density (0-15 du/ac). The zoning is PUD/C-1/R-3. The existing use is harvested planted pine and the proposed development is a four lot subdivision with Lot 1 being a C-1 Commercial tract, and lots 2 through 4 being multi-family. The tract size is 42.17 +/- Acres.

The Marden Ridge Plat proposes a total of 4 lots with 17 dedicated tracts located on approximately 42.17 +/- acres. The overall site is comprised of 6.43 acres being designated for Commercial (C-1) use and 35.74 acres of the property designated for Residential High (PUD/R-3) use.

The Development Review Committee recommends approval of the Marden Ridge Plat subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.



**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

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 provided.

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:** **Melvin Birdsong made a motion to recommend approval of the Plat for Marden Ridge, owned by Emerson Point Associates, LLLP and located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway; subject to the information and findings in the staff report. Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, and Pam Toler (4-0). (Vote taken by poll.)**

**FINAL DEVELOPMENT PLAN – PONKIN ROAD PROPERTIES, LLC – CELL TOWER -** Mr. Greene stated this is a request to recommend approval of the Final Development Plan for the Ponkin Road Properties, LLC, c/o James L. Gissy, Cell Tower, for property located south of West Ponkan Road, west 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. None.

Staff Presentation: Mr. Davoll stated this is a request to recommend approval of the Final Development Plan for the Ponkin Road Properties, LLC Cell Tower. The owner is Ponkin Road Property, LLC; the applicant is GM2 Communications, LLC. c/o Michael Voll; and the engineer is Avcon, Inc. c/o Donald C. Bieger, P.E. The property is located at 3320 West Ponkan Road. The future land use is Residential Low Suburban (0-3.5 du/ac). The current zoning is “County” A-1 (ZIP) and that zoning is in the process of being changed to “City” AG-E. The current use is vacant land and the proposed use is the installation of a maximum 150 foot high telecommunication monopole tower. The entire tract size is 7.28 +/- acres and the tower site will be 0.14 +/- acre.

The applicant is proposing a 150 foot tall monopole telecommunications tower located at the southwest end of parcel number 25-20-27-0000-00-003, as depicted in the Vicinity Map. The tower will allow for the future co-location of four (4) telecommunication users.

Staff has determined the following:

1. The proposed tower site complies with the distance separation requirements between other telecommunications towers. Based on location of existing towers, the nearest tower is 6,785 feet

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

(1.285) miles from the proposed monopole site. City standards require a minimum distance of 1,500 (0.28 miles) linear feet between monopole towers.

2. The tower will accommodate up to four (4) telecommunication antennae.
3. Access to the property will occur through a cross-access easement agreement to Ponkan Road.

The parent parcel may experience future residential development either within its boundaries or at adjacent parcels.

Typically, the main issue associated with telecommunication towers is the separation distance from residential areas, particularly existing home and established neighborhoods. Based on the location of the proposed site for the telecommunications tower, the nearest existing residential neighborhood – Wekiva Run – more than 1700 feet to the southeast and situated on the east side of Plymouth Sorrento Road. Individual single family homes and mobile homes do occur on abutting parcels, the nearest single family home is approximately 428 feet from the tower site.

Access to the site is provided by a 20' feet wide cross access easement agreement extending to Ponkan Road. Prior to any construction activities occurring on-site a copy of the recorded cross access agreement shall be filed with the Community Development Department. The site will include parking for service trucks.

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

The applicant is requesting a waiver to eliminate the installation of the landscaping around the perimeter if the site.

The applicant has committed to pay \$10.00 per deficient tree inch (totaling \$1,090) 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:	356
Total number of specimen trees:	35
Total inches removed:	273
Total inches retained:	83
Total inches replaced:	0
Total inches (Post Development):	<u>83</u>
Tree inches mitigated:	190

**WAIVER REQUEST** - Code of Ordinances, Chapter 75 – Telecommunications, Section 75-27.B.7 requires a landscape buffer around the perimeter of communication tower sites. The applicant is requesting not to install a landscape buffer around the perimeter of the site. The applicant’s justification is that the property will be adjacent to the proposed S.R. 429 extension and stormwater facilities. The other two sides are blocked from public view by several hundred feet of existing wooded conditions. DRC supports this waiver request.

The City notified Orange County on July 9, 2015. The City has not received any correspondence from Orange County.

