

## APOPKA CITY COUNCIL AGENDA

January 20, 2016 7:00 PM

APOPKA CITY HALL COUNCIL CHAMBERS

### CALL TO ORDER

INVOCATION - Jason Henderson of Grace Pointe Church

PLEDGE

Please submit a "Notice of Intent to Speak card" to the City Clerk. Action may not be taken by the Council at this meeting but questions may be answered by staff or issues may be referred for appropriate staff action. If further action is necessary, the item may be placed on the agenda for further review and consideration. NOTE: Zoning or code enforcement matters which may be coming before the Board at a later date should not be discussed until such time as they come before the Board in a public hearing.

Pursuant to F.S. 286.0114, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Council. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Council addresses such items during this meeting. Public comments are generally limited to four minutes.

### APPROVAL OF MINUTES:

1. City Council Meeting of January 6, 2016.

### CONSENT (Action Item)

1. Authorize Fleet Maintenance to proceed with the purchase of one (1) vehicle to be used as an Ambulance Chassis for the Fire Department from Mullinax Ford in the amount of \$41,179.90.
2. Approve the first extension of the contracts for the consulting services for Professional Land Surveying and Mapping Services with Southeastern Surveying & Mapping Corp, for one year, at the same unit rate.
3. Authorize Fleet Maintenance to proceed with the purchase of one vehicle for the Fire Department from Mullinax Ford in the amount of \$31,558.36.
4. Approve the Sale of Alcohol at the OFOF on February 12,13 & 14, 2016.
5. Waiver of Fees for Special Event.

### PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

- |  |            |
|--|------------|
| 1. Ordinance No. 2483 – First Reading – Vacate                                 | David Moon |
| 2. Ordinance No. 2484 – First Reading – Vacate                                 | David Moon |
| 3. Ordinance No. 2485 – First Reading – Large Scale Future Land Use Amendment  | David Moon |
| 4. Ordinance No. 2469 – Second Reading – Small Scale Future Land Use Amendment | David Moon |
| 5. Ordinance No. 2470 – Second Reading – Change of Zoning - Quasi-Judicial     | David Moon |
| 6. Ordinance No. 2486 – First Reading – Small Scale Future Land Use Amendment  | David Moon |
| 7. Ordinance No. 2487 – First Reading – Change of Zoning - Quasi-Judicial      | David Moon |
| 8. Ordinance No. 2472 – First Reading – PUD Master Plan - Quasi                | David Moon |

### BUSINESS (Action Item)

1. Council
2. Public

### MAYOR'S REPORT

### ADJOURNMENT

## MEETINGS AND UPCOMING EVENTS

DATE	TIME	EVENT
01-21-16	12:00 p.m.	Tri-County League of Cities Luncheon, Winter Springs
02-02-16 – 02-03-16	08:00 a.m.-	Florida League of Cities Legislative Days, Tallahassee
02-03-16	1:00 p.m.	City Council Meeting
02-04-16	5:30 p.m. – 9:00 p.m.	Food Truck Round Up – Kit Land Nelson Park
02-04-16	6:00 p.m.	Apopka Visioning Steering Committee – Fran Carlton
02-12-16	4:00 p.m. – 10:00 p.m.	Old Florida Outdoor Festival
02-13-16 – 02-14-16	10:00 a.m. – 10:00 p.m.	Old Florida Outdoor Festival

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

**Backup material for agenda item:**

1. City Council Meeting of January 6, 2016.

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on January 6, 2016, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Sam Ruth  
City Attorney Cliff Shepard  
City Administrator Glenn Irby

**PRESS PRESENT:** John Perry - The Apopka Chief  
Bethany Rodgers, Orlando Sentinel  
Dale Fenwick, The Apopka Voice

**INVOCATION:** Mayor Kilsheimer introduced Pastor Roger Simpson, Faith Fellowship Church, who gave the invocation.

**CITY OF APOPKA COLOR GUARD** - Mayor Kilsheimer called for the marching of the Colors, presented by the Apopka Police Department and Fire Department combined Color Guard. Color Guard members are: Lieutenant Daniel Criswell (Apopka Fire Department), Firefighter/Paramedic Dwight Ashton (Apopka Fire Department), Officer Cliff MacDonald (Apopka Police Department), Officer Josean Velez-Cantres (Apopka Police Department), Officer Mark Creaser (Apopka Police Department), and Sergeant Steve Harmon (Apopka Police Department).

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer led in the Pledge of Allegiance. Sergeant Harmon called for the posting of the Colors.

### **APPROVAL OF MINUTES:**

1. City Council meeting December 16, 2015.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve the December 16, 2015 City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

### **PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT**

Employee Recognition:

**Bonnie Smith – Community Development/Planning & Engineering – Ten Year Service Award** - Bonnie began working for the City on December 12, 2005, as a Secretary I for Public Services. She was reclassified to a Secretary II on December 12, 2007. Bonnie was reclassified to a Secretary III on January 30, 2012. Bonnie's title changed on July 15, 2013, to Secretary II when she transferred to Community Development/Planning & Engineering, which is her current position. Bonnie was not present and her award will be presented at a later time.

**Carie Von Barga – Fire Department/EMS – Fifteen Year Service Award** - Carie started working for the City on December 18, 2000, as a Fire Fighter. On January 2, 2001, she was reclassified to a Fire Fighter First Class. Carie was promoted to Fire Engineer on December 11, 2009, which is her current position. Carie was not present and her award will be presented to her at a later time.

Presentations:

**1. Alonzo Williams Park Architectural Review.**

Adam Dolsak, Architect with CH2M Hill, said this was the second presentation of the proposed design concept for Alonzo Williams Park Community Center. After being provided with feedback from Council and the public at the December 16, 2015 meeting, he had an Alternative Plan B. He reviewed both plans stating both include the covered drop-off and pick-up, indoor and outdoor bathroom access, community space with a folding partition to be able to divide the room, quiet reading/study space, covered exterior space, office for staff, and paved parking. He clarified the off street parking is for future need. The Alternative B conceptual plan is more in line with the grant funding budget.

**MOTION by Commissioner Dean the City appropriate \$750,000 in funds to go forward with this project.**

**Following discussion regarding jeopardizing the opportunity for the City to receive the CDBG grant, Commissioner Dean withdrew his motion.**

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to approve moving forward with Alternative Plan B.**

Mayor Kilsheimer opened the meeting to public input.

Ray Shackelford said he commended the commitment of Council and inquired if the grant of \$750,000 was strictly for Alonzo Williams Park.

Mr. Irby responded in the affirmative.

Mr. Shackelford said he recalled other components having been discussed with the grant and said he favored Commissioner Dean's suggestion of a budget amendment to set aside funds in the event the grant is not approved.

Isadora Dean inquired if the grant was for the building only and asked what the deadline was for the grant application, to which Mr. Irby advised this was for the building only and the deadline was March 1, 2016 for the information to be submitted to the grant writer.

Suzanne Kidd said this \$750,000 CDBG grant was not the only grant that the city has applied for Alonzo Williams Park. She affirmed the city has also applied for a \$50,000 FRDAP grant, if approved, will be for improvements to the playground, resurfacing and restriping of the basketball court, improvements to the ball fields, drinking fountains, picnic facilities, and security lighting. She stated Dr. Jackson has also applied for a KaBoom grant for playground equipment.

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

**Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**CONSENT (Action Item)**

1. Sewer and Water Capacity Agreement for Poe Reserve, Phase 1.
2. Department of Corrections – Inmate work squad, Amendment #1 for Contract #WS961.
3. Approve the CCNA ranking & contract negotiation process.
4. Approval of the Apopka Chamber of Commerce Lease Renewal.
5. Execute MOU with the Center for Law Enforcement Technology & Training and Research, Inc.
6. Authorize road closures for a Martin Luther King Parade – South Apopka Ministerial Alliance.

**MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to approve the 6 items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Resolution 2016-01 – Non-exclusive franchise for roll-off container collection and disposal of waste.

**RESOLUTION NO. 2016-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO ACTION RECYCLING LLC, TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.**

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve Resolution 2016-01. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

2. Resolution 2016-02 – Support for Innovative Traffic Signal Technologies Pilot Project.

**RESOLUTION NO. 2016-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ADVOCATING SUPPORT FOR INNOVATIVE TRAFFIC SIGNAL TECHNOLOGIES PILOT PROJECT.**

Mayor Kilsheimer advised this was a request from Congressman John Mica for the City to support innovative traffic signal technologies pilot projects. The federal transportation bill recently passed and there are federal funding in the way of grants to deploy new surface

transportation technology. He affirmed MetroPlan unanimously endorsed these pilot projects.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Arrowsmith to approve Resolution 2016-01. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

## **BUSINESS**

### 1. Council

Mayor Kilsheimer requested discussion and guidance from Council regarding holding a workshop next Friday, January 15, 2016, on the City Center, stating they have received a request to hold a Special meeting immediately following the workshop to be able to vote on an agreement. He advised the entire team will be here next Friday.

It was the consensus of the City Council to hold a Workshop meeting on Friday, January 15, 2016 at 11:00 a.m. and immediately following hold a Special meeting.

### 2. Public - There was no new or old business public.

In response to Commissioner Dean inquiring if the Old Florida Outdoor Festival staff committee meetings were public, City Attorney Shepard advised that staff meetings were not typically open to the public.

Commissioner Dean inquired if the bid process was followed for food and other vendors for this event. Mr. Irby advised this was not required, as the city had no expense in having vendors present.

Discussion ensued regarding diversity of the committee and the event itself, as well as the budgeting process and revenues generated.

**MAYOR'S REPORT** – No report.

**ADJOURNMENT** – There being no further business the meeting adjourned at 2:54 p.m.

ATTEST:

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

\_\_\_\_\_  
Linda F. Goff, City Clerk

**Backup material for agenda item:**

1. Authorize Fleet Maintenance to proceed with the purchase of one (1) vehicle to be used as an Ambulance Chassis for the Fire Department from Mullinax Ford in the amount of \$41,179.90.





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: January 20, 2016  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: NEW F-450 AMBULANCE CHASSIS**

**Request: AUTHORIZE THE PURCHASE OF ONE (1) F-450 AMBULANCE CHASSIS DRW FOR THE FIRE DEPARTMENT FROM MULLINAX FORD IN THE AMOUNT OF \$41,179.90.**

**SUMMARY:**

The purchase of the following F-450 ambulance chassis is for the Fire Department and will be assigned to the new fire station. The pricing comes from the Florida Sheriffs Association Contract Bid Number 15-23-0904 and the local dealership. The price quote for vehicle is as follows:

<u>Description</u>	<u>Department</u>	<u>Qty</u>	<u>Mullinax Ford</u>	<u>Duval Ford*</u>
Ford F-450 4 X 2	Fire	1	\$41,179.90	\$40,044.00
				* Per Sheriffs Contract

Mullinax is \$1,135.90, or 1.02834% higher than the lowest bidder is but it is a local business within the City limits and is within the limit of a three percent difference.

**FUNDING SOURCE:**

Funding is included in the General Fund FY16 Budget (001-2130-516.6400).

**RECOMMENDATION ACTION:**

Authorize Fleet Maintenance to proceed with the purchase of one (1) vehicle for the Fire Department from Mullinax Ford in the amount of \$41,179.90.

**DISTRIBUTION:**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	Human Resources Director	Recreation Director
City Administrator	Information Technology Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**Backup material for agenda item:**

2. Approve the first extension of the contracts for the consulting services for Professional Land Surveying and Mapping Services with Southeastern Surveying & Mapping Corp, for one year, at the same unit rate.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: January 20, 2016  
FROM: Public Services  
EXHIBITS:

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**SUBJECT: PROFESSIONAL LAND SURVEYING AND MAPPING SERVICES**

**Request: APPROVE AN EXTENSION OF THE CONTRACT FOR PROFESSIONAL LAND SURVEYING AND MAPPING SERVICES WITH SOUTHEASTERN SURVEYING & MAPPING CORP., FOR A PERIOD OF ONE YEAR**

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**SUMMARY:**

On January 21, 2015, the City Council awarded Professional Land Surveying and Mapping Services Contract to Southeastern Surveying & Mapping Corp., to provide the City with these services under a consulting services contract beginning February 1.

The contract was effective for one year and subject to renewal for two one-year extension. The services will be performed on an as needed basis. This is the first extension of the contract.

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**FUNDING SOURCE:**

N/A

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**RECOMMENDATION ACTION:**

Approve the first extension of the contracts for the consulting services for Professional Land Surveying and Mapping Services with Southeastern Surveying & Mapping Corp, for one year, at the same unit rate.

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**DISTRIBUTION:**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	Human Resources Director	Recreation Director
City Administrator	Information Technology Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**Backup material for agenda item:**

3. Authorize Fleet Maintenance to proceed with the purchase of one vehicle for the Fire Department from Mullinax Ford in the amount of \$31,558.36.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: January 20, 2016  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: NEW SERVICE VEHICLE FOR THE FIRE DEPARTMENT**

**Request: AUTHORIZE THE PURCHASE OF ONE VEHICLE FROM MULLINAX FORD IN THE AMOUNT OF \$31,558.36.**

**SUMMARY:**

The purchase of the following vehicle for the Fire Department for the Public Education Officer. The pricing comes from the Florida Sheriffs Association Contract Bid Number 15-23-0904 and local dealership. The price quotes are as follows:

<u>Description</u>	<u>Division</u>	<u>Qty</u>	<u>Mullinax</u>	<u>Don Reid</u>
Ford 4 x 4 F-150 Crew Cab	Fire	1	<b>\$31,558.36</b>	\$31,895.00*
				* Per Sheriffs Contract

This vehicle will be replacing unit number 19-1184 which is a 2007 Ford F-150.

**FUNDING SOURCE:**

Funding is included in the General Fund FY16 Budget (001-2120-522.6400).

**RECOMMENDATION ACTION:**

Authorize Fleet Maintenance to proceed with the purchase of one vehicle from Mullinax Ford in the amount of \$31,558.36.

**DISTRIBUTION:**

- |                                |                                 |                          |
|--------------------------------|---------------------------------|--------------------------|
| Mayor Kilsheimer               | Finance Director                | Public Services Director |
| Commissioners                  | Human Resources Director        | Recreation Director      |
| City Administrator             | Information Technology Director | City Clerk               |
| Community Development Director | Police Chief                    | Fire Chief               |

**Backup material for agenda item:**

4. Approve the Sale of Alcohol at the OFOF on February 12,13 & 14, 2016.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: January 20, 2016  
FROM: Administration

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**SUBJECT: ALCOHOL SALES AT THE OLD FLORIDA OUTDOOR FESTIVAL**

**Request: APPROVAL OF THE SALE OF ALCOHOL AT THE OLD FLORIDA OUTDOOR FESTIVAL TO BE HELD ON FEBRUARY 12, 13 & 14, 2016.**

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**SUMMARY:**

The Old Florida Outdoor Festival is an annual City sponsored event held at the Northwest Recreation Complex. In past years, the City has permitted the sale of alcohol at the event.

On September 3, 2014, the City Council adopted Ordinance No. 2376 which requires City Council approval for the sale, consumption and carrying of alcoholic beverages on City-owned property during events or programs.

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**FUNDING SOURCE:**

N/A

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**RECOMMENDATION ACTION:**

Approve the sale of alcohol at the Old Florida Outdoor Festival to be held on February 12, 13 & 14, 2016.

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**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

**Backup material for agenda item:**

5. Waiver of Fees for Special Event.





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: January 20, 2016  
 FROM: Administration  
 EXHIBITS: Fee Schedule

**SUBJECT: WAIVER OF FEES ASSOCIATED WITH STAFFING SPECIAL EVENT**

**Request: AUTHORIZE STAFF TO WAIVE FEES FOR SERVICES ASSOCIATED WITH THE TOPVIEW SPORTS BICYCLE RACE BENEFITING USA CYCLING.**

**SUMMARY:**

Topview Sports Cycling has partnered with TopEnd Handcycles and the Paralyzed Veterans of America to hold an International Handcycle Event in conjunction with the USA Cycling Race Event. This event will be held on Sunday, February 7, 2016 between the hours of 8:00 am and 3:00 pm on the North West side of the North West Recreation Complex.

They are requesting a waiver of fees in the amount of \$1,970.00 associated with staffing of the event. The staffing costs include \$720.00 for Officers; \$700.00 for EMS as well as \$550.00 for recreation staff.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approval for Staff to waive fees associated with the staffing of the Topview Sports Bicycle Race being held on Sunday, February 7, 2016.

**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

**SCHEDULE "A" – STAFFING FEES**

**POLICE DEPARTMENT**

Hire 3 officers for detail. \$720 for officers.

**FIRE DEPARTMENT**

\$700 for standby ambulance at rate \$50 per 30 mins.

**RECREATION DEPARTMENT**

Park Ranger - \$25 hr x 8hrs =\$200

Full time Staff person- \$25 hr x 8 hrs =\$200

Park rental- \$150

Total for Rec \$550

**Backup material for agenda item:**

1. Ordinance No. 2483 – First Reading – Vacate  
David Moon



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Vacate

MEETING OF: January 20, 2016  
FROM: Community Development  
EXHIBITS: Vicinity Map  
Utility Release Letters  
Ordinance No. 2483  
Survey/Legal Description

**SUBJECT:                   ORDINANCE NO. 2483 – BRIAN M. HILER - VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT AT 2780 PONKAN MEADOW DRIVE**

**Request:                   ACCEPT THE FIRST READING OF ORDINANCE NO. 2483 – BRIAN M. HILER - VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT; AND HOLD IT OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER/APPLICANT:                   Brian M. Hiler  
LOCATION:                                2780 Ponkan Meadow Drive  
LAND USE:                             Residential Low Suburban (0-3.5 du/ac)  
ZONING:                                 R-1AAA  
EXISTING USE:                         Single-Family Residence  
AREA TO BE VACATED:               223 +/- Sq. Ft.

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>	<b>Present Use</b>
North - City	Residential Low Suburban (0-3.5 du/ac)	R-1AAA	Single Family Residence
East - City	Residential Low Suburban (0-3.5 du/ac)	R-1AAA	Single Family Residence
South - City	Residential Low Suburban (0-3.5 du/ac)	R-1AAA	Single Family Residence
West - City	Residential Low Suburban (0-3.5 du/ac)	R-1AAA	Single Family Residence

**DISTRIBUTION:**

Mayor Kilsheimer	Finance Director	Public Ser. Director
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Director	Police Chief	

**ADDITIONAL COMMENTS:** The applicants are seeking to vacate the interior 2.5-foot wide portion of an existing 7.5-foot wide utility easement located along the rear property line. The portion of the easement that will be vacated is described in the Legal Description. The vacation of this portion of the easement is being requested to accommodate a proposed swimming pool on the property. Vacating this portion of the utility easement will not affect any abutting property owners.

Our Public Services department has evaluated the site and has agreed to the vacate request. Additionally, all local utility providers have been contacted by the applicant and have provided the letters received from each utility provider indicating no objection to this vacate request.

**PUBLIC HEARING SCHEDULE:**

January 20, 2016 - City Council - 1st Reading (8:00 p.m.)  
February 3, 2016 - City Council - 2nd Reading (1:30 p.m.)

**DULY ADVERTISED:**

January 8, 2015 - Public Hearing Notice  
January 22, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**



The **Development Review Committee** recommends approval of the request to vacate a portion of the existing drainage and utility easement as described in the legal description.

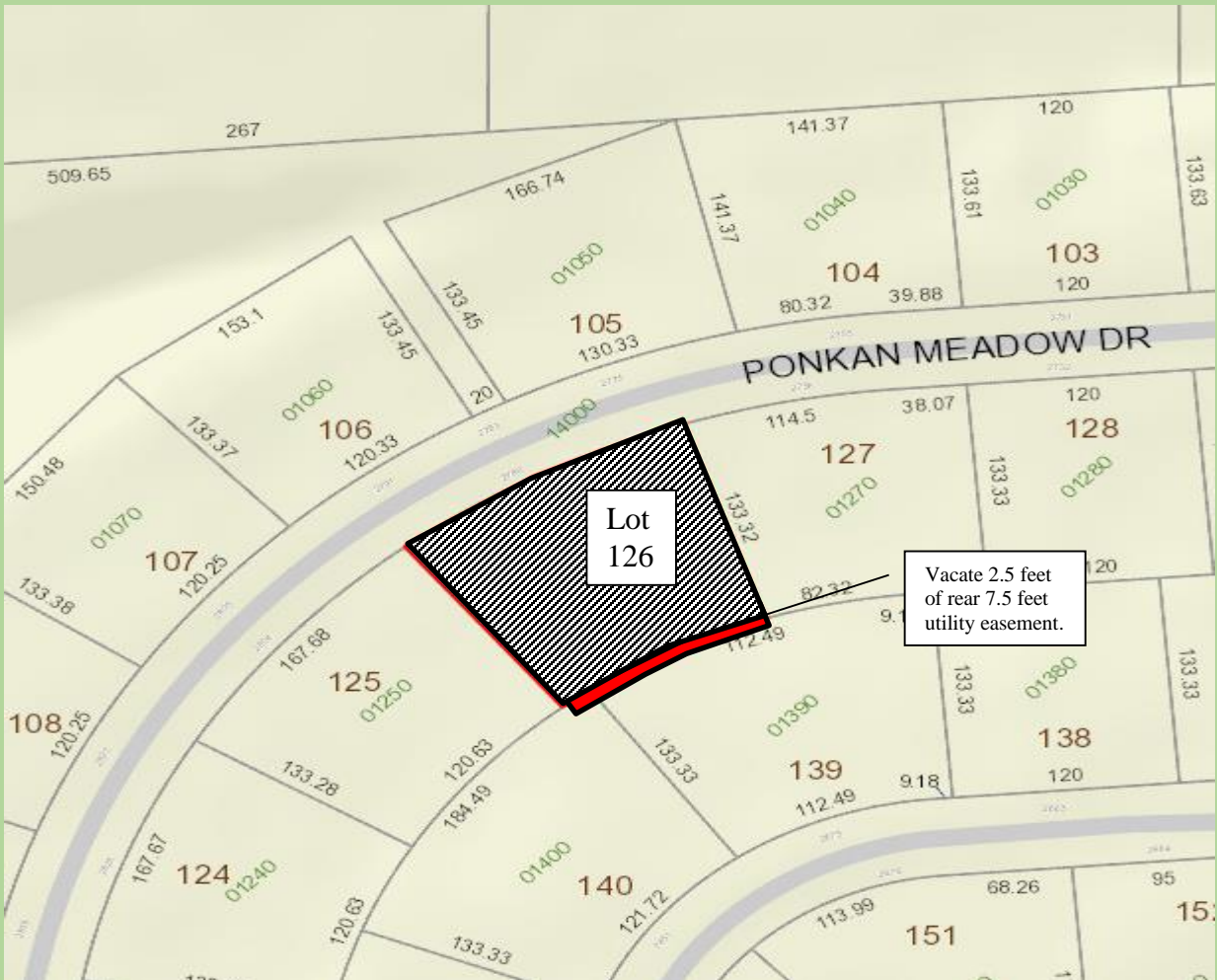
Accept the First Reading of Ordinance No. 2483 and Hold it Over for Second Reading and Adoption on February 3, 2016.

Brian M. Hiler  
Proposed Vacate of Existing Drainage and Utility Easement  
2780 Ponkan Meadow Drive  
Parcel ID: 30-20-28-9140-01-260

### VICINITY MAP



-  Vacate Area
-  Property



Construction Department  
3767 All American Boulevard  
Orlando, FL 32810



February 18, 2014

Mr. Brian M. Hiler  
2780 Ponkan Meadow Drive  
Apopka, Florida 32712

RE: Partial Vacation of an Easement – 2780 Ponkan Meadow Drive  
Section 30, Township 20, Range 28

Dear Mr. Hiler:

Bright House Networks has reviewed your request regarding the partial vacation of an easement. Please be advised that we have no objection to the vacation of the 2.5' portion of the 7.5' utility and drainage easement lying adjacent to the rear property line of 2780 Ponkan Meadow Drive as described and illustrated in your correspondence dated February 17, 2014.

If you should have any additional questions regarding this matter, please do not hesitate to contact me at (407) 532-8508.

Sincerely,

A handwritten signature in blue ink that reads "P.J. King".

P.J. King  
Sr. Const. Mgr.  
Bright House Networks

cc: Tracey Domostoy., Bright House Networks



February 17, 2014

Brian M. Hiler  
2780 Ponkan Meadows Dr  
Apopka, FL 32712

**Re: Vacation of Easement**

Dear Mr. Hiler,

CenturyLink Corporation has reviewed the area described in your letter requesting vacation of easement and has determined we have no facilities impacted by your request.

Therefore, we have **no objections** to the said vacation of the rear 7.5 foot utility and drainage easement located at 2780 Ponkan Meadow Drive (Parcel ID #30-20-28-9140-01-250) in Apopka.

If I can be of further assistance, please feel free to contact me at 407-889-6617.

Sincerely,

A handwritten signature in blue ink that reads "John Pipkin".

John Pipkin  
Network Engineer II

cc: Rogers Beckett, Community Development, City of Apopka



November 5, 2015

Mr. Brian M. Hiler  
2780 Ponkan Meadow Drive  
Apopka, FL 32712

RE: Vacation of easement  
2780 Ponkan Meadow Drive, Apopka

Dear Mr. Hiler:

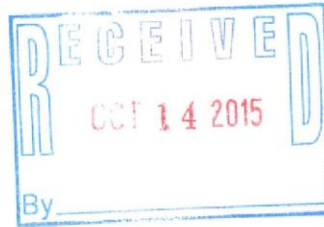
As you requested, we have reviewed your request for encroachment and/or vacation of the utility easement on the above-referenced property. The Gas District has no facilities within your subdivision and therefore, no objection to the proposed release/vacation of the easement.

Please feel free to contact us if we can be of further assistance.

Sincerely,



Rick Gullett  
Senior Gas Systems Engineer



February 27, 2014

Brian M. Hiler  
2780 Ponkan Meadows Drive  
Apopka, FL. 32712

**RE: - Request to Vacate a portion of a 7 ½ foot Rear Lot Platted Utility Easement, WEKIVA RUN PHASE II-A, Plat Book 67, Pages 79 through 84, Orange County, Florida.**

Dear Mr. Hiler

Please be advised that Duke Energy Florida, Inc. (formerly known as Progress Energy Florida, Inc & Florida Power Corporation) has **"NO OBJECTION"** to the vacation and abandonment of the portion of a Platted Utility Easement being more particularly described as:

***The Northern 2 ½ feet of that certain 7 ½ foot Rear Lot, platted Utility Easement on Lot 126, as granted by the plat of WEKIVA RUN PHASE II-A, Plat Book 67, Pages 79 through 84, of the Public Records of Orange County, Florida.***

This No Objection letter should be considered as approval from both Duke Energy's Transmission and Duke Energy's Distribution Departments.

If I can be of further assistance, please do not hesitate to contact me at [Nicholas.Brana@duke-energy.com](mailto:Nicholas.Brana@duke-energy.com) or by phone at (407) 942-9727.

Best regards,

Nick Brana,  
Land Rep, Land Services  
Florida – Right-of-Way

**ORDINANCE NO. 2483**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 2780 PONKAN MEADOW DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to provisions of Florida Statutes, Section 336.10, a Petition has been filed by Brian M. Hiler to vacate, abandon, discontinue, renounce and disclaim a portion of an existing utility easement located at 2780 Ponkan Meadow Drive, as shown in Exhibit "A"; and

**WHEREAS**, CenturyLink (f/k/a Embarq), Bright House Network (f/k/a Time Warner Cable), Duke Energy (f/k/a Progress Energy), and Lake Apopka Natural Gas District have no objection to the abandonment of a portion of the existing utility easement; and

**WHEREAS**, the City Council has determined that under the proposed circumstances there exists no public need for this existing easement; and

**WHEREAS**, after public notice in accordance with Florida Statute 336.10, the City Council has determined that it is not contrary to public interest to vacate and abandon said existing easement.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section 1.** That the following lands, and graphically depicted by the attached Exhibit "A," shall be officially closed, discontinued, and vacated:

**Legal Description:**

A portion of Lot 126, Wekiva Run Phase II-A, according to the plat thereof, as recorded in Plat Book 67, Pages 79-84, of the public records of Orange County, Florida, being more particularly described as follows:

Commence at the northwest corner of said Lot 126; thence run S 17 degrees 36'12" E, along the E line thereof, a distance of 128.32 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 346.67 feet and a central angle of 00 degrees 49 minutes 35 seconds, thence departing said east line, run along a chord bearing of S 71 degrees 59 minutes 00 seconds W and the arc of said curve, a distance of 5.00 feet to the point of beginning; thence continue to run southwesterly, along the arc of said curve, through a central angle of 14 degrees 39 minutes 55 seconds and a distance of 88.73 feet to the end thereof; thence run N 33 degrees 05 minutes 42 seconds W, a distance of 2.50 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 349.17 feet and a central angle of 14 degrees 40 minutes 16 seconds; thence run northeasterly, along a chord bearing of N 64 degrees 14 minutes 26 seconds E and along said curve, a distance of 89.41 feet to the end thereof; thence run S 17 degrees 36 minutes 12 seconds E, a distance of 2.50 feet to the point of beginning.

**CONTAINING 223 SQUARE FEET, MORE OR LESS**

**ORDINANCE NO. 2483**  
**PAGE 2**

**Section II. NOTICE.** That notice of the adoption of this Ordinance be published and the Ordinance be filed with the Clerk of the Circuit Court of Orange County, Florida, and duly recorded among the Public Records of Orange County, Florida.

