



## **APOPKA CITY COUNCIL AGENDA**

**March 15, 2017 7:00 PM**

**APOPKA CITY HALL COUNCIL CHAMBERS**

**Agendas are subject to amendment through  
5:00pm on the day prior to City Council Meetings**

### **CALL TO ORDER**

**INVOCATION - Pastor Jason Henderson of Grace Pointe Church**

### **PLEDGE**

### **APPROVAL OF MINUTES:**

1. City Council regular meeting February 15, 2017.

### **AGENDA REVIEW**

### **PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

Public Comment Period:

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

### **CONSENT (Action Item)**

1. Authorize support services for the 56th Annual Art & Foliage Festival.
2. Authorize an agreement for tennis instruction.
3. Approve and authorize execution of the Vistas at Waters Edge School Concurrency Mitigation Agreement.
4. Award a contract for CMAR Construction Services to Garney Construction Company.
5. Approve and authorize first amendment to the Sensus Agreement to allow for Consumer Portal.
6. Award a bid to Fred Fox Enterprises, Inc. for the Community Development Block Grant Administrative Services.

### **BUSINESS (Action Item)**

1. Final Development Plan – Raynor Shine Recycling Solutions – 100 & 126 Hermit Smith Road - Quasi-Judicial David Moon
2. Final Development Plan – Qorvo (a.k.a. Triquint Semiconductor, Inc.) Site Expansion – Quasi-Judicial David Moon

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

1. Ordinance No. 2555 – Second Reading – Comprehensive Plan – Small Scale Amendment – Legislative Elizabeth Florence
2. Ordinance No. 2556 – Second Reading – Administrative Rezoning – Quasi-Judicial Elizabeth Florence
3. Ordinance No. 2557 – Second Reading – Administrative Rezoning – Quasi-Judicial Elizabeth Florence
4. Ordinance No. 2558 – Second Reading – Administrative Rezoning – Quasi-Judicial Elizabeth Florence
5. Ordinance No. 2561 – Second Reading – Comprehensive Plan – Capital Improvement Element – Legislative Kyle Wilkes
6. Ordinance No. 2562 – Second Reading – Comprehensive Plan – Small Scale Amendment – Legislative Kyle Wilkes
7. Ordinance No. 2563 – Second Reading – Change of Zoning – Quasi-Judicial Kyle Wilkes

### **CITY COUNCIL REPORTS**

### **MAYOR'S REPORT**

### **ADJOURNMENT**

### MEETINGS AND UPCOMING EVENTS

DATE	TIME	EVENT
March 17, 2017	5:00pm – 11:00pm	Charlie Daniels Concert – Northwest Recreation Complex
March 27, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
March 29, 2017	1:30pm –	Council Meeting
April 6, 2017	5:30pm – 9:00pm	Food Truck Round Up
April 8, 2017	12:00pm – 10:00pm	Apopka Relay for Life – Apopka High School Roger Williams Field
April 10, 2017	6:30pm -	CONA Meeting - UCF Apopka Business Incubator
April 11, 2017	5:30pm – 6:30pm	Planning Commission Meeting
April 13, 2017	3:00pm – 5:00pm	City Council Workshop – CRA Procedural Review & CRA Plan Update
April 14, 2017	7:00pm – 8:30pm	Movie in the Park – TBD - Northwest Recreation Complex
April 15, 2017	9:30am –	Easter Eggstravaganza - Northwest Recreation Complex
April 19, 2017	7:00pm –	Council Meeting
April 24, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden

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 regular meeting February 15, 2017.

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on February 15, 2017, at 6:00 p.m., in the City of Apopka Council Chambers.**

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

**PRESS PRESENT:** Steve Hudak – Orlando Sentinel  
Teresa Sargeant - The Apopka Chief  
Reggie Connell, The Apopka Voice

**INVOCATION:** Mayor Kilsheimer introduced Pastor Alexander Smith of New Hope Missionary Baptist Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said noted African-American George Washington Carver was a botanist, and inventor, born around 1864, educated at Iowa State University, and later a faculty member of the prestigious Tuskegee Institute. His reputation is based on his research and promotion of crop rotation, the development of alternative cash crops, including peanuts, soybeans, sweet potatoes, and pecans. He urged farmers to use the alternative crops as a source of foods, creating hundreds of recipes in bulletins that he distributed to farmers. He also developed hundreds of products from the alternative crops, including plastics, paint, dyes, and even a type of gasoline. His advice was sought by world leaders such as President Theodore Roosevelt, and Mahatma Gandhi, and business tycoons such as Henry Ford, and Thomas Edison. Harvard Scholarship and Research contributed to improve quality of life for many farming families and made Carver an icon for African-Americans and Anglo-Americans alike. He asked everyone to reflect upon the pioneering spirit and legacy of George Washington Carver as he led in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

1. City Council workshop January 18, 2017.
2. City Council regular meeting January 18, 2017
3. City Council/Planning Commission workshop January 25, 2017.
4. City Council meeting February 1, 2017.
5. City Council special meeting February 6, 2017.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the five sets of minutes as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**AGENDA REVIEW:** Glenn Irby, City Administrator, advised the applicant under Business, 3. Emerson North Townhomes Plat, has requested this be postponed to March 1, 2017.



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

### **Proclamations:**

#### **1. Future Farmers of America Proclamation**

Mayor Kilsheimer read a proclamation acknowledging Future Farmers of America (FFA) and proclaiming the week of February 18 - 25, 2017 as Future Farmers of America Week in the City of Apopka. He presented a proclamation to each of the Future Farmers of America Presidents from Apopka High School, Wekiva High School, Apopka Memorial Middle School, Wolf Lake Middle School, and Piedmont Lakes Middle School.

### **Public Comment:**

Doug Welker said he understands there is a movement to try and end the tennis lessons given by Peter Fazekas at the Field of Dreams tennis courts. He stated tennis was big in this area now and the second National Tennis Center was just built in Orlando. He said he understands Mr. Fazekas pays a fee to teach at those courts and he failed to see any reason why the City would want to stop this.

### **Presentations:**

#### **1. Task Force on Violence**

Rod Love thanked the Mayor and Commissioners for the opportunity to make this presentation. He thanked the community, Apopka Police Chief McKinley, Orange County Sherriff Jerry Demings, Orange County Commissioner Bryan Nelson for their involvement in the Task Force. He had Dr. Randy B. Nelson, Professor of Bethune-Cookman University, Attorney Greg Jackson, and Matida Manjang, a student from Apopka High School, join him during the presentation.

Matida Manjang spoke first stating a community often consists of people of different ethnicity, race, religion, caste, gender, health, and sexual orientation. She stated although communities may differ depending upon culture and modernization, there are some similarities in the challenges they encounter. She went on to say the community focus groups were facilitated by Bethune-Cookman University faculty and students. From the input gathered from the community focus groups the following prescriptive recommendations were offered: 1) improve community safety; 2) improve relationships between law enforcement and community residents; 3) provide an environment and venue conducive to the development of employability skills necessary for gainful employment; 4) create jobs; and 5) improve educational and vocational opportunities. A copy of the Task Force on Violence report is on file in the Clerk's office.

Dr. Randy B. Nelson addressed two elements: Community and Law Enforcement Relationships and Crime / Youth Delinquency Prevention. He said there could not be enough police put on the street to address the issues in the community relative to crime. He stated crime was a symptom and not a cause. He said there is a correlation with poor educational achievement, lack of employment opportunities, and lack of housing opportunities. He spoke of the relationship between the community and law enforcement and how they engage. He said community policing has numerous benefits. He said with regards to youth and crime prevention, it is better to build a strong child than to repair a broken man.

Attorney Greg Jackson said he does quite a bit of work for community based services in the

Apopka Community. He said the Task Force on Violence for Apopka was very unique in two different aspects. First, he said this Task Force, unlike others, included the youth. He stated young people spoke of issues that they face and things that are important to them. Second, when looking at the Task Force report, they did not restrict it to just looking at it from a police standpoint or a community service standpoint. They looked at the root causes of violence in the community which are poverty and lack of economic opportunities. He pointed out that portions of south Apopka are within the CRA. He stated the governing body of the CRA can determine how the funds are spent within the CRA area. He declared the true intent of why CRA's were put into existence was to address slum and blighted areas. He suggested the Apopka CRA can allow for business growth and affordable housing in this area to address causes of violence in the community.

Mr. Love spoke of three bills filed in Tallahassee for appropriation requests. He said they were asking the City Council to be supportive of this effort.

Mayor Kilsheimer said the City Administrator is preparing to carry out the idea of holding three separate workshops on the area of south Apopka. One workshop will focus on economic development; another workshop will be held on jurisdictional issues and discussion on annexation; and the third workshop on youth development.

#### **CONSENT (Action Item)**

1. Authorize the disposal of surplus equipment/property.
2. Approve the sale of alcohol at the Charlie Daniels Concert.
3. Approve a legislative appropriation request for State Fiscal Year 2018.
4. Authorize the purchase of vehicles for the Police Department.
5. Approve the purchase of a directional drilling machine from Vermeer Southeast Sales & Service.
6. Approve the annual fuel contract renewal with Petroleum Traders Corporation.

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

#### **BUSINESS**

1. **Final Development Plan – Cooper Palms Commerce Center (Lot 5) – south of Cooper Palms Parkway, east of South Bradshaw Road.**

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

David Moon, Planning Manager, provided a brief lead-in for the Final Development Plan of Cooper Palms Commerce Center, Lot 5. He reviewed the location of the site and said the proposed building was approximately 10,800 square feet with 25 parking spaces. The Planning Commission met February 14, 2017 and found this site plan to be consistent with the development code and recommended approval.

Mike Cooper thanked staff for their work in helping them through this process.

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

**MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to approve the Final Development Plan for the Cooper Palms Commerce Center, Lot 5. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**2. Final Development Plan – Cooper Palms Commerce Center (Lots 10 and 11) – south of W. 2<sup>nd</sup> Street, west of S. Hawthorne Avenue**

Mr. Moon advised this Final Development Plan was also in the Cooper Palms Commerce Center, Lots 10 and 11. It proposes two buildings, each approximately 6,800 square feet. He reviewed the location of the site. Planning Commission found it consistent with the Land Development Code at their meeting on February 14, 2017, and recommends approval.

Mr. Cooper advised the project scheduled for Lot 10, will employ between 15 to 30 people. This is for a manufacturing facility and they are planning on using as many people from the City of Apopka as possible.

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve the Final Development Plan for the Cooper Palms Commerce Center, Lots 10 and 11. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**3. Plat – Emerson North Townhomes – 1701 Ocoee Apopka Road**

At the applicant's request, this item was postponed.

**4. Plat – Orchid Estates – south of Kelly Park Road, west of Jason Dwelley Parkway**

Mr. Moon advised this plat accommodates 112 single family residential lots. He reviewed the location of the site on a map and advised this will implement the final development plan and the master plan within a PUD zoning project that was previously approved by City Council. The Planning Commission met on February 14, 2017 and found this to be consistent with the Land Development Code, recommending approval.

