

CITY OF APOPKA

Minutes of the special City Council meeting held on March 27, 2018, at 5:30 p.m., at the Apopka Community Center.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Kyle Becker
Commissioner Doug Bankson
City Attorney Cliff Shepard

PRESS PRESENT: John Perry - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Kilsheimer introduced Pastor Waldemar Serrano of Remnant Christian Center who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer led in the Pledge of Allegiance.

PUBLIC HEARING/ORDINANCES/RESOLUTION

1. Ordinance No. 2581 – Second Reading - Comprehensive Plan Amendment – Large Scale – Project: New Errol - Apopka - Signature H Group LLC - Location: North of Old Dixie Highway, south of Lester Road, west of Vick Road. The City Clerk read the title as follows:

ORDINANCE NO. 2581

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM PARKS AND RECREATION TO RESIDENTIAL MEDIUM LOW (0-7.5 DU/AC), RESIDENTIAL LOW (0-5 DU/AC), RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC), COMMERCIAL (MAXIMUM 0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF VICK ROAD, SOUTH OF WEST LESTER ROAD, AND NORTH OF OLD DIXIE HIGHWAY, COMPRISING APPROXIMATELY 75.06 +/- ACRES, MORE OR LESS AND OWNED BY 5TH HOLE INVESTMENTS LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

David Moon, Planning Manager, said his presentation would address both the Future Land-use Map amendment as well as the zoning application. The applicant is Signature H Group and the owner is Signature H Group and 5th Hole Investments. The action Council will take tonight is the future land use amendment second hearing, change of zoning first reading, subject to approval of a development agreement. He advised the development agreement is not on this agenda, but will

be before Council during the April 11, 2018, meeting. He reiterated that on August 22, 2017, City Council addressed the transmittal of the Future Land Use Amendment for the New Errol properties where they accepted the first reading of Ordinance 2581 and transmittal to the Florida Department of Economic Opportunity. He advised comments came back from the state regarding compliance and compatibility with state laws and policies. There were no substantial comments from state agencies. He advised the recommendation for Ordinance No. 2581 is to hold it over to the April 11, 2018, meeting. He went on to review the change of zoning from Parks and Recreation and Planned Unit Development to Planned Unit Development and Master Plan and presented in Ordinance No. 2638. Mr. Moon reported that prior to development within or for each Phase, Neighborhood, or Community and Neighborhood Park that these will be reviewed by Council through a Preliminary Development Plan and a Final Development Plan. The final development plan serves as a construction plan to demonstrate how roads, water, sewers, utilities and recreation facilities will be constructed or installed. The New Errol PUD Master Plan does not address redevelopment of the remaining vacant land once used as a golf course and owned by 5th Hole Investments. He advised the applicant, Signature H Group LLC has publicly committed at both Planning Commission and City Council meetings to develop this former golf course into a new 18-hole golf course. The Development Agreement will be presented no later than the second hearing to address the developer's commitments to the construction of a new golf course. Mr. Moon went through a brief review of each proposed Neighborhood. The recommended action is to approve the First Reading of Ordinance 2638 and hold it over for a Second Reading and adoption on April 11, 2018, subject to adoption of Ordinance 2581 and acceptance of a Development Agreement. A copy of the staff reports is filed with the minutes.

Jonathan Huels, Lowndes, Dostrick, Doster, Kantor & Reed, P.A., said he had the pleasure of serving as the land-use counsel for the owner/developer of the New Errol project. He stated their presentation would be in support of both the Comprehensive Plan Amendment and the rezoning ordinance. He advised they concurred with staff recommendation to defer action on the Comprehensive Plan Amendment until the April 11th hearing, and request approval of the First Reading of the rezoning ordinance. He submitted into the record an evidence finder they put together that includes documents that have previously been submitted and reviewed by city staff, agenda and minutes, as well as affidavits of their team.