**Section III. SEVERABILITY.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this Ordinance.

**Section IV. CONFLICT.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section V. EFFECTIVE DATE.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: January 20, 2016

READ SECOND TIME  
AND ADOPTED: February 3, 2016

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda F. Goff, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cliff Sheppard, Esq., City Attorney

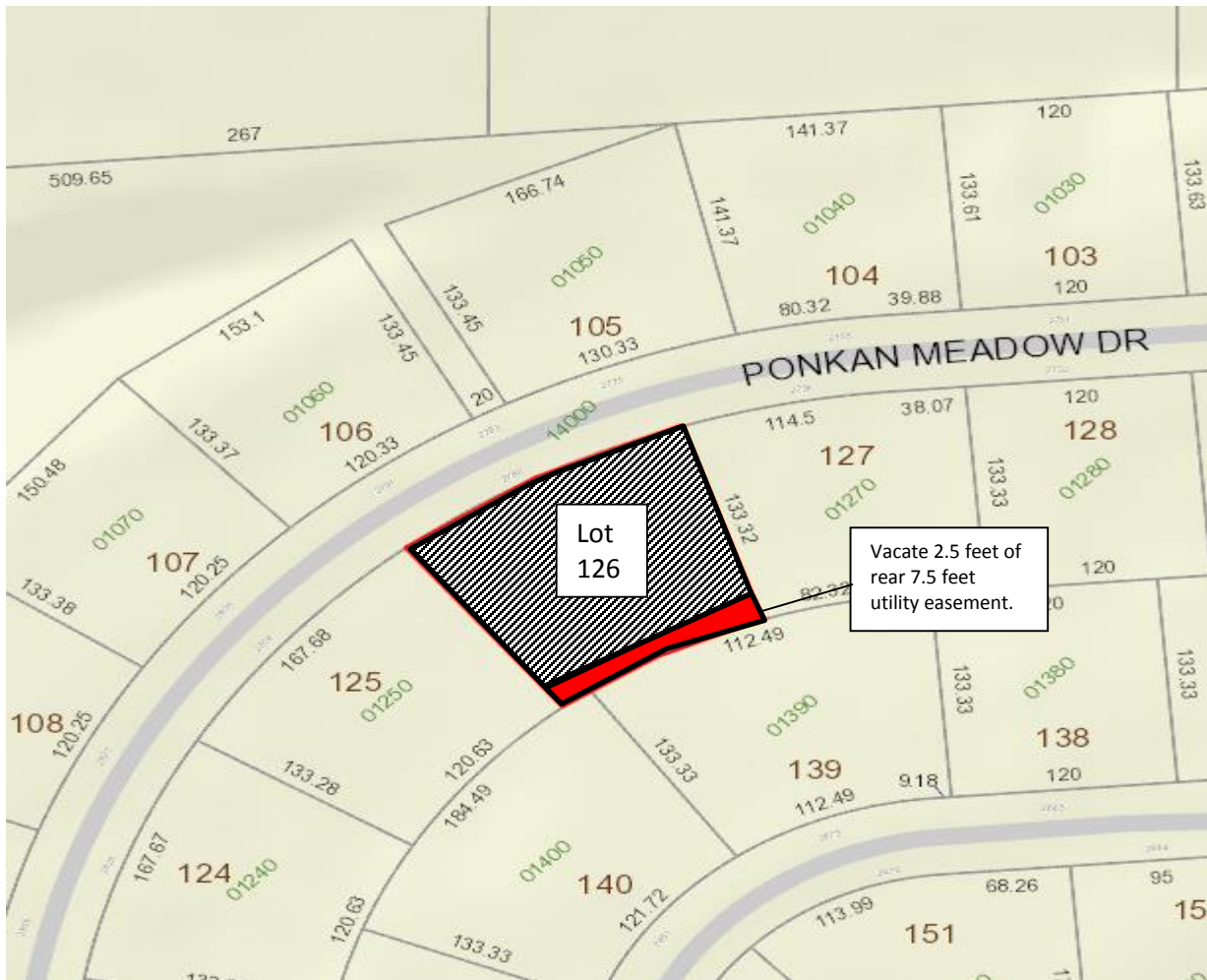
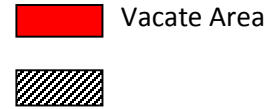
DULY ADVERTISED FOR PUBLIC HEARING: January 8, 2016  
January 22, 2016

**ORDINANCE NO. 2483  
EXHIBIT "A"**

**Brian M. Hiler  
Proposed Vacate of Existing Utility Easement  
2780 Ponkan Meadow Drive  
Parcel ID: 30-20-28-9140-01-260**



**VICINITY MAP**



**SKETCH OF DESCRIPTION**  
of  
**EASEMENT VACATION**  
IN  
**LOT 126, WEKIVA RUN PHASE II-A**

**LEGAL DESCRIPTION**

A PORTION OF LOT 126, WEKIVA RUN PHASE II-A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 67, PAGES 79 - 84, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

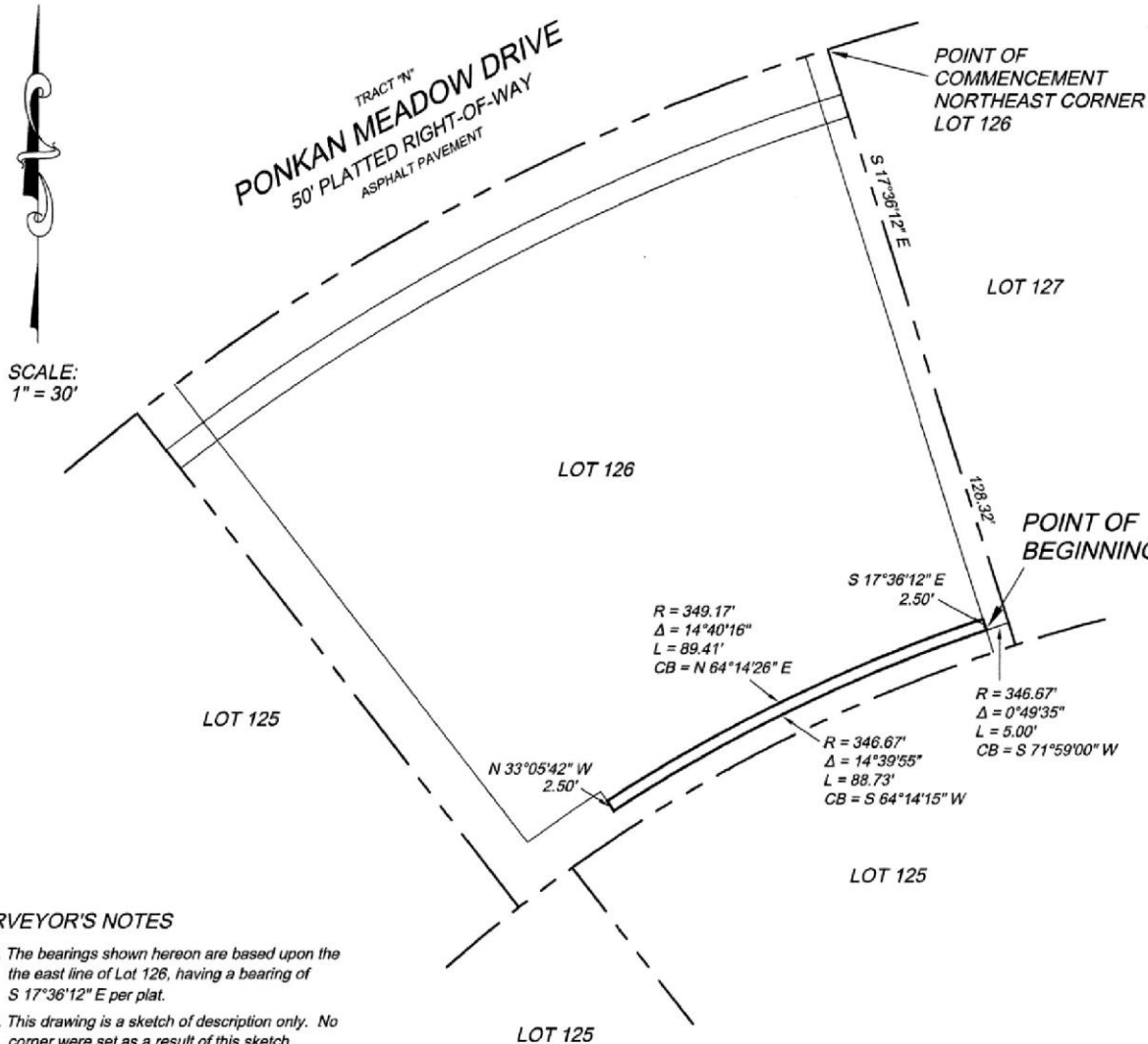
COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 126; THENCE RUN S 17°36'12" E, ALONG THE EAST LINE THEREOF, A DISTANCE OF 128.32 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 346.67 FEET AND A CENTRAL ANGLE OF 00°49'35"; THENCE DEPARTING SAID EAST LINE, RUN ALONG A CHORD BEARING OF S 71°59'00" W AND THE ARC OF SAID CURVE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°39'55" AND A DISTANCE OF 88.73 FEET TO THE END THEREOF; THENCE RUN N 33°05'42" W, A DISTANCE OF 2.50 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 349.17 FEET AND A CENTRAL ANGLE OF 14°40'16"; THENCE RUN NORTHEASTERLY, ALONG A CHORD BEARING OF N 64°14'26" E AND ALONG SAID CURVE, A DISTANCE OF 89.41 FEET TO THE END THEREOF; THENCE RUN S 17°36'12" E, A DISTANCE OF 2.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 223 SQUARE FEET, MORE OR LESS.

**HARTLEY SURVEYING, INC**

283 TIGER LILY COURT  
ALTAMONTE SPRINGS, FL 32714  
407-383-8978, 407-788-9415 (FAX)  
LB #7197

*Jeff L. Hartley*  
JEFF L. HARTLEY, PSM 68716  
FIELD DATE: 11/04/2015



SCALE:  
1" = 30'

**SURVEYOR'S NOTES**

1. The bearings shown hereon are based upon the the east line of Lot 126, having a bearing of S 17°36'12" E per plat.
2. This drawing is a sketch of description only. No corner were set as a result of this sketch.

**Backup material for agenda item:**

2. Ordinance No. 2484 – First Reading – Vacate  
David Moon



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Vacate

MEETING OF: January 20, 2016  
FROM: Community Development  
EXHIBITS: Vicinity Map  
Utility Release Letters  
Ordinance No. 2484  
Legal Description

**SUBJECT: ORDINANCE NO. 2484 – MARK E. AND VIRGINIA L. HUDSON - VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT AT 1142 GLENMORE DRIVE**

**Request: ACCEPT THE FIRST READING OF ORDINANCE NO. 2484 – MARK E. AND VIRGINIA L. HUDSON - VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT; AND HOLD IT OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER/APPLICANT: Mark E. and Virginia L. Hudson  
LOCATION: 1142 Glenmore Drive  
LAND USE: Residential Low Suburban (0-3.5 du/ac)  
ZONING: R-1A  
EXISTING USE: Single-Family Residence  
AREA TO BE VACATED: 86 +/- Sq. Ft.

**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Land Use	Zoning	Present Use
North - City	Residential Low (0-5 du/ac)	R-1A	Single Family Residence
East - City	Residential Low (0-5 du/ac)	R-1A	Single Family Residence
South - City	Residential Low (0-5 du/ac)	R-1A	Single Family Residence
West - City	Residential Low (0-5 du/ac)	R-1A	Single Family Residence

**DISTRIBUTION:**

Mayor Kilsheimer	Finance Director	Public Ser. Director
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Director	Police Chief	



**CITY COUNCIL – JANUARY 20, 2016**  
**HUDSON - VACATE**  
**PAGE 2**

**ADDITIONAL COMMENTS:** The applicants are seeking to vacate the interior 1.87-foot wide portion of an existing 7.5-foot wide utility easement located along the rear property line. The portion of the easement that will be vacated is described in the Legal Description. The vacation of this portion of the easement is being requested to accommodate the existing swimming pool that was constructed within the utility easement. Vacating this portion of the utility easement will not affect any abutting property owners.

Our Public Services department has evaluated the site and has agreed to the vacate request. Additionally, all local utility providers have been contacted by the applicant and have provided the letters received from each utility provider indicating no objection to this vacate request.

**PUBLIC HEARING SCHEDULE:**

January 20, 2016 - City Council - 1st Reading (8:00 p.m.)

February 3, 2016 - City Council - 2nd Reading (1:30 p.m.)

**DULY ADVERTISED:**

January 8, 2015 - Public Hearing Notice

January 22, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**



The **Development Review Committee** recommends approval of the request to vacate a portion of the existing drainage and utility easement as described in the legal description.

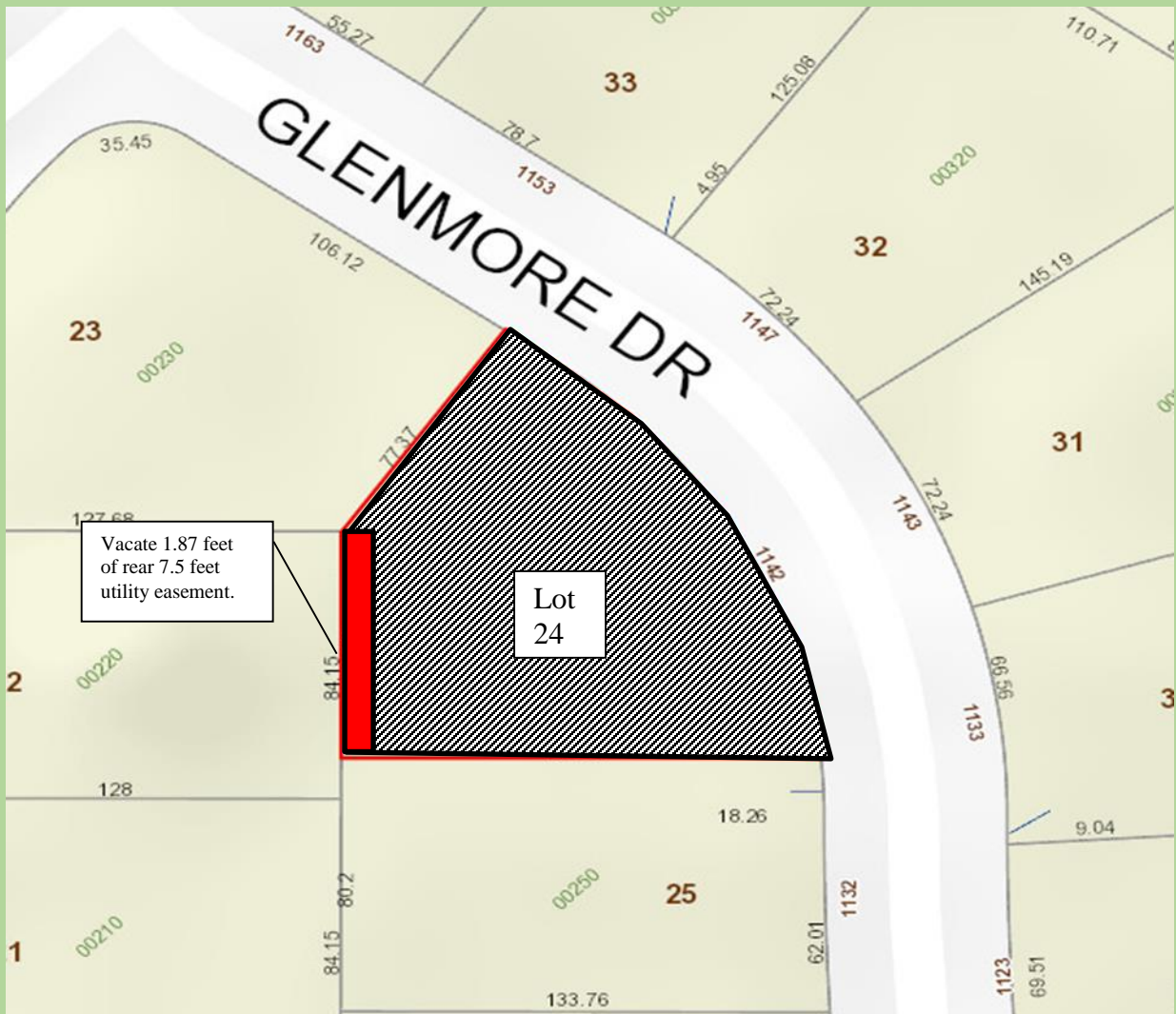
Accept the First Reading of Ordinance No. 2484 and Hold it Over for Second Reading and Adoption on February 3, 2016.

Mark E. and Virginia L. Hudson  
Proposed Vacate of Existing Drainage and Utility Easement  
1142 Glenmore Drive  
Parcel ID: 31-20-28-5065-00-240

### VICINITY MAP



-  Vacate Area
-  Property





October 26, 2015

Mr. Mark Hudson  
1142 Glenmore Dr  
Apopka, Fl 32712

Re: Placement of screen enclosure

Dear Mr. Hudson

Centurylink Fl, Incorporated has reviewed the area described in your email dated October 19,2015 and has determined we have no facilities impacted by your request.

Therefore, we have **no objections** to the said request.

If I can be of further assistance, please feel free to contact me at 407-814-5379.

Sincerely,

David Byrnes  
Engineer  
Winter Garden District  
Phone: 407.814.5379  
Fax: 407.814.5320

October 13, 2015

Mr. Mark Hudson  
1142 Glenmore Drive  
Apopka, FL 32712

RE: Vacation of easement  
1142 Glenmore Drive, Apopka

Dear Mr. Hudson:

As you requested, we have reviewed your request for encroachment and/or vacation of the utility easement on the above-referenced property. The Gas District has no facilities within your subdivision and therefore, no objection to the proposed release/vacation of the easement.

Please feel free to contact us if we can be of further assistance.

Sincerely,



Rick Gullett  
Senior Gas Systems Engineer



October 12, 2015

Mr. & Mrs. Mark Hudson  
1142 Glenmore Drive  
Apopka, FL 32712

***RE: Request to Vacate 7.5 foot platted rear easement located at 1142 Glenmore Drive, Apopka, FL***

Dear Mr. & Mrs. Hudson:

Please be advised that Duke Energy, Florida does not have Distribution facilities within the 7.5 foot platted rear easement located at 1142 Glenmore Drive, Apopka, Florida. Therefore Duke Energy, Florida has "No Objection" to the vacation and abandonment of the 7.5 foot rear platted easement located at the above home.

This No Objection letter should be considered as approval from both Duke Energy's Transmission and Duke Energy's Distribution Departments.

If I can be of further assistance, please do not hesitate to contact me at [benita.rostel@duke-energy.com](mailto:benita.rostel@duke-energy.com) or by phone at (407) 942-9657.

Best regards,

A handwritten signature in black ink that reads "Benita Rostel". The signature is written in a cursive style with a large, looped "B" and "R".

Benita Rostel  
Associate Land Representative  
Distribution Right of Way - Florida

Construction Department  
3767 All American Blvd  
Orlando Fl. 32810



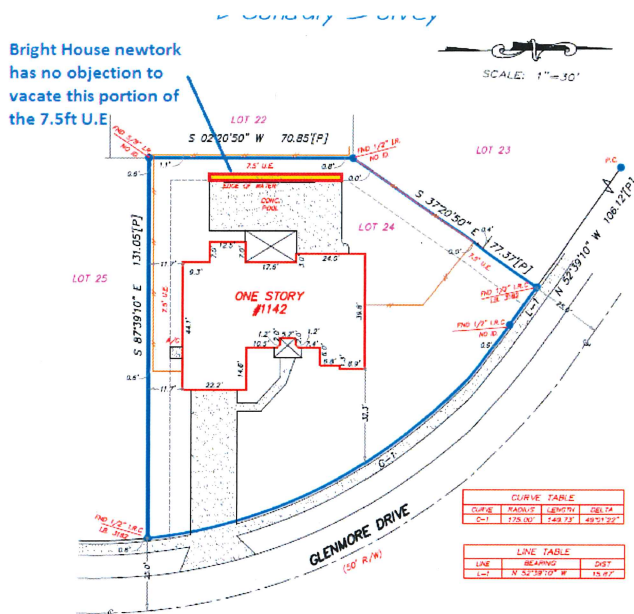
October 19, 2015

Mark E. Hudson  
1142 Glenmore Dr.  
Apopka, Fl. 32712

Re: Request for a Vacate of Easement  
Parcel 31-20-25-5065-00-240

Dear Mr. Hudson:

Bright House Networks has reviewed your request to vacate the access easement adjacent to your property located at parcel 31-20-25-5065-00-240. We do not have an objection to this vacation of this easement as highlighted in this drawing below.



If you need an additional information, please contact me at my office 407-532-8511.

Sincerely,  
*Tracey Domostoy*

Tracey Domostoy  
Construction Supervisor  
Bright House Network

Cc: PJ King

**ORDINANCE NO. 2484**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1142 GLENMORE DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to provisions of Florida Statutes, Section 336.10, a Petition has been filed by Mark E. and Virginia L. Hudson to vacate, abandon, discontinue, renounce and disclaim a portion of an existing utility easement located at 1142 Glenmore Drive, as shown in Exhibit "A"; and

**WHEREAS**, Century Link (f/k/a Embarq), Bright House Network (f/k/a Time Warner Cable), Duke Energy (f/k/a Progress Energy), and Lake Apopka Natural Gas District have no objection to the abandonment of a portion of the existing utility easement; and

**WHEREAS**, the City Council has determined that under the proposed circumstances there exists no public need for this existing easement; and

**WHEREAS**, after public notice in accordance with Florida Statute 336.10, the City Council has determined that it is not contrary to public interest to vacate and abandon said existing easement.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section 1.** That the following lands, and graphically depicted by the attached Exhibit "A," shall be officially closed, discontinued, and vacated:

**Legal Description:**

A portion of Lot 24, Lexington Club, according to the plat thereof, as recorded in Plat Book 22, Pages 61, of the public records of Orange County, Florida, being more particularly described as follows:

Commence at the southwest corner of said Lot 24; thence run S 87 degrees 39'10" E along the southerly line of Lot 24, a distance of 7.50 feet; thence run N 02 degrees 20 minutes 50 seconds E, a distance of 19.31 feet to a point of beginning, thence continue N 02 degrees 20 minutes 50 seconds E, a distance of 45.90 feet; thence run N 87 degrees 54 minutes 47 seconds W, a distance of 1.87 feet; thence run S 02 degrees 05 minutes 13 seconds W, a distance of 45.90 feet; thence run S 87 degrees 54 minutes 47 seconds E, a distance of 1.66 feet to point of beginning.

CONTAINING: 86 SQUARE FEET, MORE OR LESS

**Section II. NOTICE.** That notice of the adoption of this Ordinance be published and the Ordinance be filed with the Clerk of the Circuit Court of Orange County, Florida, and duly recorded among the Public Records of Orange County, Florida.

**ORDINANCE NO. 2484**  
**PAGE 2**

**Section III. SEVERABILITY.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this Ordinance.

**Section IV. CONFLICT.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section V. EFFECTIVE DATE.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: January 20, 2016

READ SECOND TIME  
AND ADOPTED: February 3, 2016

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda F. Goff, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cliff Sheppard, Esq., City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: January 8, 2016  
January 22, 2016





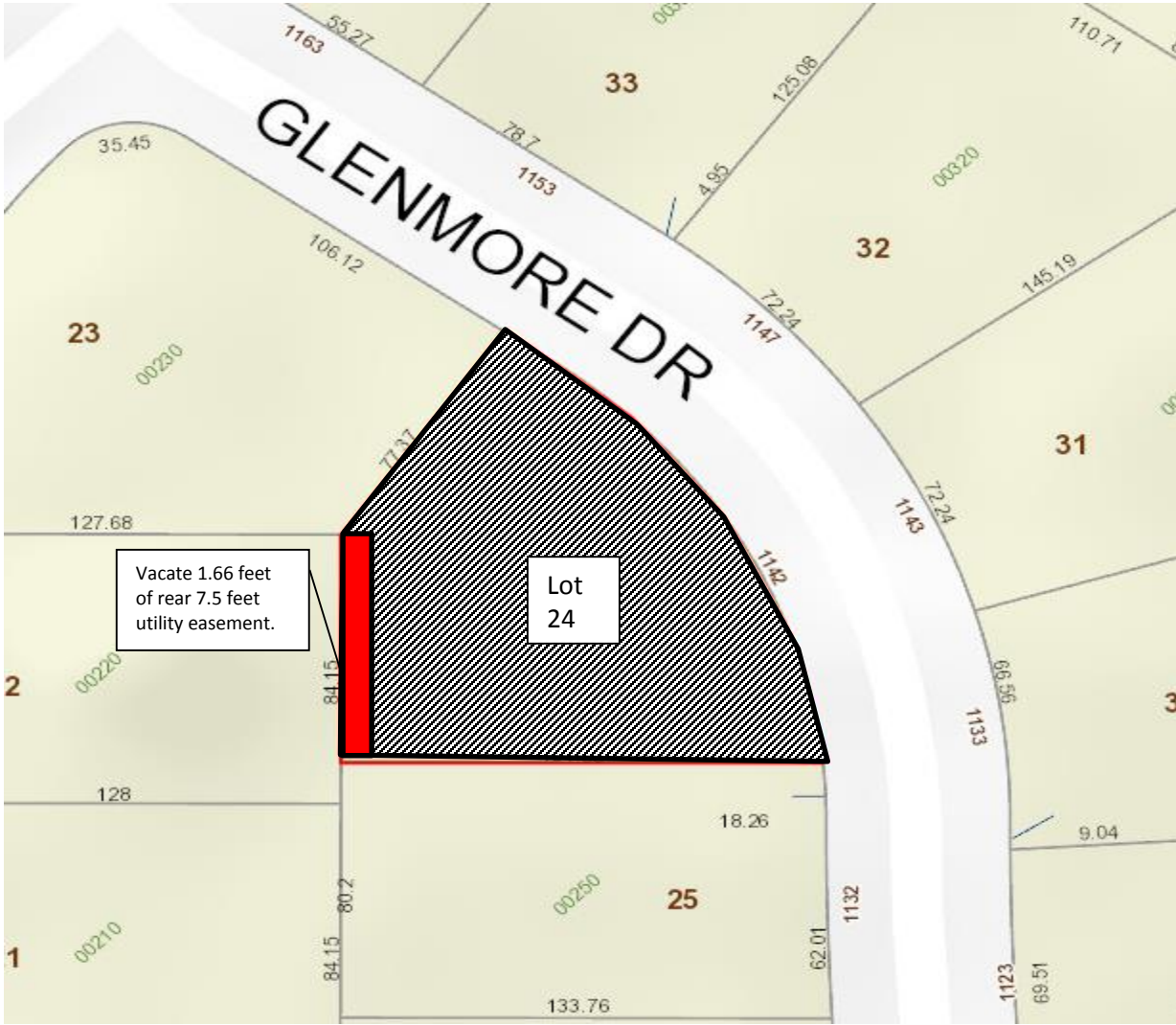
**ORDINANCE NO. 2484  
EXHIBIT "A"**

**Mark and Virginia Hudson  
Proposed Vacate of Existing Utility Easement  
1142 Glenmore Drive  
Parcel ID: 31-20-28-5065-00-240**



**VICINITY MAP**

 Vacate Area  




LEGAL DESCRIPTION: A PORTION OF LOT 24, LEXINGTON CLUB, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 61, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 24; THENCE RUN S 87°39'10" E ALONG THE SOUTHERLY LINE OF LOT 24, A DISTANCE OF 7.50 FEET; THENCE RUN N 02°20'50" E, A DISTANCE OF 19.31 FEET TO A POINT OF BEGINNING; THENCE CONTINUE N 02°20'50" E, A DISTANCE OF 45.90 FEET; THENCE RUN N 87°54'47" W, A DISTANCE OF 1.87 FEET; THENCE RUN S 02°05'13" W, A DISTANCE OF 45.90 FEET; THENCE RUN S 87°54'47" E, A DISTANCE OF 1.66 FEET TO THE POINT OF BEGINNING.

# LONG SURVEYING, INC.



**Long Surveying, Inc.**  
 "Specializing in Residential Surveying"  
 LB No. 7371

1061 S. Sun Dr. Ste. #1113

Lake Mary, FL 32746

Office 407-330-9717 or 407-330-9716  
 Fax 407-330-9775  
 www.longsurveying.com

www.longsurveying.com

DRAWN BY: KZR  
 CHECKED BY: BRETT

CERTIFIED TO:

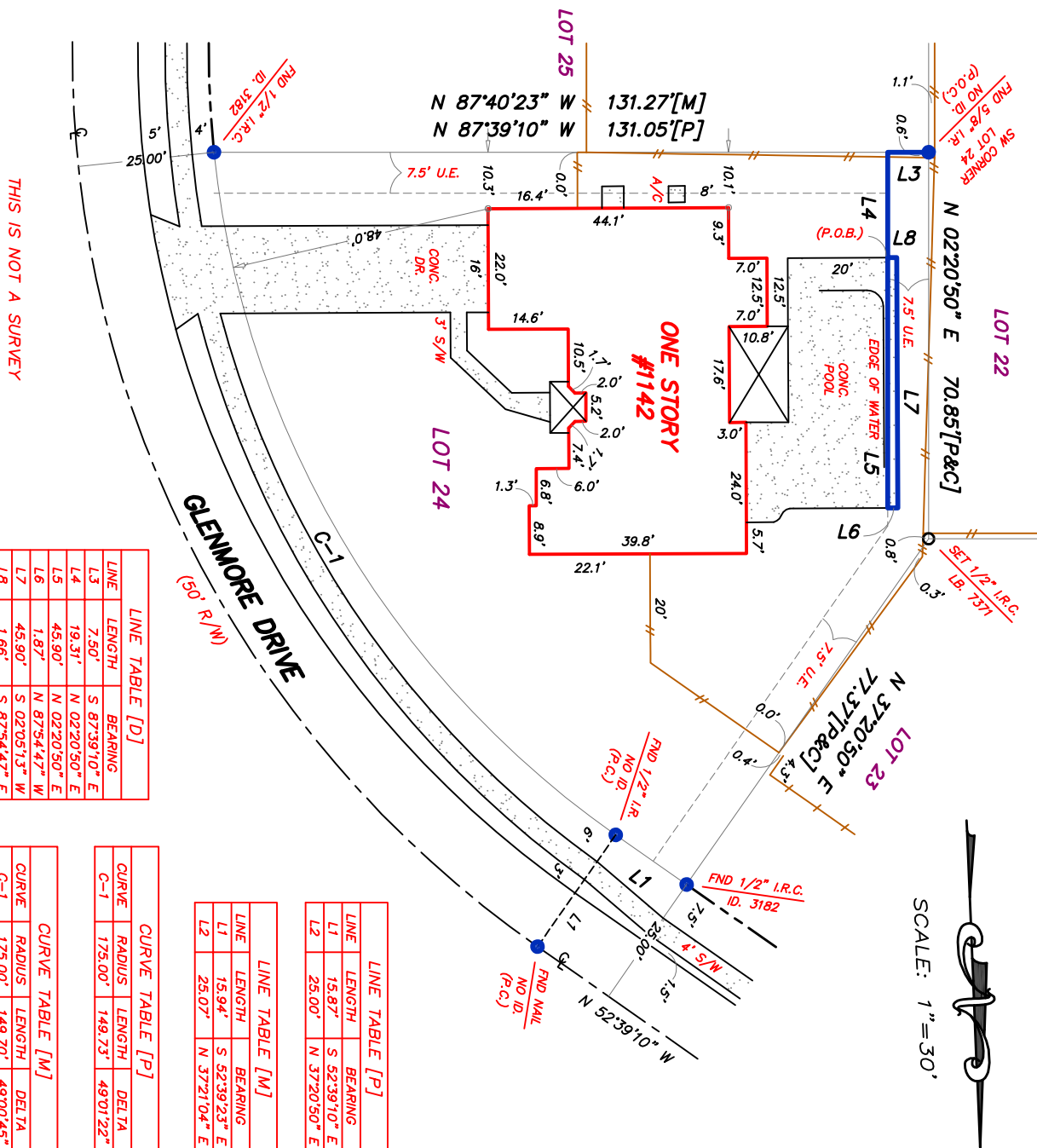
COMMUNITY NO: 120180  
 PANEL: 0110  
 FLOOD ZONE: X

SURFAC: F  
 F.I.R.M. DATE: 09/25/09

SURVEY NO. 68388A  
 FIELD DATE: N/A

1142 GLENMORE DRIVE  
 APOPKA, FL.

## Sketch Of Description Of Easement Vacation



THIS IS NOT A SURVEY

LINE	LENGTH	BEARING
L3	7.50'	S 87°39'10" E
L4	19.31'	N 02°20'50" E
L5	45.90'	N 02°20'50" E
L6	1.87'	N 87°54'47" W
L7	45.90'	S 02°05'13" W
L8	1.66'	S 87°54'47" E

CURVE	RADIUS	LENGTH	DELTA
C-1	175.00'	149.73'	49°01'22"

LINE	LENGTH	BEARING
L1	15.87'	S 52°39'10" E
L2	25.07'	N 37°21'04" E

LINE	LENGTH	BEARING
L1	15.87'	S 52°39'10" E
L2	25.07'	N 37°21'04" E

- A/C AIR CONDITIONER
- A/E ALLEY EASEMENT
- B/C BLOCK CORNER
- B/L BLOCK
- C.B.S. CONCRETE BLOCK STRUCTURE
- C.M. CONCRETE MONUMENT
- C.M.C. CONCRETE
- D DEED
- D.E. DRAINAGE EASEMENT
- E.O.P. EDGE OF PAVEMENT
- F.C.G. FOUND GROSS CUT
- F.F.E. FINISHED FLOOR ELEVATION
- F.N.D. FOUND
- I.D. IDENTIFICATION
- I.P. IRON PIPE
- I.R. IRON ROD & CAP
- I.R.C. IRON ROD
- L ARC LENGTH
- L.B. LAND SURVEYING BUSINESS
- L.S. LAND SURVEYOR
- L.E. LANDSCAPE EASEMENT
- M MEASURED
- M.E. MAINTENANCE EASEMENT
- M&D MAIL AND DISK
- N&D NAIL AND DISK
- P PLAT
- P.E. PEDESTRIAN EASEMENT
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- P.C.P. PERMANENT CONTROL POINT
- P.L. PROPERTY LINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.O.L. POINT ON LINE
- P.R.C. POINT OF REVERSE CURVE
- P.R.M. PERMANENT REFERENCE MONUMENT
- P.D.A.E. PRIVATE DRAINAGE AND ALLEY EASEMENT
- P.T. POINT OF TANGENT
- R RADIUS
- R/W RIGHT OF WAY
- S/W SIDEWALK
- U.E. UTILITY EASEMENT
- W.F.S. WOOD FRAME STRUCTURE

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF GLENMORE DRIVE BEING N 52°39'10" W PER PLAT

- NOTES:
- This sketch is based on the legal description as provided by the Client
  - This Surveyor has not destructed the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
  - Do not reconstruct property lines from building ties
  - No footing or overhangs have been located except as shown
  - No improvements or utilities have been located except as shown
  - Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida licensed Surveyor and Mapper

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 228, Florida Administrative Code, pursuant to Section 228.27, Florida Statutes.

