



**City of Apopka
Planning Commission
Meeting Agenda
August 09, 2016
5:30 PM @ City Council Chambers**

I. CALL TO ORDER

If you wish to appear before the Planning Commission, please submit a "Notice of Intent to Speak" card to the Recording Secretary.

II. OPENING AND INVOCATION

III. APPROVAL OF MINUTES:

- 1 Approve minutes of the Planning Commission special meeting held July 12, 2016, at 5:30 p.m.

IV. PUBLIC HEARING:

1. ORDINANCE NO. 2503 – LAND DEVELOPMENT CODE AMENDMENT – Amending the Apopka Code of Ordinances, Part III, Land Development Code, Article I, to adopt provisions to provide access to public officials of the City of Apopka regarding quasi-judicial matters.
2. ORDINANCE NO. 2504 – LAND DEVELOPMENT CODE AMENDMENT – Amending the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01 to allow building heights in excess of 35 feet when expressly permitted by Special Exception or Planned Unit Development.

V. SITE PLANS:

1. MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – EMERSON NORTH TOWNHOMES – Owned by the Pulte Group c/o Doug Hoffman; the engineer is Donald W. McIntosh Associates, Inc. c/o John T. Townsend, P.E., and the property is located at 1701 Ocoee Apopka Road (South of S.R. 414 and West of Marden Road). (Parcel ID No. 20-21-28-0000-00-001)

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.

Backup material for agenda item:

- 1 Approve minutes of the Planning Commission special meeting held July 12, 2016, at 5:30 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 12, 2016, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Robert Ryan, Tony Foster, Linda Laurendeau, and Jose Molina

ABSENT: Melvin Birdsong, Roger Simpson, Orange County Public Schools (Non-voting)

OTHERS PRESENT: Mark Reggentin, AICP – Community Development Director, David Moon, AICP - Planning Manager, Andrew Hand, Esq., Rogers Beckett – Senior Projects Coordinator, Kyle Wilkes, AICP – Planner II, Robert Sargent – Public Information Officer, Michelle Tanner, Andrew McCowen, Gaile Plowden, Randy June, Redetha Armstrong, Wilbert Chisholm, Francina Boykin, Birthenia Cook, Robert Hafer, Anthony Call, Mike Wright, Suzanne Kidd, Jeff Dugly, Donna Mitchell, Theresa Sargent, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the special meeting minutes of June 28, at 5:30 p.m. minutes.

Motion: Jose Molina made a motion to approve the Planning Commission minutes from the special meeting held on June 28, 2016, at 5:30 p.m. and seconded by Linda Laurendeau. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Linda Laurendeau, and Jose Molina (5-0).

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

QUASI-JUDICIAL - CHANGE OF ZONING – EMERSON POINT PHASE II, LLC – Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from R-3 (Residential) to C-1 (Retail Commercial) for property owned by Emerson Point Phase II, LLC, and located east of Marden Road, north of State Road 414.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Francina Boykin, 1484 Elderton Drive, Apopka, requested affected party status since her property abuts the proposed project. The Commission unanimously agreed to consider Ms. Boykin an affected party.

Gaile Plowden, Orlando Housing Authority, 390 N. Bumby Avenue, Orlando, stated they managed the Marden Meadows Subdivision that abuts the proposed projects. The Commission unanimously agreed to consider Orlando Housing Authority, c/o Ms. Plowden an affected party.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. None.

Staff Presentation: Kyle Wilkes, AICP, Planner II, stated this is a request to recommend approval of the Change of Zoning from R-3 (Residential) to C-1 (Retail Commercial) for property owned by Emerson Point Phase II, LLC, and located east of Marden Road, north of State Road 414. The existing use is vacant land. The proposed use is a retail commercial development. The existing maximum allowable development is 518 units and the proposed maximum allowable development is 564,973 sq. ft. The tract size is 51.88 +/- acres.

The subject parcels were annexed into the City of Apopka on December 30, 1991 through Ordinance 694. The applicant is requesting the City to assign a zoning classification of C-1 (Retail Commercial) to the property, consistent with the proposed Commercial (Max. 0.25 FAR) future land use designation.

A request to assign a change of zoning to C-1 (Retail) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the C-1 (Retail Commercial) zoning classification to accommodate the use of the property a retail commercial development. The subject properties abut a limited access highway (S.R. 414) with a planned interchange at Marden Road. City staff supports this change of zoning request subject to the construction of a highway interchange for S.R. 414 at Marden Road. This change of zoning application is being processed in conjunction with a large scale future land use amendment for Commercial (Max. 0.25 FAR). The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses. A commercial retail zoning assigned to the subject property is consistent with recommendations within the Ocoee Apopka Road Small Area Study.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change.

The existing and proposed use of the property is consistent with the Commercial (Max. 0.25 FAR) Future Land Use designation and the City's proposed C-1 (Retail Commercial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The request is for a non-residential zoning classification; therefore, a school capacity enhancement agreement is not required.

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 June 13, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in zoning from R-3 (Residential) to C-1 (Retail Commercial) for the property owned by Emerson Point Phase II 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.

ZONING REPORT:

Land Use & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (Marden Road) and will have access to S.R. 414 once an interchange at Marden Road is constructed.

Comprehensive Plan Compliance: The proposed C-1 (Retail Commercial) zoning is consistent with the City's Commercial (Max. 0.25 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The C-1 (Retail Commercial) zoning classification is one of the acceptable zoning categories allowed within the proposed Commercial Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

C-1 District Requirements:

Minimum Living Area:	NA
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	
Front:	10 ft. (From property line)
Rear:	10 ft. (30 ft. from residential)
Side:	10 ft.
Corner	15 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the C-1 (Retail Commercial) district.

Bufferyard Requirements: (1.) Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard. (2.) Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard. (3.) Areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard.

Allowable Uses: Any nonresidential permitted use in the PO/I or CN districts. Retail establishments, banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building. Churches and schools, day nurseries, kindergartens and other child care centers. Restaurants, hotels/motels, bed and breakfast facilities and other uses which are similar and compatible to the uses permitted herein which adhere to the intents of the district and which are not prohibited.

Petitioner Presentation: Michael Wright, Emerson Point Phase II, LLC, 1350 Orange Avenue, Suite 250, Winter Park, stated they concur with staff's recommendations. He stated a commercial retail zoning assigned to the subject property meets the recommendations in the Ocoee Apopka Road Small Area Study.

In response to questions by Mr. Molina, Mr. Wright stated that they are hoping to attract a grocery store or big box types stores such as Lowes or Walmart. He said a grocery store would be ideal as the area residents do not have easy access to that type of retail. He stated there would be no manufacturing on the site.

Affected Party Presentation:

In response to a question by Ms. Boykin, Mr. Moon stated there are no plans at this time to extend any roadways in the area.

In response to a question by Birthenia Cook, 1615 South Hawthorne Avenue, Apopka, Mr. Wilkes stated that the change of zoning was only for the subject property.

In response to questions by Ms. Boykin, Mr. Wilkes stated that if the future land and zoning amendments are approved, the next step for the project is to prepare and submit for review a development plan. The code requires a six foot masonry wall to be installed between commercial and residential uses and landscaping buffers will also be required.

In response to questions by Ms. Boykin, Mr. Moon stated that main access to the project will be off of Marden Road. There will also be an interchange at Marden Road and State Road 414.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JULY 12, 2016, AT 5:30 P.M.

In response to questions by Mr. Foster, Mr. Moon stated there will be no road connection on the east side of the subject property. A traffic study will be required as part of the development plan review process.

In response to questions by Ms. Boykin, Mr. Reggentin stated that capacity for water, wastewater, and sewer is reviewed during the future land use amendment process. The City Engineer has stated there is capacity for the proposed project.

Ms. Plowden stated the Orlando Housing Authority would like to participate in any way they can to ensure that this is a quality project for everyone. They will be very interested in the traffic impacts, the buffering, and the access to the property.

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

Motion: Robert Ryan made a motion to find the application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from R-3 (Residential) to C-1 (Retail Commercial) for property owned by Emerson Point Phase II, LLC, and located east of Marden Road, north of State Road 414. Motion seconded by Tony Foster. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Linda Laurendeau, and Jose Molina (5-0). (Vote taken by poll.)

QUASI-JUDICIAL - CHANGE OF ZONING – APOPKA FARMS – Chairperson Greene stated this is a request to recommend approval of the Change of Zoning from Mixed-CC and R-1A (Residential) to Planned Unit Development (PUD/Mixed-CC/Residential) for property owned by Carter-Orange 67 Hwy 441 Land Trust (Apopka Farms) and located east of North Orange Blossom Trail, south of Chandler Estates Drive.

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: David Moon, AICP, Planner Manager, stated this is a request to recommend approval of the Change of Zoning from Mixed-CC and R-1A (Residential) to Planned Unit Development (PUD/Mixed-CC/Residential) for property owned by Carter-Orange 67 Hwy 441 Land Trust and located east of North Orange Blossom Trail, south of Chandler Estates Drive. The existing use is vacant land. The proposed use is commercial and single-family residential development. The proposed maximum allowable development is 45,345 sq. ft. The tract size is 67.73 +/- acres.

The proposed change of zoning is being requested by the owner. The subject properties were annexed into the City via Ordinance 1651 on December 18, 2002. In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change. The applicant proposes to develop the property for a commercial and single-family residential development.

The proposed zoning and use is compatible with adjacent zoning districts and the general character of the surrounding area. Parcels abutting to the north are single-family residential. Properties to the south and west and are industrial in nature, with the current use as the Apopka Airport. Properties to the northwest of the subject properties have commercial land uses.

Apopka Farms is a mixed-use development with 101 single family residential lots on 61 acres and two neighborhood commercial sites within a 2.14 acre and 1.33 acre parcel. The residential phase is buffered from the commercial phase by a 100 to 125 buffer tract. Residential lots have a minimum lot width of 70 feet and a minimum lot size of 9,800 sq. ft. Minimum livable area for a house is 1,600 sq. ft. except for lots abutting Chandler Estates (Lots 31 to 47), which have a minimum livable area of 2,200 sq. ft., and Lots 4 through 17 at the southern entrance of the residential community, which have a minimum livable area of 2,000 sq. ft. For the commercial tracts, uses are limited to neighborhood commercial uses set forth with Sheet 8 of the Master Plan\PDP.

The PUD recommendations are that the zoning classification of the following described 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:

The PUD development conditions and standards, in addition to those listed in the PUD Master Plan, are:

- 1) Additional traffic calming devices shall be incorporated along internal road right-of-ways at the Final Development Plan and subject to approval by the city engineer.
- 2) Landscaping and trees located within the landscape islands placed within the road right-of-way must be approved by the City.
- 3) The HOA Code, Covenants, and Restrictions shall include disclosure statement regarding proximity of the residential community to an airport.

The existing and proposed use of the property is consistent with the Mixed Use Future Land Use designation and the City's proposed Planned Unit Development (PUD – Mixed Use Commercial/Residential) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

A capacity enhancement agreement with OCPS is required at the time of final plat.

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 March 11, 2016.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from Mixed-CC & R-1A to Planned Unit Development – Mixed Use Commercial/Residential to the PUD zoning and developments standards for the property owned by Carter-Orange 67 Hwy 441 Land Trust.

The recommended motion is to recommend approval of the change the zoning category from Mixed-CC & R-1A to Planning Unit Development – Mixed Use Commercial/Residential and to approve the Master Plan\Preliminary Development Plan subject to the PUD conditions set forth in the staff report.

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

ZONING REPORT:

Land Use & Traffic Compatibility: The property has access to a Major Arterial roadway (Orange Blossom Trail). Internal roads connect with Orange Blossom Trail and to Chandler Estates Drive. Future land use

designations and zoning categories assigned to properties to the north, south, east, and west is predominantly industrial and residential.

Comprehensive Plan Compliance: The proposed PUD – Mixed Use Commercial/Residential zoning is compatible with policies set forth in the Comprehensive Plan.

Allowable Uses: Single-family residential and neighborhood commercial uses as set forth within the Planned Unit Development Master Plan.

In response to a question by Mr. Ryan, Mr. Moon stated a similar project is Avion Point where there is a mix of single family, townhomes, and apartments.

Mr. Molina expressed his concerns regarding increased population growth causing impacts to traffic, water, reclaimed water, wastewater, and schools.

Mr. Moon stated the City’s Comprehensive Plan addresses those issues through goals, objectives and policies. The current plan takes the City out to 2030; however, every seven years the City has the option of amending the Comprehensive Plan. Next year will be the seventh year since it was last updated.

In response to a question by Mr. Foster, Mr. Moon stated the goals are tracked in a number of ways such as traffic studies, schools capacity agreements, etc.

In response to questions by Mr. Molina, Mr. Moon stated that Fire and Police services are not included in the Comprehensive Plan. They have their own Plans and they are updated during the budget process.

In response to a question by Ms. Laurendeau, Mr. Moon stated that there has been discussion to install a round-about in the project to assist in traffic calming.

Petitioner Presentation: Michelle Tanner, CPH Engineering, stated they concur with staff’s recommendations.

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 application consistent with the Apopka Comprehensive Plan and Land Development Code, and recommend adoption of the change of zoning from Mixed-CC and R-1A (Residential) to Planned Unit Development (PUD/Mixed Use-CC/Residential) for property owned by Carter-Orange 67 Hwy 441 Land Trust (Apopka Farms), and located east of North Orange Blossom Trail, south of Chandler Estates Drive. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Linda Laurendeau, and Jose Molina (5-0). (Vote taken by poll.)

QUASI-JUDICIAL - PRELIMINARY DEVELOPMENT PLAN – BINION RESERVE SUBDIVISION – Chairperson Greene stated this is a request to recommend approval of the Preliminary Development Plan and waiver requests for Binion Reserve Subdivision owned by Gail W. Brown. The applicant is Binion Reserve, c/o Rohland A. June. The engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff, P.E. The property is located at 1078 South Binion Road.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JULY 12, 2016, AT 5:30 P.M.

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: Rogers Beckett, Senior Projects Coordinator, stated this is a request to recommend approval of the Preliminary Development Plan and waiver requests for Binion Reserve Subdivision owned by Gail W. Brown. The applicant is Binion Reserve, c/o Rohland A. June. The engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff, P.E. The property is located at 1078 South Binion Road. The proposed use is a 44 lot single family subdivision. The density is 2.05 units per gross acre. The tract size is 21.39 +/- acres.

The Binion Reserve Preliminary Development Plan proposes 44 single family lots and a 0.51 acre park within 21.39 +/- acres. The park will serve this residential community and will be owned and maintained by the homeowners association. A 30-foot wide landscape buffer with a wrought iron style fence provided along Binion Road. The minimum typical lot width is 85 feet with a minimum lot size of 10,000 square feet. The proposed minimum living area for the subdivision is 1,600 square feet as set forth in Chapter 2 of the Land Development Code.

The minimum setbacks applicable to this project are:

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

*Front load garage shall be setback 30 feet.

Access: Ingress/egress for the development will be via full access from Binion Road.

Stormwater: The stormwater management system includes an on-site retention area. Stormwater ponds are located within Tract “A” and Tract “I”. The stormwater ponds design meets the City’s Land Development Code requirements.

Recreation: The developer is providing 0.51 acres (22,120 square-feet) of active and passive recreation space. Details of active and passive recreation equipment and facilities will be submitted with the final development plan.

Buffer/Tree Program: A ten-foot wide landscaped buffer easement is provided along the western project line adjacent to the S.R. 429 right-of-way with a vinyl fence or a viburnum hedge (which shall be maintained at a minimum height of six feet). A thirty-foot wide buffer tract with a wrought iron style fence and brick columns is provided along Binion Road.