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

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve the Plat for Orchid Estates. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION**

**1. Ordinance No. 2547 – Second Reading – Fisher Plantation Subdivision Annexation.**  
The City Clerk read the title as follows:

**ORDINANCE NO. 2547**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ANNEXING CERTAIN UNINCORPORATED PROPERTY GENERALLY KNOWN AS FISHER PLANTATION, AND MORE PARTICULARLY DESCRIBED HEREIN, INTO THE CORPORATE LIMITS OF THE CITY OF APOPKA; PROVIDING FOR A REFERENDUM FOR APPROVAL BY THE REGISTERED ELECTORS OF THE AREA PROPOSED TO BE ANNEXED; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

James Hitt, Community Development Director, explained the initial first reading occurred prior to the required 15 day notice to Orange County. In order to satisfy Florida Statutes and provide adequate notice, this ordinance received a first reading on February 1, 2017, making this the second reading and public hearing.

In response to Commissioner Velazquez, he advised the ballots are to be mailed out on March 22, 2017, and they are to be received by the Supervisor of Elections office no later than 7:00 p.m. on April 11, 2017.

In response to Mayor Kilsheimer, Mr. Hitt explained the referendum requires a majority of those who vote to pass.

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

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to adopt Ordinance No. 2547 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

2. **Ordinance No. 2548 – Second Reading – Vacate Right of Way – West 2<sup>nd</sup> Street – The City Clerk read the title as follows:**

**ORDINANCE NO. 2548**

**AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF RIGHT-OF-WAY OF WEST 2<sup>ND</sup> STREET, WEST OF SOUTH HAWTHORNE AVENUE, AND SOUTHWEST OF THE CSX RAILROAD RIGHT-OF-WAY; NORTH OF UNIMPROVED WEST 3<sup>RD</sup> STREET, SOUTH OF WEST 1<sup>ST</sup> STREET AND EAST OF COOPER PALMS PARKWAY; IN SECTION 09, TOWNSHIP 21, RANGE 28, OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer advised this ordinance and the next ordinance were quasi-judicial. Witnesses were sworn in by the clerk.

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2548 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

3. **Ordinance No. 2549 – Second Reading – Vacate Right of Way – West 5th Street – The City Clerk read the title as follows:**

**ORDINANCE NO. 2549**

**AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF RIGHT-OF-WAY OF WEST 5<sup>TH</sup> STREET, SOUTH 30 FEET OF THE 80 FOOT RIGHT-OF-WAY OF THE UNIMPROVED WEST 5<sup>TH</sup> STREET LOCATED BETWEEN SOUTH HAWTHORNE AVENUE ON THE WEST AND SOUTH WASHINGTON AVENUE ON THE EAST AND NORTH OF ALONZO WILLIAMS PARK; IN SECTION 09, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Dean, and seconded by Commissioner Becker, to adopt Ordinance No. 2549 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

4. **Ordinance No. 2552 – Second Reading – Small Scale Future Land Use Amendment – The City Clerk read the title as follows:**

**ORDINANCE NO. 2552**

**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” INDUSTRIAL TO “CITY” INDUSTRIAL (MAX 0.6), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF E 13<sup>TH</sup> STREET AND WEST OF SHEELER AVENUE, COMPRISING 3 ACRES MORE OR LESS AND OWNED BY ADAMS BROTHERS CONSTRUCTION LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2552 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

5. **Ordinance No. 2553 – Second Reading – Change of Zoning** – The City Clerk read the title as follows:

**ORDINANCE NO. 2553**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” C-3 (ZIP) TO “CITY” I-1 (RESTRICTED INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF 13<sup>TH</sup> STREET, WEST OF SHEELER AVENUE, COMPRISING 3 ACRES MORE OR LESS, AND OWNED BY ADAMS BROTHERS CONSTRUCTION, LLC; 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 clerk.

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2553 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

6. **Ordinance No. 2527 – First Reading – Code of Ordinances, Part II, Chapter 78 - Parking** - The City Clerk read the title as follows:

**ORDINANCE NO. 2527**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 78 “TRAFFIC AND MOTOR VEHICLES,” ARTICLE I, “IN GENERAL,” SECTION 78-1 “DEFINITIONS” AND AMENDING CHAPTER 78 “TRAFFIC AND MOTOR VEHICLES,” ARTICLE II, “STOPPING, STANDING AND PARKING” IN ITS ENTIRETY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND SETTING AN EFFECTIVE DATE.**

Chief McKinley said he was here along with Captain Fernandez to discuss the City’s proposed new parking ordinance. He provided a brief history of the parking ordinance and some of the parking issues, ending with an overview of the new ordinance that has been crafted by the citizens of Apopka. He provided this history and review through a PowerPoint presentation showing several photographs of examples of parking violations. A copy of the presentation is on file in the Clerk’s office.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid inquired about garage sales and how parking for people coming to the garage sale would work. She further stated five days seems extreme for people to have to come up with the money to pay a parking ticket and requested they be provided more time.

Chief McKinley said officers use reason when writing tickets in such cases and if the parking is prohibiting emergency vehicles from driving down the road. He further advised the ordinance did not address the payment, it remained unchanged.

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

**MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve Ordinance No. 2527 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

#### **CITY COUNCIL REPORTS**

Commissioner Becker said to expand on what Mr. Welker addressed during public comment, a few months ago Council received some emails from Mr. Fazekas, who runs Tennis Galaxy. Mr. Fazekas is trying to negotiate the contract to something that is a little fairer in terms of the cost he incurs in trying to provide this service to the City. Commissioner Becker advised Mr. Fazekas had a contract as of December 15, 2016, that gave him use of one of the tennis courts at the NW Recreation Complex at the amount of \$6,300 for the year. He stated the annual maintenance to the four courts was \$5,200. He stated Mr. Fazekas tried to renegotiate the contract at the end of last year knowing his contract was going to be expiring with an offer of an annual fee of \$1,500, as well as offering to pay \$2,000 annually for capital improvements specific to the tennis courts. Commissioner Becker stated, to date, Mr. Fazekas has not been offered a renegotiation, in fact, he has been offered the same contract he had the previous year. Commissioner Becker stated he did not feel this was fair or in good faith to have a reputable business run by an Apopka resident to have to pay that cost. He declared what Mr. Fazekas has brought to the table in a renegotiated deal is more than fair. Commissioner Becker stated he asked Mr. Fazekas to have his clients write letters of recommendation in support of his efforts, stating he received no fewer than 20 letters that spoke in support of his services.

**MOTION by Commissioner Becker, and seconded by Commissioner Bankson to accept Peter Fazekas' contract negotiation rate of \$1,500 a year, as well as the offer of him to designate \$2,000 additional dollars for capital improvements at the tennis facility for the next year.**

Commissioner Bankson said tennis is a tremendous sport and is growing even more here in Central Florida and will be a benefit to this City as we move forward.

City Attorney Shepard advised it was not within the Commission's purview to make a motion on the contracts that are delegated to the Administrator to oversee and enter into. He stated for this reason the motion was out of order.

Mayor Kilsheimer said by the Charter of the City, the administration of contracts with outside parties is delegated to the administration of the City. He stated they cannot negotiate a contract from the Council. He stated the principle at stake is the equal and fair administration of access to our recreation facilities and this is where Council can weigh in.

City Attorney Shepard said the limitations would be putting in place fee structures for user fees and how they should be charged. He stated that was policy making, but negotiating a contract was not.

**MOTION made by Commissioner Becker that we do not charge any fees at the tennis courts. Motion failed due to lack of a second.**

Mayor Kilsheimer said Mr. Fazekas needs to talk with the staff of the City of Apopka, and come to a reasonable agreement. He pointed out that Mr. Fazekas' business is not nonprofit.

Mr. Irby suggested staff continue to try and negotiate with Mr. Fazekas.

Commissioner Becker wanted to make it clear that he did not negotiate with Mr. Fazekas, but merely said he would look into the matter, to which Mayor Kilsheimer said he was entitled to advocate, but that was the limit.

Former Orange County Sherriff Kevin Beary said he has known Peter Fazekas for more than eleven years. He advised that Mr. Fazekas has reached out and assisted the Apopka High School tennis program. He stated anytime there is a district match in the community, it always goes to Dr. Phillips or Lake Brantley. He said he was a big supporter of all sports and youth involvement. He suggested the City needs to work out the contract with Mr. Fazekas, but they also need to discuss the possibility of expanding those programs so the City can benefit by hosting district and state title matches.

## **MAYOR'S REPORT**

Mayor Kilsheimer reported he had an update on the Wastewater Treatment Plant. He read a three page fact sheet into the record providing the update, stating the City of Apopka is growing and transforming. Some of the facts listed reference the Apopka's wastewater system being outdated and under the 2004 Wekiva Parkway and Protection Act, the City has a new wastewater treatment plant project underway at a cost of \$64 million. Some of the issues at the wastewater treatment plant were observed and confirmed by the Florida Department of Environmental Protection (DEP) as violations. As part of the DEP's review, the City was assured no public health hazards existed with the system. The City continues to work closely with DEP on issues associated with compliance. The City has also retained Woodard & Curran, an outside engineering firm, to review and evaluate the wastewater system to identify the specific issues and causes. A copy the Fact Sheet, dated 2.14.2017, will be filed with these minutes.



**ADJOURNMENT** – There being no further business the meeting adjourned at 8:41 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk

**Backup material for agenda item:**

1. Authorize support services for the 56th Annual Art & Foliage Festival.



## CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA  
☐ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☐ OTHER:

MEETING OF: March 15, 2017  
FROM: Administration  
EXHIBITS: Letter

**SUBJECT:** ART & FOLIAGE FESTIVAL – APRIL 29<sup>th</sup> & 30<sup>th</sup>, 2017

**REQUEST:** AUTHORIZE THE USE OF KIT LAND NELSON PARK AND THE PROVISION OF SUPPORT SERVICES FOR THE 56<sup>th</sup> ANNUAL ART & FOLIAGE FESTIVAL.

**SUMMARY:**

The attached letter contains requests from the Committee Chair of the Apopka Woman's Club regarding support services from the City of Apopka for the 56<sup>th</sup> Annual Art & Foliage Festival.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Authorize the use of Kit Land Nelson Park and the provision of support services for the 56<sup>th</sup> Annual Art & Foliage Festival as indicated in the attached letter from the Apopka Woman's Club.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**GFWC Apopka Woman's Club Inc.**  
**Art and Foliage Festival**



September 20, 2016

The Honorable Joe Kilscheimer  
City of Apopka  
P.O. Box 1229  
Apopka, Florida 32704-1229

Dear Mayor Kilscheimer,

We are starting our plans for the 56<sup>th</sup> Apopka Art and Foliage Festival to be held April 29 and 30, 2017. Once again, here are our plans as well as our needs and requests.

1. Permission to have the 56<sup>th</sup> Apopka Art and Foliage Festival in the Kit Land Nelson Park.
2. Permission to use the tennis courts.
3. Permission to use the racquetball building.
4. Permission to use the Fran Carlton Building.
5. Permission to place signs at City entrances, working out details with the appropriate City Personnel.
6. Permission to close the following streets during Festival hours.
  - a. Park Avenue at First Street
  - b. Park Avenue at Orange Street
  - c. Forest Avenue at Orange Street
  - d. Goodrich Avenue at Orange Street
  - e. First Street west of Forest Avenue to Park Avenue
7. Permission to work with City Personnel regarding electricity, delivery of stored materials to the tennis court and racquetball areas, parking, trash removal, etc.
8. Permission to work with the Apopka Police Department regarding traffic control, security and street closings.
9. Permission to work with the Apopka Fire Department regarding the use of and presence of EMT's.
10. Permission to use the landlines.