No. 5910

LEON L. HAMPTON P.S.M. NO. 5910

**Backup material for agenda item:**

3. Ordinance No. 2485 – First Reading – Large Scale Future Land Use Amendment  
Moon

David



CITY OF APOPKA  
CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: January 20, 2016  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses Map  
Ordinance No. 2485

**SUBJECT:** **ORDINANCE NO. 2485 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – JTD LAND AT ROGERS RD LLC c/o AKERMAN, LLP - CHANGING THE FUTURE LAND USE FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/10 AC) AND “CITY” RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC).**

**Request:** **ACCEPT THE FIRST READING OF ORDINANCE NO. 2485 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – JTD LAND AT ROGERS RD LLC c/o AKERMAN, LLP-FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC) - PARCEL ID 29-20-28-0000-00-004 & 29-20-28-0000-00-026; AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

**SUMMARY**

OWNER: JTD Land at Rogers Rd, LLC  
APPLICANT: Akerman LLP co/Jim McNeil  
LOCATION: North of West Lester Road, east of Rogers Road  
EXISTING USE: Vacant  
CURRENT ZONING: “County” A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family residential development  
PROPOSED ZONING: “City” R-1 (Note: this Future Land Use amendment request is being processed along with a request to change the zoning classification from “County” A-1 (ZIP) to “City” R-1 (Residential).  
TRACT SIZE: 30.5 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 122 Units  
PROPOSED: 106 Units

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
CA Glenn Irby  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir. (2)  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on December 2, 2015, through Ordinances 2459. Presently, the subject properties do not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Residential Low Suburban.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is consistent with the Residential Low Suburban Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a Mixed Use FLUM designation at the subject site:

*Future Land Use Element*

1. **Policy 3.1.d** The primary use shall be residential dwelling units up to 3.5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than two acres, neighborhood parks.

The applicant’s wish to develop the property for single-family residential units is compatible with Policy 3.1.d.

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

The proposed use for the subject properties as single-family residential is compatible with the land uses and general character of the surrounding area. The future land use designation of surrounding properties predominantly is Residential Low Suburban and, therefore, the requested future land use change is consistent with Policy 3.2.

3. **Policy 3.14** The City shall consider the following when evaluating land use amendments, especially changes from very low density categories to higher density categories and voluntary annexation requests”
  - Whether the amendment demonstrates a functional relationship of the proposed amendment to other more densely or intensely designated or development lands;
  - The availability of public facilities and water supplies to service a more dense or intense land use; and
  - Multi-modal transportation linkages between proposed residential use and neighborhood.

The maximum densities allowed under the proposed “city” Residential Low Suburban future land use is compatible with adjacent and surrounding land uses.

**SCHOOL CAPACITY REPORT:** The densities allowed under the proposed future land use designation are lower than the current “county” future land use designation and, therefore, a school capacity agreement is not required at the time of the Future Land Use Amendment application but will be required prior to adoption of a change of a zoning application.

**ORANGE COUNTY NOTIFICATION:** 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 November 9, 2015.

**PUBLIC HEARING SCHEDULE:**

December 8, 2015 – Planning Commission (5:01 pm)

January 6, 2015 – City Council (1:30 pm) - 1<sup>st</sup> Reading & Transmittal

**DULY ADVERTISED:**

November 27, 2015 – Public Notice and Notification  
TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommended approval to transmit a change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Mixed Use for the property owned by Diane Reid-Goolsby, Debra Reid-Wilbarger & Daniel Joshua Reid, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on December 8, 2015, recommended approval (6-0) of the Comprehensive Plan Amendment – Large Scale – Future Land Use from “County” Low Density Residential (0-4 du/ac)(30.5 +/- acres) to “City” Residential Low Suburban (0-3.5 du/ac); and transmittal to the Florida Department of Economic Opportunity, for the property owned by JTD Land at Rogers Rd LLC, subject to the information and findings in the staff report.

Accept First Reading of Ordinance No. 2485; and authorize transmittal to the Florida Department of Economic Opportunity.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AAA	Vacant
East (City)	Residential Low Suburban (0-3.5 du/ac)	PUD & R-1AAA	Vacant
South (City)	Residential Low Suburban (0-3.5 du/ac)	R-1	Single-family homes
West (City and County)	Residential Low Suburban (0-3.5 du/ac) & “County” Rural (0-1 du/10 ac)	“City” R-1AA & “County” A-1	Single-family homes and vacant

The property has access from the west from Rogers Road.

**II. LAND USE ANALYSIS**

The subject properties are located within an area with land uses predominantly for single-family residential, which makes the request for a Residential Low Suburban future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties to the south and west are developed as existing single-family homes, which properties to the east and north are vacant, but have a future land use designation and zoning classification that permit single-family residential.

The proposed Residential Low Suburban future land use designation is consistent with the general future land use character of the surrounding area.

Wekiva River Protection Area: No  
 Area of Critical State Concern: No  
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Northern Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low Suburban (0-3.5 du/ac) is consistent with the terms of the JPA (Second Amendment). JTD Land at Rogers Rd, LLC, c/o Jim McNeil, is the applicant of the proposed future land use amendment and proposed change of zoning for the Property, and has been notified of the hearing schedule.

Transportation: Road access to the site is from Rogers Road, which connects to Lester Road to the south. Rogers Road is presently a County road.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are karst features on this property.

Analysis of the character of the Property: The current use of the Property is vacant. The dominant soil, #5 Candler Fine Sand, has a 5-12 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on May 20, 2015. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if developed.

**CALCULATIONS:**

ADOPTED: 122 Unit(s) x 2.659 p/h = 324 persons

PROPOSED: 106 Unit(s) x 2.659 p/h = 282 persons

Housing Needs: This amendment will provide housing to accommodate a year 2030 projected future population of 125,328 that is the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. At the time the Master Site Plan or Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPCD / Capita; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 23,912 GPD
3. Projected total demand under proposed designation: 20,776 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPCD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider:  
City of Apopka

2. Projected total demand under existing designation: 25,620 GPD
3. Projected total demand under proposed designation: 22,260 GPD



4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 4 lbs./cap/day
4. Projected LOS under proposed designation: 4 lbs./cap/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.972 AC

3. Projected facility under proposed designation: 0.846 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None. Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development.

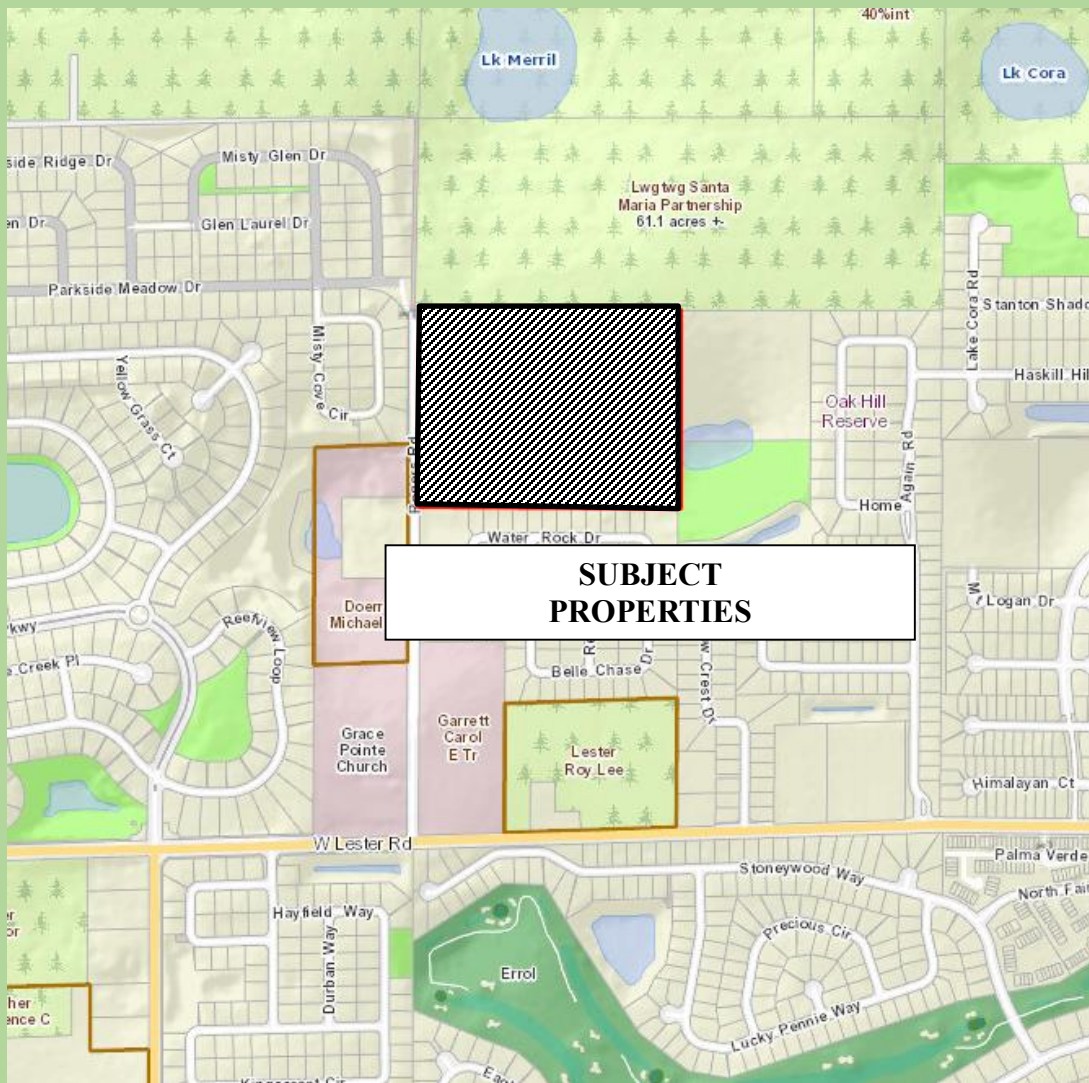
This initial review does not preclude conformance with concurrency requirements at the time of development approval.

**JTD Land at Rogers Rd, LLC**  
**Property Owner**  
**30.5 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: “County” Low Density Residential (0 – 4 du/ac)**  
**To: “City” Residential Low Suburban (0 – 3.5 du/ac)**  
**Proposed Change of Zoning:**  
**From: “County” A-1 (ZIP)**  
**To: “City” R-1**



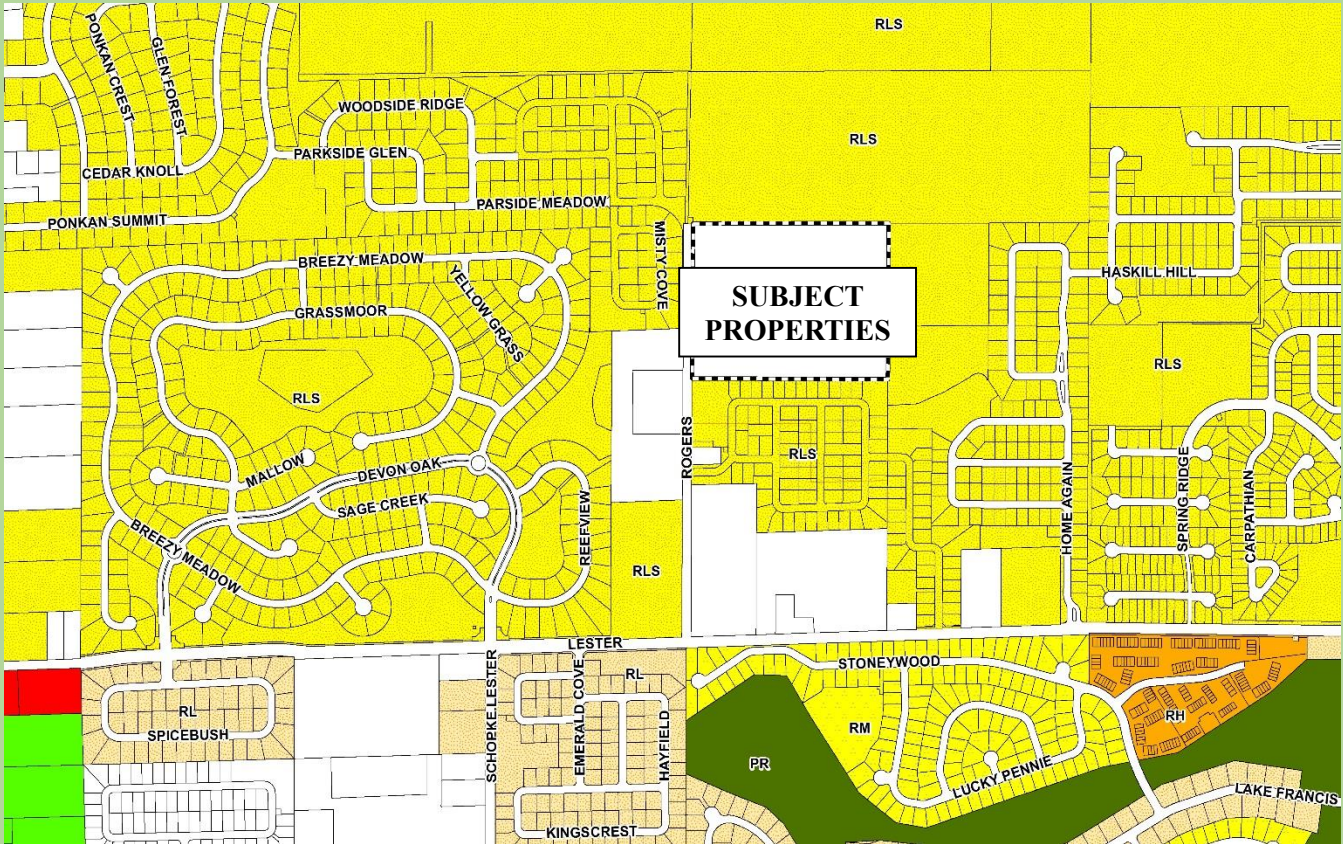
**Parcel ID #s: 29-20-28-0000-00-004 & 29-20-28-0000-00-026**

### VICINITY MAP



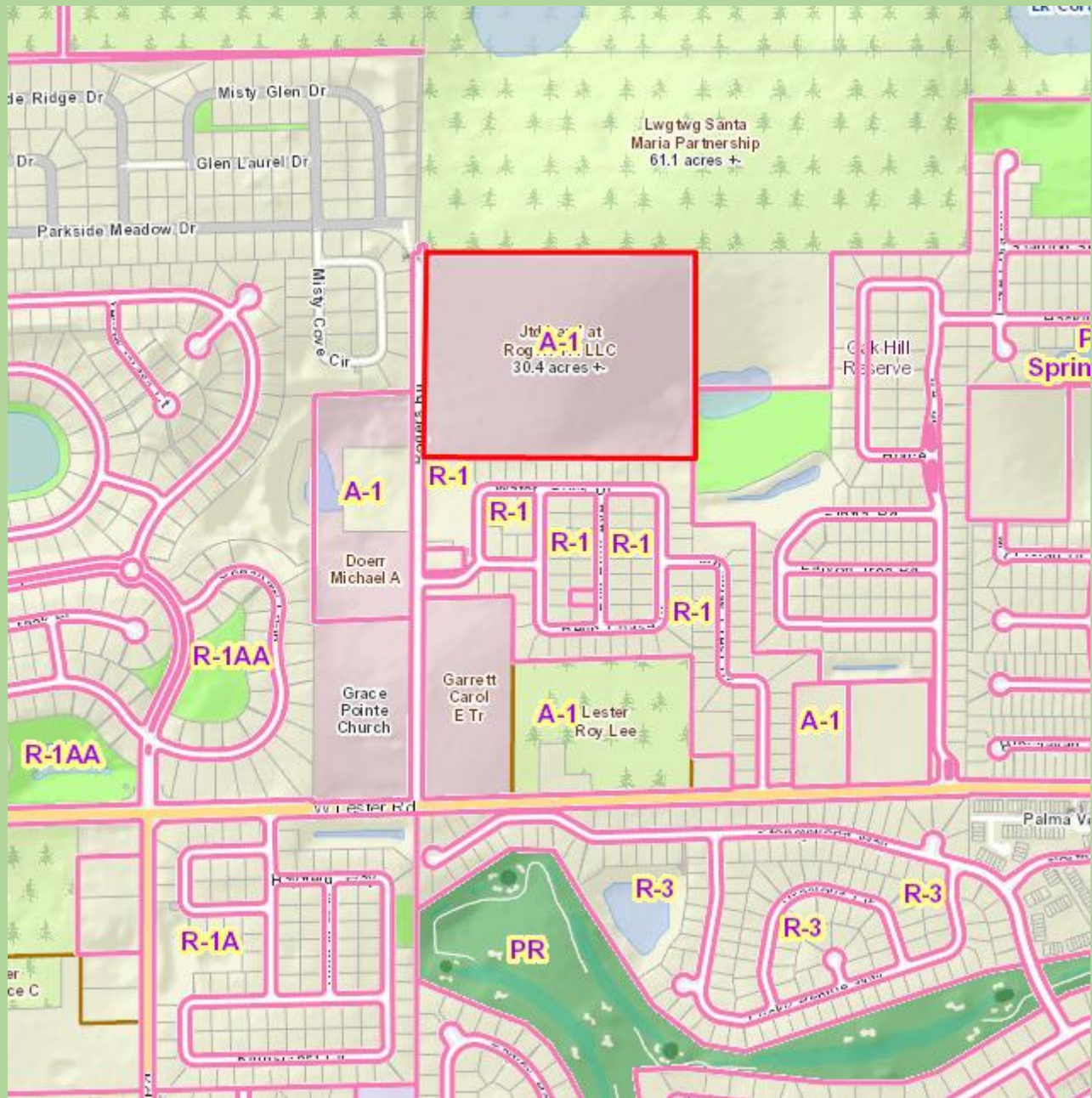


### FUTURE LAND USE MAP



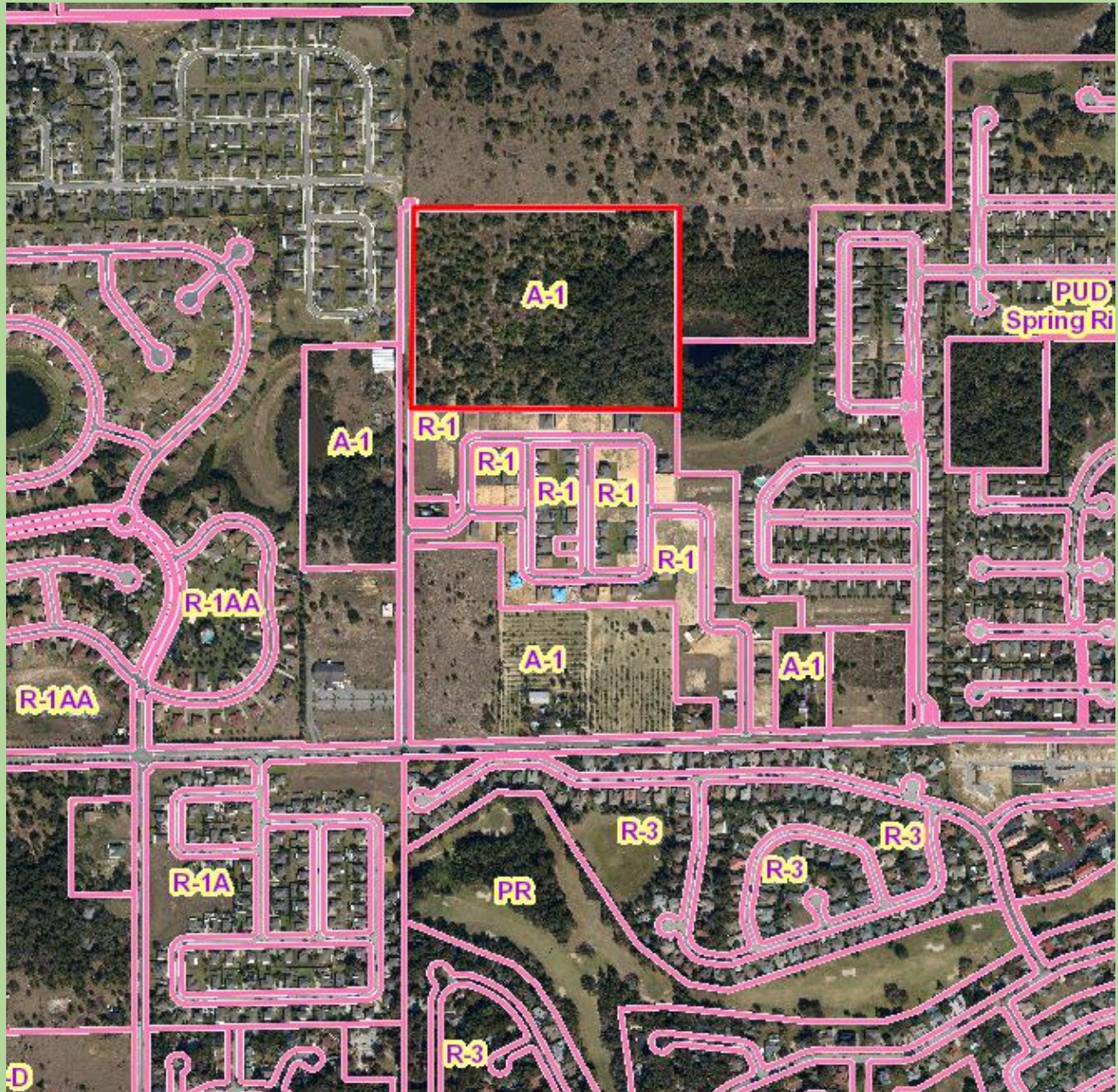


### ADJACENT ZONING



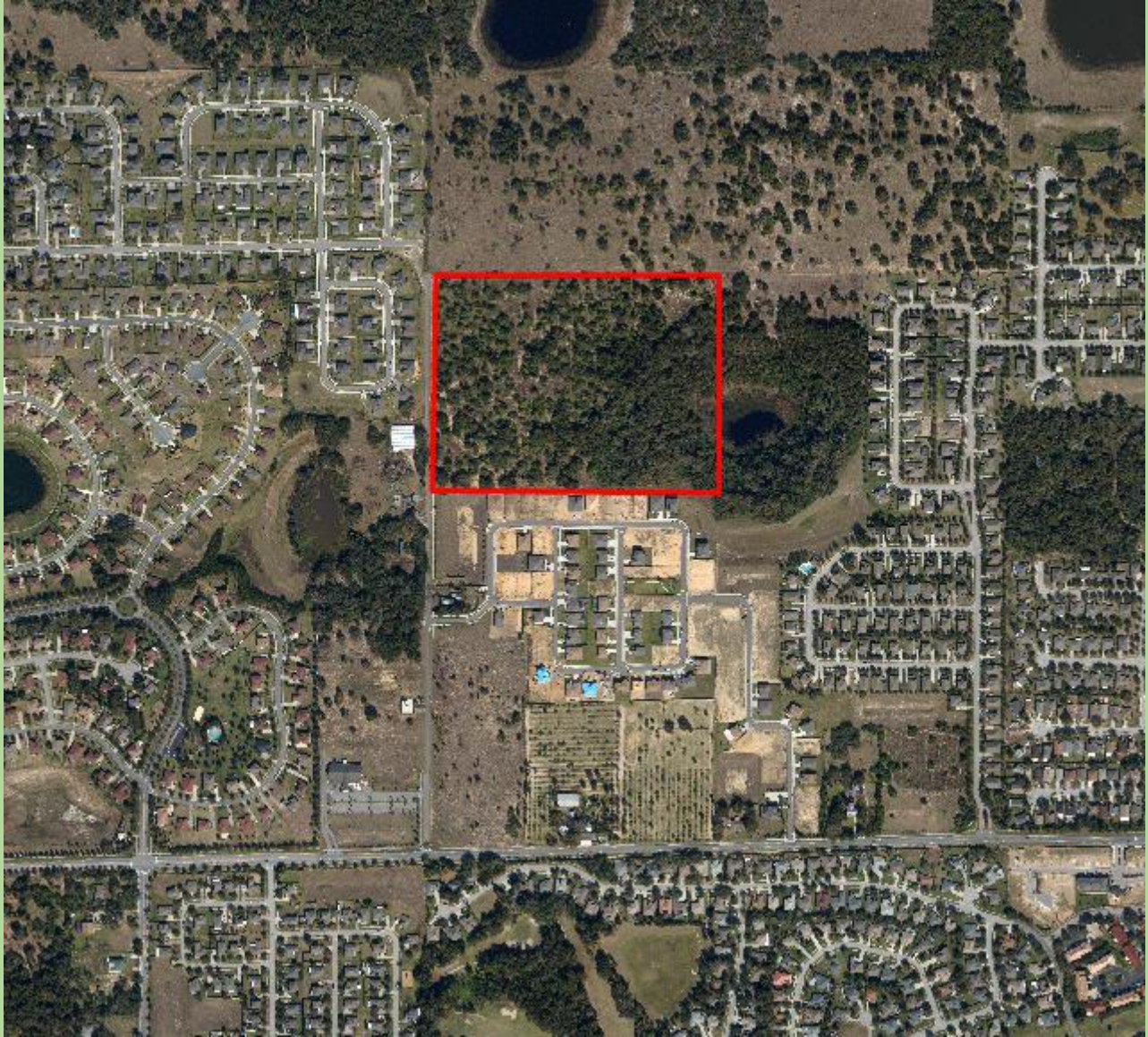


### ADJACENT USES





## EXISTING USES



**ORDINANCE NO. 2485**

**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 “COUNTY” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL LOW SUBURBAN (0-3.5DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF ROGERS ROAD, NORTH OF LESTER ROAD, COMPRISING 30.5 ACRES, MORE OR LESS AND OWNED JTD LAND AT ROGERS RD LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2469; and

WHEREAS, the City of Apopka’s Local Planning Agency and the City Council have conducted the prerequisite advertised public hearings, as per Chapter 163, Florida Statutes, relative to the transmittal and adoption of this ordinance and the requirements for amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: The City of Apopka hereby amends the Future Land Use Element of the adopted Comprehensive Plan as follows:

The Future Land Use Map is hereby amended and replaced in its entirety by Exhibit “A” of this Ordinance, and incorporated herein by reference.

SECTION II: This Ordinance shall become effective following adoption and upon issuance by the Department of Community Affairs or the Administration Commission, as may be applicable, a final order finding the amendment to be in compliance in accordance with Chapter 163.3184.

SECTION III: If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION IV: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.



**ORDINANCE NO. 2485**  
**PAGE 2**

SECTION V: This Ordinance shall become effective upon issuance of a final order by the Florida Department of Economic Opportunity finding the plan amendment in compliance in accordance with s.163.3184 (2)(a), Florida Statute.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

READ FIRST TIME: January 20, 2016

READ SECOND TIME  
AND ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

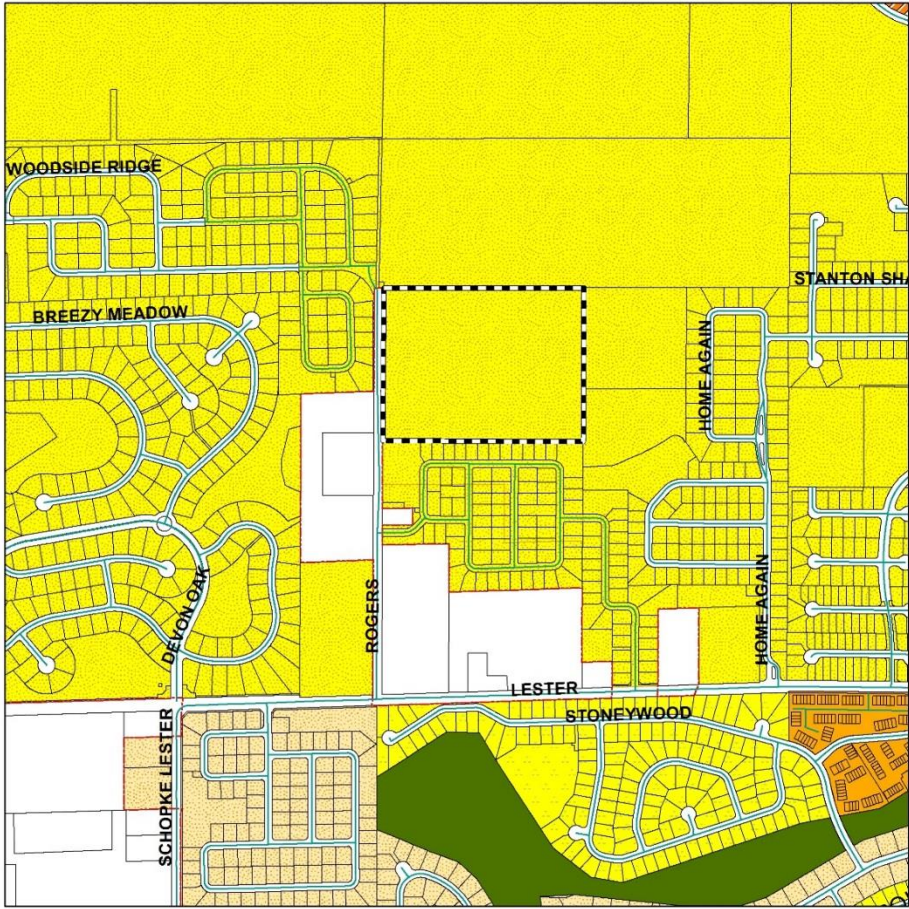
\_\_\_\_\_  
Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 27, 2015

**Ordinance No. 2485**  
**JTD Land at Rogers Rd, LLC**  
**Property Owner**  
**30.5 +/- Acres**

**Proposed Large Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential (0 – 4 du/ac)**  
**To: "City" Residential Low Suburban (0 – 3.5 du/ac)**  
**Proposed Change of Zoning:**  
**From: "County" A-1 (ZIP)**  
**To: "City R-1**

**Parcel ID #s: 29-20-28-0000-00-004 & 29-20-28-0000-00-026**



**City of Apopka**  
**Future Land Use Map**



**Legend**

Subject Sites	Res. Medium
City Boundary	Res. High
JPA Boundary	Mixed Use
<b>Future Land Use</b>	Mixed Use*
Agriculture	Office
Agriculture Estates	Commercial
Agriculture Homestead	Commercial*
Rural Settlement	Industrial
Res. Estates	Industrial*
Res. Very Low Suburban	Institutional/Public Use
Res. Low Suburban	Conservation
Res. Low	Parks/Recreation
Res. Medium Low	ANNEX

0 0.0325 0.065 0.13 0.195 0.26 Miles



Source: City of Apopka and Orange County Property Appraiser  
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.  
 The City of Apopka does not assume responsibilities for errors or omissions contained hereon.