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

Total inches on-site:	8561
Total number of specimen trees:	156
Total specimen inches retained:	2055
Total inches replaced:	756
Total inches removed:	1953
Total inches retained:	4158
Total inches post development:	4914

No development activity or clearing or grading can occur until such time that a concurrency mitigation agreement has been approved by Orange County Public Schools (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.

WAIVER REQUESTS:

- 1.) Section 2.02.05.H.1 - Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. The applicant is requesting the City waive the requirement for a brick wall along S.R. 429 in lieu of a six-foot high white vinyl fence or a viburnum hedge (which will be maintained at a minimum height of six feet).

Applicant's Justification: The subdivision is elevated above S.R. 429 and should not require a brick wall for noise abatement.

Staff Response: The portion of the western property line are elevated about the S.R. 429 highway by five to ten feet (from Lot 9 through Lot 15) and close to grade with S.R. 429 for the northern portion (from Lot 16 to 20). Distance between the pavement of S.R. 429 and the subject property line ranges from 70 feet to 160 feet. Staff does not object to the applicant's waiver request. The landscape buffer includes the canopy trees shown within the landscape plan.

- 2.) Section 2.02.05.H.1 - Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard.

Applicant's Justification: A thirty-foot wide landscaped buffer with a wrought-iron style fence and brick columns is requested along Binion Road. Section 2.02.05.H.1 allows up to fifty percent of the wall to be a wrought-iron style fence. The applicant is requesting the wrought-iron fence comprise the entire wall length but the buffer width will be increased from a minimum width of ten feet to thirty feet.

Staff Response: Binion Road connects Magnolia Park, a county park along Lake Apopka, to Lust Road, the entrance to the Lake Apopka North Shore Wilderness Drive. A wider, more plushly landscaped roadside buffer will better promote a more natural and landscape appearance leading up to the entrance to the Wilderness Drive. Staff does not object to the applicant's waiver request to increase the length of the wrought-iron style fence from fifty percent to one hundred percent of the buffer length.

The Development Review Committee recommends approval of the Binion Reserve Subdivision - Preliminary Development Plan, subject to approval of the waiver of the brick wall requirement along S.R. 429 and Binion Road subject to the findings of the staff report.

The recommended motion is to recommend to approve the Binion Reserve Subdivision Preliminary Development Plan and the wall waiver requests subject to the alternatives.

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.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON JULY 12, 2016, AT 5:30 P.M.

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.

Mr. Ryan expressed his opposition to the installation of vinyl fencing.

Ms. Laurendeau suggested installing the aluminum fencing with columns around the perimeter of the project.

Mr. Moon stated that the Expressway Authority has installed a five foot security chain-link fence along S.R. 429.

Petitioner Presentation: Randy June, June Engineering Consultants, Inc., 32 West Plant Street, Winter Garden, stated that in lieu of a brick wall they are requesting either six foot high vinyl fencing or a viburnum hedge that would be maintained at a minimum height of six feet.

In response to a question by Mr. Molina, Mr. June stated that the residents will probably want to put up their own fences. There may be a maintenance issue with regard to any space between the Expressway Authority's fence along S.R. 429, an aluminum fence, and then the resident's fence.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing.

In response to a question by Suzanne Kidd, 1260 Lexington Parkway, Apopka, Mr. June stated that there will be a left turn lane into the project, but there will not be a right turn in with a deceleration lane. He stated that any road improvements would go through Orange County for permitting. A right turn lane is not a requirement for this project.

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

Motion: Robert Ryan made a motion to find the Binion Reserve Subdivision Preliminary Development Plan is consistent with the Comprehensive Plan and Land Development Code; to recommend approval of the Preliminary Development Plan; the wall waiver requests subject to a viburnum hedge be placed along S.R. 429 and maintained at a minimum height of six feet; and subject to the findings in the staff report for the property owned by Gail W. Brown and located at 1078 South Binion Road. The motion was seconded by Tony Foster. Aye votes were cast by James Greene, Robert Ryan, Tony Foster, Linda Laurendeau, and Jose Molina (5-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:36 p.m.

James Greene, Chairperson

Mark Reggentin, AICP
Community Development Director

Backup material for agenda item:

1. ORDINANCE NO. 2503 – LAND DEVELOPMENT CODE AMENDMENT – Amending the Apopka Code of Ordinances, Part III, Land Development Code, Article I, to adopt provisions to provide access to public officials of the City of Apopka regarding quasi-judicial matters.



CITY OF APOPKA PLANNING COMMISSION

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER:

MEETING OF: August 9, 2016
FROM: Community Development
EXHIBITS: Ordinance No. 2503

SUBJECT: AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE I, TO ADOPT PROVISIONS TO PROVIDE ACCESS TO PUBLIC OFFICIALS OF THE CITY OF APOPKA REGARDING QUASI-JUDICIAL MATTERS.

REQUEST: RECOMMEND APPROVAL OF THE AMENDMENT TO THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE I, TO ADOPT PROVISIONS TO PROVIDE ACCESS TO PUBLIC OFFICIALS OF THE CITY OF APOPKA REGARDING QUASI-JUDICIAL MATTERS.

SUMMARY:

It has been the recent policy of the city to allow ex'parte communication between elected and appointed board members and the public. This policy is based upon the belief that the public should be able to voice their opinions on quasi-judicial matters to city officials prior to a public hearing on the issue. In order to address this concern on a state wide basis, the legislature enacted Section 286.0115 of the Florida Statutes to address a process for disclosure of ex'parte communications and without a presumption of prejudice.

During a review of the Land Development Code, it was discovered that Section 1.01.10 of the Land Development Code specifically prohibits ex'parte communications. Based upon the standing policy and practice of the city, ex'parte communications have been allowed following the procedures outlined in the statutes. To rectify this inconsistency, staff has prepared an amendment to the Land Development Code to address ex'parte communications, and disclosure procedures.

PUBLIC HEARING SCHEDULE:

August 9, 2016 - Planning Commission (5:30 pm)
August 17, 2016 - City Council 1st Reading (7:00 pm)
September 7, 2016 – City Council 2nd Reading (1:30 pm)

DULY ADVERTISED:

July 29, 2016 – Public Hearing Notice
August 26, 2016 – Ordinance Heading

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Article I, Section 1.01.01 – Ex Parte Contact to adopt provisions to provide access to public officials of the City of Apopka regarding quasi-judicial matters by removing prohibitions on ex-parte communications; establishing procedures to disclose ex-parte communications pursuant to section 286.0115, Florida Statutes; creating procedures for the disclosure of ex-parte communications, investigations, site visits, and expert opinions to remove the presumption of prejudice arising therefrom.

Recommended Motion: Recommend approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Article I, Section 1.01.01 – Ex Parte Contact to adopt provisions to provide access to public officials of the City of Apopka regarding quasi-judicial matters by removing prohibitions on ex-parte communications; establishing procedures to disclose ex-parte communications pursuant to section 286.0115, Florida Statutes; creating procedures for the disclosure of ex-parte communications, investigations, site visits, and expert opinions to remove the presumption of prejudice arising therefrom.

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

ORDINANCE NO. 2503

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE I, TO ADOPT PROVISIONS TO PROVIDE ACCESS TO PUBLIC OFFICIALS OF THE CITY OF APOPKA REGARDING QUASI-JUDICIAL MATTERS BY REMOVING PROHIBITIONS ON EX-PARTE COMMUNICATIONS; ESTABLISHING PROCEDURES TO DISCLOSE EX-PARTE COMMUNICATIONS PURSUANT TO SECTION 286.0115, FLORIDA STATUTES; CREATING PROCEDURES FOR THE DISCLOSURE OF EX-PARTE COMMUNICATIONS, INVESTIGATIONS, SITE VISITS, AND EXPERT OPINIONS TO REMOVE THE PRESUMPTION OF PREJUDICE ARISING THEREFROM; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka believes that it is in the best interest of the City for the public to be able to voice its opinions regarding quasi-judicial matters to the elected and appointed public officials of the City of Apopka; and

WHEREAS, Section 286.0115, Florida Statutes, creates procedures to disclose ex-parte communications to allow public access to local public officials without a presumption of prejudice arising from such ex-parte communications; and

WHEREAS, the City Council of the City of Apopka finds it in the best interest of the City of Apopka to adopt procedures for the disclosure of ex-parte communications as set forth in Section 286.0115, Florida Statutes so as to remove the presumption of prejudice arising therefrom.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Apopka Land Development Code, ~~strike through~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, as follows:

SECTION 1. Section 1.01.01, “Ex Parte Contacts” of the City of Apopka Land Development Code is hereby deleted in its entirety:

~~Sec. 1.01.01. – Ex parte contacts.~~

~~Except as otherwise provided by law, ex parte contacts by city council members or the members of other boards, commissions, or agencies of the city are prohibited with regard to administrative or quasijudicial matters pending before said body.~~

SECTION 2. Article 12.09.00, “Ex-Parte Communications” of the City of Apopka Land Development Code is hereby created as follows:

Sec. 12.09.01. Purpose.

The purpose of this Section is to establish procedures, to remove the presumption of prejudice from ex parte communications, that is, any communication which occurs outside of a public hearing, with local public officials who are members of any City of Apopka board, agency or commission, including the City Council, which recommends or takes quasi-judicial action as a member of such board, agency, authority, commission or City Council. Further, the purpose of this Part is to entitle the public officials of the City of Apopka and its citizens to all of the benefits available pursuant to 286.0115, Florida Statutes.

Sec. 12.09.02. Definitions.

As used herein:

- (a) 'Ex-parte communication' means any form of communication, either oral or written, including any other form of non-verbal communication, with public officials which occurs outside of a public hearing. Such communications include, but are not limited to: conversations, meetings, site visits, mailings, or presentations during which substantial factual information about an item is gathered by or submitted to a local public official.
- (b) 'Local public official' or 'public official' means any elected or appointed public official of a City of Apopka board, agency, authority or commission, including the City Council, which recommends or takes quasi-judicial action.
- (c) 'Quasi-judicial' is a term which applies to the action of public officials or bodies who are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature.

Sec. 12.09.03. Applicability.

This Part shall apply to any and all quasi-judicial proceedings of all commissions, boards and agencies of the City of Apopka and the City Council.

Sec. 12.09.04. Access Permitted.

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any member of a board, agency, council, or commission of the City of Apopka the merits of any matter on which action may be taken by such board, agency, council, or commission. Adherence to the following procedures shall remove the presumption of prejudice arising from ex-parte communications regarding quasi-judicial matters provided that any disclosure made pursuant to (a), (b), or (c) below must be made before or during the public meeting at which a vote is taken on such matters so that persons who have

opinions contrary to those expressed in the ex-parte communications are given a reasonable opportunity to refute or respond to the communications.

- (a) Any public official who has verbal ex-parte communications on quasi-judicial matters pending before his or her board, agency, council, or commission shall disclose and make a part of the public record the subject of the verbal communications and the identity of the person, group, or entity with whom the communications took place.
- (b) Any public official who receives written ex-parte communications on quasi-judicial matters pending before his or her board, agency, council, or commission shall make such written communications a part of the public records by stating the subject of the communications and the person, group, or entity from which the communications were received and providing a copy of the written communications to recording secretary for inclusion in the public record.
- (c) Any public official who conducts any investigations or site visits or who receives any expert opinions regarding quasi-judicial matters pending before his or her board, agency, council, or commission shall disclose and make part of the public record the existence of such investigations, site visits, or expert opinions and state the findings made therein. If any written opinion was received by the public official, a copy of said written opinion shall be provided to the recording secretary for inclusion in the public record.

Sec. 12.09.05. No Penalties for Nondisclosure.

The failure of a public official to disclose the substance of any ex parte communication shall not be deemed to constitute a violation of the Ordinance Code, and public officials shall not be subject to fines or penalties as a result of such nondisclosure or non-compliance with these procedures.

Sec. 12.09.06. Additional Rules and Procedure Permitted.

Each board, agency, authority, or commission governed by these procedures may adopt additional rules and procedures or more stringent rules and procedures relating to ex parte communications, so long as such are not in conflict with this Article.

SECTION 3. CODIFICATION. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: September 7, 2016

READ SECOND TIME
AND ADOPTED: September 21, 2016

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda G. Goff, City Clerk

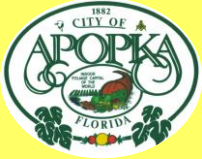
APPROVED as to form and legality for
use and reliance by the City of Apopka,
Florida.

Cliff B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: July 29, 2016
September 9, 2016

Backup material for agenda item:

2. ORDINANCE NO. 2504 – LAND DEVELOPMENT CODE AMENDMENT – Amending the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01 to allow building heights in excess of 35 feet when expressly permitted by Special Exception or Planned Unit Development.



CITY OF APOPKA PLANNING COMMISSION

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: August 9, 2016
 FROM: Community Development
 EXHIBITS: Ordinance No. 2503

SUBJECT: AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II, SECTION 2.02.01 TO ALLOW BUILDING HEIGHTS IN EXCESS OF 35 FEET WHEN EXPRESSLY PERMITTED BY SPECIAL EXCEPTION OR PLANNED UNIT DEVELOPMENT.

REQUEST: RECOMMEND APPROVAL OF THE AMENDMENT TO THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II, SECTION 2.02.01 TO ALLOW BUILDING HEIGHTS IN EXCESS OF 35 FEET WHEN EXPRESSLY PERMITTED BY SPECIAL EXCEPTION OR PLANNED UNIT DEVELOPMENT.

SUMMARY:

As Community Development staff has been reviewing the Land Development Code in anticipation of the update scheduled to begin in the next few months, one issue was discovered that could adversely affect economic development while the code is in the process of being updated. This issue is related to building height. Currently building height is limited to 35 feet except within the downtown overlay district where it is limited to 70 feet. This is a very common standard contained in codes from the late 1980's and early 1990's. It was primarily based upon the height that a ladder truck could reach. With the advent of modern building and fire codes, buildings have become much safer in relation to fire hazards.

Currently, in order to construct a building in excess of 35 feet, an applicant must rezone the property to Planning Unit Development (PUD) and go through a time consuming review and approval process. According to Community Development staff, development interests have approached the City to develop office buildings over 35 feet but did not move forward due to the process involved with a PUD application which may take several months. This represents lost opportunity.

To address this, staff is proposing an amendment to the Land Development Code to allow an applicant to request a special exception to height requirements. If building height is the only issue, an applicant can request a special exception and avoid the costly and time consuming PUD process. This will allow an applicant requesting non-residential development over 35 feet to have that issue addressed in an expeditious and straight forward fashion. The review criteria has been developed to avoid potential adverse effects on surrounding properties.

PUBLIC HEARING SCHEDULE:

- August 9, 2016 - Planning Commission (5:30 pm)
- September 7, 2016 - City Council 1st Reading (1:30 pm)
- September 21, 2016 – City Council 2nd Reading (7:00 pm)

DULY ADVERTISED:

- July 29, 2016 – Public Hearing Notice
- September 9, 2016 – Ordinance Heading

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01 to allow building heights in excess of 35 Feet when expressly permitted by Special Exception or Planned Unit Development.

Recommended Motion: Recommend approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Article II, Section 2.02.01 to allow building heights in excess of 35 Feet when expressly permitted by Special Exception or Planned Unit Development.