RECEIVED

SEP 20 2016

MAYOR'S OFFICE

Page Two

The GFWC Apopka Woman's Club is grateful for the help and cooperation of your office and the City Council and we look forward to working with you again as we approach our 56<sup>th</sup> Apopka Art and Foliage Festival. We appreciate your consideration of the above listed requests. Should you need any additional information, please do not hesitate to contact me, my phone number and email address is listed below.

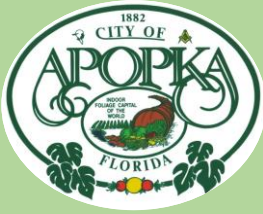
Sincerely,



Sharon S. Fisher  
2017 Festival Chairman  
Home Phone No: 407-889-2628  
Cell Phone No: 407-782-0488  
Email: [onebazaarwoman@embargo.com](mailto:onebazaarwoman@embargo.com)

**Backup material for agenda item:**

2. Authorize an agreement for tennis instruction.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 15, 2017  
FROM: Administration  
EXHIBITS: Code of Ord. Section 58-8  
Agreement

---

**SUBJECT: TENNIS INSTRUCTOR AGREEMENT**

**REQUEST: RATIFICATION OF AGREEMENT**

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**SUMMARY:**

Staff has negotiated an agreement with Mr. Peter Farekas to supply tennis instruction at the Northwest Field of Fame Courts. Said agreement follows this staff report. Section 58-8 of the City's Code of Ordinances states that "Peddling, vending, etc. It shall be unlawful for any person, other than employees and officials of the city acting on its behalf, to vend, sell, peddle or offer for sale any commodity, article or service within any park without prior authorization and consent by the city council.

A copy of Section 58-8 of the City's Code of Ordinances follows this report as well.

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**FUNDING SOURCE:**

N/A

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**RECOMMENDATION ACTION:**

Ratification of the agreement as submitted.

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

Sec. 58-8. - Miscellaneous regulations.

(a) Special activities. It shall be unlawful to engage in special activities, including but not limited to flying model airplanes, golf practice and games, except at locations specifically designated for such activities by the superintendent of parks and the city council. Areas for such activities may be reserved by groups for use at specified times.

(b) Driving or parking motor vehicles. It shall be unlawful to drive or park any motor vehicle except on a street, driveway or parking lot in any park, or to park or leave any vehicle in any place other than one established for public parking, unless otherwise authorized.

(c) Animals. It shall be unlawful to bring any dangerous animal into any municipal park or recreation area. It shall be unlawful to permit any domesticated or nondomesticated animal to be in any municipal park. Any circus or animal show may be granted an exception to this section upon receiving approval of the city council.

(d) **Peddling, vending, etc. It shall be unlawful for any person, other than employees and officials of the city acting on its behalf, to vend, sell, peddle or offer for sale any commodity, article or service within any park without prior authorization and consent by the city council.**

(e) Alcoholic beverages. It shall be unlawful for any person to have in his possession, custody or control any alcoholic beverage of any kind whatsoever, except as provided in [section 6-3](#). The term "alcoholic beverage," for purposes of this subsection, shall be defined as defined by the Florida Statutes.

(f) Controlled substances. It shall be unlawful for any person to have in his possession, custody or control any controlled substance or illegal drug, as defined by the Florida Statutes.

(g) Posting signs or advertisements. It shall be unlawful for anyone to paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a city park without a permit issued by the city.

(h) Exemption for government officials. The provisions of this section shall not apply to any properly authorized government official in pursuance of any official duty.

(i) Live and mechanical amusements. It shall be unlawful for any person to operate a mechanized amusement ride or game in any portion of the city parks or recreation areas, including but not limited to the following:

- (1) Carnival riding devices such as merry-go-rounds, Ferris wheels, mechanical swings, etc.
- (2) Mechanized kiddie rides used exclusively for the entertainment of children.
- (3) Amusement arcade games.
- (4) Live pony rides.

(j) Exemption for city-sponsored events. City-sponsored events are exempt from the provisions of subsection (i) of this section.



## CITY OF APOPKA RECREATION AND PARKS INSTRUCTOR AGREEMENT

This AGREEMENT is effective the 1 day of December, 2016, between the City of Apopka, hereinafter called the "City," and Peter Fazekas/Tennis Galaxy, hereinafter called "Instructor." That for and in consideration of the covenants of the parties hereafter set forth and for other good and valuable considerations, the parties hereto mutually agreed as follows:

1. The Instructor acknowledges that Instructor is an independent contractor and is not an employee of the City of Apopka and that as such, the Instructor will not look to the City of Apopka for workers' compensation insurance coverage or any other employee benefit provided by the City of Apopka to its City employees.
2. This Agreement shall commence on the 1 day of December, 2016 and shall continue until the 30 day of September, 2017, or until terminated by either party pursuant to the terms of this Agreement.
3. Instructor will provide Tennis Classes/Clinics at Northwest Recreation Complex, Apopka, Florida. Classes/Clinics will be held at the determination of mutually agreed upon dates between the Instructor and the City.
4. The terms of payment by the Instructor to the City, as consideration of the Agreement, shall be in the total amount of \$6300.00 broken into equally monthly payments of \$525.00. This compensation shall be paid by Instructor to City in full by the 10<sup>th</sup> day of the month without exception. In the event the payment is submitted later than the 10<sup>th</sup> a \$25.00 late fee will be charged to the Instructor. All late fees must be paid in full to prevent the cancellation of Classes/Clinics and or termination of this Agreement by the City. Instructor is responsible for all withholding and tax obligations.
5. The Instructor will assume responsibility for the following:
  - a) The Instructor will be available and accept advance registration. If sufficient advance registrations are not received, the City Recreation Director may cancel or discontinue Classes/Clinics. The decision of the City Recreation Director to cancel or discontinue Classes/Clinics shall be final and acceptable to the Instructor.
  - b) The Instructor shall make all necessary pre-class arrangements such as preparing and assembling needed materials and equipment.
  - c) The Instructor shall keep accurate records of attendance and report same to the City as requested by the City Recreation Director and/or as required by this Agreement.
  - d) The Instructor will relinquish all rights to the facility for any and all City of Apopka functions. See attachment for specific dates. Dates are subject to change at the sole

discretion of the City.

e) The Instructor must comply with the City of Apopka Recreation City Refund Policy **per exhibit A**

6. The Instructor shall supply a Certificate of Insurance no later than fourteen (14) business days prior to program date or expiration of existing Certificate. See **exhibit B** for insurance requirements.
7. The Instructor shall indemnify and hold harmless the City of Apopka from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of, or resulting from the conduct of Classes/Clinics, delivery of services, or conduct of other activities contemplated by this Agreement and/or the occupancy of the City facilities by Instructor, its agents, invitees and/or guests under this Agreement.
8. The Instructor shall take all reasonable precautions for the safety of, and will provide reasonable protection to prevent damage, injury or loss to all persons and property on City facilities.
9. The Instructor will comply with all laws, ordinances, and regulations.
10. The City will maintain the facility (including nets, windscreens and fencing).
11. The undersigned agrees to abide by the regulations governing use of City facilities and is responsible for charges incurred **per exhibit C**
12. The Instructor further agrees to conduct himself/herself/itself in such a manner as to advance good relations for the City of Apopka and its Citizens; and ensure his/her/its employees and representatives do so as well.
13. Either party may terminate this Agreement at any time upon thirty (30) days written notice to the Instructor.
14. This instrument contains the entire Agreement between the parties and supersedes any prior understanding or agreement, either written or oral. No prior or present agreements or representation shall be binding on any of the parties hereto unless incorporated in the Agreement. This Agreement may not be changed, extended or renewed orally, but only by agreement in writing signed by the party against whom enforcement of any waiver, change, modification, discharge or extension is sought.

[SIGNATURES ON FOLLOWING PAGE]

I hereby accept and agree to the terms of the Agreement.

Instructor Name: PETER FAZEKAS

Address: 724 VIA MILANO, APOKA 32712

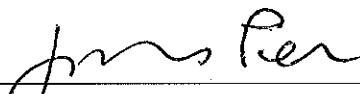
Work Phone: (407) 782 - 5403

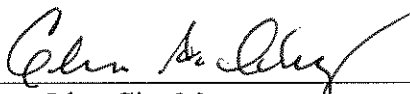
Home Phone: (407) 880 - 8716

Email: TENNAXY @ AOL.COM

INSTRUCTOR:

CITY OF APOKA:

  
Signature  
Print Name: PETER FAZEKAS  
Date: 03/08/2017

  
Glenn Irby, City Manager  
Date: 3/8/17

## **Exhibit A**

### **City of Apopka Recreation Refund Policy**

All refund and credit requests must be submitted to the City of Apopka prior to the first game/class of any given program. All refund and credit requests are evaluated on a case by case basis. There is no guarantee that your request will be approved. Application fees are NON REFUNDABLE (\$10). Please allow one week for the review of all refund transactions. If approved, a check will be mailed to the address written on the refund request form. The refund request form is available at the main office.

## **Exhibit B**

### **City of Apopka Recreation Insurance Requirements 2015**

The original insurance certificate and all extensions to the insurance certificate should be sent to:  
City of Apopka, Human Resources, 120 East Main Street, Apopka, FL 32703  
or E-mailed to [riskmanagement@apopka.net](mailto:riskmanagement@apopka.net)  
Phone: 407-703-1805  
**Certificate Holder: City of Apopka**

#### ***Day Care Services/Exercise Classes***

1. City of Apopka endorsed as an Additional Insured in the amount of \$1,000,000 per occurrence with regard to General Liability.
2. Businesses having more than 4 employees must provide a Certificate of Worker's Compensation Liability insurance in the amount of \$1,000,000/1,000,000/1,000,000
3. Name the City of Apopka, its officers, representatives, employees, agents, instructors and volunteers as additional insured and provide Primary and Non-Contributory coverage with respect to the city.
4. Waiver of Subrogation in favor of the City of Apopka regarding General Liability and Worker's Compensation Liability

Description may read:

City of Apopka, its officers, representatives, employees, agents, instructors and volunteers are named as additional insured with respect to general liability. Coverage afforded to the additional insured is Primary and Non-Contributory. Waiver of Subrogation in favor of the City of Apopka is added to the General Liability and the Workers Compensation policies.

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#### **NOTES**

- Please make sure that the description section of the certificate explicitly states that the City of Apopka is named as an additional insured.
- We cannot accept certificates that have an, "if required by written contract" clause unless we do have a contract in place listing our insurance requirements.
- The Certificate Holder must read: City of Apopka

## **Exhibit C**

### **City of Apopka Code of Ordinances**

#### **Chapter 58 - PARKS AND RECREATION**

- **Sec. 58-5. - General requirements for use of grounds and facilities.**

Each person shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

(Code 1983, § 15-2)

**Backup material for agenda item:**

3. Approve and authorize execution of the Vistas at Waters Edge School Concurrency Mitigation Agreement.



## CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA  
☐ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☐ OTHER:

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Concurrency Agreement

---

**SUBJECT:** BINION ROAD (AKA VISTAS AT WATER'S EDGE) SCHOOL CONCURRENCY MITIGATION AGREEMENT

**REQUEST:** BINION ROAD (AKA VISTAS AT WATER'S EDGE) APPROVAL OF THE SCHOOL CONCURRENCY MITIGATION AGREEMENT

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**SUMMARY:**

New residential development applications are reviewed by Orange County Public Schools for their impact placed on existing student capacity at public schools. This school impact analysis, called school concurrency, occurs at the time of a Final Development Plan and Plat application. In 2008 the City of Apopka entered into an interlocal agreement with the Orange County School Board to address public school facility planning and implementation of school concurrency (hereafter School Agreement). As a party to this School Agreement, the City becomes a party to the Agreement. Therefore, City Council must accept the Agreement and authorize the Mayor to sign it to allow OCPS to implement the mitigation plan. When school enrollment is over capacity at the public schools serving additional students generated by a proposed residential development, a new development must have a school concurrency mitigation analysis to determine additional cost of school impacts the proposed development will generate above that considered by the school impact fee. The developer pays these additional fees according to the conditions of the school concurrency mitigation fee. (See exhibit.)