**MINUTES OF THE PLANNING COMMISSION MEETING HELD ON AUGUST 11, 2015, AT 5:01 P.M.**

The Development Review Committee recommends approval of the Ponkan Road Cell Tower – Ponkin Road Property, LLC, (Minor) Final Development Plan subject to the following conditions:

1. Prior to any construction activities occurring on-site a letter must be obtained from the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding wildlife management plan for the Gopher Tortoises.
2. Prior to any construction activities occurring on-site a copy of the recorded cross access agreement shall be filed with the Community Development Department.

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 questions by Ms. Toler, Mr. Davoll stated that the applicant can clarify why they are requesting the waiver of landscaping. He stated that it could be due to there not being anything to buffer it from. The road and their fence are on the west side. The retention pond with fencing is on the south side. A buffer is usually to hide a site from what's being seen. Ponkan Road to the north is quite a distance from the tower. To the east there are a lot of trees.

In response to questions by Mr. Ryan, Mr. Davoll stated that, at this time, staff does not know the elevation of S.R. 429 that runs along this property. He said that you would be able to see the tower; however, depending on the elevation of S.R. 429 you may not be able to see the base of the tower where buffering would normally be required. He said that normally the Expressway builds bridges and they are all over top. This portion is going underground. They are building a bridge at Yothers Road to go over the Wekiva Parkway and as it approaches Ponkan, because of the grade at Ponkan, it is coming back up so the road may actually be below grade in this location. The applicant may have more information.

Petitioner Presentation: Mr. Beiger stated they will have approximately 25 feet to 26 feet from the property line to the fencing. We had a tree survey done and there are a number of mature trees between the property line and the fencing at this time on both the west and the south side of the property. Those are not going to be touched. The Land Development Code requires planting canopy trees adjacent to the fencing. Those canopy trees are a short distance apart from each other. One of the things that we have found is that large canopy trees over top of communications equipment does not tend to go well together. That is one of the reasons that they want to request not to put in the canopy trees near the perimeter line which is part of the landscaping code. The other part is a hedge and, as stated previously, we're over 300 feet to the north to the next property line and another 200 feet from Ponkan Road. We are in excess of 900 feet to the east to the next property line and then an additional 200 to 300 feet to Plymouth Sorrento Road. The visibility is not there to put in young trees and with canopy over the top of it, it doesn't make sense in a tree planting sense and then also with the proximity of those towers. He said that he believes that the Expressway will start going over Ponkan Road at this point and that there will be a little rise in that area. He said their site is at ground elevation and most of that ground is flat across that area. He said that being a civil engineer and having done roadway work in the past the Expressway will be higher at that point but there is still going to be approximately 25 to 26 feet of natural vegetative buffer between the property line and our fencing.

Affected Party Presentation: None.

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

In response to question by Mr. Birdsong if the Commission could recommend that a condition be added that if S.R. 429 is not constructed in the manner that the petitioner predicts then the buffer would be required, Mr. Hand stated that future conditions placed on a project are not addressed in the Code and cannot be placed on a property. The Commission can either recommend approval or denial of the waiver request.

**MOTION:** Robert Ryan made a motion to recommend denial of the request to waive the Code of Ordinances, Chapter 75 – Telecommunications, Section 75-27.B.7, that requires a landscape buffer around the perimeter of communication tower sites. Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, and Pam Toler (4-0). (Vote taken by poll.)

**Motion:** Pam Toler made a motion to recommend approval of the Final Development Plan for the Ponkin Road Properties, LLC, Cell Tower, to be located south of West Ponkan Road, west of Plymouth Sorrento Road; subject to the conditions set forth by the Development Review Committee: (1) Prior to any construction activities occurring on-site a letter must be obtained from the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding wildlife management plan for the Gopher Tortoises; and (2) Prior to any construction activities occurring on-site a copy of the recorded cross access agreement shall be filed with the Community Development Department; and the information and findings in the staff report. Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, and Pam Toler (4-0). (Vote taken by poll.)

**OLD BUSINESS:** None.

**NEW BUSINESS:** Mr. Moon announced that due to the number of projects that are wanting to expedite the review and approval process; and that regular the September 8<sup>th</sup> Planning Commission meeting falls just after the Labor Day holiday, staff has scheduled a special Planning Commission meeting for March 25, 2015.

The attending Planning Commission members stated that they would be available to meet on March 25, 2015.

**ADJOURNMENT:** The meeting was adjourned at 6:07 p.m.

/s/  
\_\_\_\_\_  
James Greene, Chairperson

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