**Backup material for agenda item:**

4. Ordinance No. 2469 – Second Reading – Small Scale Future Land Use Amendment  
David Moon



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: January 20, 2016  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses Map  
Ordinance No. 2469

**SUBJECT: ORDINANCE NO. 2469 - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT – CITY OF APOPKA**

**Request: SECOND READING OF ORDINANCE NO. 2469 – SMALL SCALE FUTURE LAND USE AMENDMENT - CITY OF APOPKA - FROM “CITY” PARKS/RECREATION TO “CITY” INDUSTRIAL (MAX FAR 0.60) (PARCEL ID #: 15-21-28-0000-00-080); AND HOLD OVER FOR THIRD READING AND ADOPTION.**

**SUMMARY**

APPLICANT/OWNER: City of Apopka  
LOCATION: North of East Cleveland Street, west of Sheeler Avenue  
EXISTING USE: Vacant  
CURRENT ZONING: PR  
PROPOSED DEVELOPMENT: Light industrial  
PROPOSED ZONING: I-1 (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from PR to I-1.)  
TRACT SIZE: 9.95 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 0 Units  
PROPOSED: 260,053 Sq. Ft.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** The proposed Small-Scale Future Land Use Amendment is being requested by the City of Apopka. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Industrial is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 9.95 acres. The property owner intends to use the site for eventual light industrial development. Access to the site will occur from a road or driveway connecting to East Cleveland Street through an abutting City-owned property, unless another access is created to connect to 13<sup>th</sup> Street.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City’s proposed I-1 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed rezoning is to a non-residential zoning classification and, therefore, a capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** 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 October 9, 2015.

**PUBLIC HEARING SCHEDULE:**

- November 10, 2015 - Planning Commission (5:01 pm)
- December 2, 2015- City Council (1:30 pm) - 1<sup>st</sup> Reading
- December 16, 2015 – City Council (7:00 pm) – 2<sup>nd</sup> Reading - Tabled
- January 20, 2016 – City Council (7:00 pm) – 2<sup>nd</sup> Reading
- February 3, 2016 – City Council (1:30 pm) – 3<sup>rd</sup> Reading

**DULY ADVERTISED:**

- October 30, 2015 – Public Notice and Notification
- December 4, 2015 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad
- January 8, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from Parks/Recreation to Industrial (max FAR 0.60) for the property owned by the City of Apopka.

The **Planning Commission**, at its meeting on November 10, 2015, recommended approval (6-0) of the change in Future Land Use from Parks/Recreation to Industrial (max. FAR 0.60) for the property owned by City of Apopka.

The **City Council**, at its meeting on December 2, 2015, accepted the First Reading of Ordinance No. 2469 and held it over for Second Reading and Adoption on December 16, 2015.

The **City Council**, at its meeting on December 16, 2015, tabled Ordinance No. 2469 until the January 20, 2016 meeting.

Accept the Second Reading of Ordinance No. 2469 and Hold It Over for Third Reading and Adoption on February 3, 2016.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Medium (10 du/ac) and Industrial (max FAR 0.60)	IND-2/IND-3 (ZIP)	Light Industrial
East (City)	Residential Medium (10 du/ac)	R-1	Vacant
South (City)	Residential Medium (10 du/ac)	PUD	Vacant
West (City)	Parks/Recreation	PR	Vacant (City training site)

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is compatible with this development of light industrial uses. The property lies north of East Cleveland St and east of Clarcona Rd.

Wekiva River Protection Area: No  
 Area of Critical State Concern: No  
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within “Core Area” of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are karst features present on this property.

Analysis of the character of the Property: The Property fronts E Cleveland St. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.1 Industrial Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Industrial (max FAR 0.60). Based on the housing element of the Comprehensive Plan, this amendment will not increase the City’s future population.

**CALCULATIONS:**

ADOPTED (City designation): N/A  
PROPOSED (City designation): N/A

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka ; 81 GPD/Capita; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 0 GPD

3. Projected total demand under proposed designation: 39,008 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka ; 177 GPD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 0 GPD

3. Projected total demand under proposed designation: 52,011 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 177 GPD/Capita



6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: N/A lbs./person/day
4. Projected LOS under proposed designation: 3 lbs./1000 sq. ft.
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

- Water treatment plant permit number: CUP No. 3217
- Permitting agency: St. John's River Water Management District
- Permitted capacity of the water treatment plant(s): 21.981 GPD
- Total design capacity of the water treatment plant(s): 33.696 GPD
- Availability of distribution lines to serve the property: Yes
- Availability of reuse distribution lines available to serve the property: No

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita

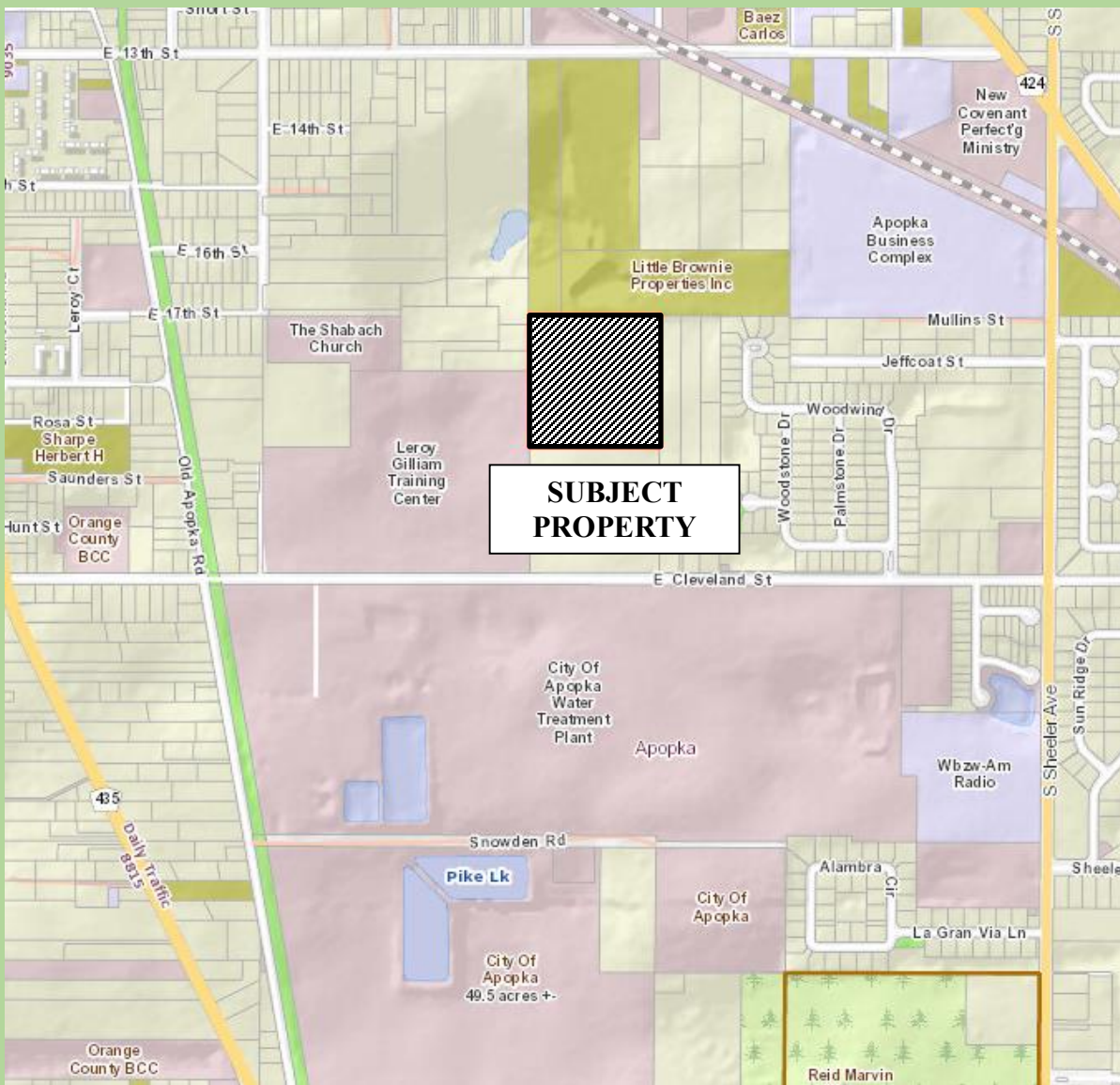
2. Projected facility under existing designation: N/A AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:  
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

**City of Apopka**  
**9.95 +/- Acres**  
**Existing Maximum Allowable Development: 0 dwelling units**  
**Proposed Maximum Allowable Development: 260,053 sq. ft.**  
**Proposed Small Scale Future Land Use Change**  
**From: Parks/Recreation**  
**To: Industrial (max. FAR 0.60)**  
**Proposed Zoning Change**  
**From: PR**  
**To: I-1**  
**Parcel ID #: 15-21-28-0000-00-080**

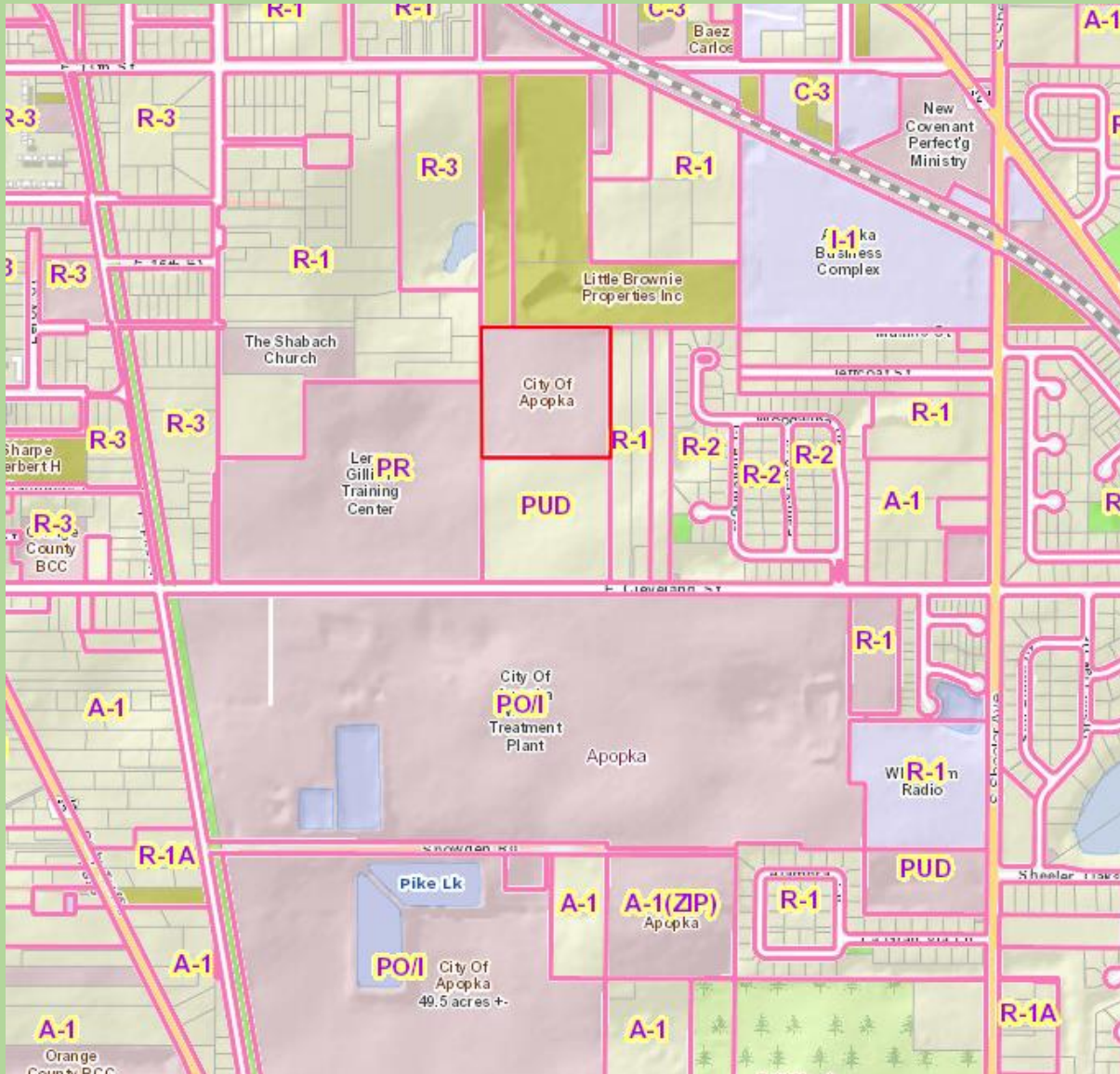


**VICINITY MAP**



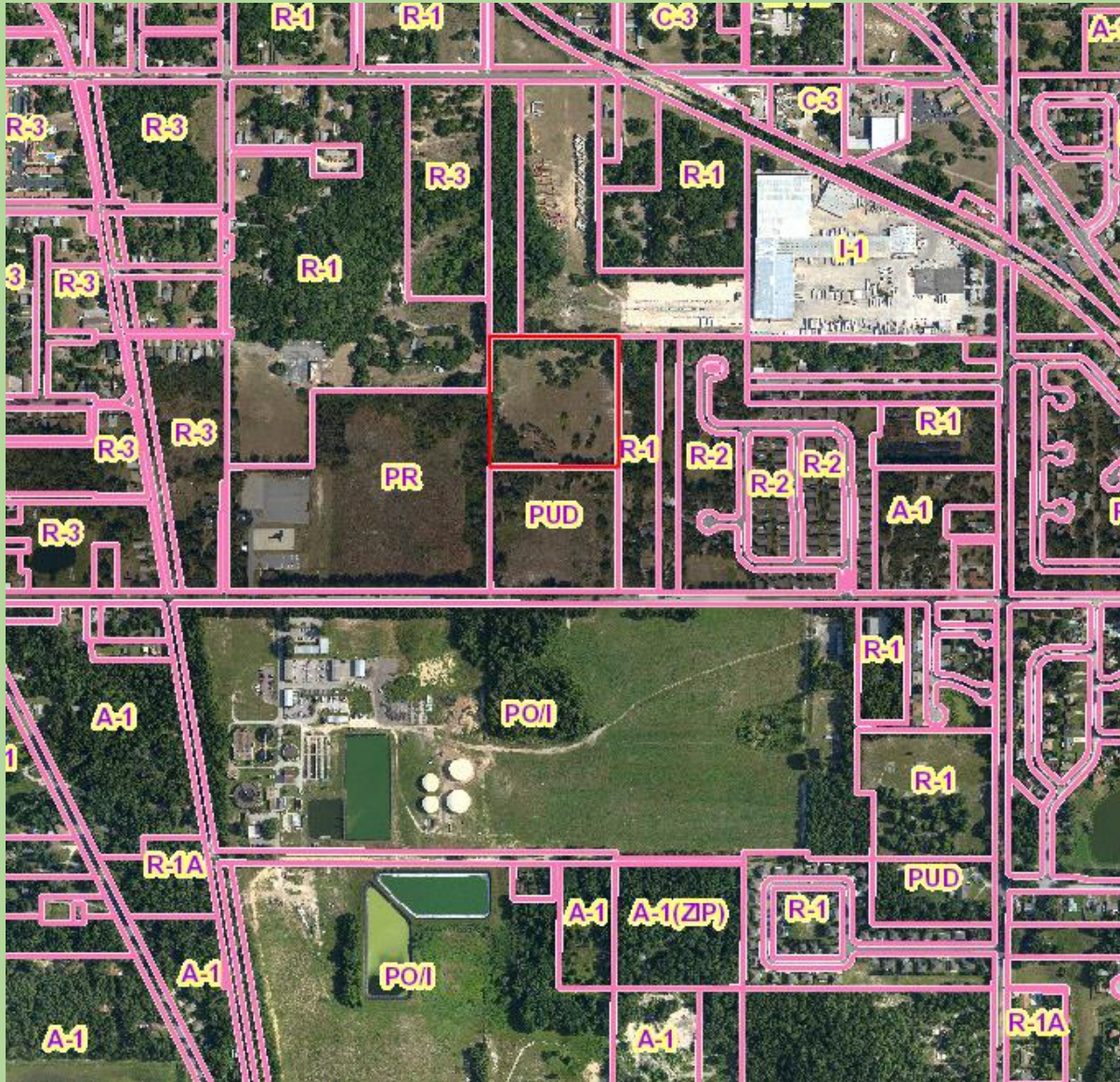


### ADJACENT ZONING



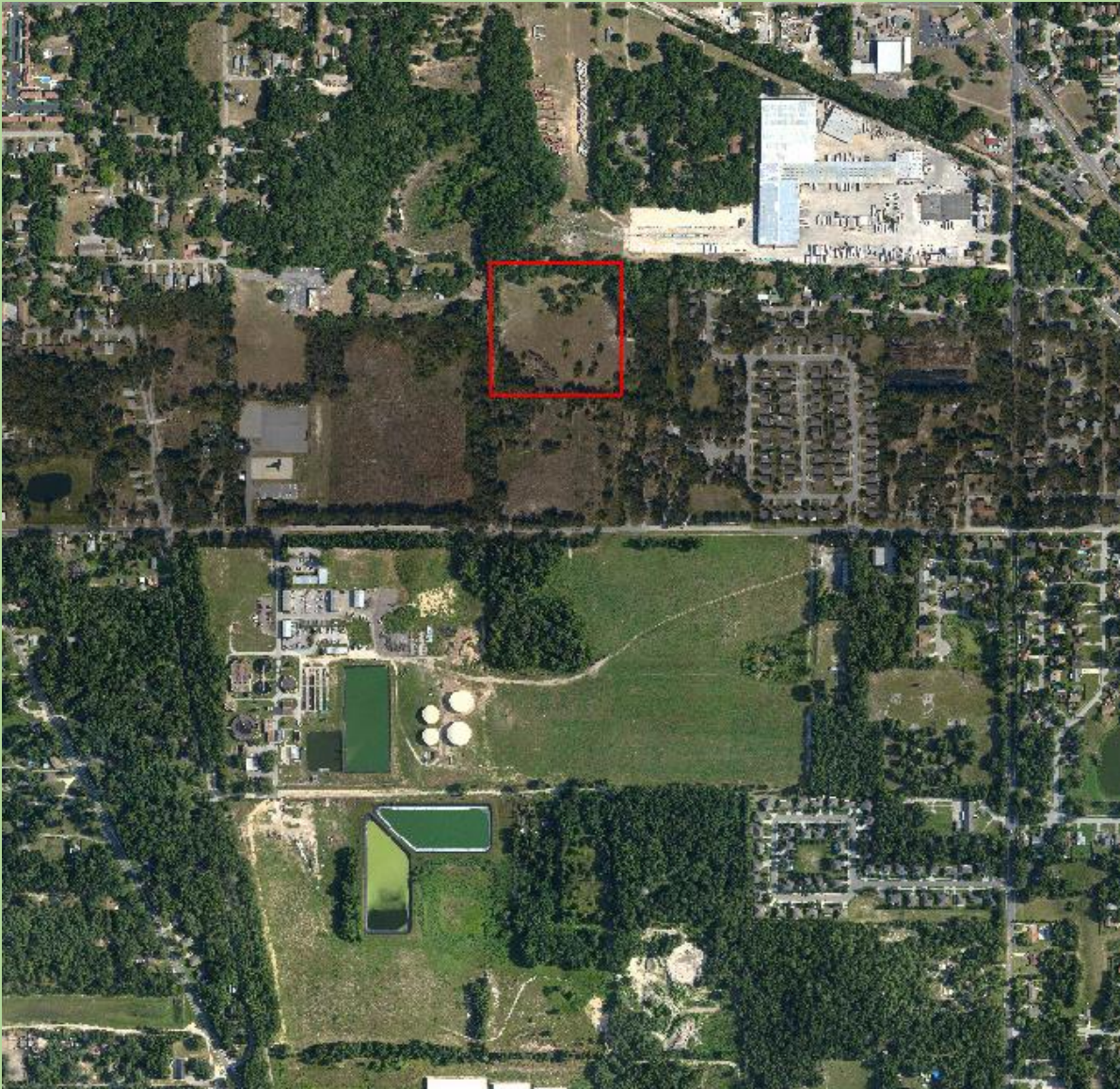


ADJACENT USES





**EXISTING USES**



## ORDINANCE NO. 2469

**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/RECREATION TO INDUSTRIAL (0.6 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2467 on December 16, 2015; and

**WHEREAS**, the City of Apopka's local planning agency (Planning Commission) has, in preparation of the amended version of the Apopka Comprehensive Plan, analyzed the proposed amendment pursuant to Chapter 163, Part II, F.S., found it to be consistent with the intent of the Apopka Comprehensive Plan, and held public hearings providing for full public participation.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

### **Section I. Purpose and Intent.**

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3184 and 163.3187, Florida Statutes.

### **Section II. Future Land Use Element.**

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2467, is amended in its entirety to change the land use from Parks/Recreation to Industrial (0.60 FAR), for certain real property generally located north of East Cleveland Street, west of Sheeler Avenue, comprising 9.95 acres more or less, (Parcel No. 15-21-28-0000-00-080; as further described in Exhibit "A" attached hereto.

### **Section III. Applicability and Effect.**

The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes.

### **Section IV. Severability.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**ORDINANCE NO. 2469**  
**PAGE 2**

**Section V.** The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance.

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

READ FIRST TIME: December 2, 2015

READ SECOND TIME: January 20, 2016

READ THIRD TIME  
AND ADOPTED: February 3, 2016

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: October 30, 2015  
December 4, 2015  
January 8, 2016



**ORDINANCE NO. 2469**

**City of Apopka  
9.95 +/- Acres**

**Existing Maximum Allowable Development: 0 dwelling units**

**Proposed Maximum Allowable Development: 260,053 sq. ft.**

**Proposed Small Scale Future Land Use Change**

**From: Parks/Recreation**

**To: Industrial (max. FAR 0.60)**

**Proposed Zoning Change**

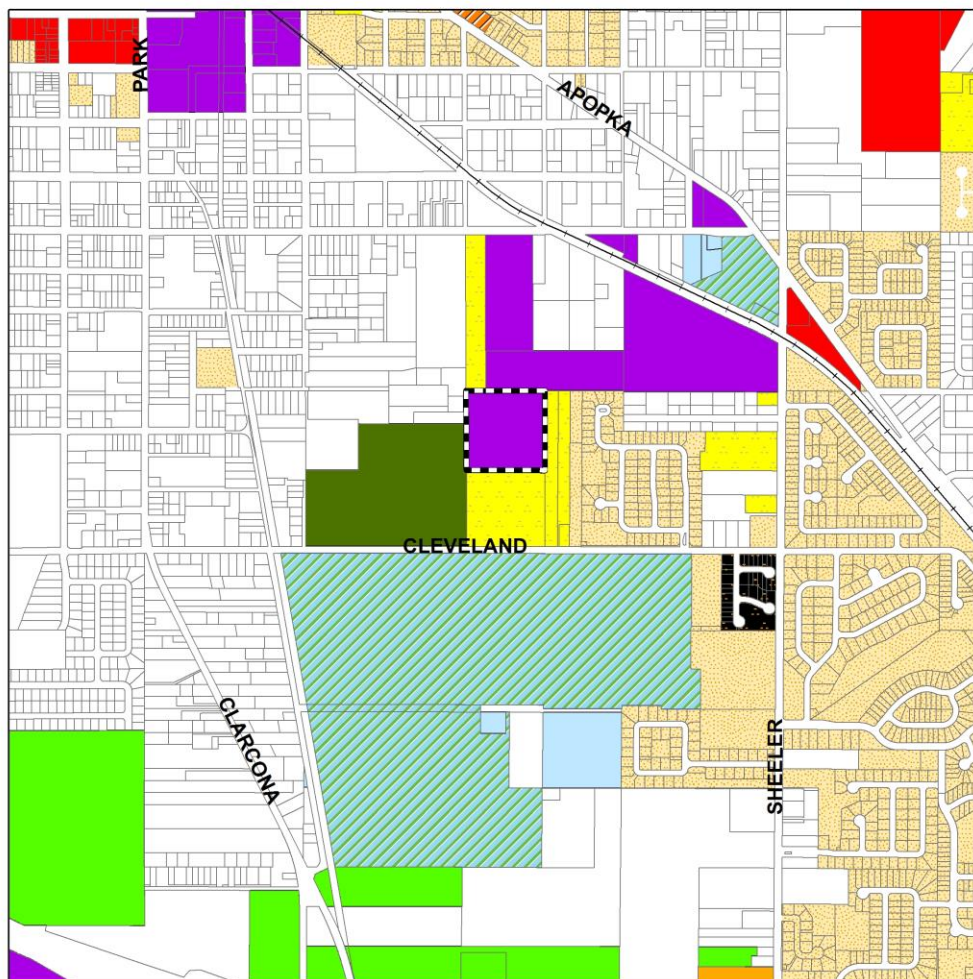
**From: PR**

**To: I-1**

**Parcel ID #: 15-21-28-0000-00-080**



**VICINITY MAP**



**City of Apopka  
Future Land Use Map**



**Legend**

- Subject Site
- City Boundary
- JPA Boundary
- PARCELS\_061413
- Future Land Use**
- Agriculture
- Agriculture Estates
- Agriculture Homestead
- Rural Settlement
- Res. Estates
- Res. Very Low Suburban
- Res. Low Suburban
- Res. Low
- Res. Medium Low
- Res. Medium
- Res. High
- Mixed Use
- Mixed Use\*
- Office
- Commercial
- Commercial\*
- Industrial
- Industrial\*
- Institutional/Public Use
- Conservation
- Parks/Recreation
- ANNEX

0 0.0450.09 0.18 0.27 0.36 Miles



Source: City of Apopka and Orange County Property Appraiser  
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.  
 The City of Apopka does not assume responsibilities for errors or omissions contained herein.

**Backup material for agenda item:**

5. Ordinance No. 2470 – Second Reading – Change of Zoning - Quasi-Judicial Moon

David



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: January 20, 2016  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses Map  
Ordinance No. 2470

---

**SUBJECT: ORDINANCE NO. 2470 - CHANGE OF ZONING – CITY OF APOPKA**

**Request: SECOND READING OF ORDINANCE NO. 2470 - CHANGE OF ZONING – CITY OF APOPKA - FROM PR (PARKS/RECREATION) I-1 (RESTRICTED INDUSTRIAL) (PARCEL ID 15-21-28-0000-00-080); AND HOLD OVER FOR THIRD READING & ADOPTION.**

---

**SUMMARY**

APPLICANT/OWNER: City of Apopka  
LOCATION: North of East Cleveland Street, west of Sheeler Avenue  
EXISTING USE: Vacant  
FUTURE LAND USE: Parks/Recreation  
PROPOSED LAND USE: Industrial (max. FAR 0.60) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from Parks/Recreation to Industrial (max FAR 0.60).  
ZONING: PR (Parks/Recreation)  
PROPOSED ZONING: I-1 (Restricted Industrial) (min. lot area of 15,000 sq. ft.)  
PROPOSED DEVELOPMENT: Light industrial  
TRACT SIZE: 9.95 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 0 Residential Units  
PROPOSED ZONING: 260,053 Sq. Ft.

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**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Ser. Director
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Director	Police Chief	

**ADDITIONAL COMMENTS:** The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The City is requesting the I-1 zoning to assure that the property can be sold and developed for light industrial. The property comprises approximately 9.95 acres.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed I-1 rezoning is consistent with the proposed Future Land Use Designation of Industrial (max. FAR 0.60) for this property. Minimum lot size for property assigned the I-1 zoning category is 15,000 sq. ft. for light industrial development.

**SCHOOL CAPACITY REPORT:** The proposed rezoning is to a non-residential zoning classification and, therefore, a capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** 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 October 9, 2015.

**PUBLIC HEARING SCHEDULE:**

November 10, 2015 - Planning Commission (5:01 pm)  
December 2, 2015- City Council (1:30 pm) - 1<sup>st</sup> Reading  
December 16, 2015 – City Council (7:00 pm) – Tabled  
January 20, 2016 – City Council (7:00 pm) – 2<sup>nd</sup> Reading  
February 3, 2016 – City Council (1:30 pm) – 3<sup>rd</sup> Reading & Adoption

**DULY ADVERTISED:**

October 30, 2015 – Public Notice and Notification  
December 4, 2015 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad  
January 8, 2016 - Ordinance Heading Ad w/Map/¼ Page w/Map Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from PR (Parks/Recreation) to I-1 (Restricted Industrial).

The **Planning Commission**, at its meeting on November 10, 2015, recommended approval (6-0) of the change in Future Land Use from PR (Parks/Recreation) to I-1 (Restricted Industrial) for the property owned by City of Apopka.

The **City Council**, at its meeting on December 2, 2015, accepted the First Reading of Ordinance No. 2470; and held it over for Second Reading and Adoption on December 16, 2015.

The **City Council**, at its meeting on December 16, 2015, Tabled Ordinance No. 2470 until its January 20, 2016 meeting.

Accept the Second Reading of Ordinance No. 2470; and Hold it Over for Third Reading and Adoption on February 3, 2016.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

North (City)	Residential Medium (10 du/ac) and Industrial (max FAR 0.60)	IND-2/IND-3 (ZIP)	Light Industrial
East (City)	Residential Medium (10 du/ac)	R-1	Vacant
South (City)	Residential Medium (10 du/ac)	PUD	Vacant
West (City)	Parks/Recreation	PR	Vacant (City training site)
North (City)	Residential Medium (10 du/ac) and Industrial (max FAR 0.60)	IND-2/IND-3 (ZIP)	Light Industrial

**LAND USE & TRAFFIC COMPATIBILITY:**

The parcel is landlocked but the abutting parcel to the southwest is also owned by the City of Apopka. Prior to development of the subject property for industrial purposes, a road or driveway must be constructed across the City’s southern parcel to create access between Cleveland Street and the subject parcel.

The zoning application covers approximately 9.95 acres. The property owner intends to sell the property for use for light industrial development.

**COMPREHENSIVE PLAN COMPLIANCE:**

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

**C-3 DISTRICT REQUIREMENTS:**

- Maximum Floor Area Ratio: 0.60
- Minimum Site Area: 15,000 sq. ft.
- Minimum Lot Width: 100 ft.
- Setbacks:
  - Front: 25 ft.
  - Rear: 10 ft. (30 ft. from residential)
  - Side: 10 ft.
  - Corner: 25 ft.

Based on the above zoning standards, the existing 9.95 acre parcel complies with code requirements for the I-1 district.

**BUFFERYARD REQUIREMENTS:**

Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.