OWNER/APPLICANT: Vistas at Waters Edge, LLC

PROJECT ENGINEER: Madden, Moorhead & Stokes, Inc. c/o David Stokes, P.E.

LOCATION: South of Hooper Farms Road and West of Binion Road

PROPOSED DEVELOPMENT: Single-Family Residential Subdivision (147 Lots; typical lots widths range from 60 ft. to 75 ft.; lots range from a min. of 7,500 sq. ft. to 24,000 sq. ft.)

DEVELOPABLE AREA: 74.54 +/- acres

SCHOOL ATTENDANCE ZONES: Wheatley Elementary; Wolf Lake Middle; Wekiva High

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**FUNDING SOURCE:**  
N/A

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief



**CITY COUNCIL – MARCH 15, 2017  
BINION ROAD (AKA VISTAS AT WATER’S EDGE)  
SCHOOL CONCURRENCY MITIGATION AGREEMENT  
PAGE 2**

**PUBLIC HEARING SCHEDULE:**

March 15, 2017 – City Council (7:00 pm)

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**RECOMMENDATION ACTION:**

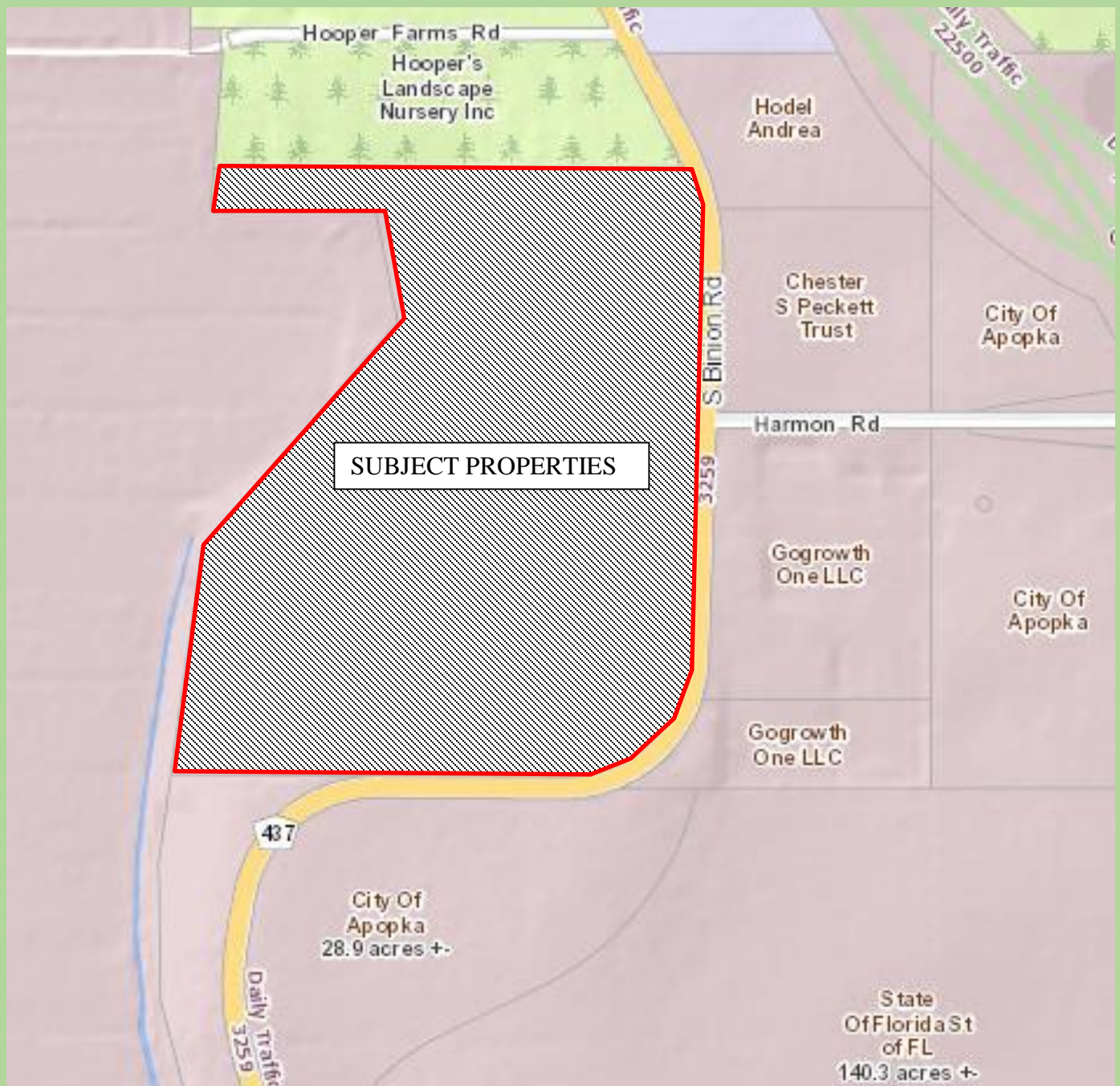
**City Council Recommended Motion:** Approve the Binion Road (aka Vistas at Water’s Edge) Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.

**CITY COUNCIL – MARCH 15, 2017**  
**BINION ROAD (AKA VISTAS AT WATER'S EDGE)**  
**SCHOOL CONCURRENCY MITIGATION AGREEMENT**  
**PAGE 3**



**Vistas at Waters Edge, LLC**  
South of Hooper Farms Road and West of Binion Road  
Parcel ID #s: 19-21-28-0000-00-011; 19-21-28-0000-00-021; 19-21-28-0000-00-022

**VICINITY MAP**



After recording return to:

Tyrone K. Smith, AICP  
Orange County Public Schools  
6501 Magic Way, Building 200  
Orlando, Florida 32809

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

**SCHOOL CONCURRENCY  
MITIGATION AGREEMENT  
APK-16-002  
Binion Road  
19-21-28-0000-00- 011/021/022**

THIS SCHOOL CONCURRENCY MITIGATION AGREEMENT (“Agreement”), is entered into by THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida, (“School Board”); CITY OF APOPKA, a municipal corporation of the State of Florida, (“City”) and Equity Waters Edge, LLC, a Florida limited liability company, whose address is 2255 Glades Road, Suite 324 East, Boca Raton, Florida 33431 (the “Applicant”), collectively referred to herein as the “Parties.”

**RECITALS:**

WHEREAS, the School Board, Orange County, and the municipalities within Orange County have entered into that certain “Amended and Restated Interlocal Agreement For Public School Facility Planning and Implementation of Concurrency” (the “Interlocal Agreement”), and

WHEREAS, pursuant to Section 16.6 of the Interlocal Agreement, an applicant submitting a School Concurrency Determination Application for approval of a Site Plan that will generate additional students in a School Concurrency Service Area in which there is insufficient Available School Capacity to accommodate the anticipated additional students must enter into a Proportionate Share Mitigation Agreement to prevent school overcrowding attributable to the anticipated additional students generated by the Residential Development as specified in the Interlocal Agreement;

WHEREAS, an Applicant must submit the School Concurrency Determination Application along with a Development Analysis which identifies the proposed location of the Residential Development, the number of Residential Units that will be created, a phasing schedule (if applicable), a map demonstrating land use and zoning classifications for the Applicant’s property, as well as all other information required pursuant to Section 16.5 of the Interlocal Agreement, to the City; and

WHEREAS, Applicant is the fee simple owner, or authorized agent of the owner, of that certain tract of land, as more particularly described on **Exhibit “A,”** attached hereto and

incorporated herein by reference (the "Property"), the location of which is illustrated by a map attached hereto as **Exhibit "B,"** and incorporated herein by reference; and

WHEREAS, the Applicant has submitted a School Concurrency Determination Application and Development Analysis to the City in connection with a proposal to obtain approval for a Final Site Plan in order to develop 147 Residential Units on the Property (the "Project") and the City has forwarded the School Concurrency Determination Application and Development Analysis to the School Board; and

WHEREAS, the School Board has reviewed and evaluated the Applicant's School Concurrency Determination Application and Development Analysis as required by Section 18.6 of the Interlocal Agreement, and has determined that based on the current adopted Level of Service standards for the School Concurrency Service Areas within which the Property is located and the anticipated new School Capacity that will be available in the first three (3) years of the current District Facilities Work Program to serve the proposed Residential Development, there is insufficient Available School Capacity at the elementary and middle school level to serve the new single-family Residential Units within the School Concurrency Service Areas for the Project or within adjacent School Concurrency Service Areas as determined by an Adjacency Review; and

WHEREAS, approving the School Concurrency Determination Application without requiring Proportionate Share Mitigation for the impacts of the proposed new Residential Units will either create or worsen school overcrowding in the applicable School Concurrency Service Areas; and

WHEREAS, the Applicant has agreed to enter into this Agreement with the School Board and County to provide Proportionate Share Mitigation proportionate to the demand for Public School Facilities to be created by the Project, as more particularly set forth herein.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. INCORPORATION OF RECITALS. The foregoing recitals are true and correct and are hereby incorporated into this Agreement by reference as if fully set forth herein.

2. DEFINITION OF MATERIAL TERMS. Any capitalized terms used herein but not defined shall have the meaning attributed to such term in the Interlocal Agreement.

3. LEGALLY BINDING COMMITMENT. This Agreement constitutes a legally binding commitment by the Applicant to mitigate for the impacts of the new Residential Units for which the Applicant is seeking approval pursuant to the School Concurrency Determination Application and is intended to satisfy the requirements of Florida law and the Orange County Code.

4. PROPORTIONATE SHARE MITIGATION. The Parties hereby agree that the Applicant shall provide Proportionate Share Mitigation in order to meet the demand for School Capacity created by the Project and to provide additional capacity for elementary and middle school students, as follows, in accordance with Section 17.2 of the Interlocal Agreement:

Payment in the amount of ONE MILLION ONE HUNDRED THIRTY FIVE THOUSAND SEVENTY NINE AND 00/100 DOLLARS (\$1,135,079.00) to cover the Proportionate Share Mitigation associated with providing the necessary capacity to complete the Project (the "Proportionate Share") to the School Board. Such payment shall be due and payable prior to the time the plat for the Property is approved and has been calculated in accordance with the formula found in Section 17.2 of the Interlocal Agreement. To the extent the Applicant's proposed Residential Development is subject to a Capacity Enhancement Agreement, any capacity enhancement mitigation paid pursuant to such agreement was applied as a credit to the Proportionate Share Mitigation required for the Project. Such credit was subtracted from the total Proportionate Share Mitigation required pursuant to the Interlocal Agreement and is reflected in the Proportionate Share required in this Section 4.