Helmut Wyzisk, III, with Signature H Property Group recognized their team to include H. Wyzisk, II, Larry Klein of 5th Hold Group, Paul Fisher, General Manager, Jonathan Huels, P.A., Blake Drury and Andrew McCown from GAI Consultants, Xabier Guerricagoitia of Boyd Civil Engineering, Bob and Derek Kars of Karotech Construction, Steve Smyers with Steve Smyers Golf Course Architects, Guy Butler and Kevin Moore of Butler Moore Architects, Mike Miraglia of Xude Hospitality, Jerry Clinebell of Resort & Club Realty, Vasu Persuad of Traffic, Planning & Design, Hank Fishkind of Fishkind & Associates, Bob Carmichael, Noreen Harrington, Steve Tye, and Jeff Neal from Developer Capital, John Tuhela of Weller Pools, Mark Ausley of Bio-Tech Consulting, Terry Degross, Mike Geden, and Melissa James from Universal Engineering. Mr. Wyzisk said they started on this project in March 2016 and gave the chronological order of their work and meetings to date. He said one of the key aspects of getting this project where it is today was the feedback from the community.

Blake Drury, GAI Consultants, reviewed some of the details of the plan to include the proposed zoning and proposed future land use. He stated they feel the redevelopment of the golf course can

happen faster if it is not included in the PUD, although the Developer's Agreement can link the two together. He reviewed the overall plan and went through each Neighborhood.

Vasu Persuad, Traffic Planning & Design, said he is a civil engineer and a planner and stated that he does not reside in Errol Estates, but he does own a home that backs up to Errol Parkway, so traffic is a concern of his as well. He stated that a previous question was why they were not having more access from Vick Road and he affirmed that from a traffic standpoint, the more access intersections you have, the more conflicts and more potential for accidents. He said careful thought went into the traffic analysis concerning the spine road emptying out on to Errol Parkway, Vick Road, and Lexington Parkway. He stated by sharing the number of intersections accessing the spine road, you spread the traffic so there is less of a chance of congestion at any one intersection.

Henry Fishkind, Fishkind & Associates, discussed golf course economy and the trend of the demand for golf dwindling. He reviewed trends in Florida to include opening of new courses as well as closure of courses.

Robert Carmichael and Noreen Harrington of Developer Capital, reviewed projects they have been involved with and the financial strategy for the New Errol project.

Steve Smyers, Steve Smyers Golf Course Architects, provided background of courses he has worked with and he spoke of his passion about golf. He started to work on this project in September and was excited to be a part of this project.

Guy Butler, Butler Moore Architects, reviewed projects they have worked on and said they were proud to be a part of this project.

John Tuhela, Weller Pools, said they are a local firm from Apopka and were honored to be a part of this team. This project will include a multipurpose pool with a zero entry, lap swimming, a lazy river, and a slide.

Mr. Huels provided closing remarks and reviewed the phasing plan that will be incorporated in the final master plan and the development agreement. He said the developer was committed to dedicating the entire length of the spine road right-of-way before the first residential building and complete the first segment of the spine road. The developer will also commence construction of the golf course if approved. He stated a bond will be issued by the developer for completion of the second phase of the spine road and completion of the community park. The developer has committed that both the clubhouse and water park will be completed before the ALF opens. The community park will be completed and the first 9 holes will be completed before starting Neighborhood C. Before Neighborhood D the spine road will be completed and open. The entire golf course will be completed before Neighborhood E. A copy of the overall presentation is filed with the minutes.

Commissioner Bankson said the performance bond was important to him. He spoke of two issues which are the spine road and buffer. He disclosed that he met with Signature H and a few members of the community to better understand. There is concern of using the city streets for construction traffic and he would like to see this minimized. He spoke of the buffer wall and said this has been a two-year process for the developer, but it has been a lifelong process for residents and a big cost

to them by losing a view they have had and expected to have. He would like to see them work together on this and acknowledged the community meetings, but asked that there be some compromise. He spoke of the debris and asked that this be removed.

Commissioner Dean spoke of the lakes and stated that they dry in the summer months and when questioning who would maintain these, he was advised the golf course will be maintaining these.