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

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ORDINANCE NO. 2504

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, TO ALLOW BUILDING HEIGHTS IN EXCESS OF 35 FEET WHEN EXPRESSLY PERMITTED BY SPECIAL EXCEPTION OR PLANNED UNIT DEVELOPMENT, PROVIDING FOR EXCEPTIONS, AND PROVIDING CRITERIA; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka finds it in the best interest of the City of Apopka to allow building heights in excess of 35 feet when expressly permitted by special exception.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Apopka Land Development Code, ~~strike through~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, as follows:

SECTION 1. Article II, Sec. 2.02.01 of the City of Apopka Land Development Code is amended as follows:

- B. There are several standards which are applied within all zoning districts. They are:
 - 1. *Accessory structures and uses.* Accessory structures and uses shall conform to article VII, section 7.01.00 of this code.
 - 2. *Additional development requirements:*
 - a. The city council, may impose additional requirements which in their judgment are required as a result of unique circumstances with respect to site, the district in which it is located, and the type of development proposed.

If these additional standards are found necessary as part of a rezoning, zoning districts which are subject to such additional conditions, restrictions, or requirements shall include additional performance standards in the rezoning ordinance, the performance standards shall run with the land. Such conditions shall be in line with the intent and purpose of this code.
 - b. When a change of occupancy classification as determined by the Standard Building Code, or a change of permitted use as determined by the community development director, and/or the number of persons in a building significantly increases the entire site shall, as much as practicable, comply with the requirements of this code. The specific provisions of the code with which the site will be required to comply shall be in accordance with the redevelopment standards included in article XII of this code.
 - 3. *Building height:*
 - a. ~~No structure shall exceed 35 feet in height.~~ Building height in excess of 35 feet is unlawful unless expressly permitted by special exception issued pursuant to the requirements of Article II, Sec. 2.02.01(B)(3)(c) of this Code or addressed through a Planned Unit Development zoning application. 'Building height' is defined in Article I, Sec. 1.08.13 of this Code.
 - b. ~~Exclusions.~~ Exceptions.

- (1) The building height limitations contained in this code do not apply to, nor is a special exception required for: spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or to other appurtenances usually required to be placed above the roof level and not intended for human occupancy provided; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the FAA or when there is conflict in other sections of this code.
- (2) For non-residential development, a building's facade may extend up to a maximum of five feet above the building's height (as calculated according to Article I, Sec. 1.08.13 of this Code) to a maximum of forty feet without the need for a special exception, if the facade is utilized to conceal and/or screen roof top equipment, including, but not limited to: air conditioning equipment, antennas, etc...

c. Special Exception for Building Height.

- (1) The special exception criteria and requirements specified in Article II, Sec. 2.02.01(B)(5) of this Code are not applicable to building height.
- (2) Special exceptions may only be applied for and granted non-residential development.
- (3) All special exception applications for building height shall include a development plan and shall be reviewed by the planning commission for approval to ensure that the application meets all requirements of this Code and the following criteria:
 - (a) Whether the height exception will have an adverse effect on land uses in adjacent areas.
 - (b) Whether the height exception will severely reduce light and air in adjacent areas.
 - (c) Whether the height exception will be a detriment to the improvement or development of adjacent property in accord with existing regulations.
 - (d) Whether the height exception will adversely affect property values in adjacent areas.
 - (e) Whether the height exception will adversely influence living conditions in adjacent areas.
 - (f) Whether the height exception is compatible with adjacent areas, neighborhoods, and urban form.
 - (g) Whether the height exception will impair scenic views.

SECTION 2. CODIFICATION. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter ", "section ", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: September 7, 2016

READ SECOND TIME
AND ADOPTED: September 21, 2016

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda G. Goff, City Clerk

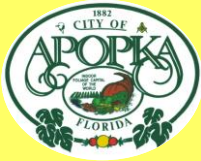
APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

Cliff B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: July 29, 2016
September 9, 2016

Backup material for agenda item:

1. MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – EMERSON NORTH TOWNHOMES – Owned by the Pulte Group c/o Doug Hoffman; the engineer is Donald W. McIntosh Associates, Inc. c/o John T. Townsend, P.E., and the property is located at 1701 Ocoee Apopka Road (South of S.R. 414 and West of Marden Road). (Parcel ID No. 20-21-28-0000-00-001)



CITY OF APOPKA PLANNING COMMISSION

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Preliminary Dev. Plan

MEETING OF: August 9, 2016
 FROM: Community Development
 EXHIBITS: Vicinity & Aerial Maps
 Master Plan\PDP
 LDC, Sec. 2.02.20.H.4a

SUBJECT: EMERSON NORTH TOWNHOMES – MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN

REQUEST: RECOMMEND APPROVAL OF THE EMERSON NORTH TOWNHOMES MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN.

SUMMARY:

OWNER/APPLICANT: Pulte Group c/o Doug Hoffman
 ENGINEER: Donald W. McIntosh Associates, Inc. c/o John T. Townsend, P.E.
 LOCATION: 1701 Ocoee Apopka Road (South of S.R. 414 and West of Marden Road)
 ZONING: Mixed-EC
 FUTURE LAND USE: Mixed Use (0-15 du/ac)
 EXISTING USE: Planted Pine Trees
 PROPOSED USE: Residential Townhomes Community (136) units & future public right-of-way
 TRACT SIZE: 21.42 +/- (17.1 acres in residential community; 4.24 acres for East Harmon Road ROW)
 DENSITY: 7.95 Unit\Acre (136 units\17.1 acres)

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Central Florida Expressway	R-O-W	S.R. 414
East (City)	Mixed Use	R-3	Vacant Land/Planted Pines Trees
South (City)	Mixed Use	Mixed-EC	Emerson Park\Single family houses and townhomes
West (City)	Central Florida Expressway	R-O-W	Vacant Land/Retention Pond

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

ADDITIONAL COMMENTS: The Emerson North Townhomes Master Plan/Preliminary Development Plan is a two phase project proposing 136 townhome units with 3.12 +/- acres of active and passive recreation and open space within a 17.1 +/- acre site. The Mixed-EC zoning designation requires a minimum of 2.565 acres for parks and open space for this residential community to be owned and maintained by the homeowners’ association. All internal roads will be private streets also maintained by the homeowners’ association. The project entrances will be gated. The proposed living area for the townhomes is 1,530 sq. ft. which exceeds the 1,350 sq. ft. minimum requirement and the 1,500 sq. ft. aggregate for the Mixed-EC zoning designation.

The minimum setbacks applicable to the project are:

Setback	Min. Standard
Perimeter	25’
Front	50’*
Side	20’*
Rear	50’*
*Distance between structures.	

Building Architecture: Exterior elevations of all proposed homes must be reviewed by the Community Development Department prior to issuance of a building permit. Exterior home elevations must meet the intent of the City’s Development Design Guidelines.

Access: Ingress/egress for the development will be via two access points from Harmon Road. The western access/gate will become available at the time East Harmon Road is extended to the west.

Stormwater: The stormwater management system includes an on-site retention area. Stormwater ponds are located within Tract “B” and Tract “C.” The design of the stormwater ponds meets the City’s Land Development Code requirements.

Recreation: The developer is providing over 3.12 acres of active and passive recreation space when only 2.565 acres is required. The applicant is proposing a swimming pool with a cabana (400 +/- sq. ft.) and a tot lot within the active recreational space. Per Section 2.02.20.H.4a of the Land Development Code, developments made up of less than 300 units shall be required to construct a minimum total of 2,000 sq. ft. of facility or facilities for a Neighborhood Activity Center. This facility will be one of the following: meeting halls; recreation facilities such as a gazebo, covered pavilions, etc. The Master Plan/Preliminary Development Plan provides only a 400 sq. ft. cabana which is 1,600 sq. ft. short of the 2,000 sq. ft. required by the Code.

Buffer/Tree Program: Buffers provided are consistent with the Land Development Code. The planted pine is exempt from the arbor requirements and will be harvested for silviculture purposes.

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

Total inches on-site:	15,277
Total number of specimen trees:	2
Total specimen inches retained:	0
Total inches replaced:	1,033
Total inches removed:	1,606
Total inches retained:	1,441
Total inches post development:	2,474

ENVIRONMENTAL: The developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity regarding protection and relocation of any identified protected species. A habitat management plan must be submitted with the Final Development Plan.

SCHOOL CAPACITY REPORT: No development activity, clearing or grading can occur until such time that a concurrency mitigation agreement has been approved by Orange County Public Schools (OCPS).

ORANGE COUNTY NOTIFICATION: The County was notified at the time of the land use amendment and rezoning applications for this property. Coordination occurred with County planning staff regarding impact on adjacent parcels. Orange County also receives a copy of the Development Review Committee agenda.

CONDITIONS OF APPROVAL:

1. A developer’s agreement must be approved by City Council to address the conveyance of land to the City of Apopka for the future Harmon Road right-of-way extension. The right-of-way shall be sufficient to provide a two-lane divided highway with a multi-use trail on the south side of the road.
2. A minimum of 2,000 sq. ft. shall be provided in the form of a meeting house, gazebo, covered pavilion, etc., or as allowed by Section 2.02.20.H.4 – Neighborhood Activity Center of the Land Development Code.

PUBLIC HEARING SCHEDULE:

August 9, 2016 – Planning Commission, 5:30 P.M.
TBD – City Council (To be scheduled after the development agreement has been reviewed by City staff and the City Attorney’s office)

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the Emerson North Townhomes Master Plan/Preliminary Development Plan, subject to City Council approval of a Developer’s Agreement, the provision of a minimum 2,000 sq. ft. of Neighborhood Activity Center, and subject to the findings in the staff report.

Recommended Motion: Find the Emerson North Townhomes Master Plan/Preliminary Development Plan consistent with the Comprehensive Plan and Land Development Code and recommend approval of the Master Plan/Preliminary Development Plan, subject to City Council approval of a Developer’s Agreement, the provision of a minimum 2,000 sq. ft. of Neighborhood Activity Center, and subject to the findings in the staff report.

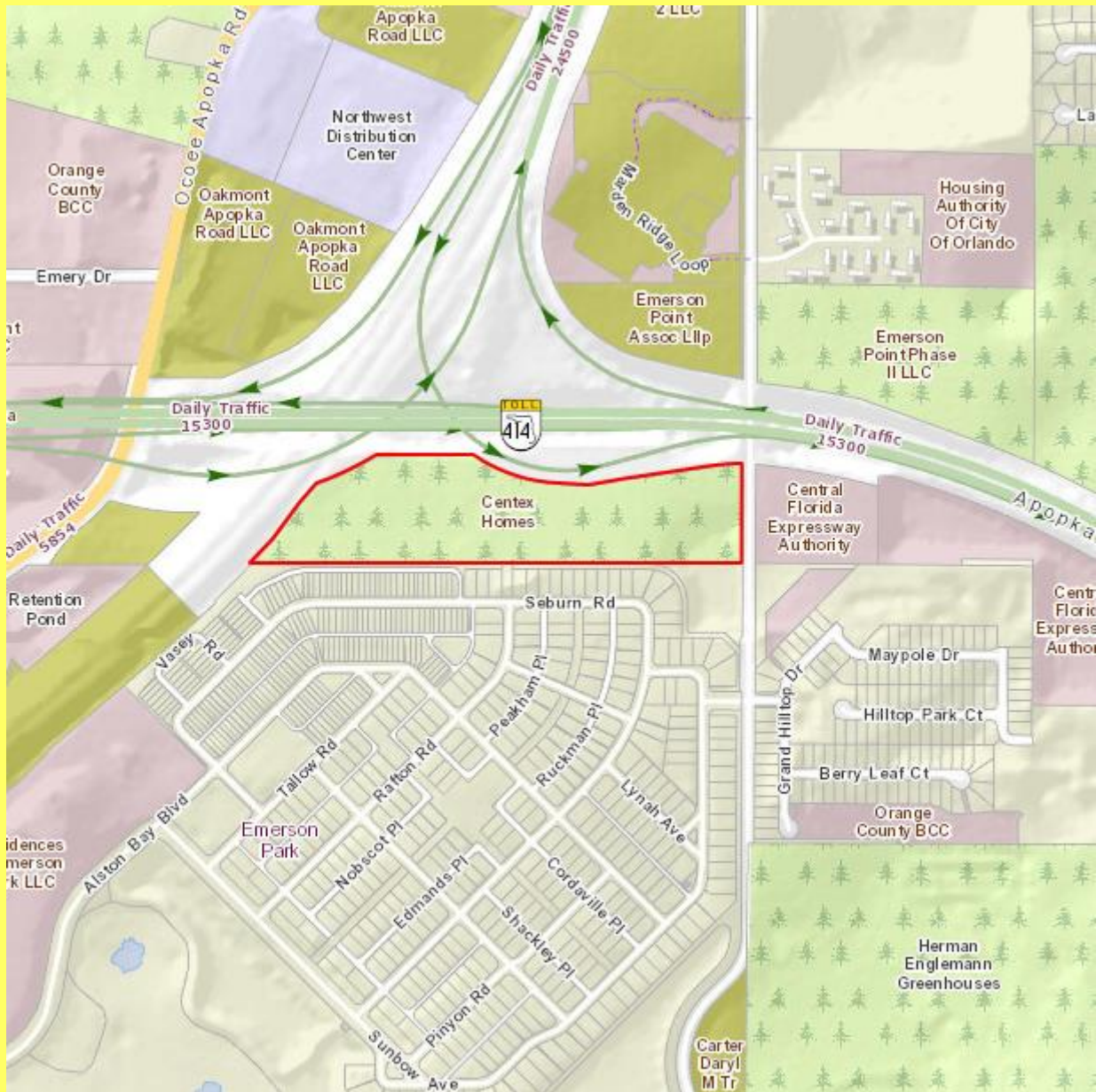
Planning Commission Role: The role of the Planning Commission for this development application is to advise the City Council to approve, approve with conditions, or deny based on consistency with the Comprehensive Plan and Land Development Code.

Note: 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.



