

CITY OF APOPKA

Minutes of the City Council special meeting held on August 22, 2017, at 5:30 p.m., at the Apopka Community Center.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Doug Bankson
Commissioner Kyle Becker
City Attorney Andrew Hand
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Teresa Sargeant – The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Linda Laurendeau, Apopka resident, who gave the invocation.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS

1. Ordinance No. 2581 – First Reading – Comprehensive Plan – Large Scale Future Land Use Amendment.

Jim Hitt, Community Development Director, said this was a recommended Comprehensive Plan, Large Scale Future Land Use Amendment from applicant Signature H Property Group and the consulting planner is GAI Consultants. The property owners are Errol Club Villas Condo Association, Inc.; 5th Hole Investments; Errol Estate Country Club LTD; Errol Estate Management; Lexington Homes, and City of Apopka. This is for a Large Scale Future Land-Use Amendment and to authorize transmittal to the Department of Economic Opportunity (DEO). The existing use is a Golf Course and Club House with current zoning of Park and Recreation. He reviewed the proposed development with a total of 79.09 +/- acres with the proposed use up to 400 dwelling units (67 single family, 194 townhome and 139 multi-family), commercial amenity complex with hotel, restaurant, aquatic park, and recreation facilities; and 240 bed assisted living facility. A copy of the staff report is on file in the Clerk's office. The Planning Commission, at its meeting on July 25, 2017, recommended approval of the Large Scale Future Land Use Amendment with a proposed zoning of PUD (Planned Unit Development). The recommendation by staff is to approve Ordinance No. 2581 at first reading and transmit to DEO. The second recommendation is that a development agreement must demonstrate that each of the proposed FLUM amendments are compatible with surrounding and abutting residential uses through appropriate buffer and screen techniques, height restrictions, other applicable and appropriate performance standards, and management of compatible and complementary land uses allowed or prohibited within each "Neighborhood" zone.

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 noted for the record that each Council member has had individual meetings with staff to be briefed on this proposal and have had the opportunity to ask questions at that time. He also noted that each member has had an opportunity to meet with the applicant and ask questions at those meetings.

Blake Drury, GAI Consultants, Inc., said this is a plan that has evolved over the past year as they have learned more about the site physically, different residential types, and as they have had in-depth and detailed conversations with the neighbors. He said they concur with staff and Planning Commission recommendations. He stated that Helmuth Wyzisk, III, will be presenting the details of the project.

Helmuth Wyzisk, III, of Signature H Property Group, reviewed the proposed plan and details of the project. He stated the 6, 7, 8, and 9th holes have the ability to be developed in the flood plain. He reviewed a video that showed the virtual proposed project. He stated they planned to develop the amenities first to include the redevelopment of the golf course.

In response to Commissioner Bankson asking if they have had experience in developing a golf course or waterpark, Mr. Wyzisk, III, stated they have had no experience, but that was why they were hiring professionals with expertise in these areas. In addition, Commissioner Bankson said this was a great risk on everyone's part and they had stated they would start with the amenities first. He asked how soon after closing the golf course would they begin, to which Mr. Wyzisk, III, said almost immediately.

In response to Commissioner Dean asking who was backing their plan, Mr. Wyzisk, Jr., stated that has not yet been announced. Commissioner Dean also asked if the waterpark was going to be opened to the public to which Mr. Wyzisk, III, said they would offer social memberships first, and if not exclusive to social memberships, it would then be opened to a day pass. Commissioner Dean also expressed concern regarding a 3-story townhomes taking the view from residents that have resided there for years. Mr. Wyzisk, III, said there were no 3-story buildings to the back of existing homes; they would be by the clubhouse. He added they have taken care to create buffer zones.

Commissioner Velazquez said they have done something that no other developer has been able to do, which is going out to the community and win the largest community over. She stated some of

the concerns she is hearing regards traffic studies and environmental testing of the soil. In response, Mr. Moon advised as getting into the development review, staff will request more detailed information with regards to traffic studies and environmental impact of soil tests.

In response to Commissioner Becker inquiring if the traffic study was accepted by the city, Mr. Moon advised that based on the initial review it was found to be consistent for a comprehensive plan amendment analysis and they are looking at the larger daily traffic considerations and how it meets the flow of local roads. They will likely ask for additional information and will look at specific impacts within intersections of the Master Plan area.

Council recessed at 7:25 p.m. and reconvened at 7:33 p.m.

Mayor Kilsheimer opened the meeting to a public hearing.

Isabelle Beaux spoke in opposition to the proposed land use change and development. She expressed concerns regarding Signature H Property Group and what experience they have with large developments.

Lewis Smith, President of Errol Estate Property Owners Association (EEPOA), and Bob Goff, Vice President of EEPOA, said they had submitted a letter during the Planning Commission meeting and read the letter into the record, stating staff had responded to their questions. Mr. Smith said he supports a successful completion of the development, however, they have a fiduciary responsibility to the current EEPOA membership.