Commissioner Becker said he would like to clarify some points from the last meeting and where they were today and asked Mr. Wyzisk to clarify a comment made from the last meeting that the ALF was underwriting the project, but under the phase plan it does not appear to be completed until Phase 2.

Mr. Wyzisk said the ALF was not underwriting the entire project, but a portion of it is supporting the golf operation and the long term sustainability. He stated they will have the club and waterpark open prior to the ALF opening.

Discussion ensued regarding the first nine holes of the golf course being opened prior to completion of the entire golf course.

Commissioner Becker asked where in the documents does it contractually say they are obligated to build the waterpark as it is being presented.

Mr. Huels said the level of detail being brought forward at this point in the development process is more than most other jurisdictions require, but they needed to do that because of the complicated project. He said if this is approved, before they can go forward they will be coming forward with preliminary development plans.

Commissioner Becker said all they have heard is the amenities will be first and this will drive the residential. He said this is the first they have heard any of the detail regarding financials.

Mayor Kilsheimer said the Development Agreement has been subject of a lot of negotiation between the City and the development team and they received the final draft today, and it is still not fully worked out. He asked Mr. Huel to speak of some of the financial performance guarantees contained in the agreement.

Mr. Huels said the final version will be before Council April 11, 2018, that the City Attorney and staff will be able to stand behind. He said the goal with this agreement is to provide assurance this project is going to be built as being represented to the community. He stated this will have bonding language for the entire project.

Council recessed at 8:06 p.m. and reconvened at 8:21 p.m.

Mayor Kilsheimer opened the meeting to a public hearing.

Eric Whynot, Esquire, was representing the Errol Estate Property Owners Association as well as The Courtyards. He said there were two major concerns that would require City Council action to mitigate prior to approval of the New Errol PUD Master Plan: Construction Entrance, use of Errol

Parkway and requested Council deny the use of Errol Parkway as a construction entrance. The second concern is in regards to buffers adjacent to existing residents and the wall placement. He said they would like to request Council require the walls inset 5 to 10 feet in the buffer away from the homeowners' lot line. A copy of Mr. Whynot's presentation is on file in the Clerk's office.

The following people spoke in favor of the project:

Barbara McLeod	Hank Fishkind
Michael Miraglin	Kristen Reilly
Carol Sliman	Gabriele Faulkner
Tom Watson	David Middag
Jerry Clinebell	Jacqueline Butler
Kellie Cox	Christina Angott
Victoria Davies	

The following people were not against the project, but asked for variations such as: Requesting the wall be set 5-feet into the buffer; the developer make a construction entrance off Vick Road rather than utilizing Errol Parkway. Concerns expressed regarding the closeness of the property lines of Golf Villas to the spine road and whether a wall or berm will be utilized. Mr. Fenwick's presentation is on file in the Clerk's office.

Robert Goff

Dale Fenwick

Carl J. Freeman spoke against the project. He expressed concerns regarding Lexington Parkway and increased traffic with new roads intersecting Lexington Parkway. A copy of his presentation and submitted photographs are on file in the Clerk's office.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to continue the public hearing for Ordinance 2581 to the April 11, 2018, meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Ordinance No. 2638 – First Reading - Change of Zoning & Master Plan - Project: New Errol. Signature H Group LLC - Location: North of Old Dixie Highway, south of Lester Road, west of Vick Road. The City Clerk read the title as follows:

ORDINANCE NO. 2638

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PARKS AND RECREATION AND PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (NEW ERROL); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF VICK ROAD, SOUTH OF WEST LESTER ROAD, AND NORTH OF OLD DIXIE HIGHWAY, COMPRISING APPROXIMATELY 75.06 +/- ACRES, MORE OR LESS AND OWNED BY 5TH HOLE INVESTMENTS LLC;

**PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

Presentation provided in conjunction with Ordinance 2581.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez to approve Ordinance No. 2638 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

ADJOURNMENT – There being no further business the meeting adjourned at 9:32 p.m.

ATTEST:

_____/s/_____
Linda F. Goff, City Clerk

_____/s/_____
Bryan Nelson, Mayor