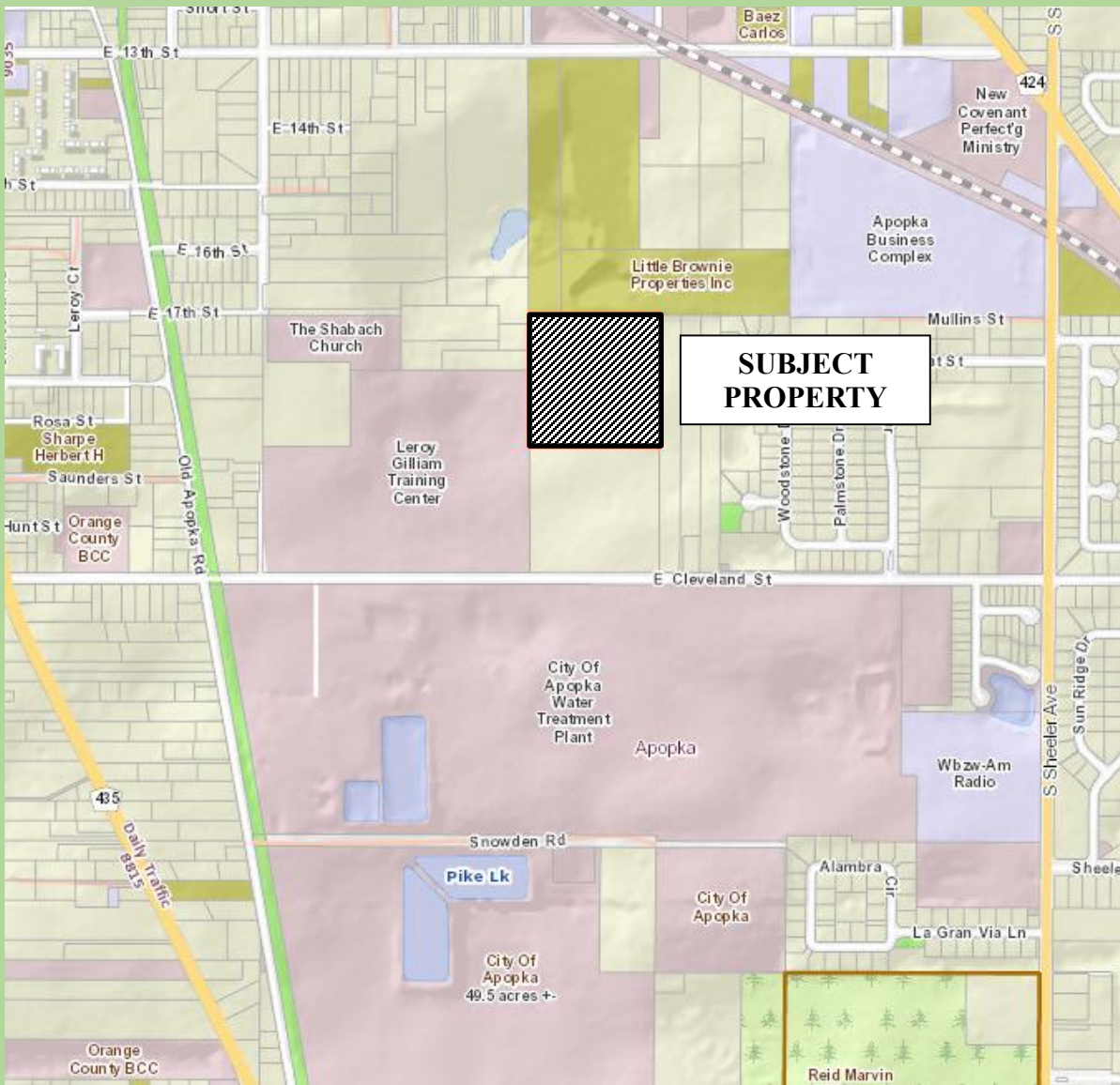
**ALLOWABLE USES:**

Any C-3 Commercial District permitted use and light manufacturing of novelties, souvenirs, bakery, garments, electrical, precision instruments or equipment, computers, furniture, metal and other similar products. Bus, cab and truck repair, dyeing, dry cleaning and laundering. Machinery sales, machine shops, meat storage, cutting and distribution. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district.

City of Apopka  
9.95 +/- Acres  
Existing Maximum Allowable Development: 0 dwelling units  
Proposed Maximum Allowable Development: 260,053 sq. ft.  
Proposed Small Scale Future Land Use Change  
From: Parks/Recreation  
To: Industrial (max. FAR 0.60)  
Proposed Zoning Change  
From: PR  
To: I-1  
Parcel ID #: 15-21-28-0000-00-080

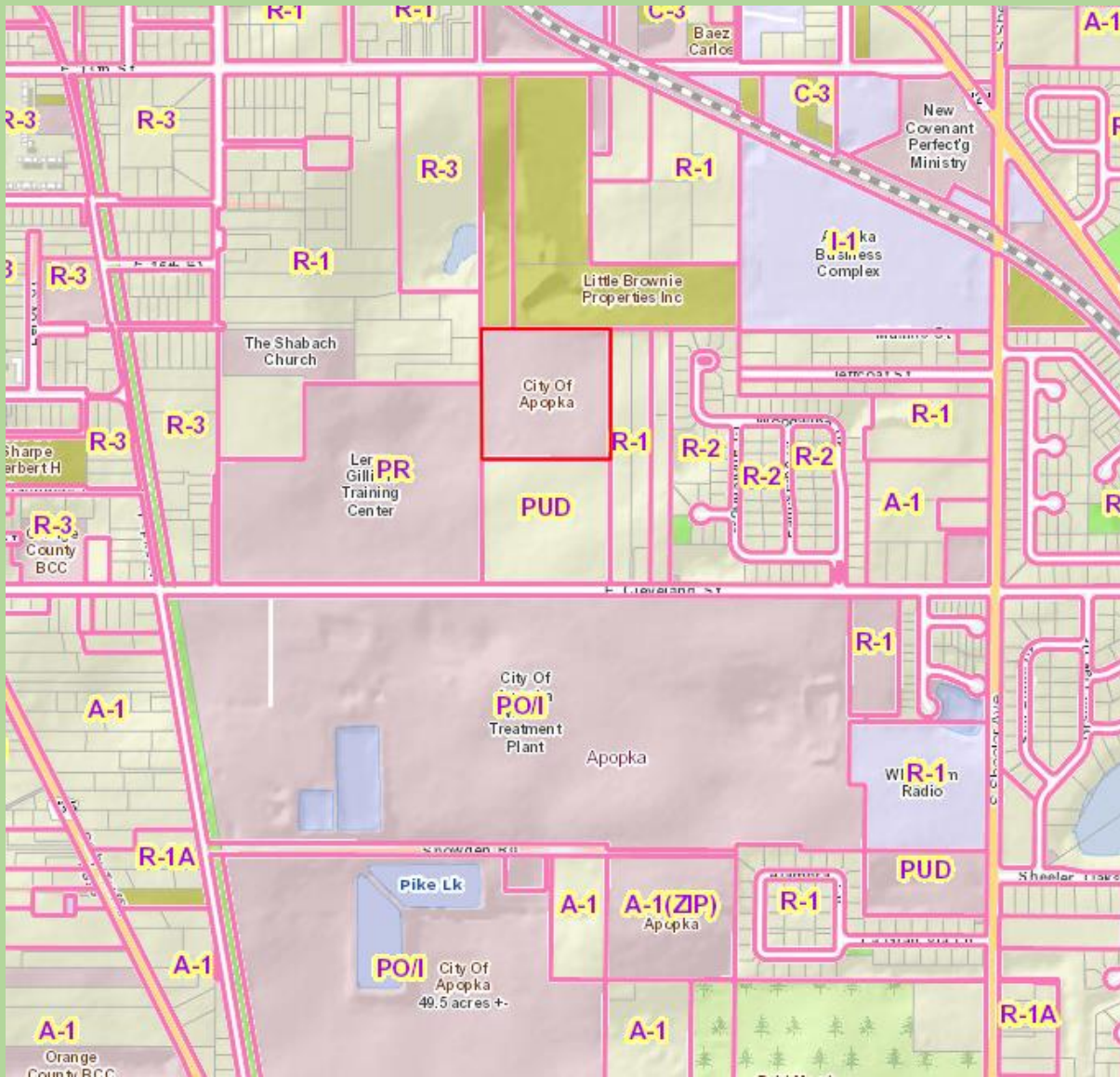


### VICINITY MAP



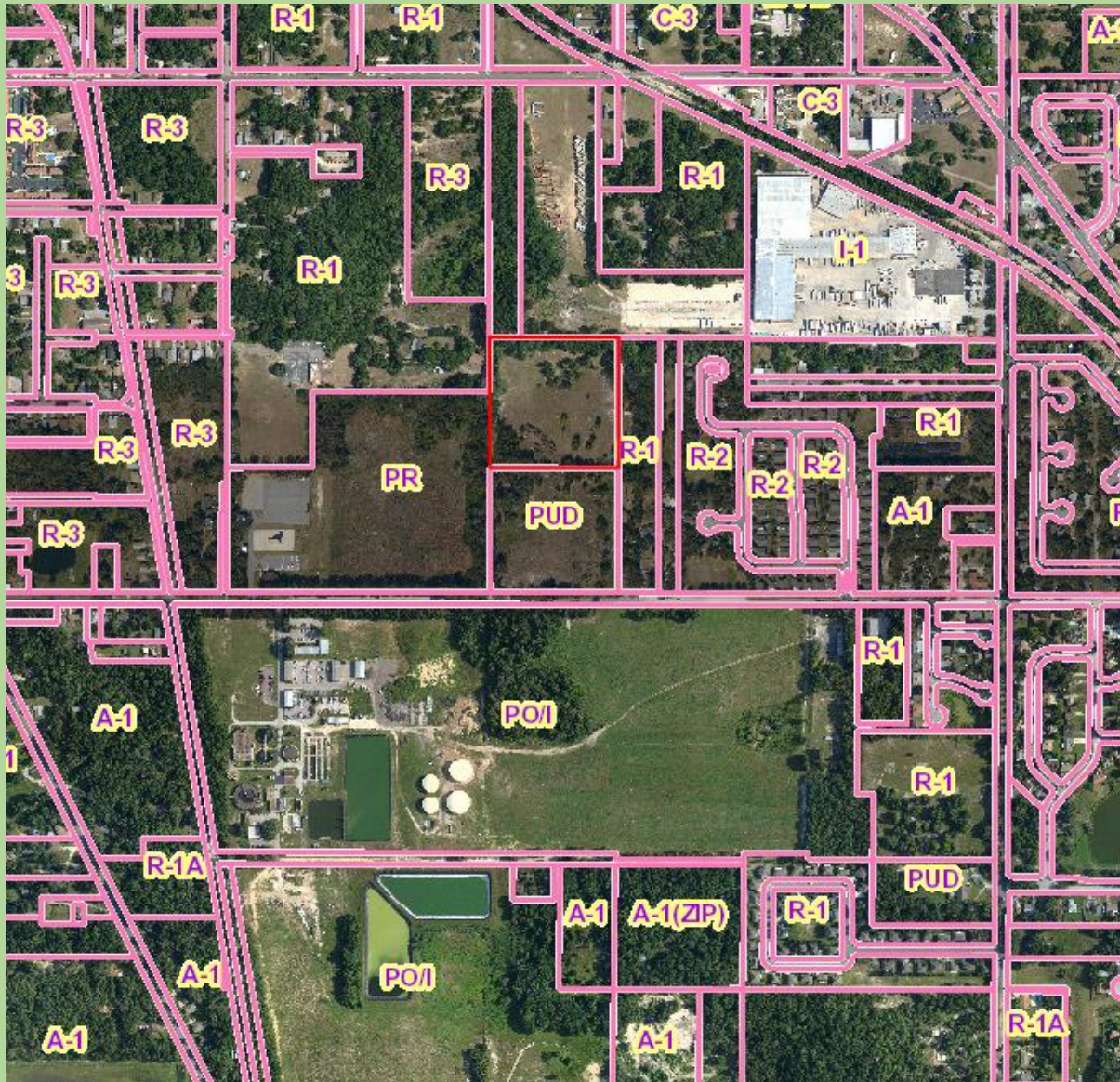


### ADJACENT ZONING





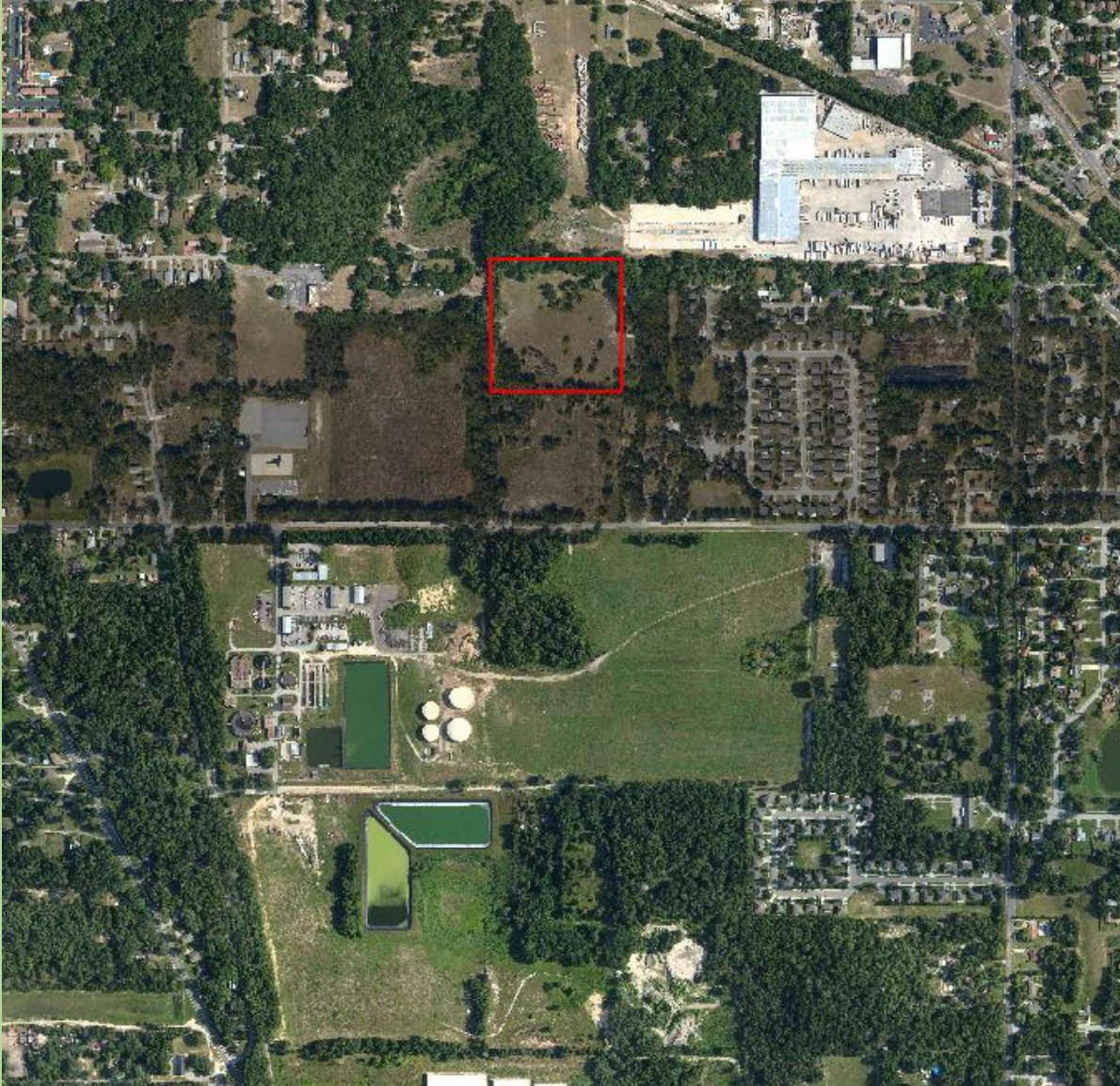
ADJACENT USES







**EXISTING USES**



**ORDINANCE NO. 2470**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PR (PARKS/RECREATION) TO I-1 (RESTRICTED INDUSTRIAL) (0.60 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed I-1 (Restricted Industrial) (0.60 FAR) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby I-1 (Restricted Industrial) (0.6 FAR), as defined in the Apopka Land Development Code.

Legal Description:

NW1/4 OF SW1/4 OF SE1/4 SEC 15-21-28  
Parcel I.D: 15-21-28-0000-00-080  
Contains: 9.95 +/- Acres

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**Section IV.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**ORDINANCE NO. 2470**

**PAGE 2**

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: December 2, 2015

READ SECOND TIME: January 20, 2016

READ THIRD TIME  
AND ADOPTED: February 3, 2016

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED:      October 30, 2015  
                                     December 4, 2015  
                                     January 8, 2016

**Backup material for agenda item:**

6. Ordinance No. 2486 – First Reading – Small Scale Future Land Use Amendment  
Moon

David



**CITY OF APOPKA  
CITY COUNCIL**

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PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: January 20, 2016  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses Map  
Ordinance No. 2486

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**SUBJECT: ORDINANCE NO. 2486 - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT – HUY TRAN & HAI ANH NGUYEN**

**Request: FIRST READING OF ORDINANCE NO. 2486 – SMALL SCALE FUTURE LAND USE AMENDMENT – HUY TRAN & HAI ANH NGUYEN - FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL LOW (0-5 DU/AC) (PARCEL ID #: 06-21-28-7172-14-071); AND HOLD OVER FOR SECOND READING AND ADOPTION.**

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**SUMMARY**

OWNER/APPLICANT: Huy Tran and Hai Anh Nguyen

LOCATION: 904 Schopke Lester Road

EXISTING USE: Single-family residence

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family home and aquaponics (existing)

PROPOSED ZONING: “City” AG-E (Agriculture Estate)(Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County”A-1 (ZIP) to “City” AG-E.)

TRACT SIZE: 4.42 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 18 Units  
PROPOSED: 22 Units

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low (0 – 5 du/acre) to the property.

The subject property was annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinance No. 2460. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 4.42 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low (0-5 du/ac) Future Land Use designation and the City’s proposed AG-E Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 11, 2015.

**PUBLIC HEARING SCHEDULE:**

January 12, 2016 - Planning Commission (5:30 pm)  
January 20, 2016 - City Council (7:00 pm) - 1st Reading  
February 3, 2016 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

January 1, 2016 – Public Notice and Notification  
January 22, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

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 Future Land Use from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac) for the property owned by Huy Tran and Hai Anh Nguyen and located at 904 Schopke Lester Road.

The **Planning Commission**, at its meeting on January 12, 2016, recommended approval (5-0) of the change in Future Land Use from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-4 du/ac) for the property owned by Huy Tran & Hai Anh Nguyen.

Accept First Reading of Ordinance No. 2486 and Hold it Over for Second Reading and Adoption on February 3, 2016.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Low Density Residential (0-4 du/ac)	R-1	Vacant
East (City)	Residential Low (0-5 du/ac)	R-3	Lake Todd Estates
South (County)	Low Density Residential (0-4 du/ac)	R-1	Single Family Residence
West (County)	Low Density Residential (0-4 du/ac)	R-1	Vacant

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is compatible with the development of residential uses. The property lies south of West Schopke Lester Road and north of West Highland Avenue.

Wekiva River Protection Area: No  
 Area of Critical State Concern: No  
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within “Core Area” of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts Schopke Lester Rd. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.e Residential Low Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Residential Low (0-5 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

**CALCULATIONS:**

ADOPTED (City designation): 18 Unit(s) x 2.659 p/h = 48 persons  
PROPOSED (City designation): 22 Unit(s) x 2.659 p/h = 59 persons

Housing Needs: This amendment will negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita;  
81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 3528 GPD
3. Projected total demand under proposed designation: 4312 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka; 177 GPD/Capita;  
177 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 3780 GPD
3. Projected total demand under proposed designation: 4620 GPD
4. Capacity available: Yes



5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 192 lbs./person/day
4. Projected LOS under proposed designation: 236 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Drainage Analysis

1. Facilities serving the site: Lake Standish
2. Projected LOS under existing designation: 25 year - 96 hour design storm
3. Projected LOS under proposed designation: 25 year - 96 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.144 AC
3. Projected facility under proposed designation: 0.177AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:  
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Huy Tran & Hai Anh Nguyen  
904 Schopke Lester Road  
4.42 +/- Acres

Existing Maximum Allowable Development: 18 dwelling units  
Proposed Maximum Allowable Development: 22 dwelling units

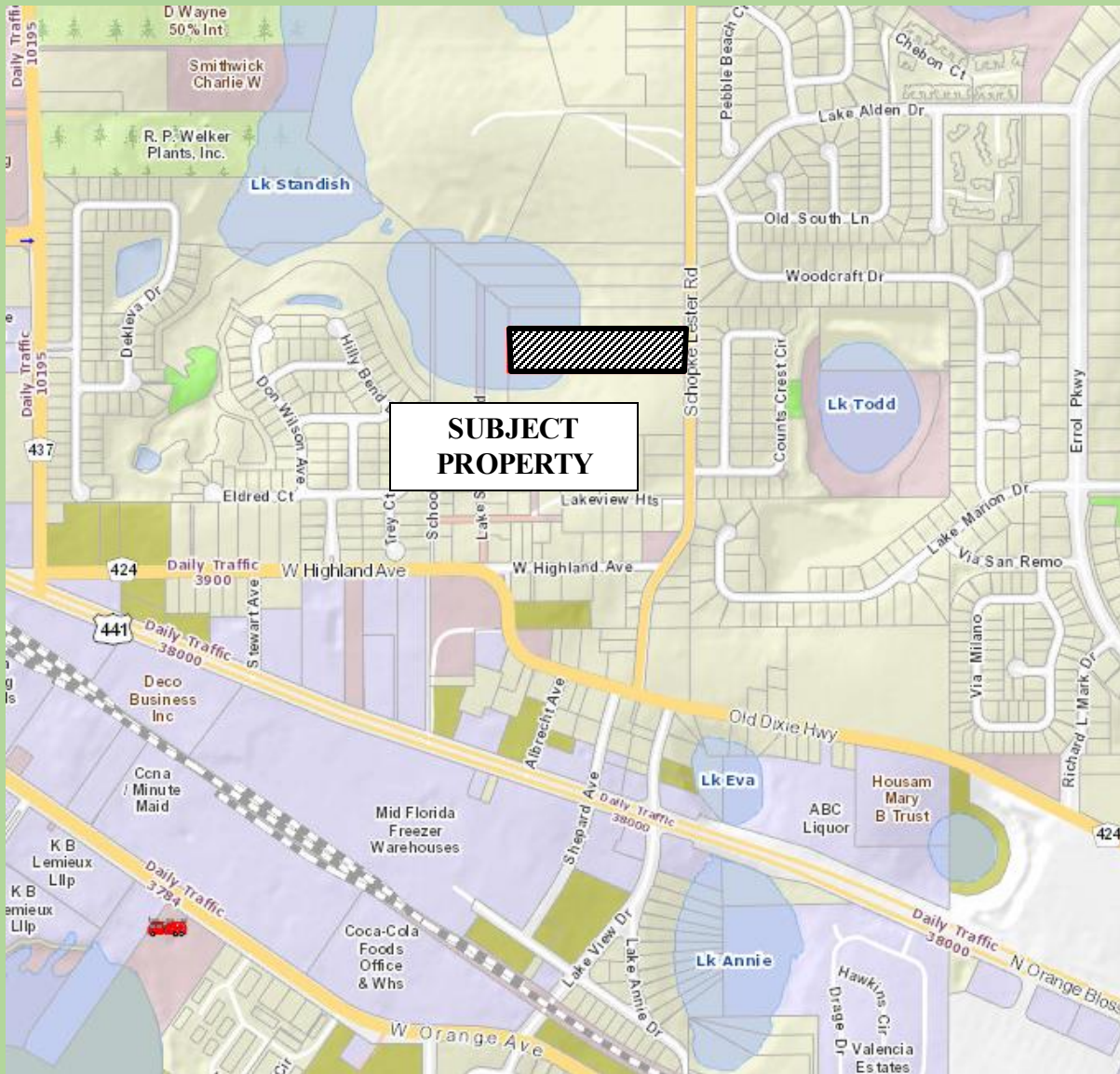
Proposed Small Scale Future Land Use Change  
From: "County" Low Density Residential (0-4 du/ac)  
To: "City" Residential Low (0-5 du/ac)