EMERSON NORTH TOWNHOMES
21.42 +/- Acres (17.1 acres residential/4.24 future R.O.W)
Proposed Number of Units: 13
Parcel ID#: 20-21-28-0000-00-001

VICINITY MAP





AERIAL MAP



MASTER PLAN / PRELIMINARY DEVELOPMENT PLAN

EMERSON NORTH TOWNHOMES

CITY OF APOPKA, FLORIDA



PREPARED FOR
PULTE GROUP
 4901 VINELAND RD, 5th FLOOR
 ORLANDO, FL 32811
 407.509.4014



NOT FOR CONSTRUCTION
 DONALD W. MCINTOSH
 ASSOCIATES, INC.
 PROFESSIONAL
 AUTHORIZATION NO. 08
 JOHN T. TOWNSEND
 FLORIDA P.E. No. 52127
 DATE: 7/29/2016

DESCRIPTION: (Prepared by Others)

A parcel of land, being a portion of that certain Trustee's Deed, as recorded in Official Records Book 8923, Page 2003, lying in Section 20, Township 21 South, Range 28 East, being described as follows:

Commence at the Northwest corner of the plot of EMERSON PARK, according to the plot thereof as recorded in Plot Book 88, Pages 1 through 17 for a POINT OF BEGINNING, thence run South 89°58'54" West, along the North line of said EMERSON PARK, 2364.23 feet to the Northwest corner of said EMERSON PARK and the Easterly limited access Right-of-Way line of State Road 451, according to the Orange-Orange County Expressway Authority Right-of-Way Map of Midland Boulevard Extension of State Road 429/414 Systems Interchange, prepared by URS Corporation dated 12-15-10, said point lies on a non-tangent curve concave Northwestwesterly thence run along said Easterly limited access of State Road 451, the following courses: thence run Northeastwesterly along said non-tangent curve having a radius of 7858.44 feet, a central angle of 01°07'57", an arc length of 161.19 feet, a chord length of 161.19 feet and a chord bearing of North 43°17'37" East; thence non-tangent to said curve, run North 38°21'34" East, 205.20 feet to a point on a non-tangent curve concave Northeastwesterly; thence run Northeastwesterly, along said non-tangent curve, having a radius of 7788.44 feet, a central angle of 00°52'54", an arc length of 118.88 feet, a chord length of 118.88 feet and a chord bearing of North 40°45'40" East to a point of intersection with the Southerly limited access Right-of-Way line of State Road 414, according to aforesaid Orange-Orange County Expressway Authority Right-of-Way Map of Midland Boulevard Extension of State Road 429/414 Systems Interchange, said point lies on a non-tangent curve concave Northeastwesterly; thence run along said Southerly limited access Right-of-Way line the following courses: thence run Northeastwesterly, along said non-tangent curve, having a radius of 1430.00 feet, a central angle of 12°34'34", an arc length of 313.88 feet, a chord length of 313.25 feet and a chord bearing of North 64°35'56" East; thence run non-tangent to said curve, South 88°55'15" East, 403.46 feet to a point on a non-tangent curve concave Northeastwesterly; thence run Southeastwesterly, along said non-tangent curve, having a radius of 748.48 feet, a central angle of 31°42'43", an arc length of 414.83 feet, a chord length of 408.65 feet and a chord bearing of South 71°21'09" East, thence non-tangent to said curve, run South 86°44'15" East, 152.54 feet; thence run North 80°21'42" East, 174.31 feet; thence run North 81°41'03" East, 401.05 feet to a point on a non-tangent curve concave Southerly; thence run Easterly, along said non-tangent curve, having a radius of 1223.14 feet, a central angle of 07°04'42", an arc length of 151.11 feet, a chord length of 151.01 feet and a chord bearing of North 82°33'16" East to a point lying on the West Right-of-Way line of Marden Road, according to said Orange-Orange County Expressway Authority Right-of-Way Map of Midland Boulevard Extension of State Road 429/414 Systems Interchange, thence run South 00°15'48" West, along said West Right-of-Way line, 457.18 feet to the POINT OF BEGINNING.

The above described parcel of land lies in Orange County, Florida and contains 21.424 acres, more or less.

ENGINEER/SURVEYOR:

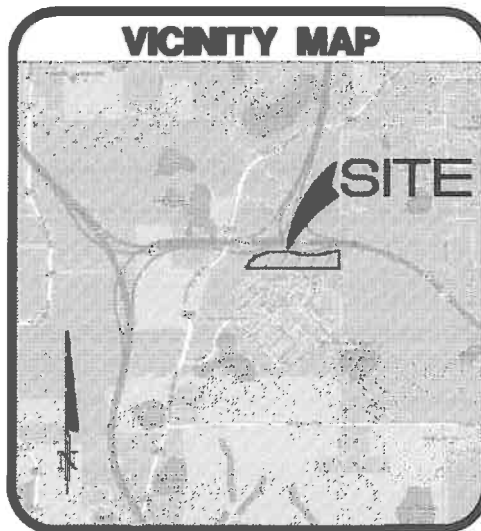
DONALD W. MCINTOSH ASSOCIATES, INC.
 2200 PARK AVENUE NORTH
 WINTER PARK, FLORIDA 32789
 PH: 407.644.4088
 CONTACT PERSON: JOHN T. TOWNSEND, PE

LANDSCAPE/HARDSCAPE ARCHITECT

FOSTER CONANT & ASSOCIATES, INC.
 120 W. ROBINSON STREET
 ORLANDO, FL 32801
 PH: 407.648.2225
 CONTACT: RICK CONANT

OWNER/DEVELOPER/APPLICANT:

PULTE GROUP
 4901 VINELAND ROAD, 5th FLOOR
 ORLANDO, FL 32811
 PH: 407.509.4014
 CONTACT PERSON: DOUG HOFFMAN



SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST
 PROPERTY APPRAISER PARCEL ID # 20-21-28-0000-00-001

REVISED JULY 29, 2016
OCTOBER 26, 2015

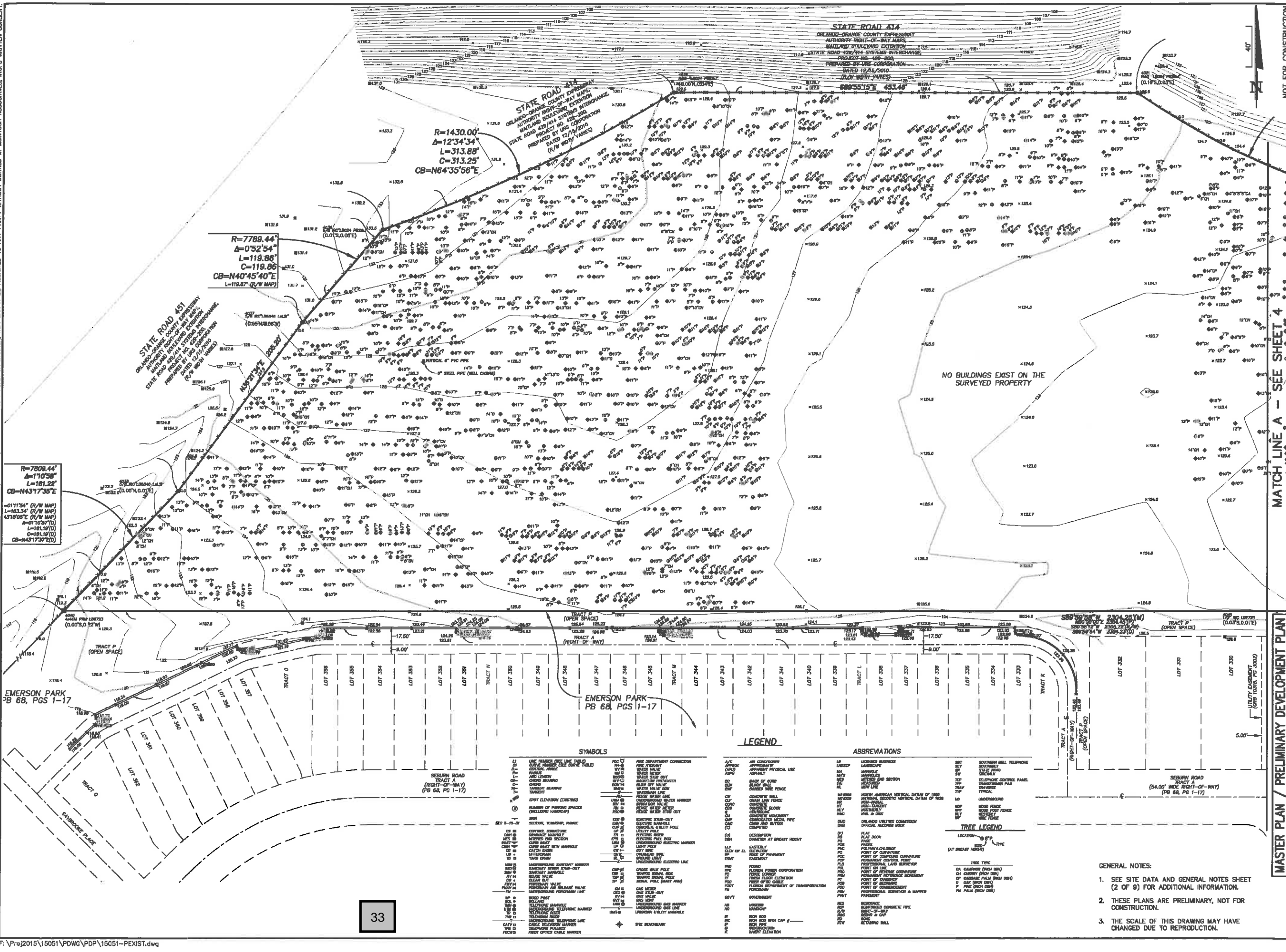
DONALD W. MCINTOSH ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS
 2200 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4088

NOTES:

- INTERNAL ROADS ARE PRIVATELY OWNED AND MAINTAINED BY THE HOA.
- ALL WATER, SANITARY SEWER AND RECLAIM UTILITIES WILL BE DEDICATED TO, OWNED AND MAINTAINED BY THE CITY OF APOPKA.

SHEET INDEX	
1	COVER SHEET
2	SITE DATA AND GENERAL NOTES
3	EXISTING CONDITIONS PLAN - WEST
4	EXISTING CONDITIONS PLAN - EAST
5	AERIAL
6	PRELIMINARY DEVELOPMENT PLAN - WEST
7	PRELIMINARY DEVELOPMENT PLAN - EAST
8	PRELIMINARY PAVING, GRADING & UTILITY PLAN - WEST
9	PRELIMINARY PAVING, GRADING & UTILITY PLAN - EAST
B8.3B-B8.4B	PRELIMINARY BUILDING ELEVATIONS
PL-001-PL-002	TREE PRESERVATION PLAN
PL300-PL-301	LANDSCAPE CODE PLAN
PL-302	LANDSCAPE DETAILS & NOTES

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



STATE ROAD 434
ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY RIGHT-OF-WAY MAPS
MAINTAINING BYPASS AND INTERCHANGE
PROJECT NO. 428-200
PREPARED BY URS CORPORATION
DATED 12/16/2010
(R/W BOUNDARIES)

R=7789.44
 $\Delta=0^{\circ}52'54''$
L=119.86'
C=119.86'
CB=N40°45'40"E
L=119.87' (R/W MAP)

R=7808.44'
 $\Delta=1^{\circ}10'58''$
L=183.34' (R/W MAP)
L=179.00' (R/W MAP)
 $\Delta=1^{\circ}10'57''$
L=181.19' (R/W MAP)
C=181.19' (R/W MAP)
CB=N43°17'35"E

R=1430.00'
 $\Delta=12^{\circ}34'34''$
L=313.88'
C=313.25'
CB=N64°35'56"E

NO BUILDINGS EXIST ON THE SURVEYED PROPERTY

EMERSON PARK
PB 68, PGS 1-17

EMERSON PARK
PB 68, PGS 1-17

SYMBOLS

Table with 4 columns: Symbol, Description, Symbol, Description. Includes symbols for utility lines (A/C, L, S, etc.), easements, and other site features.

LEGEND

Table with 2 columns: Symbol, Description. Lists various survey and utility symbols used on the plan.

TREE LEGEND

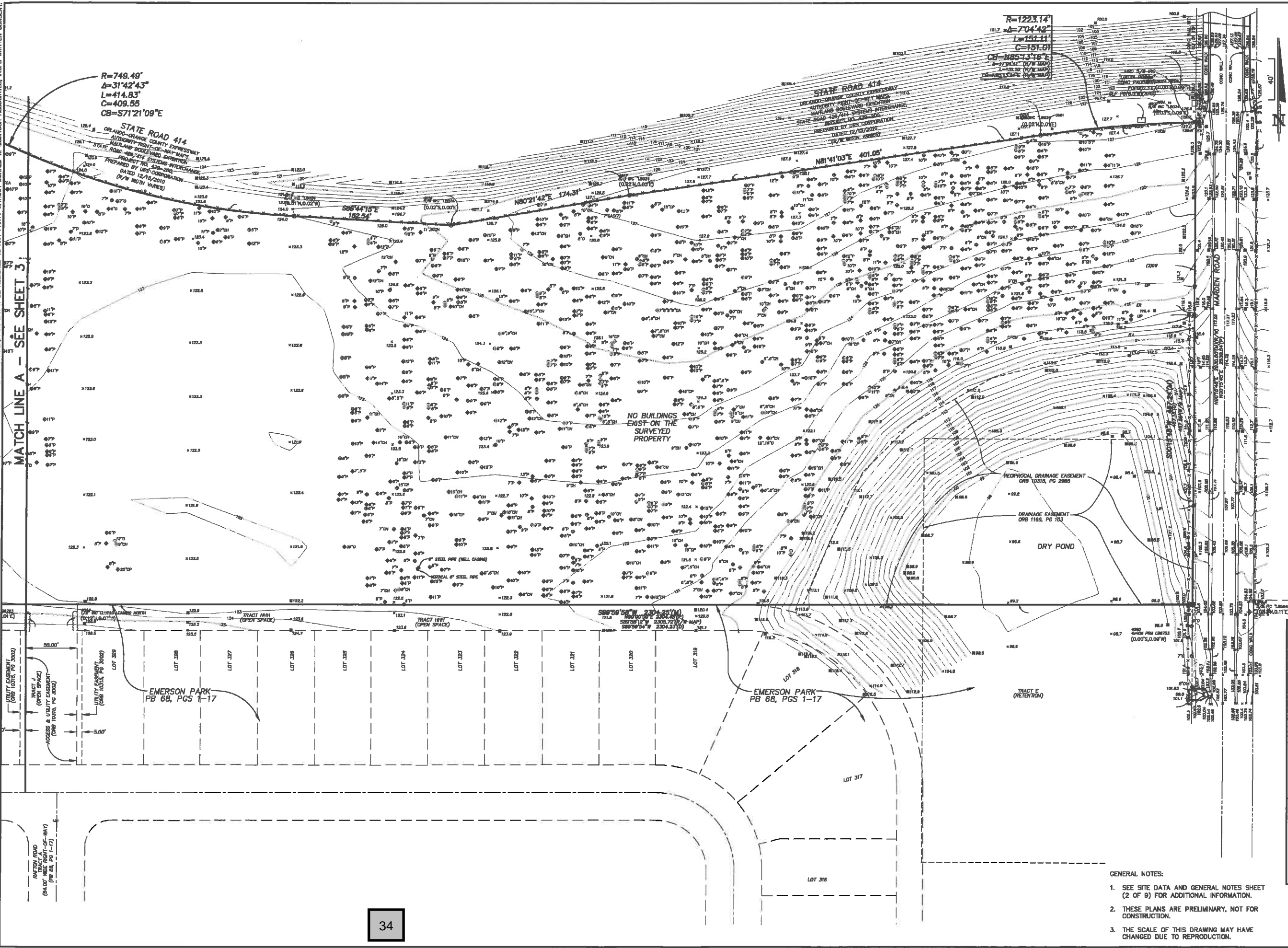
Table with 2 columns: Symbol, Description. Lists symbols for different types of trees and vegetation.