Frank Maxwell said it has been established that this is the first large project for this company and it would be nice to have a resume of past projects. He voiced concerns with a traffic analysis, as well as a soil analysis and possible contamination in the area of the golf course. He also said there were two and three story homes being proposed, stating this did not seem to be aesthetically pleasing with the surrounding properties.

Parris Gunn said his wife could not be present and he read a letter she wrote stating they were pleased the golf course and amenities will be redeveloped so that when they have company they can stay in the area rather than having to travel to other areas.

Sheryl Manche spoke in favor of the future land use amendment and the project, stating this will restore property values. She requested approval of the proposal.

Tom Neimic said he lives on Crepe Myrtle Circle and expressed concerns that the plan states three story homes will be built. He showed photos of the high windows in the homes on Crepe Myrtle Circle stating the multi-story homes will be able to look directly into their homes, stating they were worried of losing their privacy. He asked that they be sensitive to this and increase the buffer.

Angela Rubright said she has been a resident of Errol for over 16 years and she appreciated living in this community. She stated she appreciated the meetings the developer has held to answer questions and concerns of the residents and she was excited to see the future of Errol.

Mr. Beaux expressed concerns regarding this project and said it was a choice of what is best for Errol and the residents. He thanked Commissioner Becker for his questions.

Roger Miller said he lives in the Vistas and he commended the City Council on some of the questions asked. He stated he was confident that Signature H Property Group listened and will come up with adequate answers. He said Orange County was a tourist destination and they cannot underestimate what this development would have to draw people here.

Jose Molina questioned security in the neighborhood with it being an open community. He expressed concerns regarding the golf course possibly later being sold and changing hands. Mr. Molina also said rentals was a concern and requested this be addressed in HOA guidelines.

Mayor Kilsheimer read three letters into the record from Sarah Henson, Larry and Victoria Davies, and Patricia Tusing, all being in favor of the project.

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

Helmuth Wyzisk, Jr. said all concerns raised were valid and they will be dealt with at the next level. He stated they were very aware of all the issues brought up and were in the process of going through these issues.

Commissioner Bankson said Council needed to be very responsible on their part and he expressed concerns regarding financing and spoke of recent drops in property values. He spoke of Signature H Property Group not having experience in a project of this magnitude and said it does require trust. He inquired how soon after closing the course would they begin with the amenities to which Mr. Wyzisk, III, said almost immediately on the current holes that are not being developed, expressing the short time frame they would have to work on the course. He added that starting with the amenities first was proof of their testament to the community. When Commissioner Bankson inquired if they had done an economic study and how much traffic it would create, Mr. Wyzisk, Jr., responded in the affirmative.

In response to Commissioner Dean's concerns of environment protection with regards to the lakes or ponds overgrowth being cleaned out, Mr. Drury advised this would be permitted as the project goes to construction and it would go with the aesthetics and design of the course and would help the environment.

Commissioner Velazquez said concerns she was hearing was regarding stormwater runoff and HOA fees. Mr. Wyzisk, III, said they would be required through the development plan to handle the stormwater properly by the code. He stated the neighborhood HOA's and the EEOPA would not be affected by the New Errol.

Commissioner Becker said the presentation is nice and he loves the idea of what it does for the community, however, what the presentation lacks is who they are as Signature H Property Group and the fact that they have not done a project like this in scope or scale. In response to asking what they have done, Mr. Wyzisk, III, said this was new for them and a business model and said they were required to bring in consultants and professionals that individually has their own experience. Commissioner Becker expressed concerns regarding how Signature H Property Group plans to finance or fund this project and concerns of supporting this project based on property values. He also inquired about traffic studies and soil testing.

Mayor Kilsheimer said all the City Council will have three more opportunities to visit this. He said

this step tonight is necessary in terms of putting questions on the table the community needs addressed. He advised staff's recommendation is to approve Ordinance 2581 at first reading and transmit to the Florida Department of Economic Opportunity. The second recommendation includes demonstrating that each of the proposed future land use amendments are compatible with surrounding and abutting residential uses.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to accept Ordinance No. 2581 at First Reading and transmit to the Florida Department of Economic Opportunity. Motion carried 4-1 with Mayor Kilsheimer, and Commissioner Dean, Velazquez, and Bankson voting aye, and Commissioner Becker voting nay.

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, that prior to the adoption hearing for Ordinance No. 2581, a master plan under PUD zoning and a development agreement must demonstrate that each of the proposed FLUM amendments are compatible with surrounding and abutting residential uses through appropriate buffer and screen techniques, height restrictions, other applicable and appropriate performance standards, and management of compatible and complementary land uses allowed or prohibited within each "Neighborhood" zone. 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 8:41 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk