

CITY OF APOPKA

Minutes of the regular City Council meeting held on May 20, 2015, at 7:00 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
Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Steve Hudak, Orlando Sentinel
News Channels 2, 6, 9, 13, and Fox

INVOCATION – Mayor Kilsheimer introduced Reverend Allen Higginbotham, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on May 21, 1881, humanitarians Clara Barton and Adolphus Solomans, held the first organizational meeting of the American National Red Cross, which provides aid to victims of war and natural disasters. Clara Barton, well known for her work with the sick and the wounded during the American Civil War became known as the *Angel of the Battlefield* for her dedication. She was in Europe in 1870 when the Franco-Prussian War broke out and she went behind enemy lines to work for the International Red Cross. This experience led her to organize the American branch of the International Red Cross and since its inception the American Red Cross has provided humanitarian aid and relief to countless soldiers and civilians in the wake of war and disasters. He asked all to reflect on the bravery and selflessness of those who dedicate their time and effort to render aid to their fellow man in times of crisis as he led in the Pledge of Allegiance.

PRESENTATIONS

1. John and Patricia Cloran Day Proclamation – Mayor Kilsheimer read the proclamation recognizing John and Patricia Cloran for their years of service at Apopka Middle School. He then presented the proclamation to John and Patricia Cloran.

CONSENT AGENDA

1. Approve the minutes of the City Council/Planning Commission Workshop held on April 8, 2015 at 6:00 pm.
2. Approve the minutes from the regular City Council meeting held on April 15, 2015 at 7:00 p.m.

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

SPECIAL REPORTS AND PUBLIC HEARINGS – No Special Reports or Public Hearings.

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2416 – THIRD READING & ADOPTION - Moratorium – To establish a moratorium on the issuance of building permit and/or the receipt of preliminary or final development plan submittals for restaurants or food service operations with drive through lanes or drive-in service, such moratorium to extend until January 7, 2016. The City Clerk read the title as follows:**

ORDINANCE NO. 2416

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING A MORATORIUM UNTIL JANUARY 7, 2016 ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING, PERMITS, SITE PLANS, DEVELOPMENT ORDERS, AND LAND USE ACTIVITIES WHICH WOULD ALLOW OR PERMIT CONSTRUCTION OF DRIVE-THROUGH OR DRIVE-IN RESTAURANT FACILITIES WITHIN THE CITY OF APOPKA DURING THE COURSE OF COMPLETION OF A STUDY AND POTENTIAL ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE AND DEVELOPMENT DESIGN GUIDELINES; PROVIDING EXEMPTIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR POSSIBLE EXTENSION OF THIS ORDINANCE; PROVIDING FOR ADMINISTRATIVE/QUASI-JUDICIAL VESTED RIGHTS REVIEW PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mayor Kilsheimer said governments impose moratoriums to temporarily halt a certain type of growth to allow staff and, in this case, the citizens of Apopka, to study all of the ramifications. For government to impose a moratorium they must have a valid reason to do so that needs to be specific and related to health, safety, and/or welfare types of issue. He stated we wish to study many things related to fast food restaurants with drive-through lanes such as zoning they are allowed to operate within and how far from residential neighborhoods they should be placed. A moratorium is only for a specific and set period of time in order to allow a study. This moratorium can run in tandem with the community-wide visioning process. He advised that today staff made him aware of an ordinance passed in 2006 establishing a downtown overlay district with a prohibited use of any new fast food restaurants. He declared this moratorium is asking for a temporary breather that allows the visioning process to take place and allows the conversation the citizens want to have about the future of our community.

Commissioner Velazquez said there has been a big push back from the dais for a temporary moratorium and it has been articulated that this infringes on the rights of property owners. She said in her research she found Ordinance 1885 with the ban on fast food restaurants and it was extended by Ordinance 2074 in 2008 and this moratorium lasted for over a two year period. She stated she supported this temporary moratorium.

Commissioner Ruth said most of his concerns are with ingress/egress at the drive through restaurants where they backup into the traffic. He inquired if this type of issue will be discussed in the comprehensive plan.

Mayor Kilsheimer said through a series of public input meetings and sessions during the visioning process, at the end, there would be a series of recommendations for possible amendments to the Land Development Code (LDC). The LDC is the document all developers and builders look to for guidance when coming to the City of Apopka.

Commissioner Ruth also expressed concern with regards to the length of the moratorium and property rights.

Commissioner Arrowsmith said he was against the moratorium and felt it was wrong to separate out one type of business. He said the visioning process was being confused with the moratorium and he was for the visioning process. He declared if this was such a safety issue, why it has not been discussed before now.

Commissioner Dean said he agreed it could potentially create an issue with property rights for someone trying to sell their land for this type of use. He also said employment was key to growth and this would hurt both young people and seniors working in these establishments.

Commissioner Velazquez said there were 22 fast food restaurants in Apopka so employment was not a problem. She said she has been following this on social media and had many comments supporting this moratorium. She reiterated the prior abatement was in place for a two year period of time.

Mayor Kilsheimer opened the meeting to a public hearing. The following spoke against the moratorium.

Barbara Zakszewski,
Denny Shiver and
Tenita Reid.

The following spoke in favor of the moratorium.

Suzanne Kidd.

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

MOTION by Commissioner Ruth to amend the ordinance to a 4 month moratorium, to October 1st. Motion failed due to lack of a second.

MOTION by Commissioner Velaszquez to adopt Ordinance No. 2616 as presented. Motion failed due to lack of a second.

2. ORDINANCE NO. 2417 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate, property located at 4664 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-043) (4.85 +/- acres); and Debra Reid Wilbarger, property located at 4646 Plymouth Sorrento Road. (Parcel ID # 13-20-27-0000-00-042) (1.33 +/- acres). (Combined acreage 6.18 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2417

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DIANE DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER, LOCATED AT 4664 AND 4646 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve Ordinance No. 2417. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. ORDINANCE NO. 2418 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, properties located at 4668 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-049) (1.76 +/- acres); and 4672 Plymouth Sorrento Road. (Parcel ID # 13-20-27-0000- 00-044) (1.72 +/- acres) (Combined acreage 3.48 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2418

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DIANE REID-GOOLSBY, LOCATED AT 4668 AND 4672 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS,

AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Ruth to adopt Ordinance No. 2418. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2419 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby and Debra Reid Wilbarger, property located at 4680 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-010) (21.36 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2419

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DIANE REID-GOOLSBY AND DEBRA REID WILBARGER, LOCATED AT 4680 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to adopt Ordinance No. 2419. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2420 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, property located at 4622 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00- 041) (2.88 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2420

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DIANE REID-GOOLSBY, LOCATED AT 4622 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to approve Ordinance No. 2420. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. ORDINANCE NO. 2421 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate and Debra Reid Wilbarger, property located at 4634 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-039) (2.50 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2421

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DIANA DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER, LOCATED AT 4634 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Arrowsmith to adopt Ordinance No. 2421. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

7. ORDINANCE NO. 2422 – SECOND READING & ADOPTION - ANNEXATION – Daniel Joshua Reid Life Estate and David Dwayne Reid, property located at 4640 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-031) (2.50 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2422

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DANIEL JOSHUA REID LIFE ESTATE AND DAVID DWAYNE REID, LOCATED AT 4640 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to adopt Ordinance No. 2422. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

8. ORDINANCE NO. 2423 – SECOND READING & ADOPTION - ANNEXATION – Debra Reid Wilbarger Life Estate, Diana Nichole Ried-McClure, and Dwana Michelle Reid-McClure, property located at 4528 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-040) (2.49+/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2423

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DEBRA REID WILBARGER LIFE ESTATE; DIANA NICHOLE REID-MCCLURE; AND DWANA MICHELLE RIED-MCCLURE, LOCATED AT 4528 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to adopt Ordinance No. 2423. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

9. ORDINANCE NO. 2424 – SECOND READING - ANNEXATION – Crossroads Church of Orlando, property located at 320 East Welch Road. (Parcel I.D. # 34-20-28-9550-00-261) (1.85 +/- acres) **[Withdrawn by Staff]**
10. ORDINANCE NO. 2426 – FIRST READING - ANNEXATION – Donald Lee Boughan, property located at 404 East Welch Road. (Parcel I.D. # 34-20-28-9550-00-232) (1.00+/- acre) **[Withdrawn by Staff]**
11. ORDINANCE NO. 2429 – FIRST READING – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Everlasting Covenant Christian Center, Inc. from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of

Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071) The City Clerk read the title as follows:

ORDINANCE NO. 2429

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 RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, reviewed the next four cases on the agenda at this time stating they affect two parcels and are applying for the same land use and zoning. He reviewed the plans and the conditions. DRC and the Planning Commission recommend approval. The staff reports will be filed with the minutes.

Mayor Kilsheimer opened the meeting to a public hearing.

Scott Danza, applicant, said they appreciate staff working with them to create the conditions and they would be glad to answer any questions.

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

MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith, to approve Ordinance No. 2429 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

12. ORDINANCE NO. 2430 – FIRST READING – CHANGE OF ZONING – Everlasting Covenant Christian Center, Inc. from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071) The City Clerk read the title as follows:

ORDINANCE NO. 2430

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 TO PLANNED UNIT DEVELOPMENT (PUD/PO/I) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF U.S. 441, SOUTH OF EAST SEMORAN BOULEVARD (1250 PIEDMONT WEKIWA ROAD) (1250 PIEDMONT WEKIWA ROAD), COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING

**FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR,
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer advised this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

David Moon, Planning Manager, advised this was consistent with the comprehensive plan.

The applicant had no further comments.

Mayor Kilsheimer opened the meeting to a public hearing.

Terri Morrell said she lives in Piedmont Lakes and they were concerned about traffic issues, as well as flooding.

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

MOTION by Commissioner Arrowsmith and seconded by Commissioner Ruth, to approve Ordinance No. 2430 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

13. ORDINANCE NO. 2431 – FIRST READING – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Joseph E. and Jeff P. Ball, from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21- 28-0000-00-030) The City Clerk read the title as follows:

ORDINANCE NO. 2431

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 RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith, to

approve Ordinance No. 2431 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

14. ORDINANCE NO. 2432 – FIRST READING – CHANGE OF ZONING – Joseph E. and Jeff P. Ball, from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030) The City Clerk read the title as follows:

ORDINANCE NO. 2432

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 TO PLANNED UNIT DEVELOPMENT (PUD/PO/I) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF U.S. 441, SOUTH OF SEMORAN BOULEVARD (1166 PIEDMONT WEKIWA ROAD), COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer said this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

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

MOTION by Commissioner Dean and seconded by Commissioner Ruth, to approve Ordinance No. 2432 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

15. ORDINANCE NO. 2433 – FIRST READING – CHANGE OF ZONING/MASTER PLAN – Avian Pointe – Apopka Clear Lake Investments, LLC – From “City” Planned Unit Development (PUD) (89.47 AC) and “County” A-2 (ZIP) (5.29 AC) to “City” Planned Unit Development (PUD/R-3), for property located east of S.R. 429, south of Peterson Road, and north of Lust Road. (Parcel ID Nos. 07-21-28-0000-00-002 & 07-21-28-0000-00-023) The City Clerk read the title as follows:

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “CITY” PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND “COUNTY” A-2 (5.4 +/- ACRES) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE

INVESTMENTS, LLC; AND FROM “CITY” PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO “CITY” PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer said this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

David Moon, Planning Manager, gave a brief overview of the project. He stated the request is for a mixed use master plan PUD. He reviewed the park and open spaces on the master plan. Staff's report will be filed with the minutes. DRC and Planning Commission recommend approval. He advised the application also includes a development agreement and a transportation agreement.

Commissioner Arrowsmith suggested staff look into what would need to be done to have King Road improved to city standards.

Tom Sullivan thanked staff for working with them through the different elements of this project. He said they appreciate the support of the Planning Commission and respectfully request Council's support. He advised they have completed the school capacity agreement since they were last before Council.

Mayor Kilsheimer opened the meeting to a public hearing.

Christine Moore, School Board Representative, said the school capacity agreement fails on the middle school level, and will probably fail on the elementary level. Her concern is that the school site is only 6 acres and Orange County does not build on only 6 acres and they would need to have more towards 10 acres. She suggested School Board staff and City staff meet to discuss how many more homes are being expected in this area. She advised the City of Ocoee has been adding more Charter Schools. She declared it would be nice to have more acreage and to know how many more homes they will have.

Fraser Gunter said two things concern him: the removal and treatment of waste material.

Mayor Kilsheimer advised they would be connected to City services and the City would be responsible.

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

MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith, to approve Ordinance No. 2433 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

The Council recessed at 9:02 p.m. and reconvened at 9:09 p.m.

16. ORDINANCE NO. 2434 FIRST READING - CHANGE OF ZONING/MASTER PLAN & PRELIMINARY DEVELOPMENT PLAN – Marden Ridge – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E. – from R-3 (Residential) and C- 1 (Commercial) to Planned Unit Development (R-3/C-1) for property located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029) The City Clerk read the title as follows:

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3/C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, LLLP; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth, to approve Ordinance No. 2434 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS – There were no Site Approvals.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report - Glenn A. Irby - City Administrator

MAYOR'S REPORT – Mayor Kilsheimer reported on Monday, May 25, 2015, there will be a Memorial Day Ceremony held in the City Cemetery. He said Apopka High School holds their graduation on next Thursday at 10:00 a.m. UCF Arena, and Wekiva High School's graduation is next Wednesday at the Amway Center, 3:00 p.m. All elected officials have been invited to attend these graduations.

Mayor Kilsheimer said staff has been working behind the scenes on a major tourism convention coming to Orlando. An opportunity has been presented to be able to do some tours of the Lake

Apopka North Shore area and Airboat tours on Lake Apopka. He said the Wildlife Drive opened May 1st and people have been taking advantage of this.

OLD BUSINESS

COUNCIL

In response to Commissioner Ruth inquiring about the local business incentive, Mr. Irby advised a Resolution would be on the next agenda amending this from 1% to 3%.

PUBLIC

Fraser Gunter requested an update on Code Enforcement of the Rock Springs Ridge golf course, to which Captain Fernandez reported letters had been sent out to the owners and they have a full time person from a maintenance company mowing and they are making improvements.

NEW BUSINESS

COUNCIL – There was no new business from the Council.

PUBLIC

David Hoffman expressed concerns over the hiring of Consulting Firm of Keith and Schnars, recently hired to spearhead the visioning process and facilitate the anticipated future growth of Apopka over the next decade. He spoke of his reservations regarding the cost however he also stated that he understands the concept. He urged Council to allow citizens to become involved in this process and personally volunteered himself and his neighbor for this role. He switched topics and expressed concerns over the possible amendment of the Rock Springs Ridge PUD and urged Council not to get involved with the input of citizens on topics of growth and development in their neighborhoods.

Tenita Reid expressed thanks to Commissioner Dean for appointing her to the Parks and Recreation Master Plan committee.

ADJOURNMENT – There being no further discussion, the meeting adjourned at 9:25 p.m.

_____/s/_____
Joseph E. Kilsheimer, Mayor

ATTEST:

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