- GENERAL NOTES:**
- 1. SEE SITE DATA AND GENERAL NOTES SHEET (2 OF 9) FOR ADDITIONAL INFORMATION.
 - 2. THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
 - 3. THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

33

MASTER PLAN / PRELIMINARY DEVELOPMENT PLAN
EMERSON NORTH TOWNHOMES
CITY OF APOPKA, FLORIDA
EXISTING CONDITIONS PLAN - WEST
DRAWING: 15051-PEXIST
SHEET: 3 OF 9
DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS
PLANNERS
15051-PEXIST
10/28/15
15051
MAB
MAB
CHECKED BY: JTT
DESIGNED BY: MAB
DATE: 10/28/15
SCALE: 1"=40'
JOB NUMBER: 15051
NO. DATE
1 8/13/16
REVIEW PER CITY COMMENTS DATED 11/13/16
DATE
JOHN T. TOWNSEND
FLORIDA P.E. NO. 52127
DATE: 7/29/2016
NOT FOR CONSTRUCTION

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



$R=749.49'$
 $\Delta=31^{\circ}42'43''$
 $L=414.83'$
 $C=409.55'$
 $CB=S71^{\circ}21'09''E$

$R=1223.14'$
 $\Delta=70^{\circ}44'2''$
 $L=151.11'$
 $C=151.91'$
 $CB=N85^{\circ}13'16''E$

MATCH LINE A - SEE SHEET 3

STATE ROAD 414
 ORLANDO-ORANGE COUNTY EXPRESSWAY
 AUTHORITY: RIGHT-OF-WAY MAP
 LANDLORD-EZLEWARD EXCHANGE
 PROJECT NO. 428-286
 PREPARED BY LRS CORPORATION
 DATED 12/15/2010
 (N/W WIDTH WAIVES)

STATE ROAD 414
 ORLANDO-ORANGE COUNTY EXPRESSWAY
 AUTHORITY: RIGHT-OF-WAY MAP
 LANDLORD-EZLEWARD EXCHANGE
 PROJECT NO. 428-286
 PREPARED BY LRS CORPORATION
 DATED 12/15/2010
 (N/W WIDTH WAIVES)

NO BUILDINGS
 EXIST ON THE
 SURVEYED
 PROPERTY

DRY POND

EMERSON PARK
 PB 68, PGS 1-17

EMERSON PARK
 PB 68, PGS 1-17

- GENERAL NOTES:
1. SEE SITE DATA AND GENERAL NOTES SHEET (2 OF 9) FOR ADDITIONAL INFORMATION.
 2. THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
 3. THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

EMERSON NORTH TOWNHOMES CITY OF APOPKA, FLORIDA EXISTING CONDITIONS PLAN - EAST		MASTER PLAN / PRELIMINARY DEVELOPMENT PLAN	
DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS 2000 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.844.4088		NOT FOR CONSTRUCTION DONALD W. MCINTOSH ASSOCIATES, INC. AUTHORIZATION NO. 68	
DRAWN BY MAB	CHECKED BY JTT	DATE 10/26/15	SCALE 1"=40'
DESIGNED BY MAB	JOB NUMBER 15051	REWARD PER CITY COMMENTS DATED 11/21/16 6/13/16	DATE 7/29/2016
DRAWING 15051-PEXIST		SHEET 4 OF 9	

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.

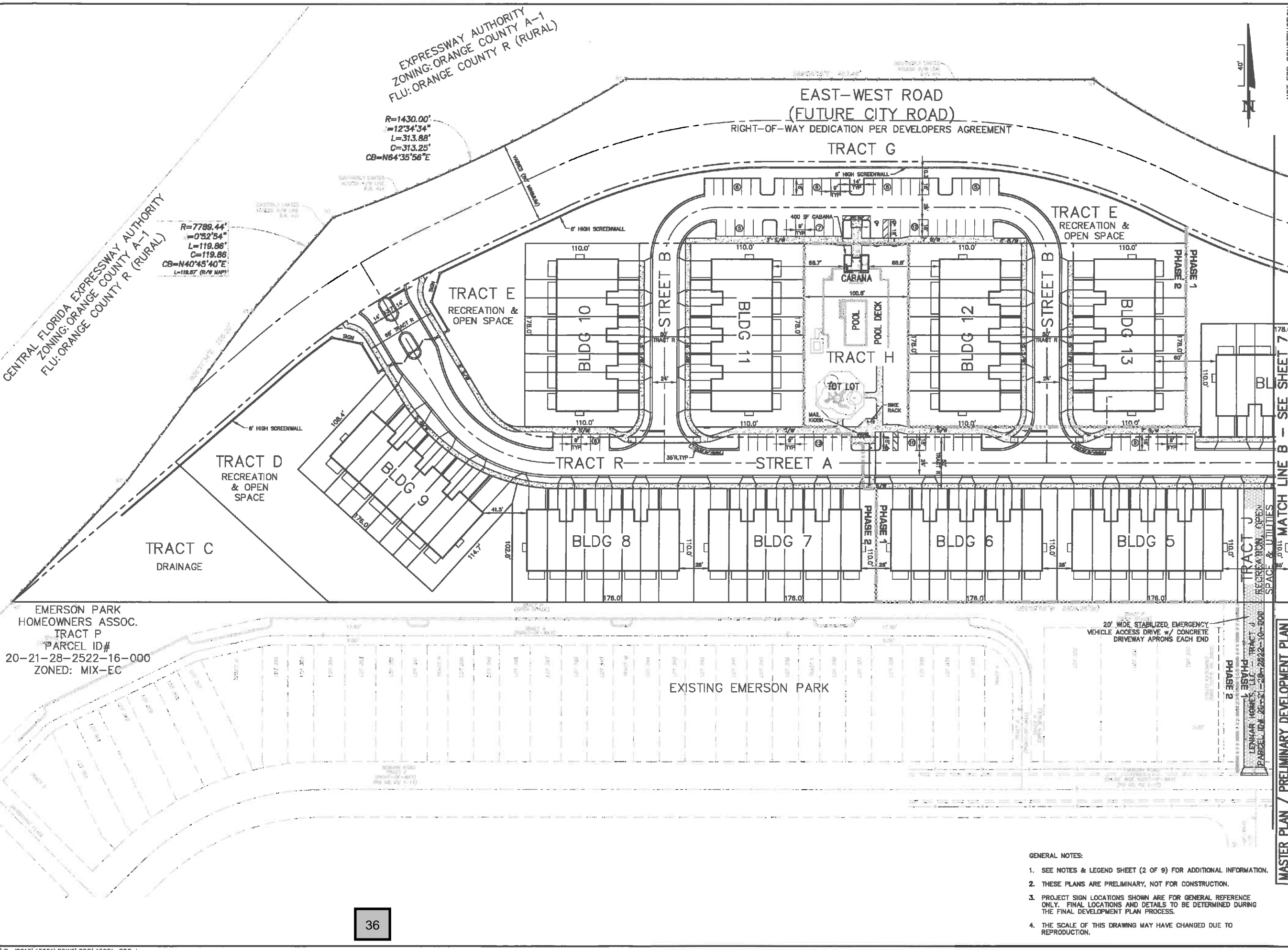


35

- GENERAL NOTES:
1. SEE SITE DATA AND GENERAL NOTES SHEET (2 OF 6) FOR ADDITIONAL INFORMATION.
 2. THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
 3. THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

MASTER PLAN / PRELIMINARY DEVELOPMENT PLAN		EMERSON NORTH TOWNHOMES CITY OF APOPKA, FLORIDA AERIAL	
DRAWING 15051-PAERIAL		ENGINEERS 2800 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.844.4088	PLANNERS SURVEYORS
DONALD W. MCINTOSH ASSOCIATES, INC.		NOT FOR CONSTRUCTION	
DONALD W. MCINTOSH ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NO. 08		JOHN T. TOWNSEND FLORIDA P.E. No. 52127 DATE: 7/29/2016	
DRAWN BY MAB	DESIGNED BY MAB	CHECKED BY JTT	JOB NUMBER 15051
DATE 10/29/15	SCALE 1"=100'	NO.	DATE
REVISIONS	REVISED FOR CITY COMMENTS DATED: 7/27/15	1	JTT
REVISIONS	REVISED FOR CITY COMMENTS DATED: 11/22/15	2	JTT
REVISIONS	REVISED FOR CITY COMMENTS DATED: 7/29/16	3	JTT

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



EMERSON NORTH TOWNHOMES
CITY OF APOPKA, FLORIDA
PRELIMINARY DEVELOPMENT PLAN - WEST

MASTER PLAN / PRELIMINARY DEVELOPMENT PLAN

EMERSON NORTH TOWNHOMES
PLANNERS SURVEYORS
DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS
2800 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.844.4088

NOT FOR CONSTRUCTION

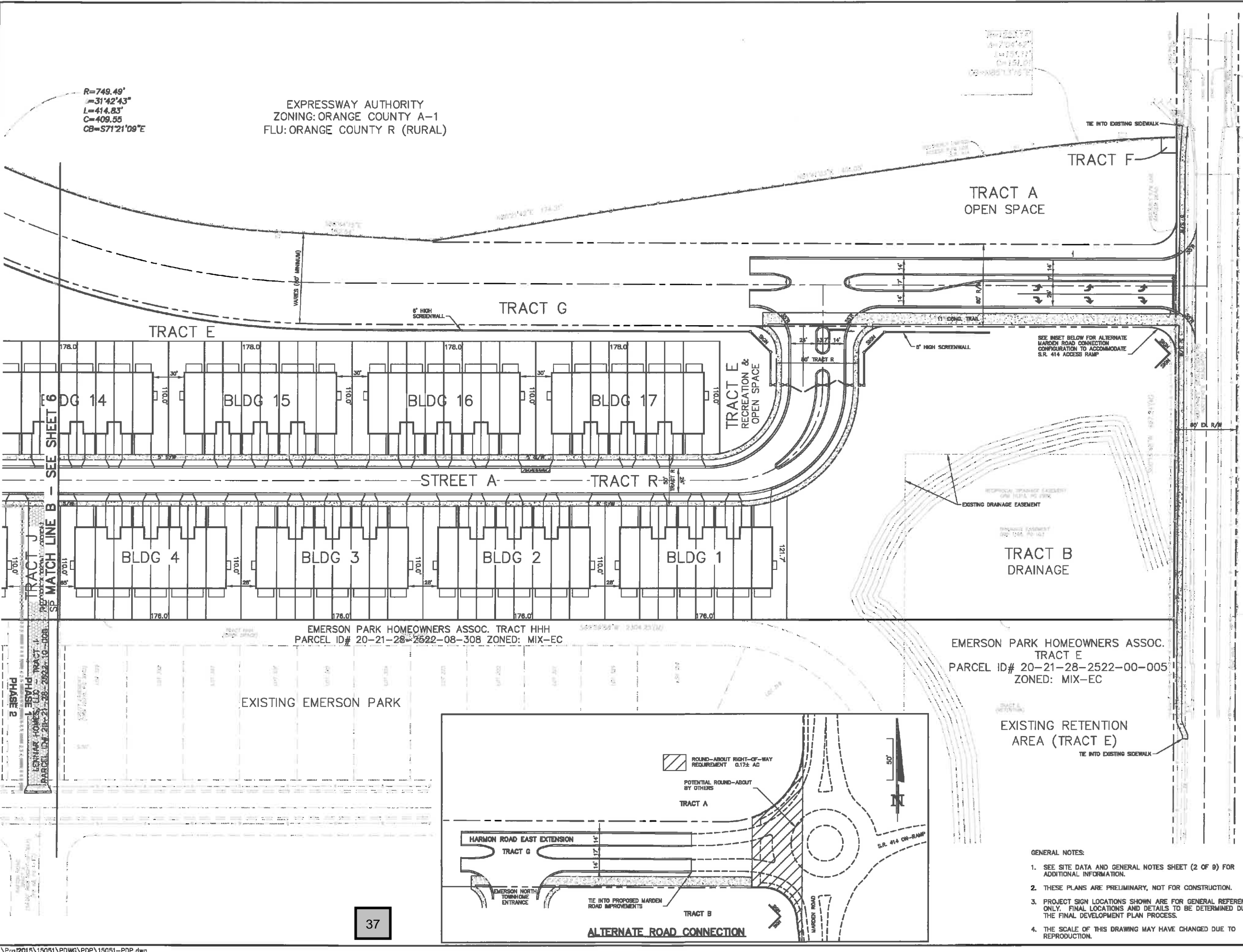
NO.	DATE	REVISIONS	CHK.
1	9/13/16	REVISED PER CITY COMMENTS DATED 11/12/16	JTT
2	7/14/16	REVISED PER CITY COMMENTS RECEIVED 7/15/16	JTT
3	7/29/15	REVISED PER CITY COMMENTS & REVISED PHASE LINE	JTT

DRAWN BY MAB	DESIGNED BY MAB	CHECKED BY JTT	DATE 10/29/15	SCALE 1"=40'	JOB NUMBER 15051	NO.
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DRAWING 15051-PDP SHEET 6 OF 9

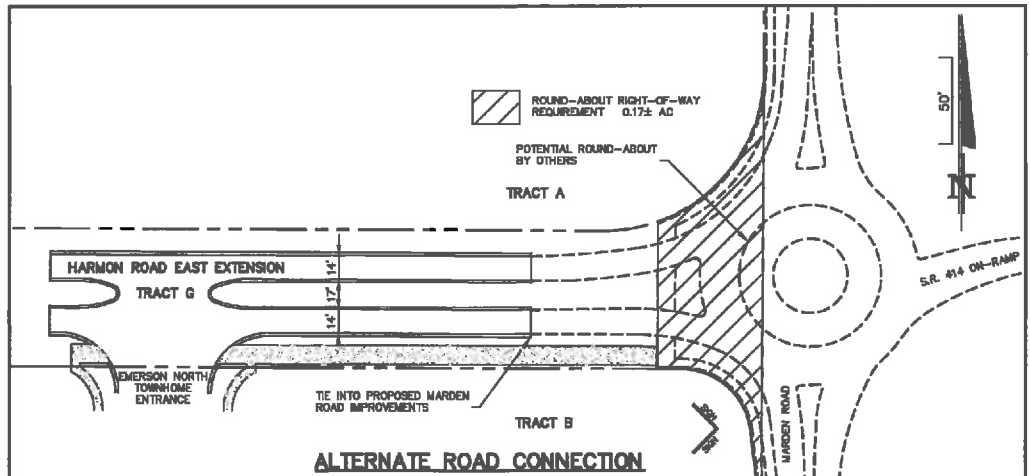
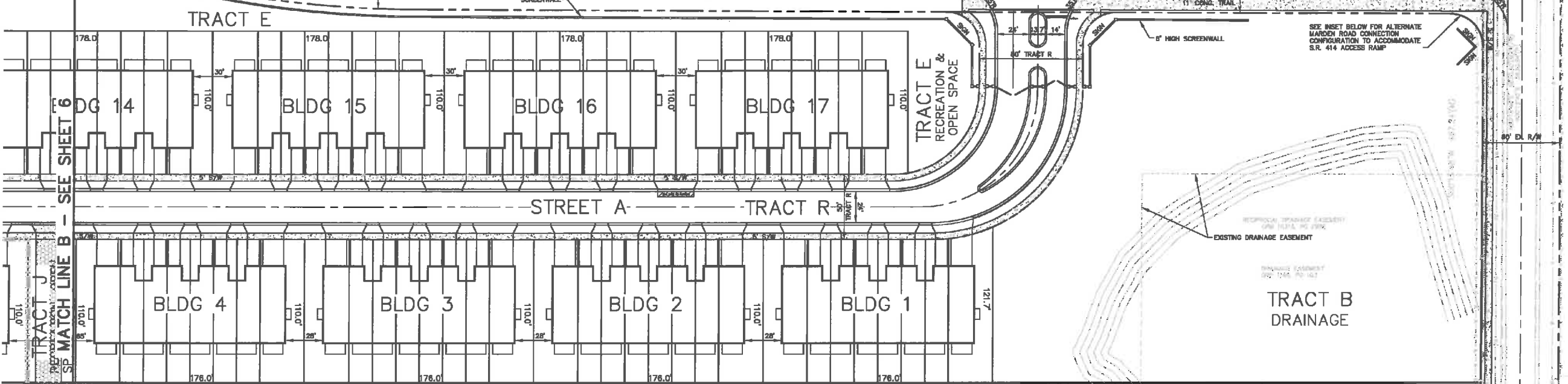
- GENERAL NOTES:**
- SEE NOTES & LEGEND SHEET (2 OF 9) FOR ADDITIONAL INFORMATION.
 - THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
 - PROJECT SIGN LOCATIONS SHOWN ARE FOR GENERAL REFERENCE ONLY. FINAL LOCATIONS AND DETAILS TO BE DETERMINED DURING THE FINAL DEVELOPMENT PLAN PROCESS.
 - THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