Proposed Zoning Change  
From: "County" A-1 (ZIP)  
To: "City" AG-E

Parcel ID #: 06-21-28-7172-14-071

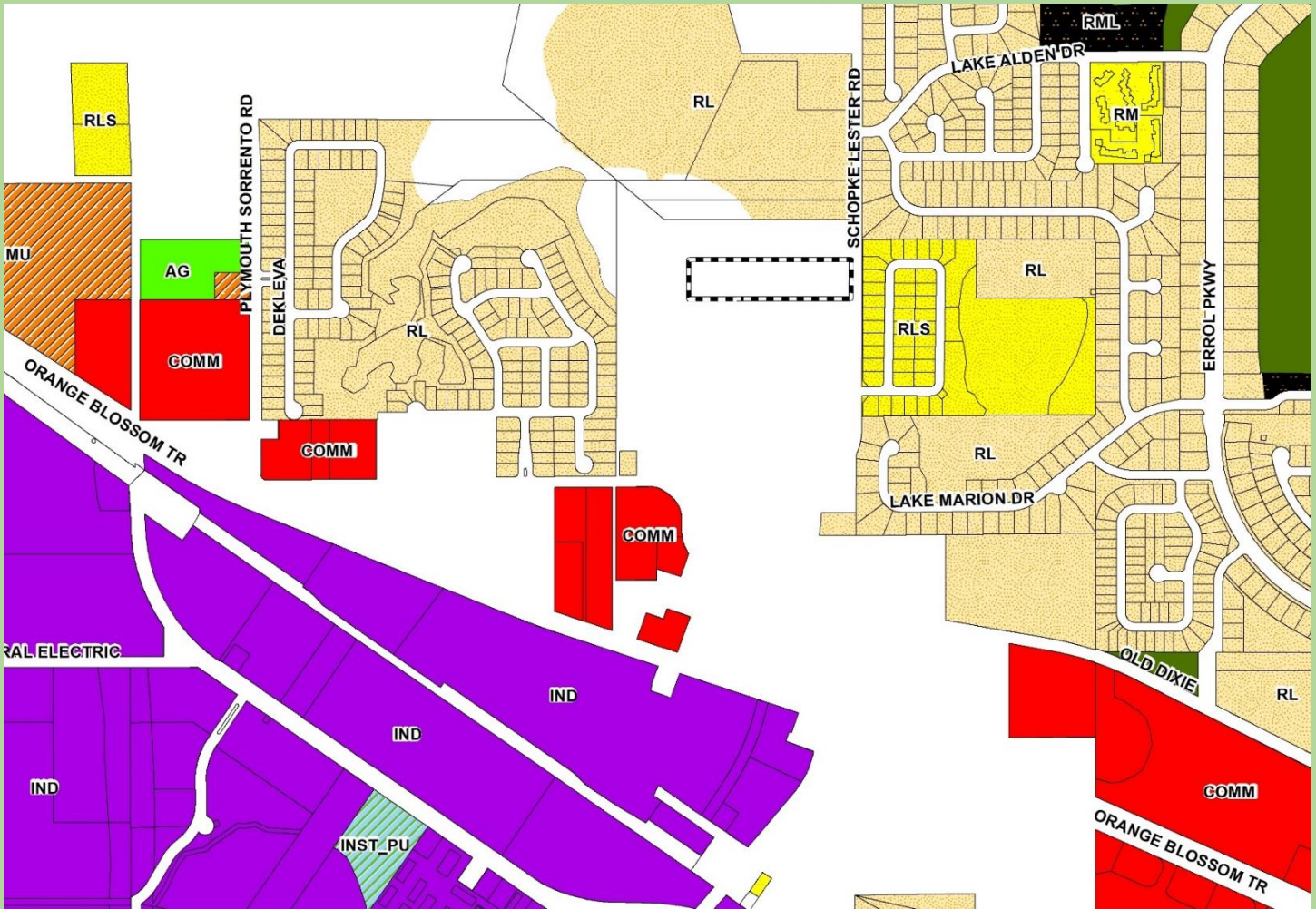


### VICINITY MAP



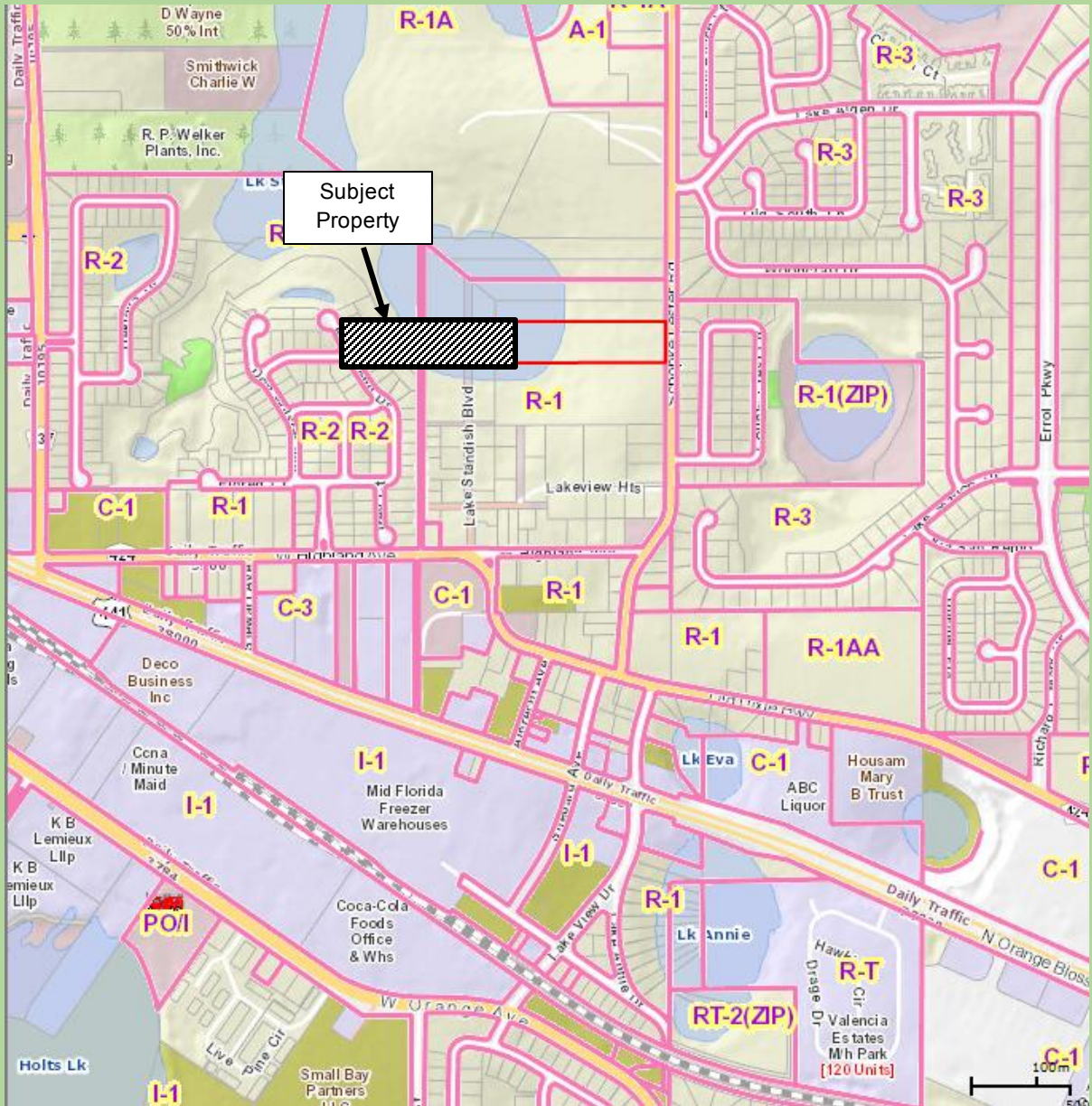


### FUTURE LAND USE MAP



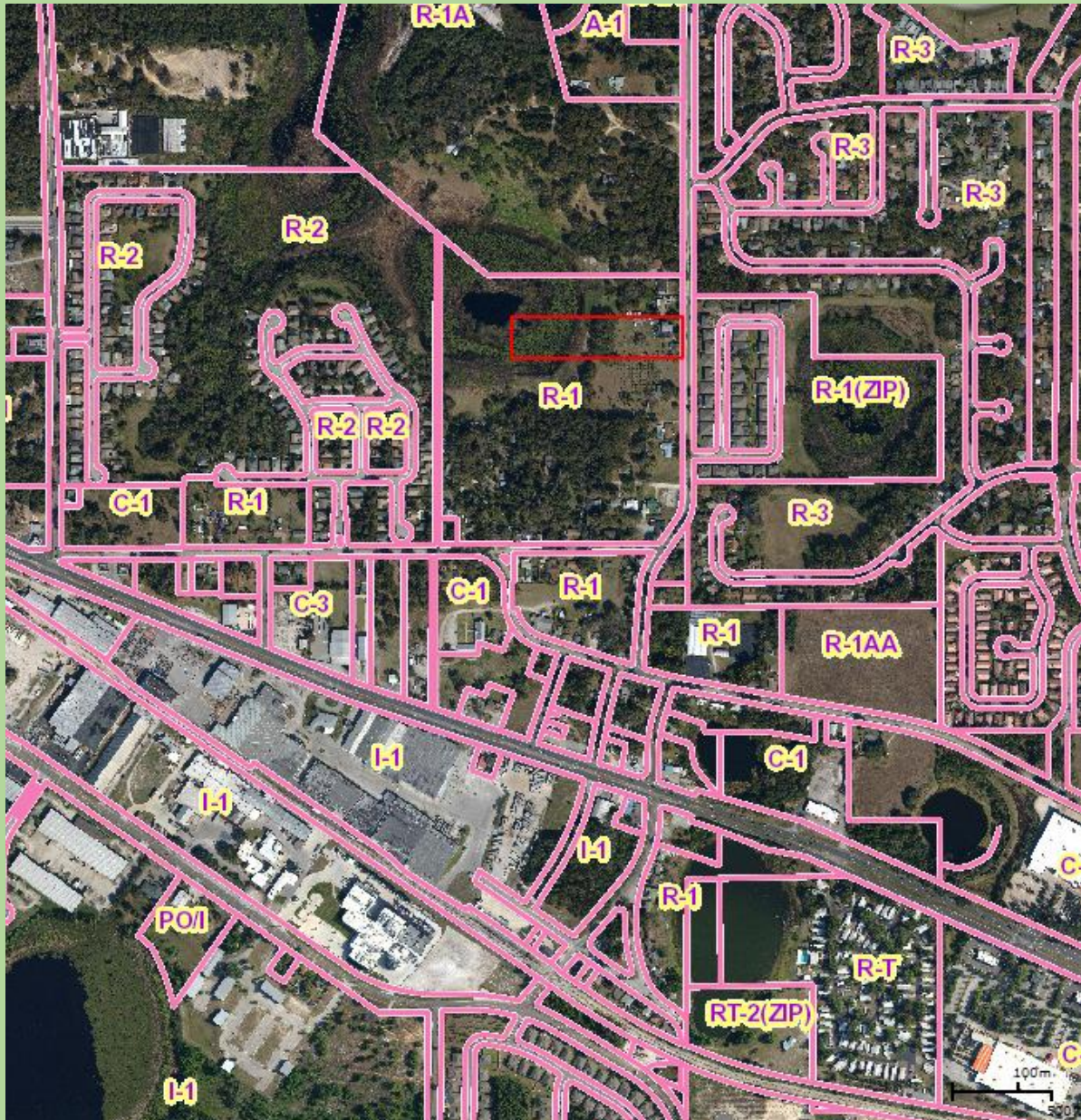


### ADJACENT ZONING



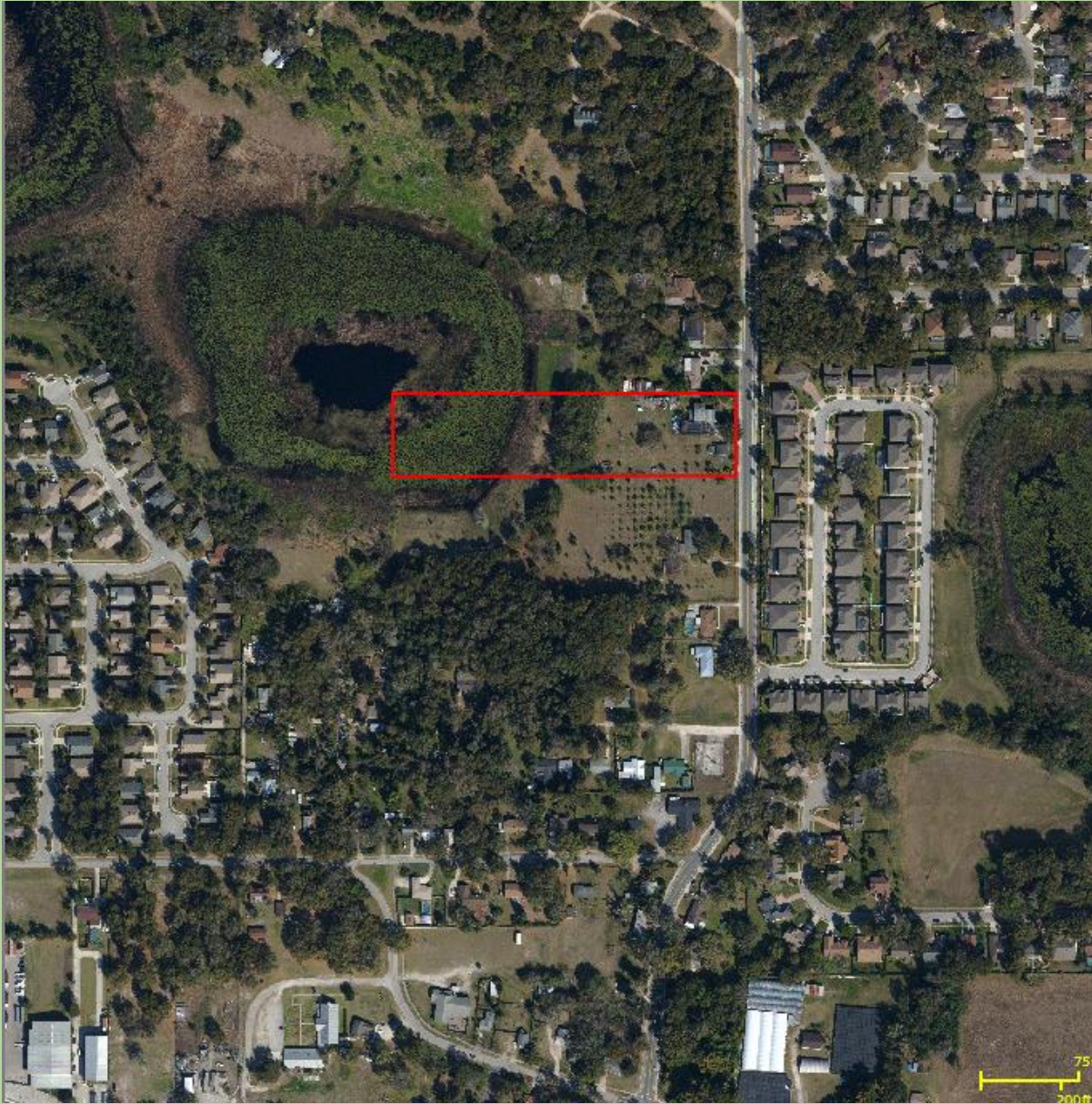


ADJACENT USES





**EXISTING USES**



**ORDINANCE NO. 2486**

**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 “COUNTY LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL LOW (0-5 DU/AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD, NORTH OF W HIGHLAND AVENUE, COMPRISING 4.42 ACRES MORE OR LESS, AND OWNED BY HUY TRAN & HAI ANH NGUYEN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2469 on February 3, 2016; and

**WHEREAS**, the City of Apopka’s local planning agency (Planning Commission) has, in preparation of the amended version of the Apopka Comprehensive Plan, analyzed the proposed amendment pursuant to Chapter 163, Part II, F.S., found it to be consistent with the intent of the Apopka Comprehensive Plan, and held public hearings providing for full public participation.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I. Purpose and Intent.**

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3184 and 163.3187, Florida Statutes.

**Section II. Future Land Use Element.**

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2469, is amended in its entirety to change the land use from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for certain real property generally located west of Schopke Lester Road, north of W Highland Avenue, comprising 4.42 acres more or less, (Parcel No. 06-21-28-7172-14-071; as further described in Exhibit “A” attached hereto.

**Section III. Applicability and Effect.**

The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes.

**Section IV. Severability.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**ORDINANCE NO. 2486**  
**PAGE 2**

**Section V.** The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance.

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

READ FIRST TIME: January 20, 2016

READ SECOND TIME  
AND ADOPTED: February 3, 2016

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: January 1, 2016  
January 22, 2016



**ORDINANCE NO. 2486**

**Huy Tran & Hai Anh Nguyen  
904 Schopke Lester Road  
4.42 +/- Acres**

**Existing Maximum Allowable Development: 8 dwelling units**

**Proposed Maximum Allowable Development: 1 dwelling unit**

**Proposed Small Scale Future Land Use Change**

**From: "County" Low Density Residential (0-4 du/ac)**

**To: "City" Residential Low (0-5 du/ac)**

**Proposed Zoning Change**

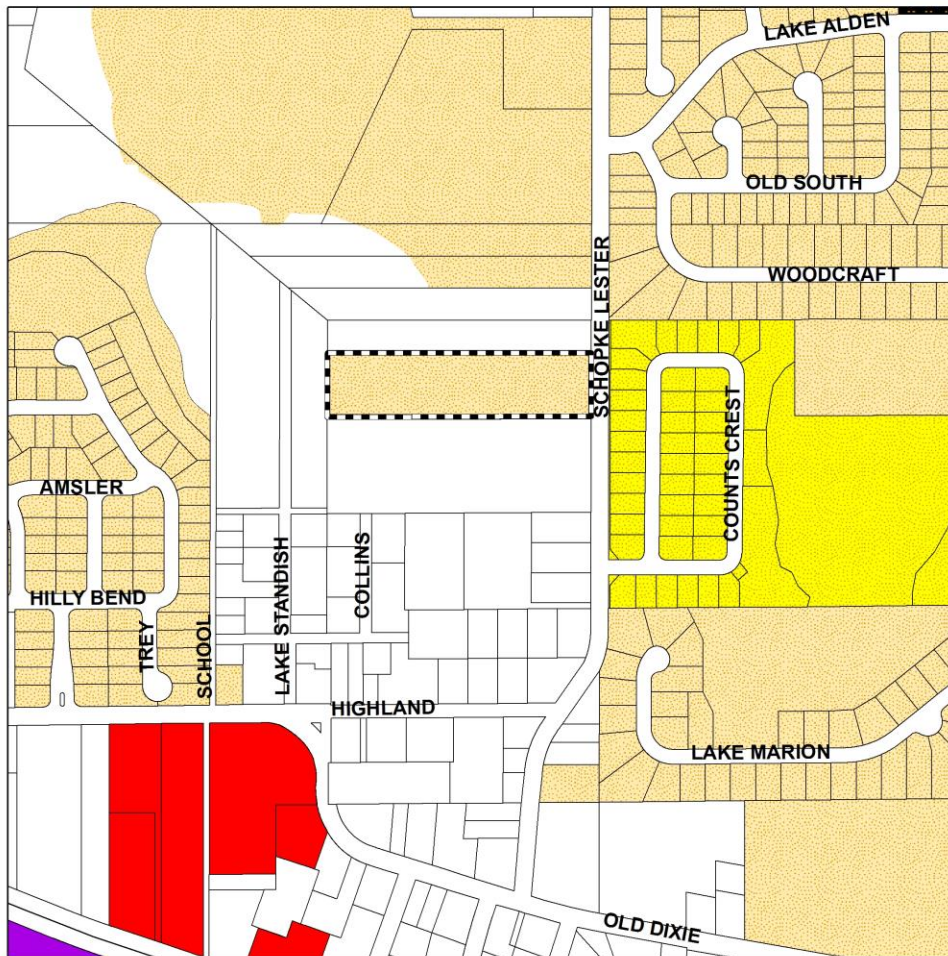
**From: "County" A-1 (ZIP)**

**To: "City" AG-E**

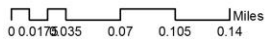
**Parcel ID #: 06-21-28-7172-14-071**



**VICINITY MAP**



**City of Apopka  
Future Land Use Map**



Source: City of Apopka and Orange County Property Appraiser  
Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.  
The City of Apopka does not assume responsibilities for errors or omissions contained herein.

**Legend**

- Subject Site
- Apopka\_Parcel\_102315
- City Boundary
- JPA Boundary
- Future Land Use**
- Agriculture
- Agriculture Estates
- Agriculture Homestead
- Rural Settlement
- Res. Estates
- Res. Very Low Suburban
- Res. Low Suburban
- Res. Low
- Res. Medium Low
- Res. Medium
- Res. High
- Mixed Use
- Mixed Use\*
- Office
- Commercial
- Commercial\*
- Industrial
- Industrial\*
- Institutional/Public Use
- Conservation
- Parks/Recreation
- ANNEX



**Backup material for agenda item:**

7. Ordinance No. 2487 – First Reading – Change of Zoning - Quasi-Judicial  
David Moon



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: January 20, 2016  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses Map  
Ordinance No. 2487

**SUBJECT: ORDINANCE NO. 2487 - CHANGE OF ZONING – HUY TRAN & HAI ANH NGUYEN**

**Request: FIRST READING OF ORDINANCE NO. 2487 - CHANGE OF ZONING – HUY TRAN & HAI ANH NGUYEN - FROM “COUNTY” A-1 (ZIP) TO “CITY” AG-E (AGRICULTURE ESTATES) (PARCEL ID 06-21-28-7172-14-071); AND HOLD OVER FOR SECOND READING & ADOPTION.**

**SUMMARY**

OWNER/APPLICANT: Huy Tran and Hai Anh Nguyen

LOCATION: 904 Schopke Lester Road

EXISTING USE: Single-family residence

PROPOSED LAND USE: Proposed “City” Residential Low (0-5 du/ac)(Note: this Change of Zoning request is being processed along with a request to change the Future Land Use Map designation from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac)

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family home & aquaponics (existing)

TRACT SIZE: 4.42 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 8 Units  
PROPOSED: 1 Unit

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a zoning classification of AG-E to the property.

The subject property was annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinance No. 2460. The proposed change of zoning is being requested by the owner/applicant.

A request to assign a change of zoning to AG-E is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the AG-E zoning classification to accommodate the use of an existing single-family residential home, as well as an aquaponics garden for hobby use. According to the Merriam-Webster Dictionary, aquaponics is a “system of growing plants in the water that has been used to cultivate aquatic organisms,” which normally includes fish. The systems use a closed-loop system in which plants are grown in water tank systems concurrently with fish. The fish waste is used to fertilize the plants, which helps to reduce the need for fertilizer and reduces water use, according the University of Florida. The property owner intends to have an aquaponic garden for hobby use only, not for commercial sales which makes the use compatible with the requested AG-E zoning district.

The change of zoning application covers approximately 4.42 acres.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low (0-5 du/ac) Future Land Use designation and the City’s proposed AG-E Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 11, 2015.

**PUBLIC HEARING SCHEDULE:**

January 12, 2016 - Planning Commission (5:30 pm)  
January 20, 2016 - City Council (7:00 pm) - 1st Reading  
February 3, 2016 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

January 1, 2016 – Public Notice and Notification  
January 22, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

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 “County” A-1 (ZIP) to “City” AG-E (Agricultural Estate) for the property owned by Huy Tran and Hai Anh Nguyen, located at 904 Schopke Lester Road.

The **Planning Commission**, at its meeting on January 12, 2016, recommended approval (5-0) of the change in Zoning from “County” A-1 (ZIP) to “City” AG-E (Agriculture Estates) for the property owned by Huy Tran & Hai Anh Nguyen.

Accept First Reading of Ordinance No. 2487 and Hold it Over for Second Reading and Adoption on February 3, 2016.

**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.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Future Land Use	Zoning	Present Use
North (County)	Low Density Residential (0-4 du/ac)	R-1	Vacant
East (City)	Residential Low (0-5 du/ac)	R-3	Lake Todd Estates
South (County)	Low Density Residential (0-4 du/ac)	R-1	Single Family Residence
West (County)	Low Density Residential (0-4 du/ac)	R-1	Vacant

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Schopke Lester Road).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed AG-E zoning is consistent with the City’s Residential Low (0 - 5 du/acre) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG-E zoning classification is one of the acceptable zoning categories allowed within the Residential Low Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG-E DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: 2,200 sq. ft.
- Minimum Site Area: At 2.5 acres (or 108,900 sq. ft)
- Minimum Lot Width 150
- Setbacks: Front: 45 ft.
- Rear: 50 ft.
- Side: 35 ft.
- Corner 35 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the AG-E district.

**BUFFERYARD  
 REQUIREMENTS:**

1. Developments shall provide a minimum six-foot high brick or stone finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall.
2. Areas adjacent to agriculture districts or activities shall provide a minimum five foot bufferyard and a minimum six-foot high brick or stone finished wall unless acceptable alternatives are submitted for approval.

**ALLOWABLE**

**USES:**

Single-family dwellings providing they are consistent with the stated purpose of this zoning district, commercial wholesale foliage plant production nursery, livestock barns and stables, crop and animal production and the buildings and structures necessary to support such production and other accessory uses in accordance with article VII of the Apopka Land Development Code.

Huy Tran & Hai Anh Nguyen  
904 Schopke Lester Road  
4.42 +/- Acres

Existing Maximum Allowable Development: 8 dwelling units

Proposed Maximum Allowable Development: 1 dwelling unit

Proposed Small Scale Future Land Use Change

From: "County" Low Density Residential (0-4 du/ac)

To: "City" Residential Low (0-5 du/ac)

Proposed Zoning Change

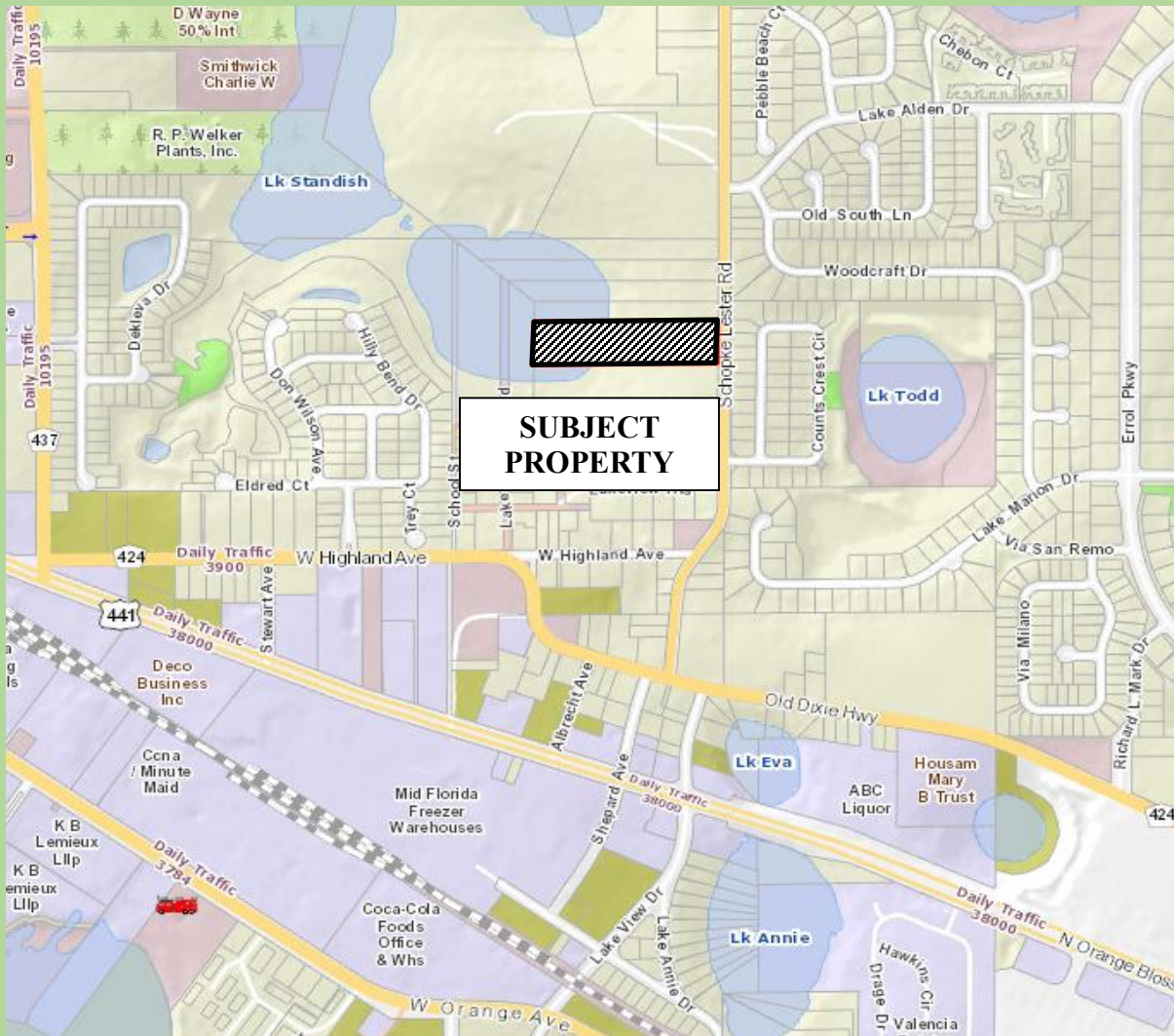
From: "County" A-1 (ZIP)

To: "City" AG-E

Parcel ID #: 06-21-28-7172-14-071



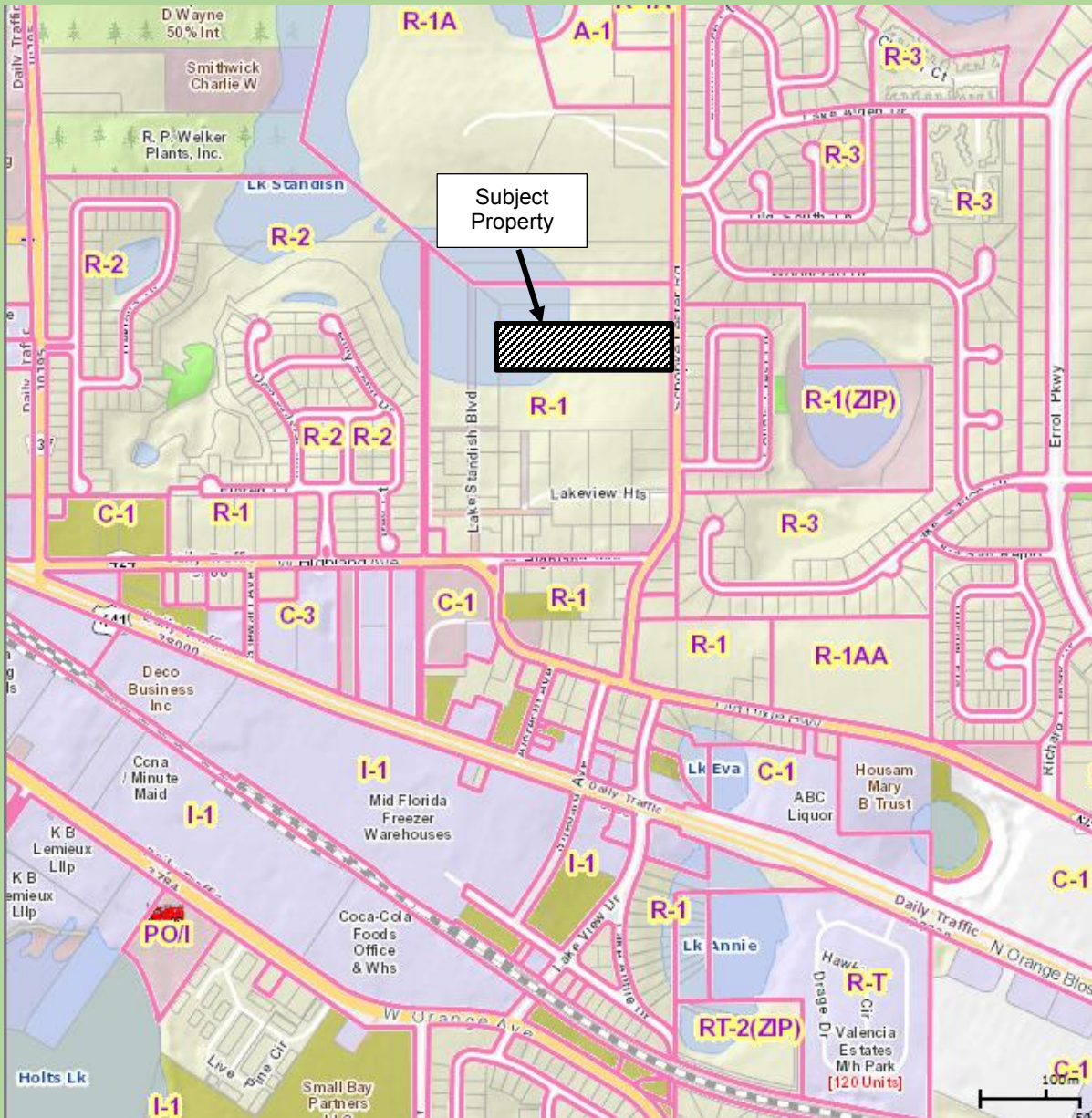
### VICINITY MAP





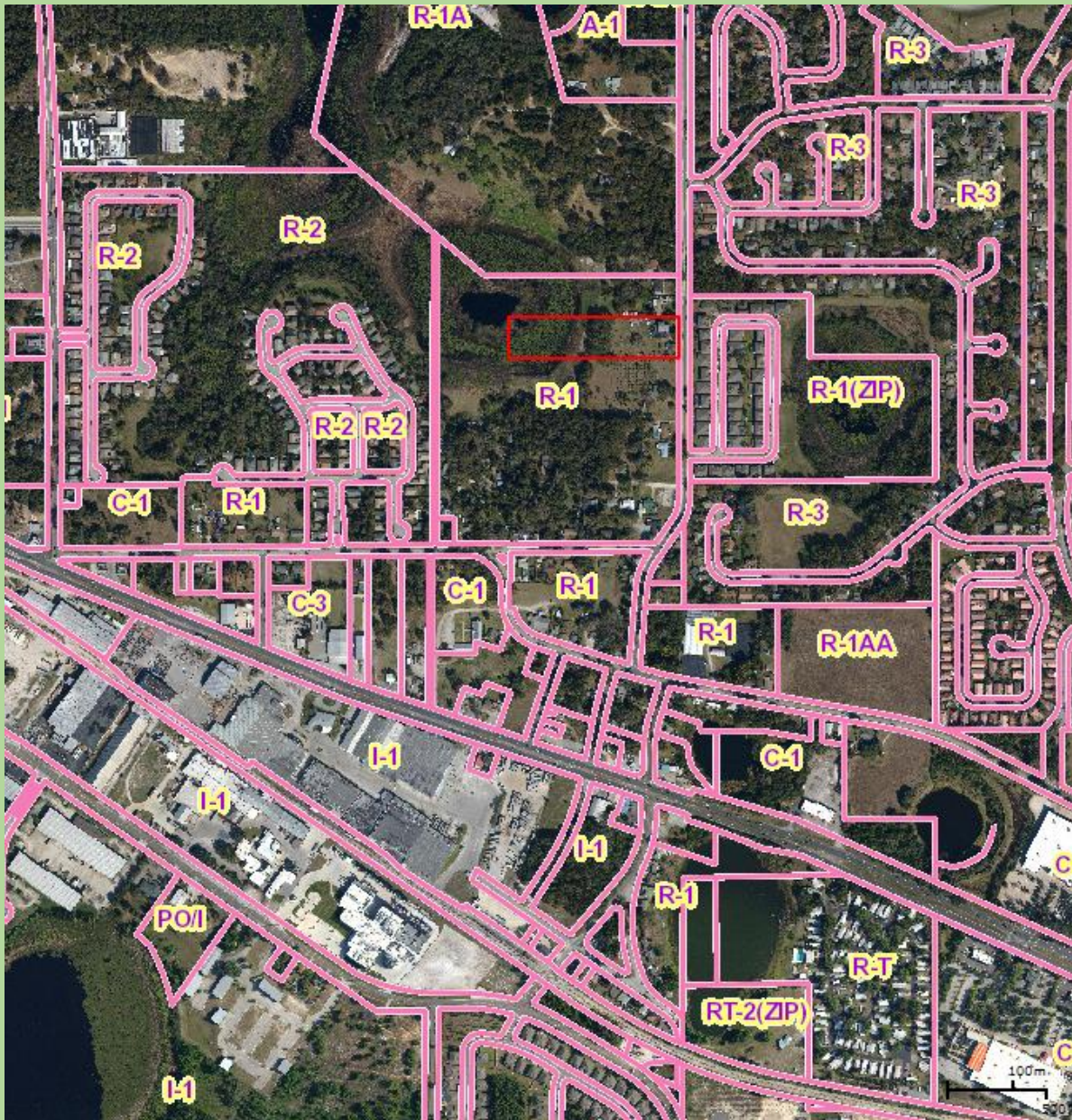


### ADJACENT ZONING



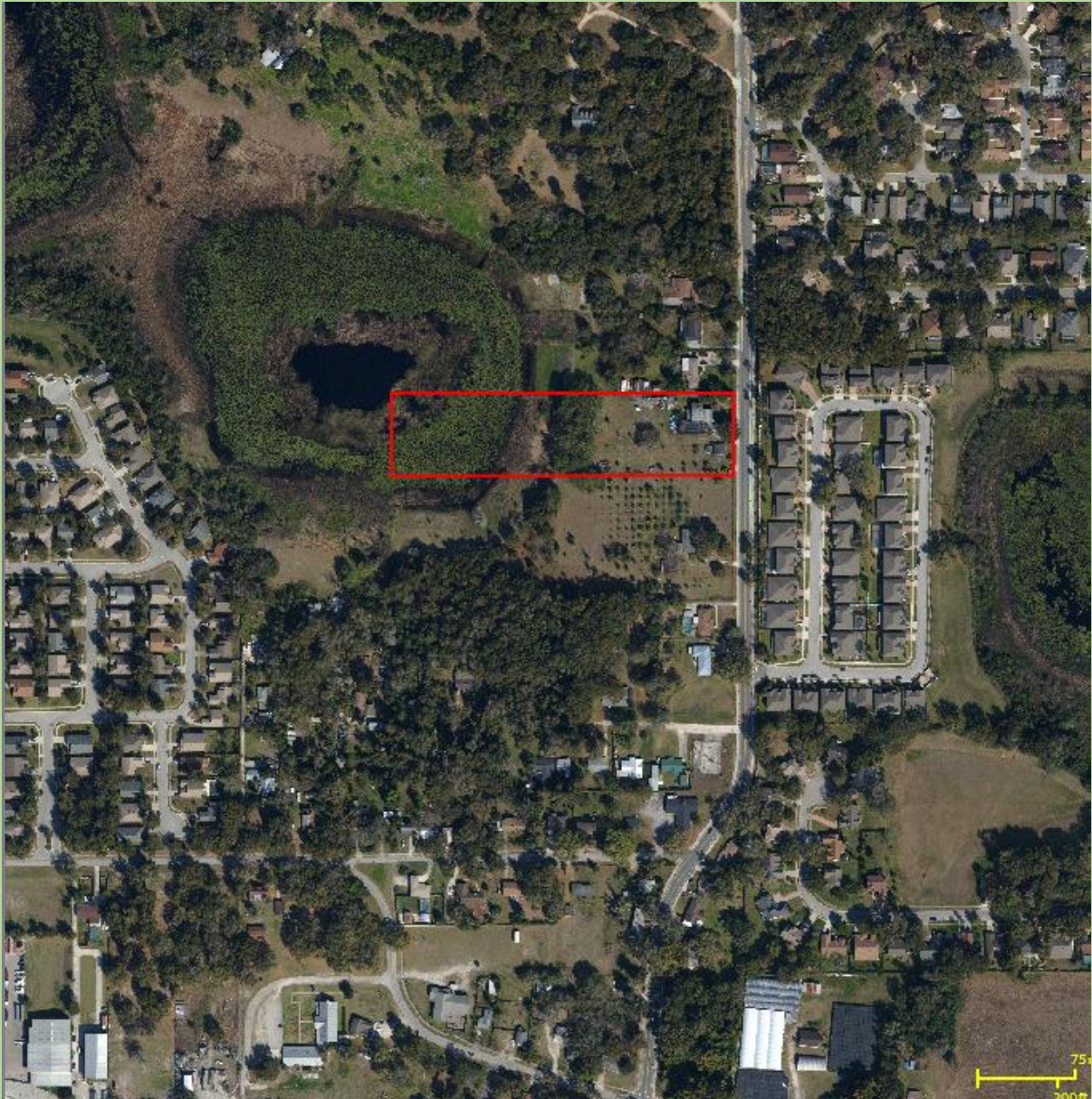


ADJACENT USES





EXISTING USES



**ORDINANCE NO. 2487**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG-E (AGRICULTURE ESTATES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD, NORTH OF WEST HIGH AVENUE, COMPRISING 4.42 ACRES MORE OR LESS, AND OWNED BY HUY TRAN & HAI ANH NGUYEN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed AG-E (Agriculture Estates) (0-1 du/2.5 acres) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby AG-E (Agriculture Estates) (0-1 du/2.5 acres), as defined in the Apopka Land Development Code.

Legal Description:

8718/4708 INC LEGAL DESC MAP OF PLYMOUTH B/17 LOT 7 & ALL OF SAID LOT LOCATED IN WATERS OF LAKE STANDISH & THE NLY 20 FT OF ABANDONED PLATTED R/W LYING BETWEEN SAID LOT 7 AND LOT 8 SAID R/W NOT OFFICIALLY VACATED( LESS N 110 FT THEREOF ) BLK N

Parcel I.D: 06-21-28-7172-14-071

Contains: 4.42 +/- Acres

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**ORDINANCE NO. 2470**

**PAGE 2**

**Section IV.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: January 20, 2016

READ SECOND TIME  
AND ADOPTED: February 3, 2016

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED:     January 1, 2016  
                                  January 22, 2016

**Backup material for agenda item:**

8. Ordinance No. 2472 – First Reading – Planned Unit Development Master Plan - Quasi-Judicial David Moon



Store Development

123 S. Front St., 3<sup>rd</sup> Floor Memphis, TN 38103  
(800) 285-2223 ext. 8701, Fax (901) 495-8969  
E-mail: wade.davis@autozone.com

### Letter of Transmittal

January 14, 2016

Mr. David Moon  
Planning Manager  
City of Apopka  
120 E. Main Street  
P.O. Box 1229  
Apopka, Florida 32704-1229

RE: Racetrac/AutoZone Amendment to the Planned Unit Development (PUD) Master Plan  
Parcel ID# 05-21-28-0000-00-039  
CPH Project No. A20129

Mr. Moon,

At this time, we would like to cancel the existing PUD Amendment for the above referenced project until further notice.

AutoZone Stores LLC is looking for another parcel in the City to allow for development meeting the restrictions of the Land Development Regulations.

Thank you in advance for your cooperation. Please feel free to contact me at 239-332-5499 if you have any questions or need additional information.

Sincerely,

AutoZone Stores, LLC.

A handwritten signature in blue ink, appearing to read "Wade Davis", written over the typed name.

Wade Davis, Project Manager  
AutoZone Store Development



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 SPECIAL REPORTS  
 PLAT APPROVAL  
 OTHER: Ordinance

MEETING OF: January 20, 2016  
FROM: Community Development  
EXHIBITS: Vicinity Map  
Adjacent Zoning Map  
Ordinance No. 2472  
PUD Master Plan  
Color Rendering

**SUBJECT: ORDINANCE NO. 2472 – CHANGE OF ZONING – AMENDMENT OF EXISTING PUD\C-2 ZONING (ORDINANCE NO. 2292) AND MASTER PLAN**

**Request: ACCEPT FIRST READING OF ORDINANCE NO. 2472 – RACETRAC PETROLEUM, INC. – CHANGE OF ZONING, RECENTING ORDINANCE NO. 2292, AND AMENDING PUD (PLANNED UNIT DEVELOPMENT/C-2) AND MASTER PLAN; PARCEL ID NUMBER: 05-21-28-0000-00-039); AND HOLD OVER FOR A SECOND READING & ADOPTION.**

**SUMMARY: NO CHANGES HAVE BEEN MADE TO THE STAFF REPORT OR FINDINGS, AND THE APPLICANT HAS NOT SUBMITTED ANY REVISIONS TO THE MASTER PLAN SINCE CONTINUATION OF THE PUBLIC HEARING FROM DECEMBER 2, 2015 TO JANUARY 20, 2016**

**OWNER:** RaceTrac Petroleum, Inc.\Spirit SPE Portfolio CA C-Stores, LLC  
**APPLICANT:** AutoZone Stores, LLC  
**ENGINEER:** CPH c/o Joshua D. Lockhart, P.E.  
**LOCATION:** 1305 West Orange Blossom Trail  
(North of U.S. HWY 441 (a.k.a. Orange Blossom Trail) and East of Errol Parkway)  
**EXISTING USE:** Convenience Store w/ Fueling Stations  
**LAND USE:** Commercial  
**ZONING:** PUD/C-2  
**PROPOSED DEVELOPMENT:** Retail Auto Parts Store  
**PROPOSED LOTS:** Lot 1: 2.08 +/- Acres Lot 2: 0.89 +/- Acres  
**TOTAL ACRES:** 2.94 +/- Acres

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief



**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Future Land Use	Zoning	Present Use
North (City)	Residential Medium (0-10du/ac)	R-2	Residential Subdivision
East (City)	Commercial	PUD	Retail Shopping Center (Victoria Plaza)
South (City)	Commercial	C-2	Commercial Retail (Verizon Wireless)
West (County)	Commercial	C-2	Commercial Retail

**ADDITIONAL COMMENTS:** The original PUD Master Plan was adopted on March 6, 2013, through Ordinance #2292 allowing PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use. The PUD Master Plan amendment creates two separate lots with an existing gas station and a proposed AutoZone retail store. Lot 1, identifies the existing Marathon (formerly known as RaceTrac) gas station consisting of a 5,928 s.f. convenience store with fueling stations. On Lot 2, AutoZone Store, LLC is proposing to construct a 6,815 s.f. retail store with 27 parking spaces.

**Comprehensive Plan Compliance:** The proposed PUD (Planned Unit Development/C-2) zoning is consistent with the City’s Commercial Future Land Use category. Development plans shall not exceed the intensity allowed under the adopted Future Land Use designation.

**Land Use Compatibility:** The Property is located on a major arterial road (West Orange Blossom Trail).The proposed use and zoning will not create any land use or traffic compatibility issues with adjacent uses. Development of the site must occur consistent with standards set forth in the Land Development Code and Development Design Guidelines unless otherwise approved within the PUD master site plan.

**Buffer Yard Requirements:** Areas adjacent to all road right of ways shall provide a minimum ten foot landscape bufferyard. Areas adjacent to residential uses or districts shall provide a ten foot high masonry wall within a ten-foot landscape buffer.

**PROPOSED PUD RECOMMENDATIONS:** 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:

**Section I.** 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:

- A. The uses permitted within the PUD district are PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use.
- B. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
  - 1. Signage shall comply with the City’s sign codes unless otherwise approved through a master sign plan
  - 2. Illumination plan shall be provided with the preliminary or final development plan.
  - 3. No outside activities including but not limited to, outside storage of parts, vending machines, supplies, merchandise or materials.

- C. The C-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.
- D. A cross access easement shall be illustrated in the preliminary and final development plans and the plat that connect the U.S. 441 entrance to the eastern boundary of the project, allowing for future connection to the Victoria Plaza.
- E. The parcel split shall occur through a plat at the time of the final development plan application.
- F. Ordinance No. 2292 is rescinded and replaced by Ordinance No. 2472.

**SPECIAL DEVELOPMENT STANDARDS (Waiver Requests):** The applicant has proposed the below waiver requests (which appear on the cover sheet of the Master Plan). As the applicant has applied for a PUD zoning, these waiver requests will be listed as Development Standards approved for the subject property. No separate action is necessary for each waiver. Thus, the below waivers are considered to be additional development standards that will be incorporated in the PUD ordinance, unless specifically amended or denied by City Council.

- 1. Waiver Request #1: LDC 2.02.13.G.3 requires areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard. The applicant is requesting a joint 5 feet wide landscape buffer between Lot 1 and 2 in lieu of the required five feet on each parcel.

Justification: Both sites are commercial use and there will be substantial landscaping within the 5’ buffer, including 7 ea Crape Myrtle w/ 2” min Caliper 8’ minimum height, 48 ea. Sweet Viburnum Hedge 24” minimum height 36” o.c. and Parsons Juniper 24” o.c. The panhandle portion of the Race Trac parcel will be left as open space.

**Staff Recommendation: DRC does not object to the waiver request.**

- 2. Waiver Request #2: LDC 6.03.02 Commercial uses not otherwise classified to provide 1 space for each 200 square feet of gross floor area. The applicant is requesting the off-street parking to be counted at 1 space per 300 square feet of gross building square footage.

Justification: Autozone is comfortable with this parking ratio and it is comparable to other stores sites.. The easements, access to and from the adjacent parcels, and the required stormwater reduce the parking lot size. Parking that is provided and not necessary only provides for more impervious area, which impairs recharge to the aquifer, which does not meet the goals and objective of the City of Apopka Comprehensive Plan.

**Staff Recommendation: DRC does not object to the waiver request.**

- 3. Waiver Request #3: LDC 6.05.00.D.6.A, requires the minimum requirements for maintenance berms are ten feet around pond perimeter. The applicant is requesting a reduction in width of the maintenance berm of 10 feet with fencing to 5 feet for Lot 2.

Justification: The proposed concrete wall is set back 10’ from the property line, due to an existing easement. An additional 10’ berm on the site side of the wall would take up additional room for recharge of the stormwater ponds, necessary to meet the goals and objectives of the City of Apopka Comprehensive Plan. The proposed pond is dry and will allow for maintenance and upkeep from inside the pond.

**Staff Recommendation: DRC does not object to the waiver request.**

4. Waiver Request #4: The applicant is requesting a reduction of the requirement of no more than 50% of the required parking spaces in front of the building.

Justification: The overall total number of parking was reduced from 32 to 27, in order to reduce the number of parking spaces in the front. This reduction provided for wider landscape islands, which is in the spirit of the ordinance. The reduction also allows for a cross access drive aisle in the future to the Victoria Plaza.

**Staff Recommendation: DRC does not object to the waiver request.**

**PUBLIC HEARING SCHEDULE:**

Planning Commission – November 24, 2015, 5:01 p.m.

City Council – December 2, 2015, 1:30 p.m. – First Reading – Continued to 01-20-16

City Council – January 20, 2016, 7:00 p.m. – First Reading

City Council – February 3, 2016, 1:30 p.m. – Second Reading

**DULY ADVERTISED:**

October 23, 2015 – Public Notice and Notification

December 4, 2015 – Ordinance Heading Ad w/map

January 8, 2016 – Second Public Notice

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**RECOMMENDED ACTION:**

The **Development Review Committee (DRC)** recommended approval of the Racetrac/Autozone PUD Master Plan Amendment for the property owned by Race Trac Petroleum, Inc. and Spirit SPE Portfolio CA C-Stores, LLC, located north of U.S. Highway 441 aka (Orange Blossom Trail) and east of Errol Parkway, subject to PUD Recommendations and the information and findings in the staff report.

The **Planning Commission**, at its meeting on November 10, 2015, continued this item to the Special Planning Commission meeting on November 24, 2015, due to a change of ownership for part of the property.

The **Planning Commission**, at its November 24, 2015 hearing, recommended (5-1) of the Racetrac/Autozone PUD Master Plan Amendment and waiver requests for the property owned by Race Trac Petroleum, Inc. and Spirit SPE Portfolio CA C-Stores, LLC, located north of U.S. Highway 441 aka (Orange Blossom Trail) and east of Errol Parkway, subject to owner verification prior to the City Council meeting, the PUD Recommendations and the information and findings in the staff report.

The **City Council**, at its meeting on December 2, 2015, continued the First Reading of Ordinance No. 2472 until the January 20, 2016 meeting.

**City Council:**

1. Accept the First Reading of Ordinance No. 2472 and Hold it Over for Second Reading & Adoption on December 16, 2015.
2. Approve the Racetrac/Autozone PUD Master Plan Amendment and waiver requests for the property owned by Race Trac Petroleum, Inc. and Spirit SPE Portfolio CA C-Stores, LLC, located north of U.S. Highway 441 aka (Orange Blossom Trail) and east of Errol Parkway, subject to ownership verification, PUD Recommendations and the information and findings in the staff report.

**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.**

**Application:** PUD Master Plan Amendment  
**Applicant:** AutoZone Store, LLC  
**Owner:** Racetrac Petroleum, Inc. and Spirit SPE Portfolio CA C-Stores, LLC  
**Engineer:** CPH, Inc. c/o Joshua D. Lockhart , P.E.  
**Parcel ID Nos.:** 05-21-28-0000-00-039  
**Total Acres:** 2.94 +/-

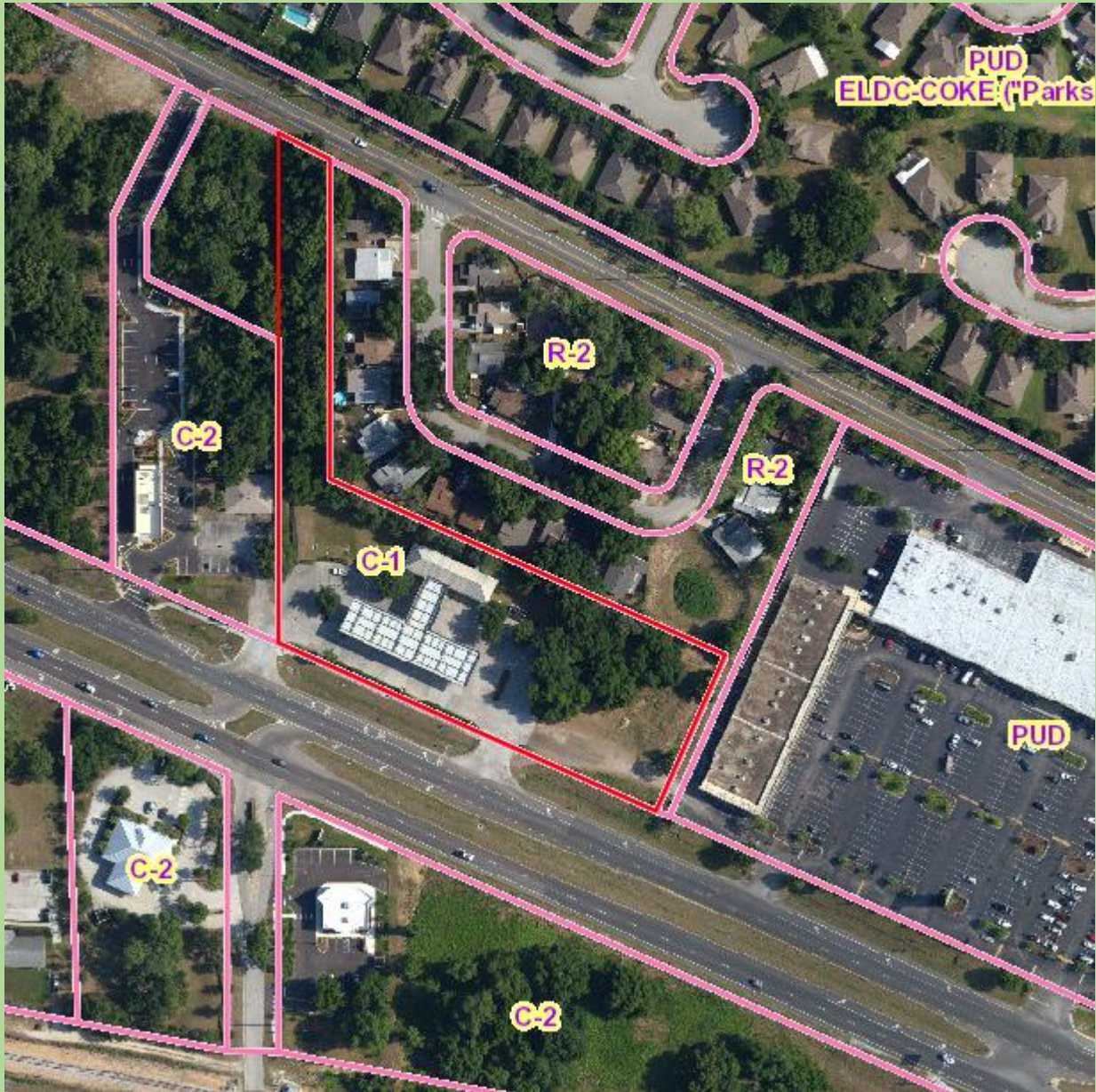


### VICINITY MAP



**Application:** PUD Master Plan Amendment  
**Applicant:** AutoZone Store, LLC  
**Owner:** Racetrac Petroleum, Inc. and Spirit SPE Portfolio CA C-Stores, LLC  
**Engineer:** CPH, Inc. c/o Joshua D. Lockhart , P.E.  
**Parcel ID Nos.:** 05-21-28-0000-00-039  
**Total Acres:** 2.94 +/-

### ADJACENT ZONING MAP



**ORDINANCE NO. 2472**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, RESCINDING ORDINANCE NO. 2292, AND AMENDING THE PLANNED UNIT DEVELOPMENT ZONING (PUD\C-2) STANDARDS AND MASTER PLAN; FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL (U.S. HWY 441), SOUTH OF OLD DIXIE HIGHWAY, AND EAST OF ERROL PARKWAY COMPRISING 2.94 ACRES, MORE OR LESS AND OWNED BY SPIRIT SPE PORTFOLIO CA C-STORES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, Spirit SPE Portfolio Ca C-Stores, LLC, who purchased the site and project from RaceTrac Petroleum, Inc. has requested to amend the PUD zoning standards and Master Plan on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed PUD/C-2 zoning and Master Plan amendments have been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** Ordinance No. 2292 is rescinded and replaced by Ordinance No. 2472, and 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 development standards and provisions as appearing within the Master PUD Site Plan, as shown in Exhibit "A", and subject to the following zoning provisions:

Permissible uses allowed at the Property shall be any permitted use for the PO/I, CN, and C-1 districts and automotive fuel sales, which is a C-2 district permissible use. No other C-2 permissible uses are allowed. No outdoor storage or display of merchandise is allowed.

**Section II.** That the zoning classification of the following described Property, being situated in the City of Apopka, Florida, is hereby PUD/C-2 as defined in the Apopka Land Development Code:

Legal Description:

A parcel of land located in the Southeast ¼ of Section 5, Township 21 South, Range 28 East, more particularly described as follows:

Commence at the Northwest corner of the Southwest ¼ of the Southeast ¼ of said Section 5; thence South 00°00'00" East, 55.74 feet to the south right-of-way of State Road No. 424, said point being the Point of Beginning and said point also being the Northeast corner of Lot 6, Pine Tree Park, as Recorded in Plat Book 11, Page 44 of the Public Records of Orange County, Florida; thence South 63°11'55" East, 67.22 feet along said southerly right-of-way of State Road No. 424 to the Northwest corner of Errol Place, as recorded in Plat Book 13, Page 10 of the Public Records of Orange County, Florida; thence South

**ORDINANCE NO. 2472**

**PAGE 2**

00°00'00" East, 373.99 feet along the west line of said Errol Place to the southwesterly corner of said Errol Place; thence South 66°03'50" East, 507.32 feet along the southerly line of said Errol Place to the southeasterly corner of said Errol Place; thence South 23°56'10" West, 200.00 feet to the northerly right-of-way of U.S. Highway No. 441 (State Road No. 500); thence north 66°03'50" West, 484.19 feet to the west line of the Southeast ¼ of said Section 5; thence north 00°00'00" East, 596.49 feet along the aforementioned west line to the Point of Beginning.

Parcel ID No.: 05-21-28-0000-00-039  
Containing 2.94 +/- Acres

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

**Section IV.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: January 20, 2016

READ SECOND TIME  
AND ADOPTED: February 3, 2016

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

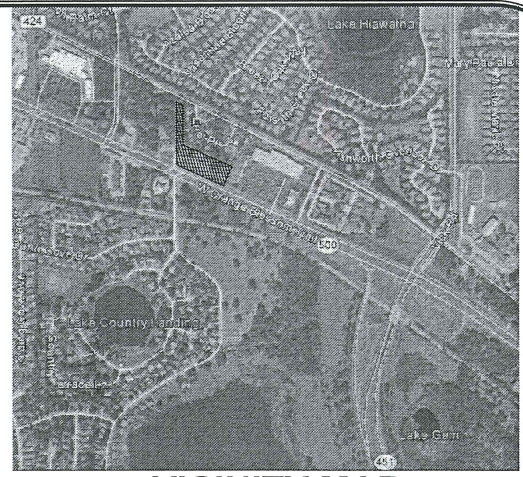
DULY ADVERTISED FOR TRANSMITTAL HEARING:      October 23, 2015  
December 4, 2015  
January 8, 2016

# △ RACETRAC / AUTOZONE

## PUD ZONING AMENDMENT AND MASTER PLAN

### 1305 WEST ORANGE BLOSSOM TRAIL, APOPKA, FLORIDA

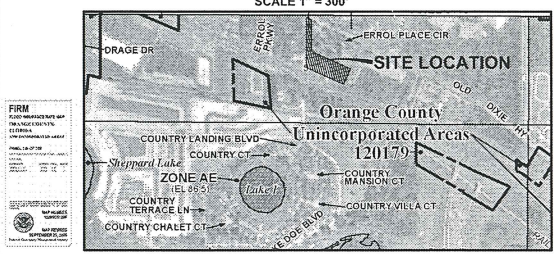
#### PARCEL ID: 05-21-28-0000-00-039



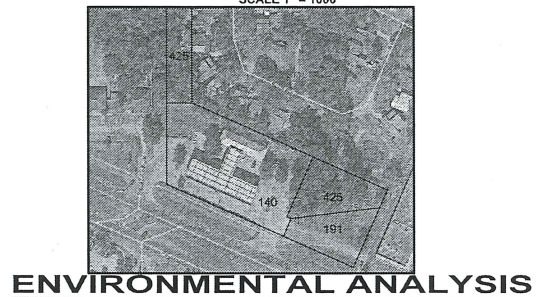
**VICINITY MAP**  
1" = 800'



**SOILS MAP**  
SCALE 1" = 300'



**FIRM MAP**  
SCALE 1" = 1000'



**ENVIRONMENTAL ANALYSIS**  
SCALE 1" = 200'  
191 - UNDEVELOPED LAND WITHIN URBAN AREAS  
425 - TEMPERATE HARDWOOD  
140 - COMMERCIAL AND SERVICES  
ENVIRONMENTAL ANALYSIS PER CITY LDC CODE SECTION 5.02.05. THE SITE IS WITHIN THE WEKIWA RIVER BASIN, ITEM A-E OF THE CODE SECTION 5.02.05 WILL BE MET FOR THE AUTO ZONE SITE AS APPLICABLE.

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 5, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN SOUTH 55.74 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 424; THENCE SOUTH 63 DEGREES 11 MINUTES 55 SECONDS EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 67.22 FEET FOR THE POINT OF BEGINNING; RUN THENCE SOUTH 373.99 FEET; THENCE SOUTH 66 DEGREES 03 MINUTES 50 SECONDS EAST 507.32 FEET; THENCE SOUTH 23 DEGREES 56 MINUTES 10 SECONDS WEST 200.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 500 (U.S. 441); THENCE NORTH 66 DEGREES 03 MINUTES 50 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 484.19 FEET; THENCE NORTH 596.49 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 424; THENCE SOUTH 63 DEGREES 11 MINUTES 55 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE 67.22 FEET TO THE POINT OF BEGINNING.

SECTION 5, TOWNSHIP 21 SOUTH, RANGE 28 EAST

DEVELOPER	ENGINEER	INDEX OF SHEETS
AUTOZONE STORES, LLC. 123 SOUTH FRONT STREET MEMPHIS, TENNESSEE 38103 (901) 495-8701 ATTN.: WADE DAVIS	CPH, INC. 2216 ALTAMONT AVE. FT. MYERS, FL 33901 (239) 332-5499 ATTN.: JOSHUA D. LOCKHART, P.E.	<b>C0.0 COVER SHEET</b>
<b>ARCHITECT</b> AUTOZONE, INC. DEPARTMENT 8320 123 SOUTH FRONT STREET MEMPHIS, TENNESSEE 38103 (901) 495-8707 ATTN.: GEORGE CALLOW, ARA	<b>SURVEYOR</b> BULLSEYE SURVEYING, INC. 4590 ULMERTON RD, SUITE 115 CLEARWATER, FLORIDA 33762 (727) 475-8088 ATTN.: GEORGE R. MARTIN, P.S.M.	<b>C1.0 PUD ZONING AMENDMENT AND MASTER PLAN</b> <b>C1.1 AS-BUILT SURVEY OF RACETRAC AND PARCEL MASTER PLAN</b>
<b>OWNER</b> RACETRAC PETROLEUM, INC. 3225 CUMBERLAND BOULEVARD ATLANTA, GEORGIA 30339 (770) 431-7600	<b>LANDSCAPE ARCHITECT</b> CPH, INC. 300 WEST FULTON STREET SANFORD, FLORIDA 32771 (407) 322-6841 ATTN.: ANNE G. WEST, R.L.A.	<b>C2.0 SITE GRADING PLAN FOR LOT 2</b> <b>C3.0 SITE UTILITY PLAN FOR LOT 2</b>
<b>UTILITIES</b> <b>SEWER &amp; WATER:</b> CITY OF APOPKA 748 EAST CLEVELAND STREET APOPKA, FLORIDA 32703 (407) 703-1731 EXT. 685 ATTN.: BRIAN BISHOP <b>ELECTRIC:</b> DUKE ENERGY 275 W. PONKAN RD. APOPKA, FLORIDA 32712 (407)464-1268 ATTN.: EDWIN "ALBERT" MARSDEN <b>COMMUNICATION:</b> BRIGHT HOUSE NETWORKS 3767 ALL AMERICAN BOULEVARD ORLANDO, FLORIDA 32810 (407) 532-8509 ATTN.: MARVIN USRY JR <b>GAS:</b> LAKE APOPKA NATURAL GAS DISTRICT 38 NORTH PARK AVENUE APOPKA, FLORIDA 32703 (407) 656-2734 EXT. 116 ATTN.: ALEX WOSGIEN		<b>C4.0 ALTA/ACSM LAND TITLE SURVEY</b> <b>1 of 2 ALTA/ACSM LAND TITLE SURVEY</b> <b>2 of 2 ALTA/ACSM LAND TITLE SURVEY</b>

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
DOMESTIC WASTEWATER COLLECTION DIVISION CENTRAL DISTRICT  
3319 MAGUIRE BOULEVARD, SUITE 232  
ORLANDO, FLORIDA 32803  
(407) 893-3300

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
DRINKING WATER DIVISION CENTRAL DISTRICT  
3319 MAGUIRE BOULEVARD, SUITE 232  
ORLANDO, FLORIDA 32803  
(407) 893-3310

**FLORIDA DEPARTMENT OF TRANSPORTATION**  
DISTRICT 5  
719 SOUTH WOODLAND BOULEVARD  
DELAND, FLORIDA 32720  
(386) 943-5000  
ATTN.: NORANNE DOWNS

**ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT**  
MAITLAND SERVICE CENTER  
601 SOUTH LAKE DESTINY DRIVE, SUITE 200  
MAITLAND, FLORIDA 32751  
(407) 659-4800

**CITY OF APOPKA**  
PLANNING AND ZONING  
120 EAST MAIN STREET  
APOPKA, FLORIDA 32703  
(407) 703-1700

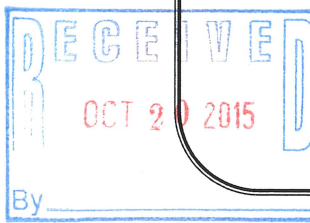


<b>CPH, Inc.</b> 2216 Altamont Ave., Ft. Myers, FL 33901 Ph: 239.332.5499 Licenses: Eng. C.O.A. No. 3215 Arch. Lic. No. AA2600926 Survey L.B. No. 7143 Landscp. Lic. No. LC0009298		<b>CPH, Inc.</b> 2216 Altamont Ave., Ft. Myers, FL 33901 Ph: 239.332.5499 Licenses: Eng. C.O.A. No. 3215 Arch. Lic. No. AA2600926 Survey L.B. No. 7143 Landscp. Lic. No. LC0009298	
<b>A Full Service A &amp; E Firm</b> Architects Engineers Environmental Landscape Architects Traffic/Transportation		Offices In: • Florida • Puerto Rico • Connecticut • Maryland • Texas	

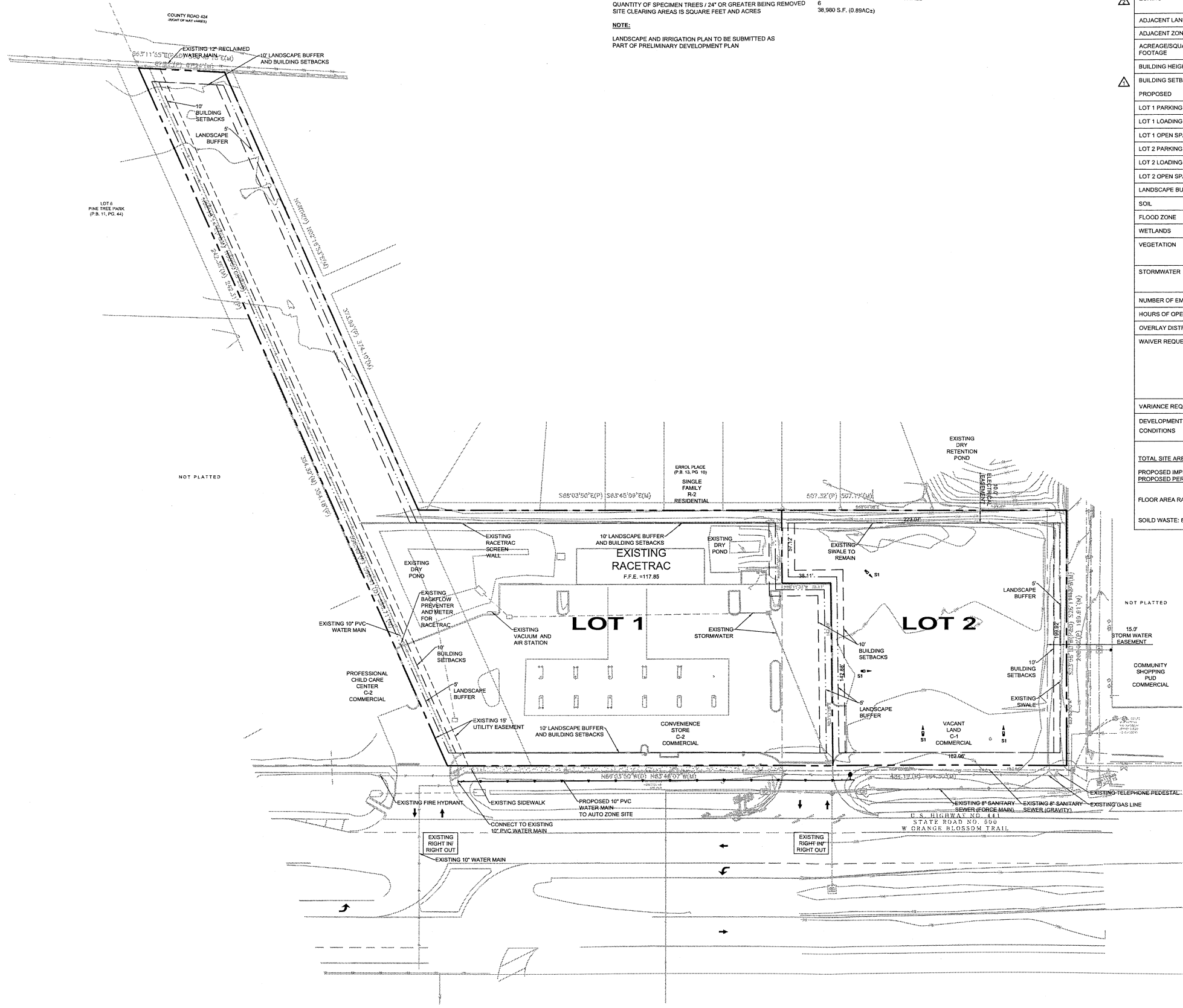
ACTIVITY	NAME	DATE	NO.	DATE	REVISION	APPROVED	SCALE:	SHEET NO.
DESIGNED BY:	IB/JDH	3-15	△	9-8-15	PER CITY COMMENTS		N/A	C0.0
DRAWN BY:	JDH	3-15	△				DATE: MAR. 2015	
CHECKED BY:	CDP	3-15	△				JOB NO.: A20129	
APPROVED BY:	JDL	3-15	△				FILE: COVER	
REGISTRATION NO.:	61810		△					

**\*NOTICE\***  
THE SIZE OF THESE PLANS MAY HAVE BEEN SLIGHTLY ALTERED BY REPRODUCTION PROCESSES. THIS MUST BE CONSIDERED WHEN SCALING ANY REPRODUCED PLAN FOR THE PURPOSE OF COLLECTING DATA.