$R=749.49'$
 $\Delta=31'42''43"$
 $L=414.83'$
 $C=409.55'$
 $CB=571'21''09"E$

EXPRESSWAY AUTHORITY
ZONING: ORANGE COUNTY A-1
FLU: ORANGE COUNTY R (RURAL)



NOT FOR CONSTRUCTION

DONALD W. MCINTOSH ASSOCIATES, INC.
PLANNERS
2800 PARK AVENUE NORTH, WINTER PARK, FL 32789-4077-0444-4088
BURVEYORS

EMERSON NORTH TOWNHOMES
CITY OF APOPKA, FLORIDA

PRELIMINARY DEVELOPMENT PLAN - EAST

MASTER PLAN / PRELIMINARY DEVELOPMENT PLAN

DRAWING 15051-PDP
SHEET 7 OF 9

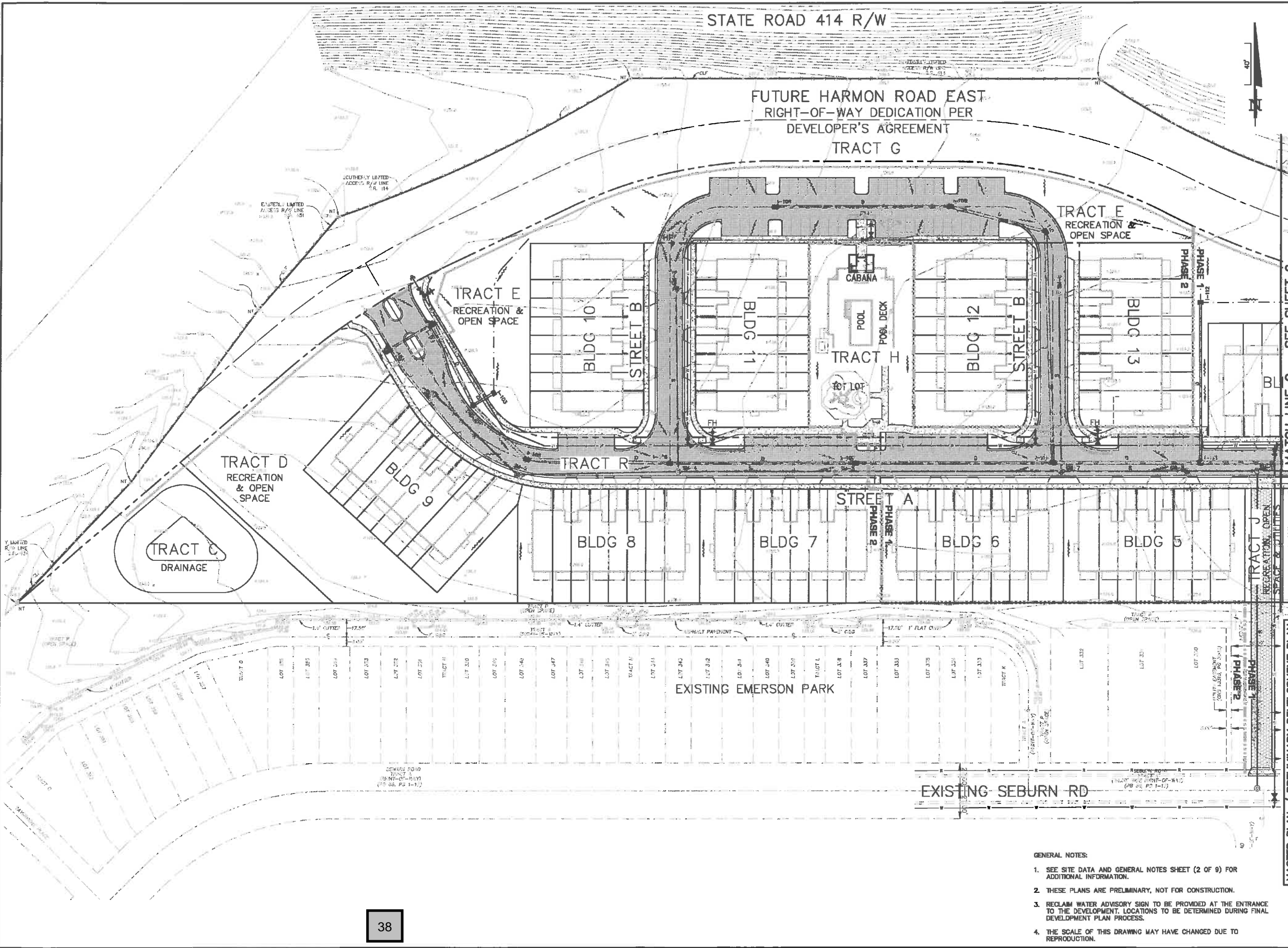
CENTRAL FLORIDA EXPRESSWAY
AUTHORITY PARCEL ID#
21-21-28-0000-00-010
ZONING: R-3

NO.	DATE	REVISIONS
1	9/13/19	REVISION PER CITY COMMENTS DATED 11/12/19
2	7/14/18	REVISION PER CITY COMMENTS DATED 7/5/18

DESIGNED BY: MAB
CHECKED BY: JTT
DATE: 10/26/15
SCALE: 1"=40'
JOB NUMBER: 15051
DRAWN BY: MAB

JOHN T. TOWNSEND
FLORIDA P.E. No. 52127
DATE: 7/29/2016
AUTHORIZATION NO. 88

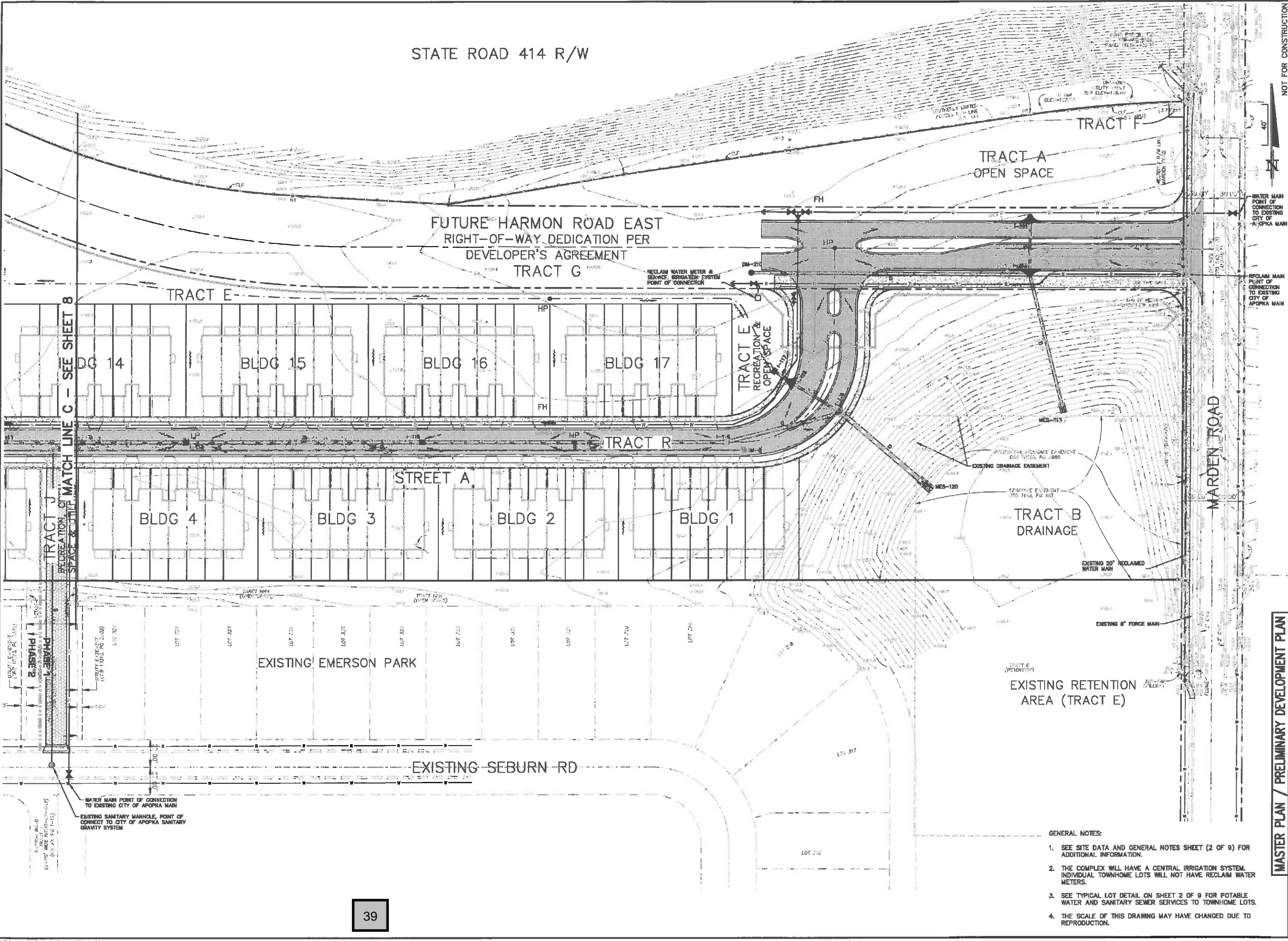
DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



EMERSON NORTH TOWNHOMES		PLANNERS		ENGINEERS		BLURVEYORS		DATE		NO. / DATE		REVISIONS	
CITY OF AOPKA, FLORIDA		2800 PARK AVENUE NORTH, WINTER PARK, FL 32789-407		15051		1:1"=40'		10/26/15		1		9/13/15	
PRELIMINARY PAVING, GRADING & UTILITY PLAN - WEST		MAB		JTT		JTT		JTT		JTT		JTT	
DRAWING 15051-PPGJ		SHEET 8 OF 9		DONALD W. MCINTOSH ASSOCIATES, INC.		NOT FOR CONSTRUCTION		JOHN T. TOWNSEND		FLORIDA P.E. No. 52127		DATE: 7/29/2016	

- GENERAL NOTES:**
- SEE SITE DATA AND GENERAL NOTES SHEET (2 OF 9) FOR ADDITIONAL INFORMATION.
 - THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
 - RECLAIM WATER ADVISORY SIGN TO BE PROVIDED AT THE ENTRANCE TO THE DEVELOPMENT. LOCATIONS TO BE DETERMINED DURING FINAL DEVELOPMENT PLAN PROCESS.
 - THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



MASTER PLAN / PRELIMINARY DEVELOPMENT PLAN

EMERSON NORTH TOWNHOMES
CITY OF APOPKA, FLORIDA
PRELIMINARY PAVING, GRADING & UTILITY PLAN - EAST

DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2800 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.844.4088

DESIGNED BY	MAB	CHECKED BY	JTT	DATE	10/28/15	SCALE	1"=40'	JOB NUMBER	15051
DRAWN BY	MAB	NOTED BY		DATE					
REVISIONS	NO.	DATE	BY	DESCRIPTION					
	1	6/13/16	JTT	REVISED PER CITY COMMENTS DATED 11/12/15					
	2	7/14/16	JTT	REVISED PER CITY COMMENTS DATED 7/8/16					

NOT FOR CONSTRUCTION

JOHN T. TOWNSEND
FLORIDA P.E. NO. 92127
DATE: 7/29/2016

DRIVING 15051-PPGU
SHEET 9 OF 9

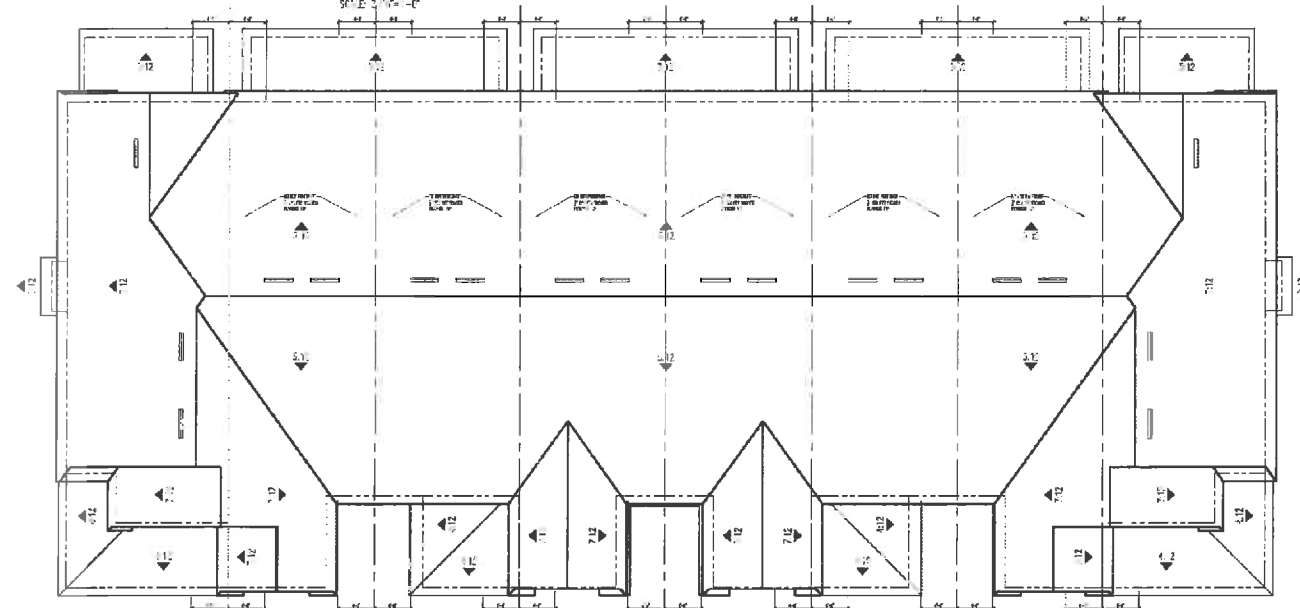
- GENERAL NOTES:
1. SEE SITE DATA AND GENERAL NOTES SHEET (2 OF 9) FOR ADDITIONAL INFORMATION.
 2. THE COMPLEX WILL HAVE A CENTRAL IRRIGATION SYSTEM. INDIVIDUAL TOWNHOME LOTS WILL NOT HAVE RECLAIM WATER METERS.
 3. SEE TYPICAL LOT DETAIL ON SHEET 2 OF 9 FOR POTABLE WATER AND SANITARY SEWER SERVICES TO TOWNHOME LOTS.
 4. THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.



BUILDING TYPE 8B - LEFT ELEVATION
SCALE: 3/8"=1'-0"



BUILDING TYPE 8B - RIGHT ELEVATION
SCALE: 3/8"=1'-0"



ANY DEVIATIONS TO THE BUILDING ELEVATIONS MAY BE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR IF SIMILAR IN APPEARANCE AND QUALITY.

SEE SHEET B8.3B. FOR BUILDING LIVING AREA.