**GENERAL STATEMENT**  
THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A RETAIL STORE. THE SITE WORK WOULD BE INCLUSIVE TO THE CONSTRUCTION OF A NEW FACILITY AND INFRASTRUCTURE.







**TREE INFORMATION:**  
 TOTAL TREE INCHES ON-SITE 310  
 TOTAL TREE INCHES REMOVED 310  
 TOTAL TREE INCHES REPLACED 299  
 MAXIMUM TREE STOCK FORMULA AND CALCULATIONS 38,980 S.F. - 6,000 S.F. = 32,980 / 1,000 S.F. = 32.98 x 5' = 164.9 + 30' = 194.9 MAX. REPLACEMENT REQUIRED  
 QUANTITY OF SPECIMEN TREES / 24" OR GREATER BEING REMOVED 6  
 SITE CLEARING AREAS IS SQUARE FEET AND ACRES 38,980 S.F. (0.89AC±)

**NOTE:**  
 LANDSCAPE AND IRRIGATION PLAN TO BE SUBMITTED AS PART OF PRELIMINARY DEVELOPMENT PLAN

SITE DATA TABLE LOT 1 AND 2			
SITE ADDRESS	1305 W. ORANGE BLOSSOM TRAIL APOPKA FL 32712		
PARCEL ID NUMBER	05-21-28-0000-00-039		
FUTURE LAND USE	COMMERCIAL		
PROPOSED USE	LOT-1 = COMMERCIAL / SERVICE STATION LOT-2 = COMMERCIAL / RETAIL		
ZONING	(A) (AUTOMOBILE FUEL SALES WHICH IS THE ONLY C-2 USES ALLOWED)		
ADJACENT LAND USE	NORTH: RESIDENTIAL	EAST: COMMERCIAL	SOUTH: COMMERCIAL WEST: COMMERCIAL
ADJACENT ZONING	NORTH: R-2	EAST: PUD	SOUTH: U.S. # 441/C-1 WEST: C-1
ACREAGE/SQUARE FOOTAGE	TOTAL: 2.945 ±	ACREAGE: 2.06 ± AC	SQUARE FEET: 128,283 ± S.F. TOTAL: LOT 1 2.06 ± AC LOT 2 0.89 ± AC
BUILDING HEIGHT	PROPOSED MAXIMUM: 35'		
BUILDING SETBACKS	NORTH (REAR) = 10'	EAST (SIDE) = 10'	SOUTH (FRONT) = 10' WEST (SIDE) = 10' CORNER = 15'
PROPOSED	30'	10'	10'
LOT 1 PARKING SPACES	1 SPACE / 100 S.F. 5,928 S.F. / 100 S.F. = 62± PROVIDED		
LOT 1 LOADING SPACES	1/10,000 S.F. = 1 REQUIRED 1 PROVIDED		
LOT 1 OPEN SPACE	EXISTING: 1.0 ± AC 45,039.5 ± S.F. 49 %		
LOT 2 PARKING SPACES	1 SPACE / 300 S.F. 6,815 S.F. / 300 S.F. = 23 REQUIRED / 27 PROPOSED		
LOT 2 LOADING SPACES	1/10,000 S.F. = 1 REQUIRED 1 PROVIDED		
LOT 2 OPEN SPACE	AVAILABLE: 0.38 ± AC 16,502.3 ± S.F. 42.34 %		
LANDSCAPE BUFFERS	NORTH (REAR) = 10'	EAST (SIDE) = 5'	SOUTH (FRONT) = 10' WEST (SIDE) = 5'
SOIL	21 - LAKE FINE SAND AND 4 - CANDLER FINE SAND		
FLOOD ZONE	FIRM MAP 12095CD120F SEPTEMBER 25, 2009		
WETLANDS	NONE		
VEGETATION	LOT 1 IS CURRENTLY A FUNCTIONING RACETRACK SITE LOT 2 IS CURRENTLY VACANT / TREES AND GRASS		
STORMWATER	LOT 1 HAS EXISTING STAND ALONE POND. LOT 2 HAS A PROPOSED STAND ALONE POND		
NUMBER OF EMPLOYEES	LOT 1 = 15 ±		LOT 2 = 15 ±
HOURS OF OPERATION	24 HOUR MON - SAT = 7:30 AM - 9 PM: SUN = 9 AM - 8 PM		
OVERLAY DISTRICT	NOT IN AN OVERLAY DISTRICT		
WAIVER REQUEST	1. JOINT 5' LANDSCAPE BUFFER BETWEEN LOT 1 AND LOT 2 2. PARKING FOR LOT 2 BE COUNTED @ 1 SPACE / 300 S.F. 3. REDUCTION OF WIDTH OF MAINTENANCE BERM PER CODE OF 10' WITH FENCING TO 5' FOR LOT 2. 4. REDUCTION OF THE REQUIREMENT OF NO MORE THEN 50% OF THE REQUIRED PARKING IN THE FRONT OF THE BUILDING.		
VARIANCE REQUEST	NONE		
DEVELOPMENT CONDITIONS	WESTERN LAND STRIP OF LOT 1 WILL REMAIN AS AN OPEN SPACE EASEMENT AND A ROAD CONNECTION TO OLD DIXIE HIGHWAY SHALL BE PROHIBITED.		
TOTAL SITE AREA FOR LOT 2:	PROPOSED IMPERVIOUS AREAS: 21,828.8 S.F. (56.00%) PROPOSED PERVIOUS AREAS: 17,150.2 S.F. (44.00%) TOTAL: 38,980 S.F. (100%)		
FLOOR AREA RATIO:	6,815 S.F. = 0.18 38,980 S.F.		
SOLID WASTE:	8 YARDS/WEEK		

- NOTE:**
- LANDSCAPE AND IRRIGATION PLANS SHALL BE IN ACCORDANCE WITH LDC ARTICLE V, WATER WISE ORDINANCE NUMBER 2009.
  - ALL EQUIPMENT (INCLUDING ROOF TOP) AND UTILITY BOXES MUST BE FULLY SCREENED (INCLUDING THE BASE OF THE BUILDING).
  - BUILDING AND GROUND SIGN TO BE PERMITTED SEPARATELY.
  - CROSS ACCESS EASEMENTS WILL BE DEDICATED PER THE PLAT.
  - A LIGHTING PLAN IS REQUIRED PER THE CITY'S DEVELOPMENT DESIGN GUIDELINES. PARKING LOT LIGHT POLES AND FIXTURES MUST BE OF A DECORATIVE TYPE. LIGHT POLE FOOTERS CANNOT BE EXPOSED ABOVE FINISH GRADES.
  - NO OUTSIDE ACTIVITIES INCLUDING BUT NOT LIMITED TO, OUTSIDE STORAGE OF PARTS, VENDING MACHINES, SUPPLIES, MERCHANDISE OR MATERIALS.

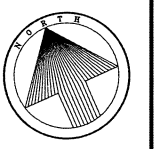
**UTILITY LEGEND**

---	EXISTING SANITARY SEWER
---	EXISTING FORCE MAIN
---	EXISTING GAS LINE
---	EXISTING STORM PIPE
---	EXISTING WATER LINE
---	PROPOSED WATER LINE

**SITE LEGEND**

	PROPERTY LINES
--	----------------

**AutoZone, Inc.**  
 123 S. FRONT STREET, 3rd FLOOR  
 MEMPHIS, TENNESSEE 38103



**AutoZone STORE DEVELOPMENT**  
 PREPARED FOR: AutoZone Store No.: 4856  
 APOPKA CITY OF APOPKA, FL  
**PUD ZONING AMENDMENT AND MASTER PLAN**

SCALE: 1" = 40'

**REVISIONS**

- PER CITY COMMENTS 9-8-15
  - PER CITY DRC COMMENTS 10-16-15
  - 
  - 
  - 
  - 
  -
- ARCHITECT: GC  
 DRAFTSMAN: JDH  
 CHECKED BY: IB

DATE: JUNE, 2015  
 PROTOTYPE SIZE: 65W2L

**C1.0**

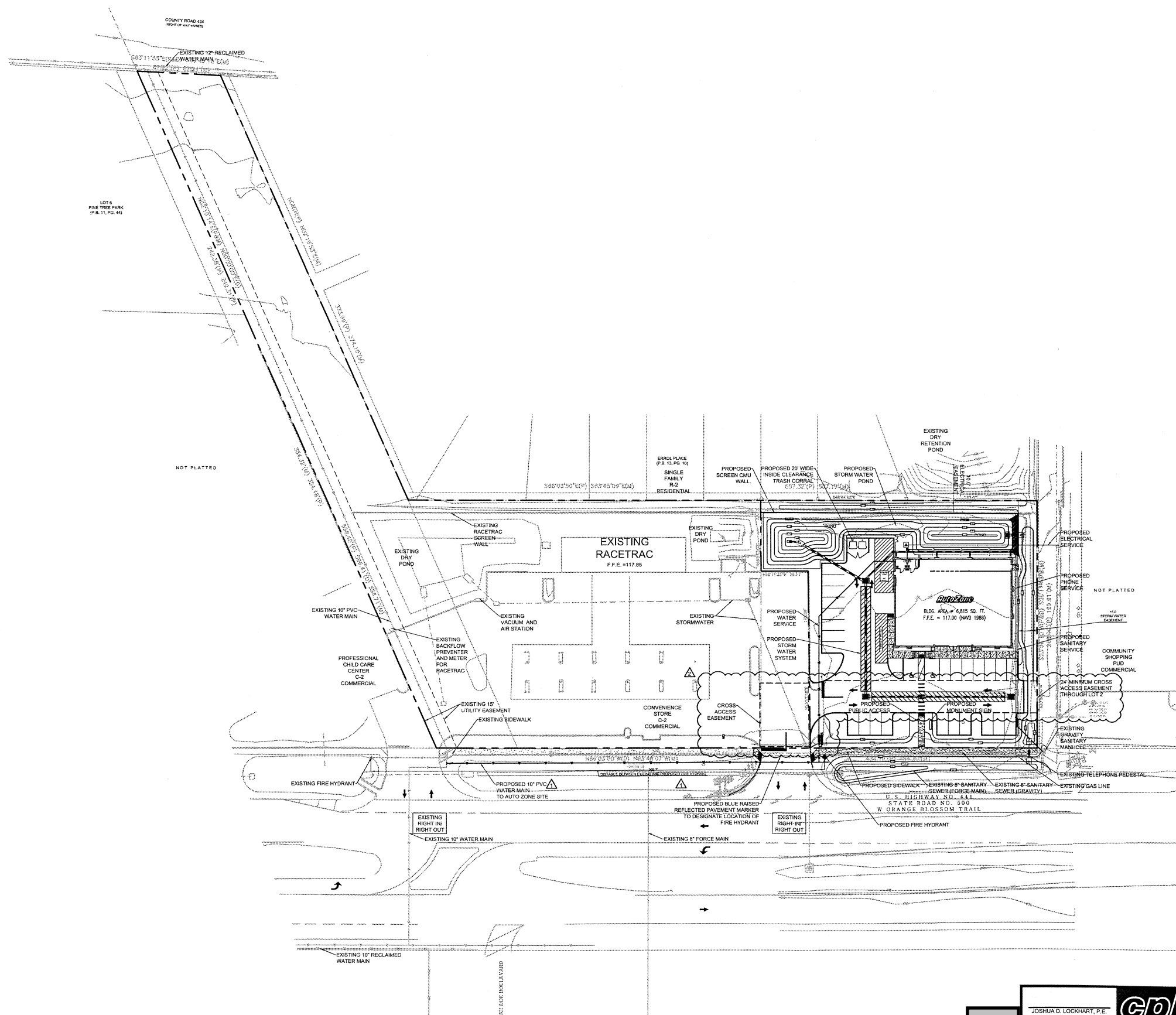
CPH JOB NO. 121

JOSHUA D. LOCKHART, P.E. 74011

**cph** A Full Service A & E Firm  
 Architects M/E/P  
 Engineers Planners  
 Environmental Surveyors  
 Landscape Architects Traffic/Transportation

Offices In:  
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Plans Prepared By:  
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- UTILITY LEGEND**
- EXISTING SANITARY SEWER.
  - EXISTING FORCE MAIN.
  - EXISTING GAS LINE.
  - EXISTING STORM PIPE.
  - EXISTING WATER LINE.
  - PROPOSED WATER LINE.
  - PROPOSED SANITARY LINE.
  - PROPOSED PHONE LINE.
  - PROPOSED ELECTRICAL LINE.
  - PROPOSED CONTOUR

- SITE LEGEND**
- PROPERTY LINES
  - PROPOSED STORM WATER PIPES
  - EXFILTRATION STORM PIPE
  - ▲ TRANSFORMER

**AutoZone, Inc.**  
 123 S. FRONT STREET, 3rd FLOOR  
 MEMPHIS, TENNESSEE 38103



**AutoZone STORE DEVELOPMENT**

PREPARED FOR: AutoZone  
 Store No.: 4856  
 APOPKA  
 CITY OF APOPKA, FL.

**MASTER PLAN**

SCALE: 1" = 40'

**REVISIONS**

1. PER CITY COMMENTS 9-8-15
  2. PER CITY DRC COMMENTS 10-16-15
  - 3.
  - 4.
  - 5.
  - 6.
  - 7.
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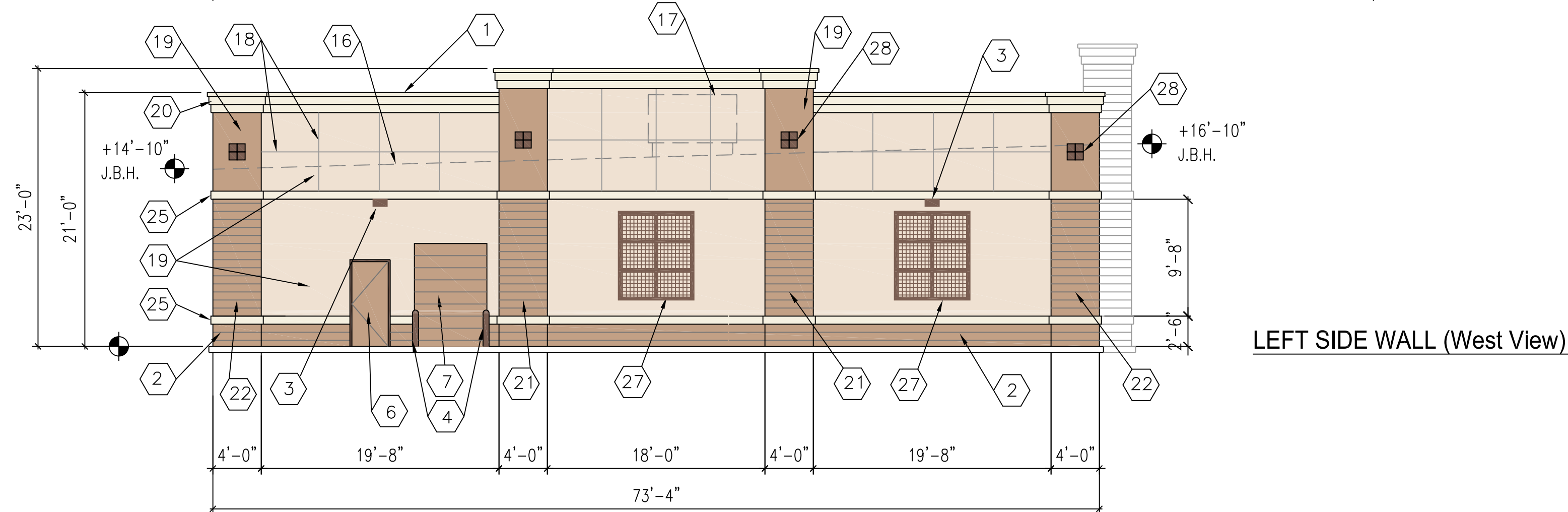
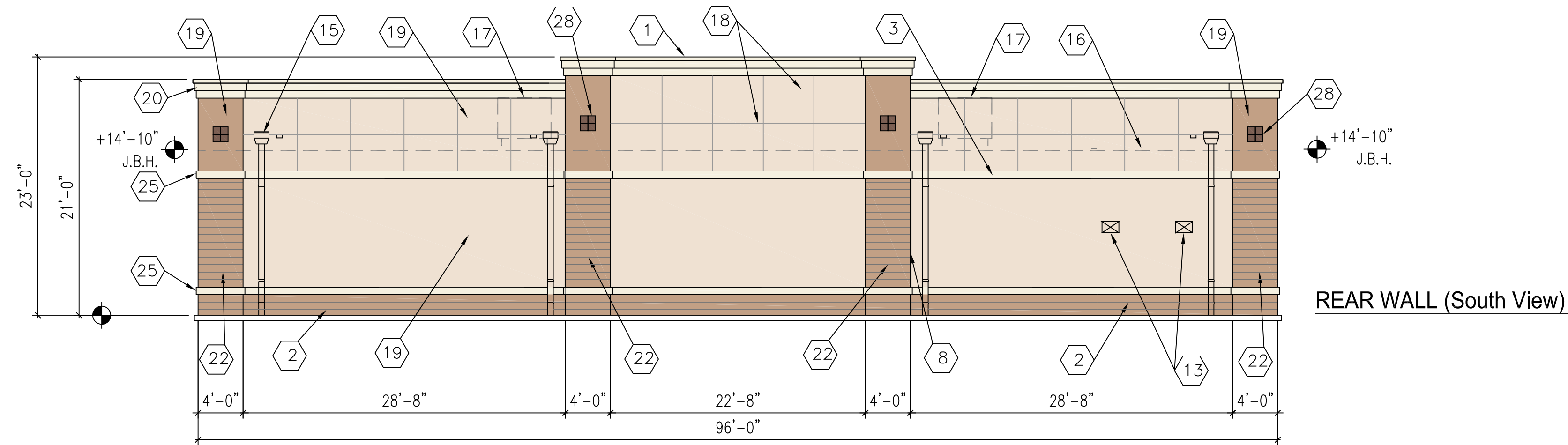
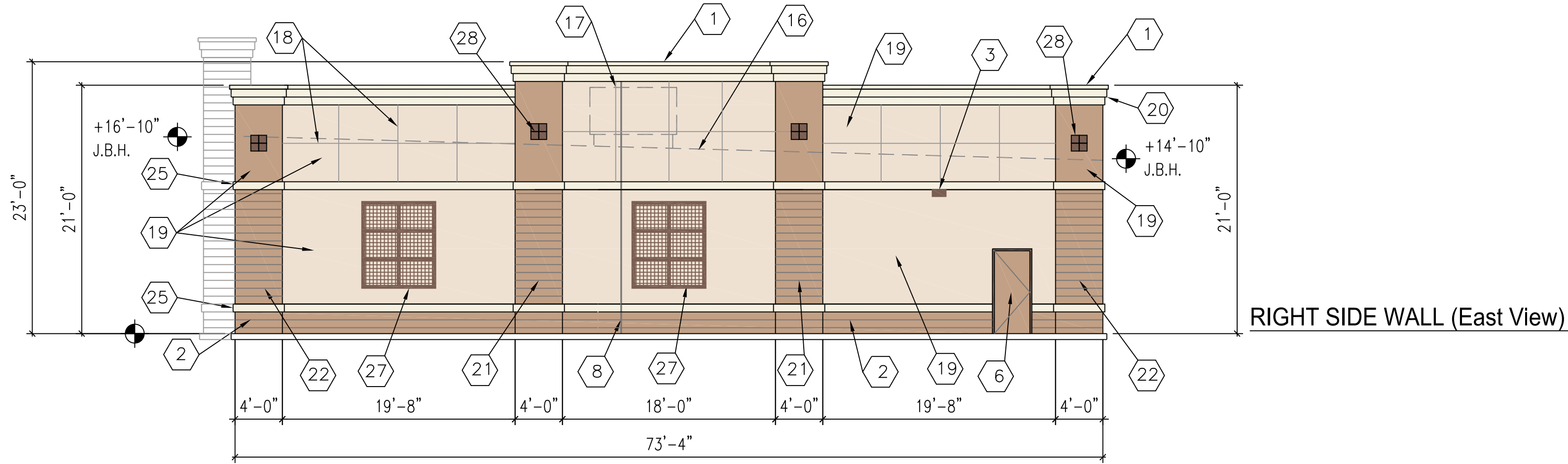
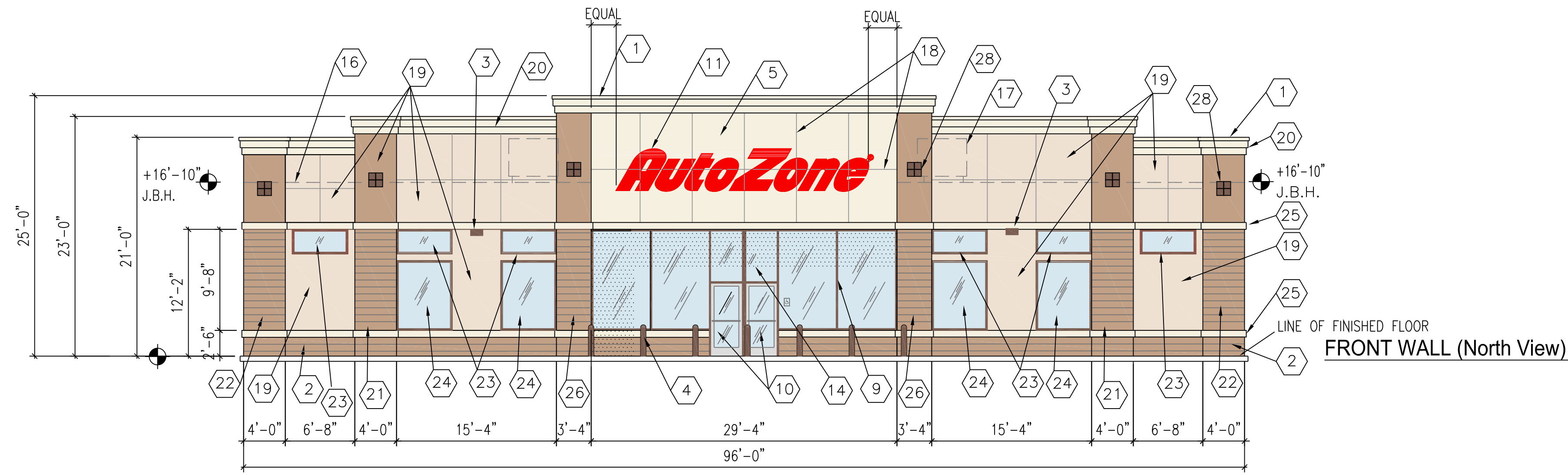
**C2.0**

JOSHUA D. LOCKHART, P.E.  
 74011

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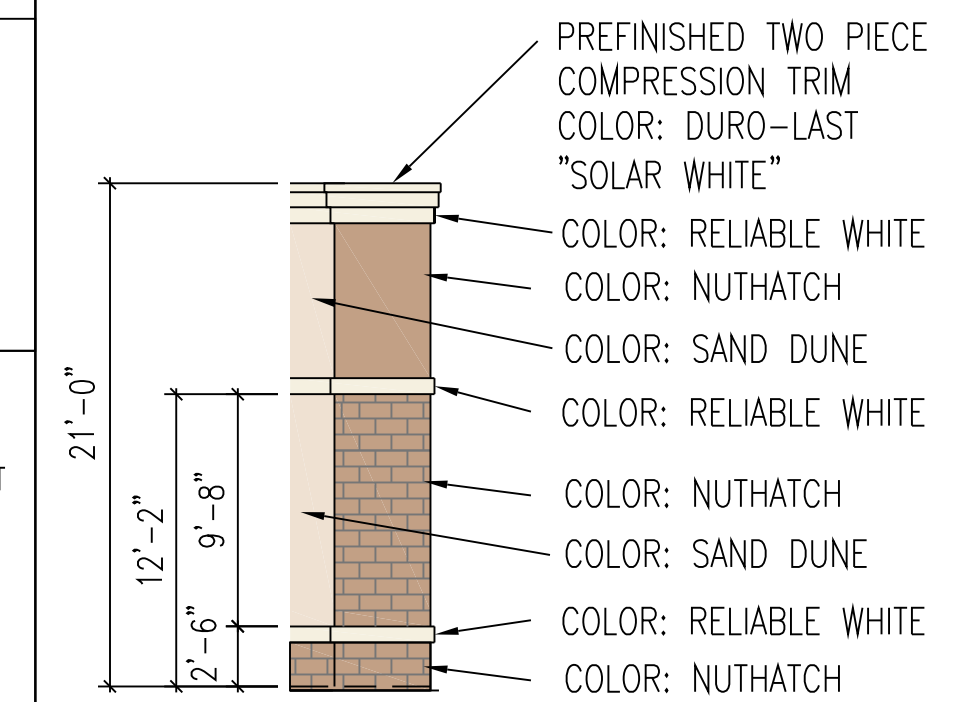
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- 1 PREFINISHED TWO PIECE COMPRESSION TRIM  
COLOR: DURO-LAST "SOLAR WHITE"
- 2 SPLIT FACE CONCRETE MASONRY UNITS SEE PAINT  
DETAIL SCHEME THIS SHEET
- 3 WALL MOUNTED LIGHT FIXTURE - BRONZE FINISH
- 4 PIPE GUARD WITH ARCHITECTURAL BROWN SLEEVE
- 5 MFG. EXTERIOR INSULATED FINISH SYSTEM  
COLOR: SW 6091 "RELIABLE WHITE"
- 6 PAINT MAN DOOR COLOR: SW 6088 "NUTHATCH",  
PAINT METAL FRAMES COLOR: SW "ANTIQU BRONZE"
- 7 PAINT OVERHEAD DOOR COLOR: SW 6088 "NUTHATCH"  
PAINT ANGLE COLOR: SW "ANTIQU BRONZE"
- 8 EXPANSION JOINT
- 9 ALUMINUM STOREFRONT - BRONZE FINISH  
TINTED GLASS WINDOWS "VISIBLE LIGHT TRANSMITTANCE=30%"
- 10 GLASS AND ALUMINUM DOORS - CLEAR ANODIZED FINISH
- 11 FRONT WALL SIGN - 48" HIGH CHANNEL LETTERS
- 12 SIDE WALL SIGN - N/A
- 13 TOILET WALL VENTS PAINT TO MATCH WALL
- 14 STORE ADDRESS - 6" WHITE REFLECTIVE NUMBERS
- 15 SCUPPERS AND DOWNSPOUTS. PAINTED TO MATCH  
BACKGROUND WALL COLOR. ADJACENT 4" H. X 6" W.  
OVERFLOW SCUPPER. FLOWLINE 2" ABOVE ROOF.
- 16 BOND BEAM AT ROOF LINE
- 17 HVAC UNITS SCREENED BEHIND PARAPET WALL
- 18 1" WIDE SCORED JOINT (TYP.)
- 19 CMU BLOCK W/ STUCCO FINISH - SEE PAINT  
SCHEME DETAIL THIS SHEET
- 20 DECORATIVE FOAM CORNICE COLOR: RELIABLE WHITE
- 21 SPLIT FACE CMU PILASTER (1'-4" PROJECTION)
- 22 SPLIT FACE CMU PILASTER (8" PROJECTION)
- 23 ALUMINUM STOREFRONT - BRONZE FINISH  
TINTED CLERESTORY GLASS WINDOWS  
VISIBLE LIGHT TRANSMITTANCE=30%"
- 24 ALUMINUM STOREFRONT - BRONZE FINISH  
TINTED OPAGUE GLASS WINDOWS  
VISIBLE LIGHT TRANSMITTANCE=30%"
- 25 8" HIGH X 2" DEPTH FOAM BOARD TRIM WITH E.F.S.
- 26 SPLIT FACE CMU PILASTER (3'-4" PROJECTION)
- 27 METAL TRELLIS COLOR:  
COLOR: SHERWIN WILLIAMS "ANTIQU BRONZE"
- 28 (4) 8" X 8" GLAZED CERMIC TILE RECESSED 1/2"  
COLOR: DARK BRONZE

2 ELEVATION KEYNOTES

COLORS:  
SHERWIN WILLIAMS "RELIABLE WHITE" - SW 6091  
SHERWIN WILLIAMS "SAND DUNE" - SW 6086  
SHERWIN WILLIAMS "NUTHATCH" - SW 6088



- GENERAL NOTES:
1. REFER TO SECTION 09900 OF THE SPECIFICATIONS FOR PAINT AND EXTERIOR COATINGS. ALL COLORS ARE BY SHERWIN-WILLIAMS PAINT COMPANY.
  2. PAINT RESTROOM WALL VENTS TO MATCH THE ADJACENT WALL COLOR.
  3. SEALANT AT EXPANSION JOINTS TO MATCH ADJACENT WALL COLOR.
  4. ALL MASONRY JOINTS TO BE CONCAVE TOOLED.

4 GENERAL NOTES

- SIGNAGE NOTES:
1. AUTOZONE'S SIGN VENDOR WILL FURNISH AND INSTALL ALL SIGNS UNLESS SPECIFICALLY NOTED ON THE DRAWINGS OTHERWISE. WALL SIGNS TO BE INSTALLED ON SURFACES THAT ARE FURNISHED AND PREPARED BY GENERAL CONTRACTOR.
  2. SIGN INSTALLER SHALL OBTAIN SIGN PERMITS AND INSTALL ALL FREESTANDING SIGNS AND THEIR FOUNDATIONS UNLESS NOTED OTHERWISE. GENERAL CONTRACTOR SHALL INSURE SIGN LOCATION IS TO GRADE AND SHALL MARK WHERE SIGN IS TO BE LOCATED.
  3. GENERAL CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF PRIMARY ELECTRICAL, AND FINAL ELECTRICAL HOOK-UP. SEE "SN" SHEETS FOR ADDITIONAL INFORMATION.
  4. SEE SHEET E3 FOR LOCATIONS OF J-BOXES TERMINATING EACH WALL SIGN CIRCUIT.

5 SIGNAGE NOTES - BUILDING

REVISIONS

1	4	5	6
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AutoZone Store No. 4856  
US HIGHWAY 441

APOPKA FL 32726

EXTERIOR ELEVATIONS AND NOTES

Architect: George Callow  
123 South Front Street  
Memphis, Tennessee 38103  
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