FLORIDA ZONE
24311 Walden Center Dr., Suite 300
Bonita Springs, Florida 34134 (239) 495-4800



8-UNIT BUILDING ELEVATIONS
BUILDING TYPE 8B

REVISION	DATE	BY	DESCRIPTION
1	12/21/2013		
2			
3			
4			
5			
6			
7			
8			
9			
10			

PROJECT: THE VISTAS

PROJECT TYPE: MULTIFAMILY

SWIMMING POOL

CORNER HANDICAP

PROJECT NUMBER: 1.0

PROJECT NAME: The Vistas

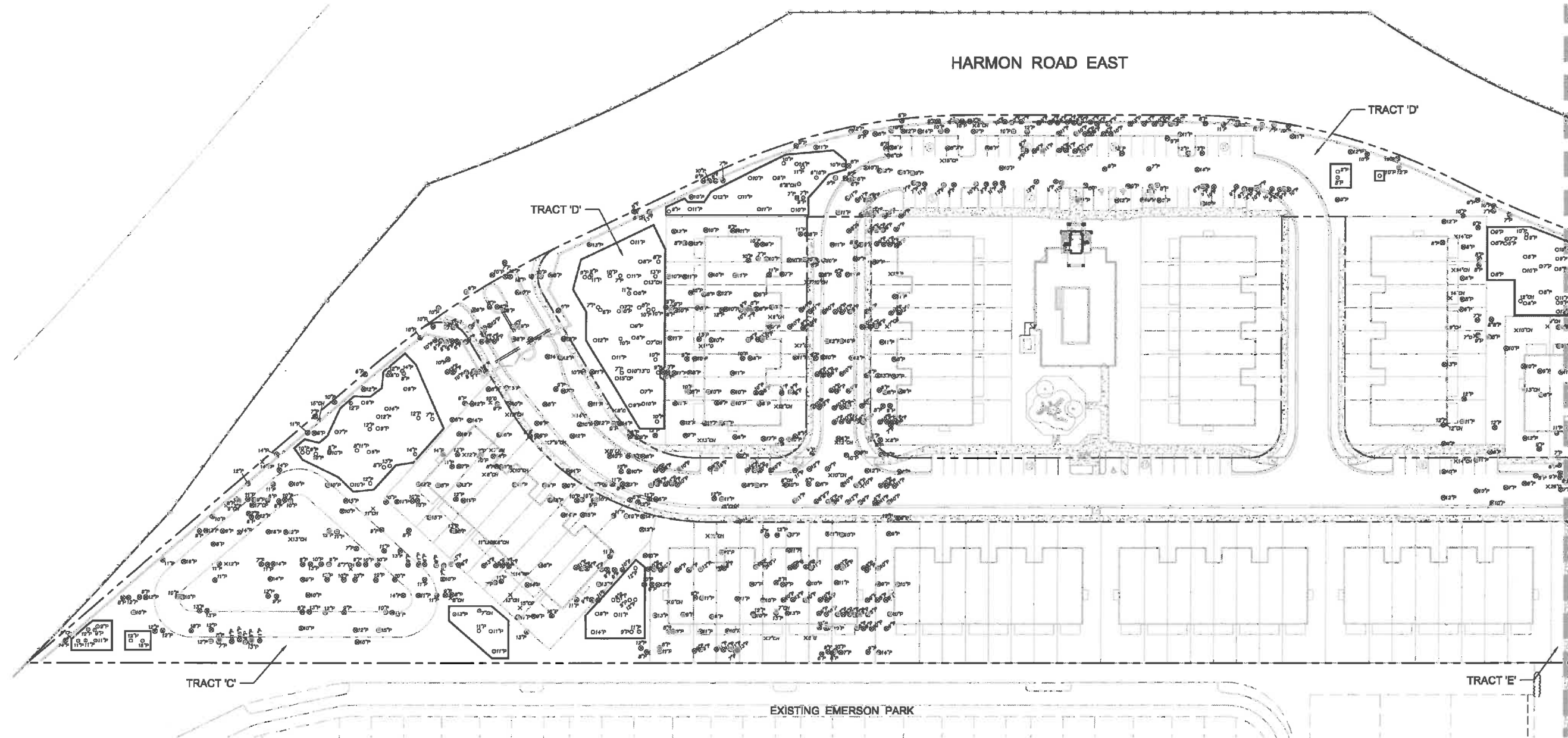
PROJECT NUMBER

DATE: 12/21/2013

SHEET: B8.4B



▲ 1/4" = 1' - HORIZON
 ▲ 1/8" = 1' - VERTICAL
 ▲ 1/8" = 1' - CITY CORRECTION



TREE PROTECTION NOTES

- PROTECT DESIGNATED EXISTING TREES SCHEDULED TO REMAIN AGAINST:
 - UNNECESSARY CUTTING, BREAKING, OR SKINNING OF ROOTS
 - SKINNING AND BRUISING OF BARK
 - SMOTHERING OF TREES BY STOCKPILING CONSTRUCTION OR EXCAVATION MATERIALS WITHIN DRIP-LINE
 - EXCESS FOOT OR VEHICULAR TRAFFIC
 - PARKING VEHICLES WITHIN DRIP-LINE
- ERECT TEMPORARY WOODEN BARRICADES AS SHOWN ON THIS SHEET (PLAN 4 DETAIL) BEFORE COMMENCEMENT OF ANY SITE CLEARING OR GRADING. FENCE TO BE 4' HIGH MINIMUM WITH 4 X 4 POSTS AND 2-2X4 RAILS AT 2' AND 4' ABOVE GRADE AND SHALL BE SET DEEP ENOUGH IN THE GROUND TO BE STABLE WITHOUT ADDITIONAL SUPPORT. ALL FENCING SHOULD BE AT OR GREATER THAN THE FULL DRIP LINE OF ALL PROTECTED PINE AND PALM TREES AND AT OR GREATER THAN TWO-THIRDS OF THE DRIP LINE OF ALL OTHER PROTECTED TREES. NOTHING SHALL BE PLACED INSIDE OF PROTECTED BARRICADES, INCLUDING BUT NOT LIMITED TO CONSTRUCTION MATERIAL, MACHINERY, CHEMICALS OR TEMPORARY SOIL DEPOSITS. WHEN PAVING, EXCAVATION OR HARDSCAPE MUST BE DONE WITHIN BARRICADES, BARRICADES SHALL BE MOVED BACK TO A SECONDARY LOCATION AT EDGE OF WORK. EXTRA CARE MUST BE TAKEN AT THIS TIME BY THE CONTRACTOR TO INSURE THAT NO DAMAGE TO THE TREE OCCURS.
- PROVIDE WATER TO TREES AS REQUIRED TO MAINTAIN THEIR HEALTH DURING CONSTRUCTION WORK.
- WHEN NECESSARY TO CUT ROOT OVER 1-1/2" DIAMETER OF TREES TO REMAIN, CUT MUST BE A CLEAN CUT, COAT CUT FACES OF ROOTS WITH AN EMULSIFIED ASPHALT OR OTHER ACCEPTABLE COATING FORMULATED FOR USE ON DAMAGED PLANT TISSUE. TEMPORARILY COVER EXPOSED ROOTS WITH NET BURLAP TO PREVENT DRYING AND COVER WITH EARTH AS SOON AS POSSIBLE.
- NO GRADE CHANGES ARE TO BE MADE WITHIN THE BARRICADES WITHOUT PRIOR APPROVAL OF THE OWNER OR HIS DESIGNATED REPRESENTATIVE.
- INTERFERING BRANCHES MAY BE REMOVED AT THE DIRECTION OF THE OWNER OR HIS DESIGNATED REPRESENTATIVE, BY A QUALIFIED TREE SURGEON.
- REPAIR OR REPLACE TREES INDICATED TO REMAIN, WHICH ARE DAMAGED IN THE CONSTRUCTION OPERATIONS, IN A MANNER ACCEPTABLE TO THE OWNER. EMPLOY A QUALIFIED TREE SURGEON TO REPAIR MAJOR DAMAGES TO TREES AND SHRUBS, PROMPTLY, TO PREVENT PROGRESSIVE DETERIORATION CAUSED BY THE DAMAGE.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF TREES DAMAGED BEYOND REPAIR WITH 3 TREES OF SIMILAR QUALITY AND SPECIES, SIZED TO MATCH THE LARGEST TREES OF THAT SPECIES BEING PLANTED AS PER THE LANDSCAPE PLAN. IF TREES ARE DAMAGED THROUGH NEGLIGENCE OR THROUGH NEGLIGENCE ON THE PART OF THE CONTRACTOR, CONTRACTOR SHALL BEAR THE BURDEN OF THE COST OF REPAIR OR REPLACEMENT.

TREE SURVEY DATA

TOTAL TREE INCHES ON SITE	3041
TOTAL TREE INCHES TO BE REMOVED	1696
TOTAL TREE INCHES TO BE PRESERVED	1441
TOTAL REPLACEMENT INCHES REQUIRED	165
TOTAL INCHES REPLACED	214
TOTAL INCHES POST DEVELOPMENT	2165
TOTAL SPECIMEN TREES (24" AND GREATER) TO BE REMOVED	2
TOTAL SPECIMEN INCHES RETAINED	0
SITE CLEARING AREA	28,311 SF. (6.55 AC.)

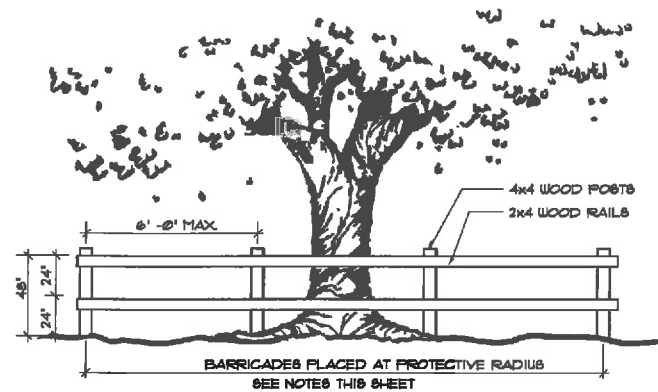
¹ THIS TOTAL IS A COMBINATION OF PROPOSED AND EXISTING RETAINED TREE CALIPER INCHES. SEE LANDSCAPE LEGEND ON SHEET PL-302 FOR PROPOSED TREE CALIPER TOTAL.

² SEE LANDSCAPE CODE SUMMARY CHART, SHEET PL-302 FOR MAXIMUM TREE STOCK FORMULA AND CALCULATIONS.

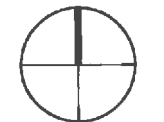
LEGEND

X	TREE TO BE REMOVED
⊗	PINE TREE TO BE REMOVED ¹
○	TREE TO BE PRESERVED
◻	TREE PRESERVATION AREA
8" P	TREE CALIPER AT BREAST HT. AND TYPE
CA	CANNON
CH	CHERRY LAUREL
CP	CABBAGE PALM
O	OAK
P	PINE
PM	PALM

¹ BECAUSE PINE TREES ON THIS SITE WERE PLANTED FOR SILVICULTURE PURPOSES, THEY ARE NOT COUNTED AS REMOVED TREES THAT REQUIRE REPLACEMENT.



TREE PROTECTION BARRICADE DETAIL
 SCALE: N.T.S.





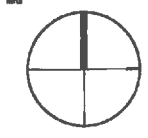
- Δ 1000 - 1" = 100' - REVISION #1
- Δ 1100 - CITY COMMENTS

EMERSON NORTH
TOWNHOMES

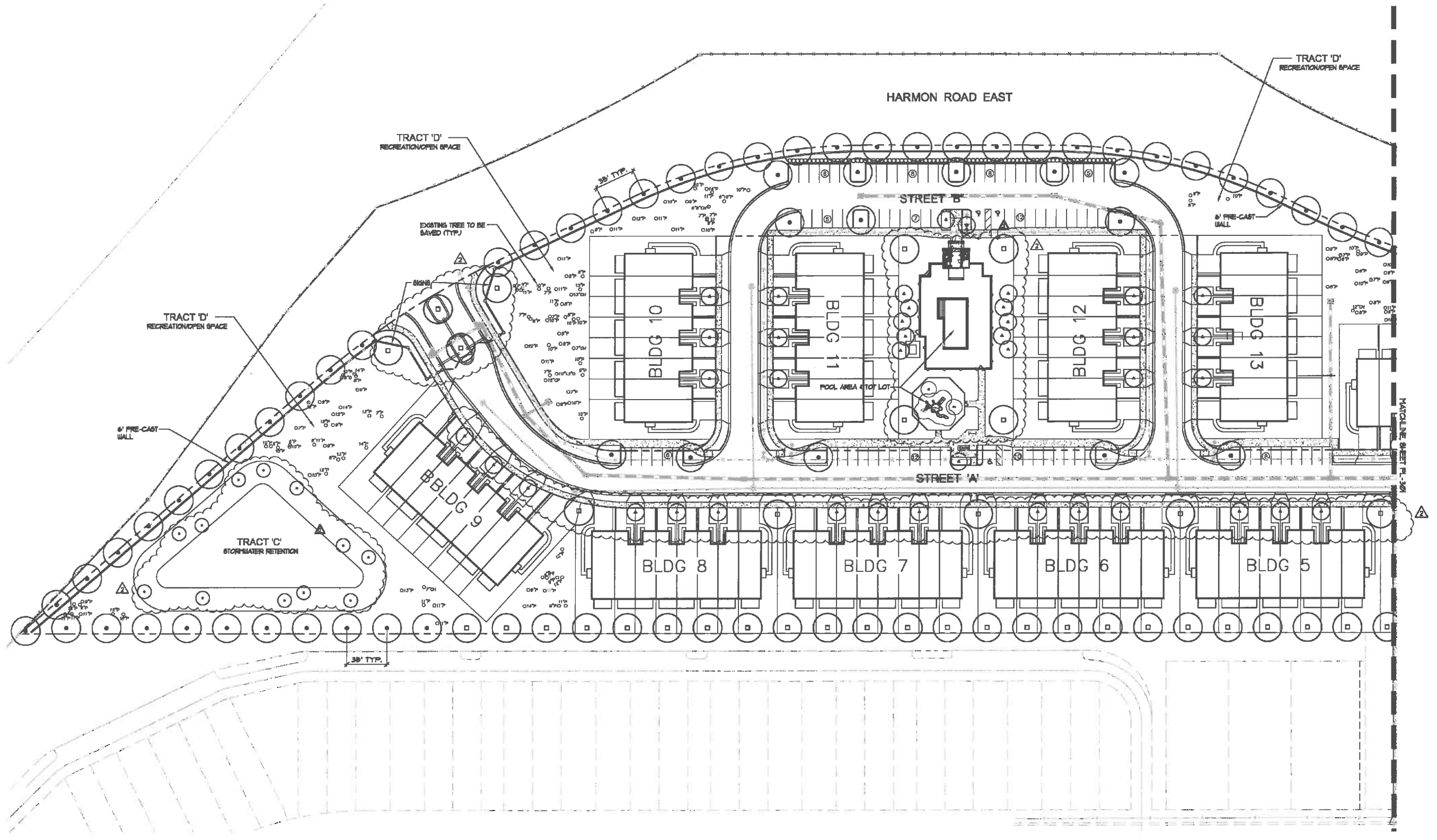
CITY OF APOPKA, FL.

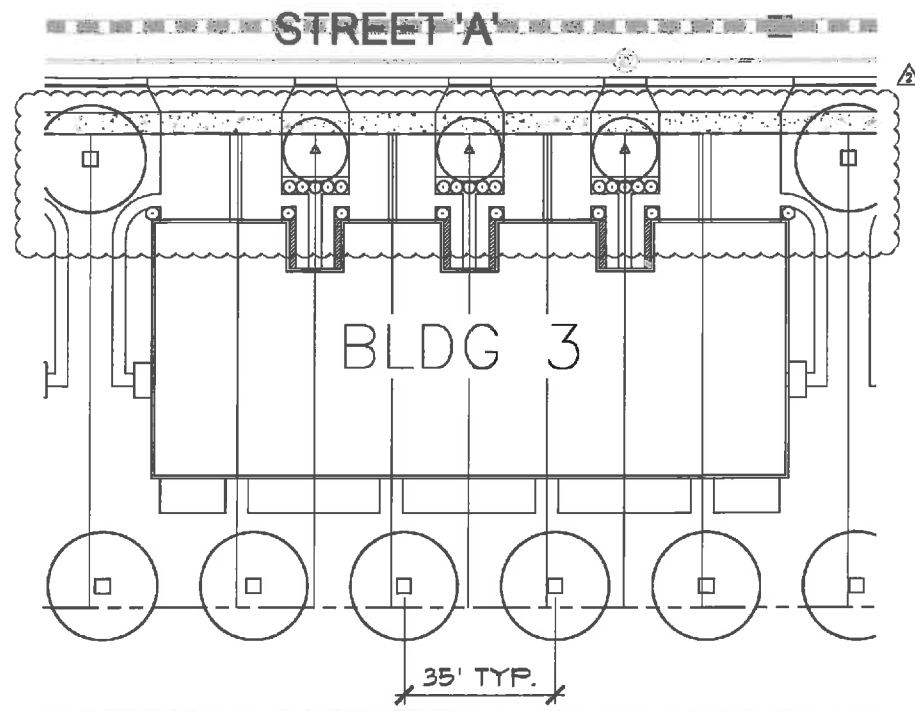
LANDSCAPE CODE
PLAN

Date: 10/15/15
 Scale: 1" = 40'
 Drawn: CFB, Checked: RRC
 File Name: B-TTH-PL300.DWG



Sheet: PL-300





1 TYPICAL 8 UNIT BUILDING SCALE: 1"=20'

LANDSCAPE LEGEND

SYMBOL	QUANTITY	DESCRIPTION	TOTAL CALIFER INCHES
(Symbol)	142	CANOPY SHADE TREE: MIN. 2 1/2" DBH CAL. AND 8' MIN. HT.	359
(Symbol)	73	CANOPY SHADE REPLACEMENT TREE: MIN. 3" DBH CAL. AND 8' MIN. HT.	279
(Symbol)	2	CANOPY RETENTION POND TREE: MIN. 3" DBH CAL. AND 8' MIN. HT.	36
(Symbol)	64	UNDERSTORY TREE: MIN. 1 1/2" DBH CAL. AND 6' MIN. HT.	96
(Symbol)	2	UNDERSTORY TREE: MIN. 1 1/2" DBH CAL. AND 6' MIN. HT.	30
(Symbol)	168	SCREENING SHRUB: MIN. 36" HT. AND 42" O.C.	124 TOTAL PROPOSED POST-DEVELOPMENT CALIFER INCHES*
(Symbol)	51	BUFFER SHRUB FROM MARDEN RD.: MIN. 24" HT. AND 36" O.C.	
(Symbol)	572	BUILDING FOUNDATION SHRUB: MIN. 24" HT. AND 36" O.C.	
(Symbol)	718	BUILDING FOUNDATION GROUND COVER: MIN. 8" HT. AND 18" O.C.	

*124 PROPOSED INCHES + 144 PRESERVED INCHES = 268 TOTAL CALIFER INCHES. THIS EXCEEDS THE 168 INCHES REQUIRED FOR REPLACEMENT.

CODE LANDSCAPE NOTES

- CARE WILL BE TAKEN NOT TO CHANGE ORIGINAL GRADE AROUND EXISTING TREES DESIGNATED TO REMAIN.
- AN IRRIGATION PLAN SHALL BE SUBMITTED IN COMPLIANCE WITH ARTICLE 8.08 AT TIME OF FINAL CONSTRUCTION PLAN SUBMISSION.
- SELECTION OF PLANT SPECIES SHALL BE MADE BASED UPON FLORIDA FRIENDLY LANDSCAPE CONCEPTS OUTLINED IN THE UF/IFAS FLORIDA YARDS AND NEIGHBORHOODS (FYU) HANDBOOK AND AS IDENTIFIED IN THE UF/IFAS PUBLISHED FLORIDA FRIENDLY PLANT LIST (CURRENT EDITION).
- UNLESS EXEMPTED BY THE CITY, NO MORE THAN 50% OF THE GREEN SPACE AREA OR ONE-HALF ACRE, WHICHEVER IS SMALLER, MAY BE PLANTED WITH A LAWN GRASS THAT HAS A RATING OF "POOR" OR BETTER AS IDENTIFIED IN THE UF/IFAS FLORIDA YARDS AND NEIGHBORHOODS PROGRAM.
- THERE IS NO LIMIT ON THE GREEN SPACE AREA THAT MAY BE PLANTED WITH A LAWN GRASS HAVING A RATING OF "POOR" OR BETTER AS IDENTIFIED IN THE UF/IFAS FLORIDA YARDS AND NEIGHBORHOODS PROGRAM.
- ALL LANDSCAPING SHALL BE INSTALLED IN A SOUND WORKMANLIKE MANNER AND IN ACCORDANCE WITH ACCEPTED AND PROPER PLANTING PROCEDURES.
- INSTALLED PLANTS SHALL CONFORM TO OR EXCEED THE MINIMUM STANDARDS FOR FLORIDA NO. 1 AS PROVIDED IN THE MOST CURRENT EDITION OF "GRASSES AND STANDARDS FOR NURSERY PLANTS" PREPARED BY THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- ROOT BARRIERS WITH A MINIMUM DEPTH OF 36 INCHES MUST BE INSTALLED WHEN CANOPY TREES ARE PLANTED WITHIN 5 FEET OF UTILITIES, WALLS, SIDEWALKS AND ANY OTHER STRUCTURE AS DETERMINED BY THE CITY.
- THE ORGANIC CONTENT OF THE TOP 4 INCHES OF THE LAWN BED FOR ALL AREAS TO BE SEEDED OR SODED SHALL BE A MINIMUM OF 5 PERCENT.

GENERAL NOTE:
- ALL TREES WILL BE MEASURED AT D.B.H.



120 West Robinson Street
Orlando, Florida 32801-1617
Phone (407) 648-2225
www.fosterconant.com



SCALE - CITY COVERS

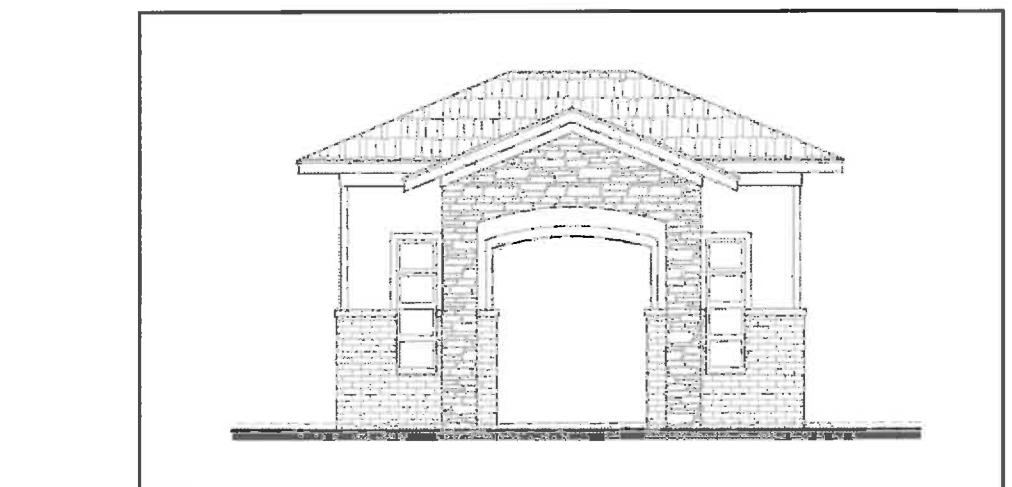


2 PLAYGROUND PERSPECTIVE SCALE: N/A

LANDSCAPE CODE SUMMARY CHART

REQUIREMENT	CODE REFERENCE	CALCULATION	REQUIRED	PROVIDED	SIZE
PERIMETER LANDSCAPING NOT ABUTTING STREET OR PARKING					
1 CANOPY TREE PER 30'	5.01.06(1)	430' PERIMETER LENGTH / 30	14 TREES	121	MIN. 2 1/2" DBH CAL. & 8' HT.
BUFFER LANDSCAPING ABUTTING PUBLIC RIGHT-OF-WAY (MARDEN ROAD)					
1 TREE PER 27' AND CONTINUOUS HEDGE	5.01.18(1)	257' PERIMETER LENGTH / 25	11 TREES & HEDGE	12 TREES & HEDGE	TREES MIN. 1 1/2" DBH CAL. & 8' HT. (11 TREES MIN. 24" HT. & 36" O.C.)
PARKING LOT LANDSCAPING					
1 CANOPY TREE PLUS 1 CANOPY TREE PER 20 SPACES	5.01.14(1)	1 TREE + 85 SPACES / 20	6 TREES	13 TREES	MIN. 2 1/2" DBH CAL. & 8' HT.
HEDGE ROW WHEN ADJACENT TO STREET @ 3' O.C.	5.01.06(1)	287' / 6	128 SHRUBS	52 SHRUBS	MIN. 36" HT.
MIN. 50% OF PARKING AREA TO BE COVERED BY MATURE TREE CANOPY	5.01.26(1)	16,800 S.F. PKG. AREA x .30	4886 S.F.	7154 S.F. OF COVERAGE	77' PROJECTED MATURE CANOPY DIAMETER AND 25' UNDERSTORY DIAMETER
MIN. 10% OF PARKING AREA TO BE LANDSCAPED	5.01.26(2)	16,800 S.F. PKG. AREA x .10	1680 S.F.	2554 S.F. (15%) OF LANDSCAPE AREA	VEGETATION MUST INCLUDE TREES, SHRUBS AND GROUND COVER
8 UNIT BUILDING FOUNDATION LANDSCAPING					
LANDSCAPE MIN. 50% OF UNCALCULATED LENGTH OF BLDG. BASE COVERED TO 10'-12" F.O.W. PARKING WITH MIN. 4' BED WIDTH	2.02.18(5)(1)	148' / 10.5	198 S.F. OF LANDSCAPE	300 S.F.	MIN. 24" HT. @ 36" O.C. NO MORE THAN 10% GROUND COVER
PROVIDE TREES AT A RATIO OF 1 TREE PER 200 S.F. OF REQUIRED LANDSCAPE AREA	2.02.11(5)(3)	249 S.F. / 200	2 TREES	4 TREES	MIN. 2 1/2" DBH CAL. & 8' HT. FOR PROJECTED CANOPY TREE; AND 1 1/2" DBH CAL. & 6' HT. FOR UNDERSTORY TREES
TREE REPLACEMENT					
CITY REQUIREMENT FOR MAXIMUM TREE STOCK ON A PROPERTY FOR REPLACEMENT PURPOSES	5.01.27(1)	S.F. SITE AREA (708,720) x .01 S.F. / 1000 x 3.5 = 2.47	2.47 DBH CAL. INCHES PROPOSED TO BE REPLACED TREES	2.47 DBH CAL. INCHES PROPOSED TO BE REPLACED TREES	MIN. 3" DBH CAL. & 8' HT. FOR REPLACEMENT TREES
MINIMUM TREE REQUIREMENT					
PLANT 1 TREE PER 8000 SQ. FT. OF SITE AREA	5.01.04(1)	708,720 S.F. SITE AREA / 8000	88 TREES	870 PROPOSED TREES AND 130 PROPOSED UNDERSTORY TREES	MIN. 2 1/2" DBH CAL. & 8' HT. FOR PROJECTED CANOPY TREES; AND 1 1/2" DBH CAL. & 6' HT. FOR UNDERSTORY TREES
PROPERTY PERIMETER ABUTTING A STREET					
PLANT 1 CANOPY SHADE TREE AND TEN SHRUBS PER 35 LINEAL FEET OF PROPERTY PERIMETER ABUTTING A STREET	5.01.19(1)	CITY STREET FRONTAGE LENGTH / 35	6 TREES AND 80 SHRUBS	8 TREES AND 80 SHRUBS	SHRUBS MIN. 36" HT. TREES MIN. 2 1/2" DBH CAL. & 8' HT.
PARK TRACT LANDSCAPING					
TRACTS 1/2, 1, AND 10 SHALL HAVE A MINIMUM OF ONE CANOPY TREE FOR EVERY 4000 SQ. FT.	5.01.36(1)	116,728 S.F. / 4000	29 TREES	148 PRESERVED TREES	TREES MIN. 3" DBH CAL. & 8' HT.

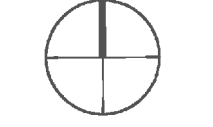
*DUE TO THE PRESENCE OF ELECTRICAL OVERHEAD POWER LINES ALONG THE PUBLIC RIGHT-OF-WAY, UNDERSTORY TREES THAT SHALL NOT EXCEED A MAXIMUM HEIGHT OF 12 FEET ARE PROVIDED BENEATH THE CANOPY OF THESE LINES.



3 CABANA/CLUBHOUSE ELEVATION SCALE: N/A

EMERSON NORTH TOWNHOMES
CITY OF APOKA, FL
LANDSCAPE DETAILS & NOTES

Date: 10/15/15
Scale: AS NOTED
Author: CFB
Checked: RRC
File Name: EMTH-PL302.DWG



the mixed-use and PUD districts. This area may be aggregated with other recreation land requirements.

4. Neighborhood activity center. A neighborhood activity center shall be provided and located within the common use area. The facility shall be one of the following enclosed or open type structures: Meeting halls, recreation facilities, such as gazebos, covered pavilions, etc. The activity center is subject to the following regulations:
 - a. Developments made up of less than 300 units shall be required to construct a minimum total of 2,000 square feet of facility or facilities.
 - b. Developments made up of more than 301 units shall be required to construct a minimum total of 3,000 square feet of facility or facilities or a minimum of eight square feet for each residential dwelling unit, whichever is greater.
 - c. The facility shall be located within or adjacent to the required public square.
 - d. No more than 25 percent of the total required square footage may be in the form of open type facilities.

I. Multi-family development requirements. Developments that incorporate a multi-family residential component shall be subject to the following regulations:

1. The maximum allowable percentage of multi-family residential shall be as follows:
 - a. Under no circumstance shall multi-family housing types (duplex, triplex, apartment, condominium, and townhouse) exceed 50 percent of the overall Mixed-EC master plan residential units.
 - b. Under no circumstance shall multi-family housing types (duplex, triple, apartment, condominium, and

townhouse) exceed 20 percent of the overall Mixed-CC master plan residential units.

2. Density and intensity. The density and intensity requirements of the development shall be as provided for in the mixed-use zoning district.
3. Vehicle storage areas. All interior/exterior vehicle storage areas (i.e., garages, driveways, vehicle use areas, etc.) shall be located and accessible to/from the rear of the building(s) and/or lots.
4. In cases where multi-family developments or units are located near/adjacent to single-family (i.e. lower residential density) developments, the multi-family building(s) shall be designed to architecturally resemble single-family residential styles. The multi-family building(s) shall reduce the building's bulk, height, and provide facade treatments to reflect the single-family character of the development.
5. Porches and balconies are encouraged when facing a public street.

J. Town center development. Mixed-use developments that provide for single-family lot widths less than 75 feet shall be required to provide a town center. The uses typically found in a town center include but are not limited to retail shops, restaurant, offices, banks, hotels, governmental offices, community centers, single family residences and multi-family residences. All town center development projects shall be subject to the following regulations:

1. Purpose and intent. These requirements are intended to provide for compact mixed use commercial, office and residential uses located as the focus of the entire development. The town center shall include a balanced mix of retail commercial, office, and residential. No one use shall dominate the neighborhood center.
2. The requirements of the common use area of section H shall apply to all town center development projects.