5. **USE OF PROPORTIONATE SHARE.** The School Board shall direct the Proportionate Share to a School Capacity improvement identified in the capital improvement schedule in the five (5) year district work plan of the School Board's District Facilities Work Program which satisfies the demands from the proposed Residential Development. If such a School Capacity improvement does not exist in the District Facilities Work Program, the School Board may, in its sole discretion, add a School Capacity improvement to its District Facilities Work Program to mitigate the impacts from the Project, as provided in Section 17.6 of the Interlocal Agreement.

6. **IMPACT FEE CREDIT.** The Proportionate Share paid pursuant to this Agreement shall be credited against the School Impact Fee on a dollar for dollar basis at fair market value.

The School Board shall notify the City of the amount of the School Impact Fee Credit based upon 101 Equivalent Residential Units (as defined in Section 30-622 of the Orange County Code), currently estimated to be EIGHT HUNDRED SEVENTY SEVEN THOUSAND ONE HUNDRED EIGHTY FOUR AND 00/100 DOLLARS (\$887,184.00), and shall request a School Impact Fee credit account in such amount upon receipt of the Proportionate Share Mitigation.

In the event that the School Impact Fees prepaid by the Applicant exceed the School Impact Fees due pursuant to the School Impact Fee Ordinance, Applicant may request that the excess School Impact Fees be transferred to another project within the jurisdiction where the Project is located.

7. **ISSUANCE OF SCHOOL CONCURRENCY RECOMMENDATION.** Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Applicant's Capacity Encumbrance Letter in accordance with Section 16.7 of the Interlocal Agreement.

8. **SCHOOL CAPACITY ENCUMBRANCE AND RESERVATION.** Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Applicant's Capacity Encumbrance Letter documenting that School Capacity will be available for the Project. This is in accordance with Section 16.6(g) of the Interlocal Agreement.

At such time as Applicant has prepaid the School Impact Fees further described in Section 6 of this Agreement, and paid the applicable installment(s) of the School Capacity

Reservation Fee described in Section 9 below, School Capacity shall be reserved for the Project Units reflected on the application; if the Applicant fails to make any of the required School Capacity Reservation Fee payments described in Paragraph 9 below or if this Agreement is terminated, such reserved School Capacity shall lapse and be returned to the applicable Concurrency Service Area. .

9. CAPACITY RESERVATION FEE. . The Applicant shall be required to pay a School Capacity Reservation Fee for the Project in accordance with Section 30-599 of the Orange County Code. The Applicant shall pay the School Capacity Reservation Fee further described below.

- a. At time of plat approval: \$134,688.00; and
- b. 12 months after plat approval: \$134,688.00; and
- c. 24 months after plat approval: \$134,688.00

Notwithstanding the schedule provided by this Section, Applicant may prepay any or all of the School Capacity Reservation Fees in advance. School Capacity Reservation Fees paid pursuant to this Agreement shall be credited towards School Impact Fees as provided in Section 30-599 of the County Code

10. TERMINATION. This Agreement shall terminate and Applicant shall forfeit any administrative fees paid, as well as any capacity encumbered or reserved under the following circumstances, unless the County and the School Board agree to an extension of the Applicant's School Concurrency Mitigation Agreement:

a. The Applicable Local Government does not approve the Site Plan within one hundred eighty (180) days from approval of the Site Plan/Plat by the City Commission. In such event, all Proportionate Share Mitigation paid by the Applicant shall be refunded to the Applicant by the School Board.

b. The Applicant fails to proceed in good faith in a diligent and timely manner and secure at least one Building Permit for a unit other than a model home within three (3) years of recording of the plat. In such case, this Agreement shall be terminated and any encumbered or reserved school capacity shall be returned to its applicable capacity bank. The Applicant will not be entitled to a refund of any portion of the Proportionate Share Mitigation paid under this Agreement, and will only be entitled to receive a 90% refund of the Capacity Reservation Fee assuming all other applicable conditions are met.

11. COVENANTS RUNNING WITH THE LAND. This Agreement shall be binding, and shall inure to the benefit of the heirs, legal representatives, successors, and assigns of the parties, and shall be a covenant running with the Property and be binding upon the successors and assigns of the Owner and upon any person, firm, corporation, or entity who may become the successor in interest to the Property.

12. NOTICES. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States

Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or other person as the party shall have specified by written notice to the other party delivered in accordance herewith:

School Board                      School Board of Orange County, Florida  
Attn: Superintendent  
445 West Amelia Street  
Orlando, Florida 32801

With a Copy to:                      Orange County Public Schools  
Attn: Facilities Planning Department  
6501 Magic Way, Building 200  
Orlando, Florida 32809

Owner/Applicant:                      Equity Waters Edge, LLC  
Attn: Julie Kendig-Schrader  
450 South Orange Avenue, Suite 650  
Orlando, Florida 32801

City:                                      City of Apopka  
Attn: Planning Manager  
120 E. Main Street  
Apopka, Florida 32703

13. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend or limit the scope or intent of this Agreement.

14. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, and signed by the party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates, and shall not be deemed to be a continuing or future waiver.

15. EXHIBITS. All Exhibits attached hereto are a part of this Agreement and are fully incorporated herein by this reference.

16. AMENDMENTS. No modification, amendment, or alteration to the terms or conditions contained herein shall be binding upon the parties hereto unless in writing and executed by all the Parties to this Agreement.

17. ASSIGNMENT, TRANSFER OF RIGHTS. The Applicant may assign its rights, obligations and responsibilities under this Agreement to a third-party purchaser of all or any part of fee simple title to the Property; provided, however, that any such assignment shall be in writing and shall require the prior written consent of all of the Parties hereto, which consent shall not be unreasonably withheld, conditioned, or delayed. Such consent may be conditioned upon

the receipt by the other parties hereto of the written agreement of the assignee to comply with conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Applicant's obligations with regard to Proportionate Share Mitigation under this Agreement. The assignor under such assignment shall furnish the Parties with a copy of the written assignment within ten (10) days of the date of execution of same.

18. COUNTERPARTS. This Agreement may be signed in counterparts, each of which may be deemed an original, and all of which together constitute one and the same agreement.

19. RECORDING OF THIS AGREEMENT. The School Board agrees to record this Agreement, at Applicant's expense, in the Public Records of Orange County, Florida.

20. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement among the Parties with respect to the subject matter addressed herein, and it supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, among the Parties.

21. SEVERABILITY. If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of the Agreement will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the Agreement.

22. APPLICABLE LAW. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and in accordance with the Orange County Code and venue for any action to enforce the provisions of this Agreement shall be in the Ninth Judicial Circuit Court in and for Orange County, Florida.

23. ATTORNEY'S FEES. In the event any party hereto brings an action or proceeding, including any counterclaim, cross-claim, or third party claim, against any other party hereto arising out of this Agreement, each party in such action or proceeding, including appeals therefrom, shall be responsible for its own attorney fees.

24. EFFECTIVE DATE. The effective date of this Agreement shall be the date when the last one of the parties has properly executed this Agreement as determined by the date set forth immediately below their respective signatures (the "Effective Date").

25. PRE-PAYMENT, MITIGATION & CAPACITY RESERVATION FORMS. This Agreement requires the Applicant to pay a Capacity Reservation Fee and Proportionate Share Mitigation prior to the recording of a Plat or issuance of a Building Permit. The form attached hereto as **Exhibit "C,"** must be completed and returned to the School Board's Facilities Planning Department with all fees due hereunder, including, but not limited to, Capacity Reservation Fees and Proportionate Share Mitigation. This form must be completed and returned to the Facilities Planning Department, in addition to all fees payable pursuant to the terms of this Agreement, to satisfy Paragraph 4 and Paragraph 9 of this Agreement.



*Signatures on Following Page*

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives on the dates set forth below each signature:

Signed and sealed in the presence of:

**"SCHOOL BOARD"**

**THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA**, a body corporate and political subdivision of the State of Florida

Print Name: Hope Bryant  
Print Name: Nancy L. Conner

By: William E. Sublette  
William E. Sublette, its Chairman  
Date: 2.08.17

STATE OF FLORIDA       )  
                                      ) s.s.:  
COUNTY OF ORANGE    )

The foregoing instrument was acknowledged before me this 8th day of February, 2017, by William E. Sublette, Chairman of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or had produced \_\_\_\_\_ (type of identification) as identification.




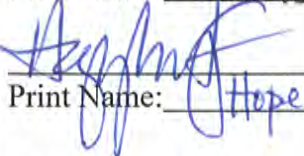
AFFIX NOTARY STAMP

Margarita Rivera  
NOTARY PUBLIC OF FLORIDA  
Print Name: Margarita Rivera  
Commission No.: \_\_\_\_\_  
Expires: \_\_\_\_\_


[ADDITIONAL SIGNATURE PAGES TO FOLLOW]

Signed and sealed in the presence of:

  
Print Name: Susan Barnes

  
Print Name: Hope Bryant

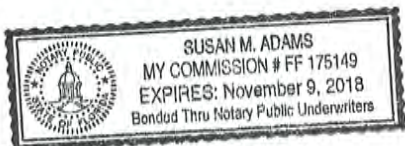
**THE SCHOOL BOARD OF ORANGE  
COUNTY, FLORIDA**, a body corporate  
and political subdivision of the State of Florida

Attest:   
Barbara M. Jenkins, Ed.D. as its  
Secretary and Superintendent

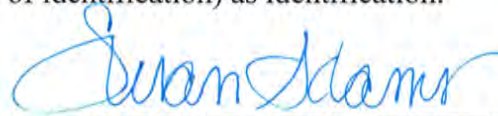
Dated: 2.8.17

STATE OF FLORIDA       )  
                                      ) s.s.:  
COUNTY OF ORANGE    )


The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of February, 2017, by Barbara M. Jenkins as Secretary and Superintendent of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification.



AFFIX NOTARY STAMP

  
NOTARY PUBLIC OF FLORIDA  
Print Name: Susan Adams  
Commission No.: \_\_\_\_\_  
Expires: \_\_\_\_\_

Reviewed and approved by Orange County  
Public School's Chief Facilities Officer

  
John T. Morris  
Chief Facilities Officer

Date: JAN 26, 2017

Approved as to form and legality by legal  
counsel to The School Board of Orange  
County, Florida, exclusively for its use and  
reliance.

  
Laura L. Kelly, Esq., Staff Attorney III and  
Executive Officer of Real Estate

Date: Jan. 25, 2017



"APPLICANT"

Signed and sealed in the presence of:

EQUITY WATERS EDGE, LLC, a  
Florida limited liability company

Ashley J Coote  
Print Name: Ashley J Coote

By: David Shapiro Managing Member

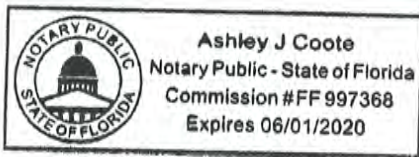
Allison Mara Breslow  
Print Name: Allison Mara Breslow

Print Name: DAVID SHAPIRO  
Title: MANAGING MEMBER

Date: 12/16/16

STATE OF FLORIDA       )  
  ) s.s.:  
COUNTY OF ORANGE    )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of DECEMBER  
2016, by DAVID SHAPIRO as MANAGING MEMBER of  
EQUITY WATERS EDGE, LLC, on behalf of the organization.  
He/she is personally known to me or has produced \_\_\_\_\_  
\_\_\_\_\_  
(type of identification) as  
identification.



AFFIX NOTARY STAMP

Ashley J Coote  
NOTARY PUBLIC OF FLORIDA  
Print Name: Ashley J Coote  
Commission No.: FF 997368  
Expires: 06/01/2020

**“CITY”**

**CITY OF APOPKA, FLORIDA**, a municipal  
corporation of the State of Florida

By: City Council

By:\_\_\_\_\_

Joe Kilsheimer  
City of Apopka Mayor

Date:\_\_\_\_\_

ATTEST: Linda F. Goff, Certified Municipal Clerk  
As City Clerk

By:\_\_\_\_\_

City Clerk

## Exhibit "A" – Legal Description



**First American**

### Exhibit A

Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

**5011612 - 2037-3475532**

Customer Reference Number: Water's Edge (Binion Road)  
First American File Number: 2037-3475532

The land referred to herein below is situated in the County of Orange, State of Florida, and is described as follows:

#### Parcel 1:

From the North 1/4 corner of Section 19, Township 21 South, Range 28 East, Orange County, Florida, run thence South 00°35'40" West along the North-South mid section line, a distance of 563.87 feet; thence North 89°28'10" West a distance of 650 feet; thence South 10°16'10" East 419.70 feet; thence South 41°00'00" West a distance of 1075.00 feet; thence South 08°30'00" West, a distance of 824.28 feet to a point on the Westerly extension of the North right of way line of State Road 437, as it existed on the 25th day of September, 1998; thence South 88°52'56" East along said North right of way line and the Westerly extends on thereof 832.70 feet for a point of beginning; thence North 00°37'05" East 400.00 feet; thence North 55°38'03" East 299.52 feet; thence North 50°38'37" East 400.37 feet; thence North 20°48'03" East 468.83 feet; thence North 89°57'57" East 300.00 feet to a point on the West right of way line of State Road 437; thence South 02°43'14" West along said right of way line 720.20 feet; thence continue South 02°43'14" West along said right of way line 122.83 feet to a point of curvature of said West right of way line of State Road 437; thence continuing along said West right of way line Southwesterly on a curve, said curve concave to the Northwest, having a radius of 440.91 feet through a central angle of 87°50'31" and an arc distance of 675.97 feet to the point of tangency thereof; thence continuing along the aforesaid North right of way line of State Road 437, North 88°52'56" West 556.28 feet to the point of beginning and point of terminus.

#### Parcel 2:

Commencing at the North 1/4 corner of Section 19, Township 21 South, Range 28 East, Orange County, Florida, run thence South 00°35'40" West along the North-South mid-section line, a distance of 563.67 feet to the point of beginning; thence North 89°23'10" West, a distance of 650 feet; thence South 10°16'10" East, 419.70 feet; thence South 41°00'00" West, a distance of 1075.00 feet; thence South 08°30'00" West, a distance of 824.28 feet; thence South 88°52'56" East, a distance of 740.88 feet to a point on the Northerly right of way line of State Road 437. from said point, run thence South 88°52'56" East along said Northerly right-of-way line 91.82 feet, departing said right-of-way, run thence North 01°07'04" East, 400.00 feet; thence North 56°08'02" East, 299.52 feet; thence North 51°08'36" East, 400.37 feet; thence North 21°18'02" East, a distance of 461.80 feet to a point on the Southerly right-of-way line of Harmon Road. from said point, run thence South 89°21'38" East along the Southerly right of way line of Harmon Road, a distance of 307.56 feet to a point on the Westerly right of way line of State Road No. 437. from said point, run thence North 02°43'14" East along said Westerly right-of-way line, a distance of 582.17 feet; thence along said right-of-way line on a curve to the left having a radius of 909.00 feet, a central angle of 13°45'43" and an arc distance of 218.34 feet; thence North 89°23'10" West and parallel with the North boundary of said Section 19, a distance of 485.74 feet to the point of beginning, less right of way, as recorded in Deed Book 785, Page 113, Public Records of Orange County, Florida.

Also described as: commencing at a 6" square concrete monument, no identification, at the Northeast corner of Section 19, Township 21 South, Range 28 East, Orange County, Florida, run thence North 89°23'10" West along the North boundary of said Section 19, a distance of 2657.02 feet to the North 1/4 corner as called for in Official Records Book 3712, Page 1401 of the Public Record of Orange County, Florida, run thence South 00°36'08" West along the North-South mid-section line, a distance of 563.87

# Exhibit "B"-Location Map





# Exhibit "C"- Forms



## CAPACITY RESERVATION FEE & MITIGATION FORM

DEPARTMENT OF FACILITIES PLANNING

6501 MAGIC WAY, BUILDING 200, ORLANDO, FL 32809

TEL: 407-317-3974 / FAX: 407-317-3263 / WEBSITE: <http://planning.ocps.net>

A Concurrency Mitigation Agreement (CMA) or Concurrency Encumbrance Letter (CEL) may require certain property owners and developers to pay a Capacity Reservation Fee (CRF) and/or Proportionate Share Mitigation at some point in the development process prior to issuance of a building permit. This form must be completed and returned to the Department of Facilities Planning at Orange County Public Schools (OCPS) with a check payable to OCPS in the amount of the estimated Capacity Reservation Fees, and/or Proportionate Share Mitigation. This form must be completed and returned to the Department of Facilities Planning at Orange County Public Schools. Any questions regarding this form should be directed to the following:

**Contact:** Tyrone K. Smith, AICP  
(407) 317-3700 x2022898  
[tyrone.smith@ocps.net](mailto:tyrone.smith@ocps.net)

<b>SECTION 1: CMA \ CEL INFORMATION</b>	<b>CMA \ CEL #:</b>
	<b>CMA \ CEL Title:</b>
	<b>Jurisdiction:</b>
	<b>Parcel ID(s):<sup>1</sup></b>
	<b>General Location:</b>
	<b>Development Permit Type:<sup>2</sup></b>

<b>SECTION 2: APPLICANT INFORMATION</b>	<b>Date:</b>
	<b>Applicant Name:</b>
	<b>Company:</b>
	<b>Address:</b>
	<b>Phone #:</b>
	<b>Email:</b>

Capacity Reservation Fee Form – Page 1 of 3

Revised 10/25/16



# CAPACITY RESERVATION FEE & MITIGATION FORM

SECTION 3: DEVELOPMENT PROFILE	Plat/Site Plan Title: <sup>3</sup>
	Project Title:
	Phase:
	# Single Family Units:
	# Multi-Family Units:
	Total # of Units:
Local Governmental Approval date of Plat/Site Plan:	

SECTION 4: PAYMENT SUMMARY	Capacity Reservation Fee Amount			
	Installment: <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> Remaining Balance \$ _____			
	Proportionate Share Mitigation Amount (Payable to Orange County School Board)			
	\$ _____			
	<i>A check made payable to OCPS must accompany this form. If the prepayment amount is correct and the form complete and sufficient, a Letter of Authorization will be prepared by OCPS to inform the Applicable Local Government to create a credit account. OCPS will forward the Letter of Authorization to the Applicable Local Government and copy the Applicant.</i>			
		Single Family	Multi-Family	Townhome
	10/1/16 – 12/31/16	\$7,655/unit	\$4,920/unit	\$5,426/unit
	Effective 1/1/17	\$8,784/unit	\$5,919/unit	\$6,930/unit
Does this CMA \ CEL require an additional contribution? Yes <input type="checkbox"/> No <input type="checkbox"/>				
Identify the section of the CMA \ CEL that requires the mitigation payment?				

Applicant Checklist:	
<input type="checkbox"/>	Capacity Reservation Fee check, payable to the applicable <u>Local Government</u> . (Deliver to OCPS)
<input type="checkbox"/>	Proportionate Share Mitigation check, payable to the <u>Orange County Public Schools</u> . (Deliver to OCPS)
<input type="checkbox"/>	11 X 17 copy of the site plan/plat associated with this request. (Attach to email)

Signature of Applicant

Print Name of Applicant

Date

# **CAPACITY RESERVATION FEE & MITIGATION FORM**

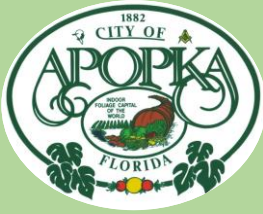
For OCPS Use Only:	
<p>Reviewer : _____</p> <p>Date _____</p> <p>Reviewed: _____</p>	<p align="center">Received Stamp</p>
<input type="checkbox"/>	Application Sufficient
<input type="checkbox"/>	Letter of Authorization Approved

## **Footnotes:**

1. List all parcel identification numbers assigned to the parcels within the Preliminary Subdivision Plan (PSP), site plan, or plat boundaries that apply to this application. List parcel IDs in a separate attachment, if necessary.
2. Development permit type – state whether the credit will be applied to a plat, PSP, site plan, or other type of permit required by local government. Only one development permit type should apply. A separate Prepaid School Impact Fee Form must be completed for each development permit application.
3. State the title of the PSP, site plan or plat exactly as it appears on that document.

**Backup material for agenda item:**

4. Award a contract for CMAR Construction Services to Garney Construction Company.



## CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 15, 2017  
FROM: Public Services  
EXHIBITS:

**SUBJECT: CONSTRUCTION MANAGER-AT-RISK (CMAR) SERVICES FOR PHASE 2 OF THE WATER RECLAMATION FACILITY EXPANSION AND IMPROVEMENTS PROJECT**

**REQUEST: AUTHORIZE A CONTRACT WITH GARNEY CONSTRUCTION COMPANY.**

**SUMMARY:**

On May 18, 2016, the City Council approved the preconstruction services contract with Garney Construction Company to provide Construction Manager-at-Risk (CMAR) services for the Water Reclamation Facility expansion and improvements project. On November 16, 2016, the City Council approved a construction services contract with Garney Construction Company to provide the construction of Phase I of the water reclamation facility expansion and improvements project. Staff has successfully negotiated with the CMAR to provide a Guaranteed Maximum Price (GMP) to provide construction services for Phase II of this project.

This project will be completed in two phases, with a separate GMP for each phase. GMP #2 for the second phase of the project will include site demolition, equipment purchases, building construction, electrical and instrumentation integration, HVAC systems, and painting/coatings. The contract price for GMP #2/Phase #2 of the project is \$25,957,272, plus an Owner's Contingency fund of \$4,000,000, for a total cost of \$29,957,272. This will bring the total project cost to \$66,156,607, including \$6,000,000 in owner's contingencies. When construction of this project is completed, the City will have 8 MGD (million gallons per day) of treatment capacity, over its current 4.5 MGD capacity. Additionally, the new treatment plant will provide full Biological Nutrient Removal (BNR) technology, which will provide the City with the ability to comply with stringent requirements from Department of Environmental Protection (DEP) to remove total nitrogen from the wastewater and improve the reclaimed water for distribution throughout the City's utility service area within the Wekiva River Basin Protection Area. Completion of this project will also satisfy the Consent Order Agreement requirements between the City and DEP, and bring the City into full compliance with its DEP Operating Permits.

**FUNDING SOURCE:**

Capital Improvement Fund 403/Sewer Impact Fee Fund. Project funding will be reimbursed through the FDEP State Revolving Fund (SRF) Loan Program.

**RECOMMENDATION ACTION:**

Authorize the Mayor to execute the contract with Garney Construction Company for the construction of Phase #2 of the Water Reclamation Facility Expansion and Improvements project for \$29,957,272, including an Owner's Contingency Fund of \$4,000,000.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**EXHIBIT A TO  
CONSTRUCTION MANAGER AT RISK AGREEMENT  
GMP 2 / FINAL**

**PROJECT #: 2016-0005****PROJECT NAME: APOPKA WRF EXPANSION****11.8.16 GMP.1****3.7.17 GMP.2**

<b>PROPOSED PACKAGE SUMMARY</b>		<b>AMOUNT</b>	<b>AMOUNT</b>
0	CMAR Self-Perform Work	\$ 26,145,887	
1	Earthwork Package	\$ 2,751,259	
2	Site Demo (Sub)		\$ 247,674
3	Equipment Bid Package (Supply)		\$ 8,551,052
4	Building Construction (Sub)		\$ 1,315,059
5	Furnish Misc. Metals (Supply)		\$ 762,316
6	Painting & Coatings (Sub)		\$ 1,349,073
7	Electrical (Sub) - Excluding Temp Power		\$ 7,251,260
8	Instrumentation & Controls (Supply)		\$ 1,485,914
9	Pre-Engineered Metal Buildings (Sub)		\$ 273,262
10	HVAC Systems (Sub)		\$ 442,000
11	Material Testing Allowance	\$ 200,000	
12	ODP Sales Tax Savings VE		\$ (945,000)
13	100% Design Changes		\$ 434,037
14	VE-128 Changes		\$ 478,460
15	Garney Self-Perform for GMP.2		\$ 124,999
<b>PACKAGE TOTALS (Cost of the Work) CARRIED BELOW</b>		<b>\$ 29,097,146</b>	<b>\$ 21,770,106</b>

GMP SUMMARY					AMOUNT		AMOUNT	
A	Cost of the Work (Labor, Materials, Equipment, Warranty, Taxes)				\$	29,097,146	\$	21,770,106
B	CMAR's Contingency				\$	1,000,000	\$	1,000,000
INDIRECT COSTS					RATE			
C	Construction Fee				4.53%	\$ 1,548,451	\$	1,201,549
D	General Conditions				7.47%	\$ 2,553,738	\$	1,985,617
	D1	Payment and Performance Bond	\$ 218,109	0.36%	122,398	\$	95,711	
	D2	Insurance	\$ 969,372	1.60%	543,989	\$	425,383	
E	Sales Taxes (Already Included in "A")				6.15%	\$ 1,250,000		
			F. Total GMP		\$	34,199,335	\$	25,957,272
			G. Owner's Contingency		\$	2,000,000	\$	4,000,000

GMP.1 \$ 34,199,335

GMP.2 \$ 25,957,272

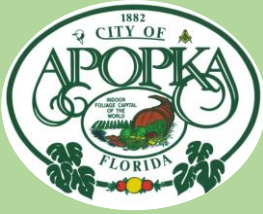
**Total \$ 60,156,607**

Does not include Owner Contingencies (G)

**Backup material for agenda item:**

5. Approve and authorize first amendment to the Sensus Agreement to allow for Consumer Portal.





## CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 15, 2017  
FROM: Utility Billing  
EXHIBITS: Sensus Agreement – 1<sup>st</sup>  
Amendment – Consumer Portal

**SUBJECT: AMENDMENT TO THE SENSUS AUTOMATED METER READING (AMR) SYSTEM AGREEMENT**

**REQUEST: APPROVE THE FIRST AMENDMENT TO THE SENSUS AGREEMENT ALLOWING FOR A CONSUMER PORTAL.**

**SUMMARY:**

On April 06, 2016, City Council approved the Sensus proposal to upgrade the Automated Meter Reading (AMR) System. The multi-year agreement was signed on June 1, 2016 and provides for the Regional Network Interface (RNI) and Smart Grid Analytics software. The RNI is the nerve center of the radio meter reading system while the Analytics software monitors, measures and predicts our utility business performance. With the Analytics software, the Utility Department is able to research consumption and identify meters that are not functioning properly.

Unfortunately with the upgrade in the Sensus software and the implementation of the new Edmunds Billing software, the functionality of the customer consumption graphs which allowed customers to research their consumption, ceased. The Sensus Company has a Consumer Portal software package that is far superior to the previous system and will provide our customers the tools to research and set up alerts to notify them of high consumption and potential leaks.

The amendment to the Sensus Agreement provides for the implementation of the Consumer Portal at a cost of \$16,000 for the first year and operational maintenance for the next four subsequent years (2017 thru 2020) at costs ranging from \$6,180 through \$6,753 plus overage fees. The first year costs include for 1,500 customers to utilize the portal. Should we exceed the 1,500 limit, our costs in the next year will be adjusted by \$2 per account over the limit. Since there is not definitive knowledge as to how many customers will utilize this service, staff will be required to reexamine the number of overage fees applied at the end of the first year. If this number is thought to be excessive, staff will bring forth an Ordinance for Council to consider establishing a \$2 cost per year to be paid by customers.

**FUNDING SOURCE:**

Funding of \$16,000 is available as a result of cost savings anticipated with the change in bill printing/mailling services approved by council in January 2017.

**RECOMMENDATION ACTION:**

Approve the First Amendment to the Sensus Agreement allowing for the addition of the Consumer Portal.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

FIRST AMENDMENT TO THE  
SOFTWARE AS A SERVICE AGREEMENT  
("First Amendment")

This First Amendment is made this \_\_\_\_ day of \_\_\_\_\_ 2017 ("Effective Date"), by and between Sensus USA Inc., a corporation of the State of Delaware with offices at 8601 Six Forks Road, Suite 700, Raleigh, North Carolina 27615 ("Sensus"), and City of Apopka, ("Customer").

WHEREAS, Sensus and Customer entered into an Software as a Service Agreement on June 1, 2016 ("Agreement"); and

WHEREAS, Customer wishes to add an Application as defined in the Agreement; and

WHEREAS, the parties desire to amend the Agreement and memorialize in writing the understanding between the parties according to the terms and conditions in this First Amendment; and

NOW THEREFORE, in consideration of the mutual covenants, terms, and conditions set forth in this First Amendment, the parties hereto mutually covenant and agree to amend the Agreement as follows:

1. **Terms and Trademarks.** Any terms used in this First Amendment as defined terms, and which are not defined herein, shall have the meanings given to those terms in the Agreement.
2. **Software as a Service.**
  - a. Exhibit A, Section 1. A. of the Agreement is hereby amended to add the following Applications:
    - Regional Network Interface (RNI) Software
    - Sensus Analytics
      - Enhanced Package
    - Consumer Portal
3. **Pricing.** Exhibit C of the Agreement is hereby amended to add the following pricing for the Consumer Portal as further described in Attachment 1:
4. **Entire Agreement.** The Agreement, as amended by this First Amendment, constitutes and contains the entire understanding and agreement of the parties. To the extent that the provisions of this First Amendment are inconsistent with the Agreement, the terms of this First Amendment shall control. Except as expressly amended or modified in this First Agreement, all other terms and conditions of the Agreement shall remain in full force and effect and this First Amendment shall be binding upon the parties.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be signed by their respective officers, authorized as of the day and year written above.

**SENSUS USA INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF APOPKA**

By: \_\_\_\_\_

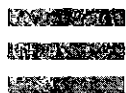
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Attachment 1



450 North Gallatin Avenue  
P.O. Box 487  
Uniontown, PA 15221 USA

1-800-MeterIt  
1-800-638-3748  
www.sensus.com

**SENSUS**

## QUOTATION

Your Quote Number: 28287

Reference: CONS. PORTAL

Bill to Customer: 021005

Ship to Customer:

ATTENTION PAMELA BARCLAY  
APOPKA CITY OF  
ATTN: ACCOUNTS PAYABLE  
120 EAST MAIN ST  
APOPKA FL 32703

USA

APOPKA CITY OF  
120 EAST MAIN ST  
ATTN: ACCOUNTS PAYABLE  
APOPKA FL 32703

Salesman: MACHINSKI GRIFF  
Terms: NET 30 DAYS

Effective Date: 2/03/17  
Expiration Date: 9/30/17

Line	Description	Quantity	U/M	US Dollar Unit Price
1	Part#: SA WTR CP 1.5 WTR CONSUMER PORTAL <1500 ANNL ANNUAL USE FEE 0-1500  YEAR 1 -	1	EA	6,000.000
2	Part#: SA WTR CP 1.5 WTR CONSUMER PORTAL <1500 ANNL ANNUAL USE FEE 0-1500  YEAR 2 -	1	EA	6,180.000
3	Part#: SA WTR CP 1.5 WTR CONSUMER PORTAL <1500 ANNL ANNUAL USE FEE 0-1500  YEAR 3 -	1	EA	6,365.000
4	Part#: SA WTR CP 1.5 WTR CONSUMER PORTAL <1500 ANNL ANNUAL USE FEE 0-1500  YEAR 4 -	1	EA	6,556.000
5	Part#: SA WTR CP 1.5 WTR CONSUMER PORTAL <1500 ANNL ANNUAL USE FEE 0-1500  YEAR 5 -	1	EA	6,753.000

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and downloading at <http://www.sensus.com/tc> Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a printed copy of the Terms of Sale.

450 North Gallatin Avenue  
P.O. Box 487  
Uniontown, PA 15221 USA

1-800-MeterIt  
1-800-638-3748  
www.sensus.com

Your Quote Number: 28287



US Dollar

Line	Description	Quantity	U/M	Unit Price
6	Part#: SA SU WTR CP WTR CONSUMER PORTAL SET UP FEE WITH SENSUS ANALYTICS	1	EA	5,000.000
7	Part#: PS SA CP CIS SENSUS ANALYTICS CONSUMER PORT CIS INTEGRATION FEE	1	EA	2,500.000
8	Part#: PS SA CP TRAIN SENSUS ANALYTICS CONSUMR PORTL TRAINING	1	EA	2,500.000
9	Part#: SA WTR CP OVRG WTR CONSUMER PORTL OVERAGE FEE	1	EA	2.000

PER USER OVER 1500 USERS.

-

-

FREIGHT ALLOWED ON \$7500 OR MORE PER ORDER.  
FOB SHIPPING POINT.

-

CASE 00472476

IF MODIFICATIONS IN METER MATERIALS OR PROCESSING ARE REQUIRED TO MEET  
NEW REGULATIONS, THE PRICING SUBMITTED IS SUBJECT TO IMMEDIATE CHANGE  
Thank you for your interest in quality products by Sensus.

Current as of: 2/06/17

Correspondence:

SENSUS

207 WINDMERE DRIVE

BOWLING GREEN, KY 42103

Purchase Orders:

SENSUS

PO BOX 487

UNIONTOWN, PA 15401

sensus.orders@sensus.com

PHONE: 800-METER-IT

800-638-3748

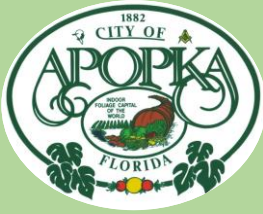
ROBERT WHITTAKER

Regional Sales Manager

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and  
downloading at <http://www.sensus.com/tc> Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a  
printed copy of the Terms of Sale.

**Backup material for agenda item:**

6. Award a bid to Fred Fox Enterprises, Inc. for the Community Development Block Grant Administrative Services.



## CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 15, 2017  
FROM: Administration  
EXHIBITS: Evaluation Summary

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ADMINISTRATIVE SERVICES.**

**REQUEST: AWARD RFP#2017-04 TO FRED FOX ENTERPRISES, INC.**

**SUMMARY:**

The City was awarded a \$750,000 Florida Small Cities, Community Development Block Grant by the Florida Department of Economic Opportunity. The grant was accepted with a matching requirement of \$50,000 via City Council in order to construct a Neighborhood Center at Alonzo Williams Park. As part of the grant, a Request for Proposal was solicited to establish a Grant Administrative Services Provider. This provider acts as a Program Manager/Liaison throughout the progression of the grant. The services include some of the following responsibilities: managing environmental review, obligatory bidding, construction, and grant closeout.

The Request for Proposal (RFP#2017-04) was solicited on Sunday, January 22, 2017 and two proposals were submitted on Thursday, February 23, 2017. The bids are as follows:

<u>Company</u>	<u>Bid</u>
Fred Fox Enterprises, Inc.	\$56,000
Southeastern Surveying and Mapping Corporation.	Amount noted as negotiable.

The CDBG allows for a maximum expenditure of 8% of the grant or \$60,000 to be utilized for Administrative Services. Evaluations were conducted based on the following RFP criteria: years of experience, approach to the project, references, and proposed fee basis. Fred Fox Enterprises, Inc. was found to be the highest evaluated submittal.

**FUNDING SOURCE:**

Florida Small Cities, CDBG funding.

**RECOMMENDATION ACTION:**

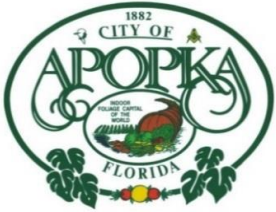
Award the bid to Fred Fox Enterprises, Inc. in the amount of \$56,000 for CDBG Administrative Services.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief



RFQ 2017-04 REQUEST FOR PROPOSAL  
FOR CDBG GRANT ADMINISTRATIVE SERVICES  
EVALUATION SUMMARY  
RANKING BY POINTS AWARDED

EVALUATION FACTOR	MAXIMUM POINTS AVAILABLE	Fred Fox Enterprises	Southeastern Surveying
Years of experience the consultant staff with administering CDBG Neighborhood grants funded through the State of Florida, Department of Community Affairs and/or the Florida Department of Economic Development.	20 POINTS	20	7
Experience of the Firm's management with the Florida Community Development Block Grant Program.	20 POINTS	20	5
The firm's approach to meeting local project needs including an outline of the tasks to be performed and the thoroughness of the approach presented.	20 POINTS	18.6	6
Number of favorable client reference letters dated 2011 or later provided from other communities, note only one letter per community to be accepted.	20 POINTS	20	0
The quality of the responses from the client references provided from other local governments.	15 POINTS	14	0
The fee or proposed fee basis.	5 POINTS	4.8	1.4
<b>TOTAL POINTS AWARDED</b>	<b>100</b>	<b>97.4</b>	<b>19.4</b>

**Backup material for agenda item:**

1. Final Development Plan – Raynor Shine Recycling Solutions – 100 & 126 Hermit Smith Road - Quasi-Judicial  
David Moon



# CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER:

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Vicinity/Aerial Maps  
Ordinance No. 2471  
Final Development Plan

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**SUBJECT:** RAYNOR SHINE RECYCLING SOLUTIONS FINAL DEVELOPMENT PLAN

**REQUEST:** APPROVE THE RAYNOR SHINE RECYCLING SOLUTIONS FINAL DEVELOPMENT PLAN

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**SUMMARY:**

OWNER: Raynor Apopka Land Management, LLC

APPLICANT/ENGINEER: American Civil Engineering Co., c/o John Herbert, P.E.

LOCATION: 100 & 126 Hermit Smith Road (Southern terminus of Hermit Smith Road)

EXISTING USE: Mulch Manufacturing, warehouse, office

FLUM DESIGNATION: Industrial

ZONING: PUD\I-2 Industrial

PROPOSED DEVELOPMENT: Mulch Operation and Storage

TRACT SIZE: 19.4 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: Uses limited to the outdoor mulch manufacturing and outdoor storage of raw materials (an I-2 use) and I-1 uses.

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**FUNDING SOURCE:**

N/A

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Future Land Use	Zoning	Present Use
North (County)	Rural (1 du/10 ac/Agricultural)	A-1	Vacant
East (City)	Industrial (0.60 FAR)	I-4	Warehouse\Trucking Business
South (City)	Residential Very Low Suburban (0-2 du/ac)	Mixed-EC	Vacant
West (County)	Rural (1 du/10 ac/Agricultural)	A-1	Warehouse

**ADDITIONAL COMMENTS:** City Council approved a Planned Unit Development Master Plan\Preliminary Development Plan for the Raynor Shine Recycling Solutions on December 16, 2015. Development and use of the subject site must occur consistent with the Planned Unit Development zoning ordinance and Master Plan assigned to the property. The applicant has indicated that the Apopka site on Hermit Smith Road will serve as the corporate headquarters for Raynor Shine Recycling Solutions, which has several other similar facilities located in Florida.

The Final Development Plan proposes two new buildings containing 8,000 sq. ft. and 12,000 sq.ft.

The zoning application covers approximately 19.4 +/- acres. The property owner intends to use the site for a mulch production manufacturing operation. This use involves the following activities: heavy outdoor mulching equipment, outdoor storage of raw materials, large trucks entering and leaving the property with raw materials (removed or harvested trees or tree limbs) or finished product (landscape mulch). An office use will occur at the site for on-site management of operations and for business sales. The office use is ancillary to the mulch production operation. Based on the storage of outdoor raw material as well as a manufacturing operation that does not occur within an enclosed building, the proposed use meets the intent of the I-2 zoning category. Both parcels have been acquired by and under legal ownership of the applicant. The smaller of the two parcels, Parcel Number 01-21-27-0000-00-080, is approximately 4.15 acres has not been assigned a City zoning category but currently retains a County zoning category of I-4 Industrial. The County's I-4 zoning category is similar to the City's I-2 zoning category. The larger parcel, Parcel Number 01-21-27-0000-00-026, is approximately 15.25 acres and has a City I-1 zoning assigned to it.

The Raynor Shine site development is proposed to occur in five phases.

**PARKING:** Parking spaces are provide by phase. As the business expands and further phases are constructed, additional parking will occur with each phase. Initially, 120 parking spaces will be provided with the ability to expand to 164. The site plan designates areas where trucks are allowed to be parked and stored.

**ACCESS:** Access to the site will occur from Hermit Smith Road at the northeast corner of the project site, connecting to the public road section of Hermit Smith Road. Another driveway further to the south, connects to a private easement that Raynor Shine has rights to access.

**PUBLIC HEARING SCHEDULE:**

March 15, 2017 – City Council (7:00 pm)



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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the Raynor Shine Final Development Plan to be consistent with the PUD Master Plan\Preliminary Development Plan, Comprehensive Plan, and Land Development Code, recommending approval.

The **Planning Commission** reviewed the Master Plan\Preliminary Development Plan, and thus does not review the Final Development Plan.

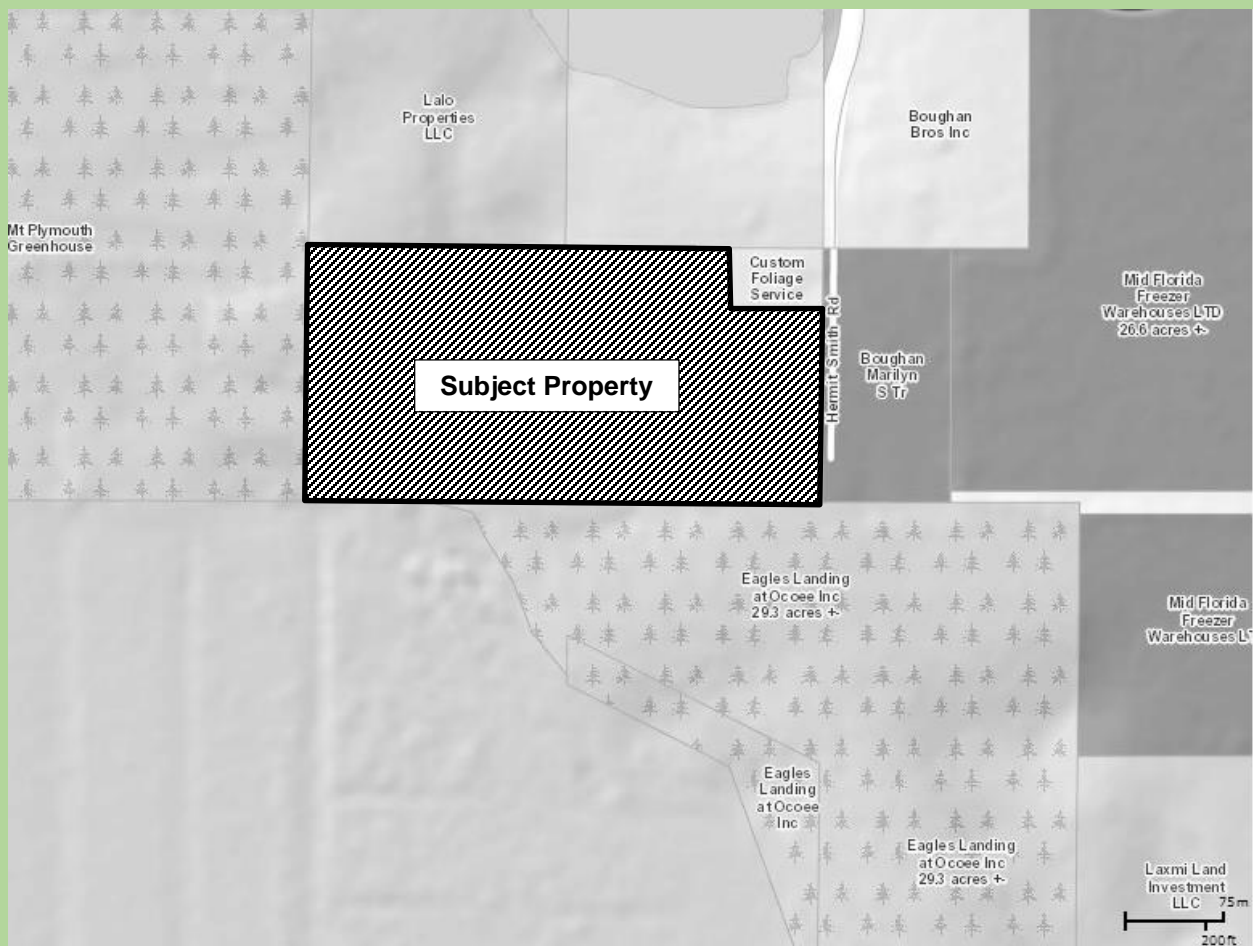
**Recommended Motion:** Approve the Final Development Plan for Raynor Shine Solutions.

**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.



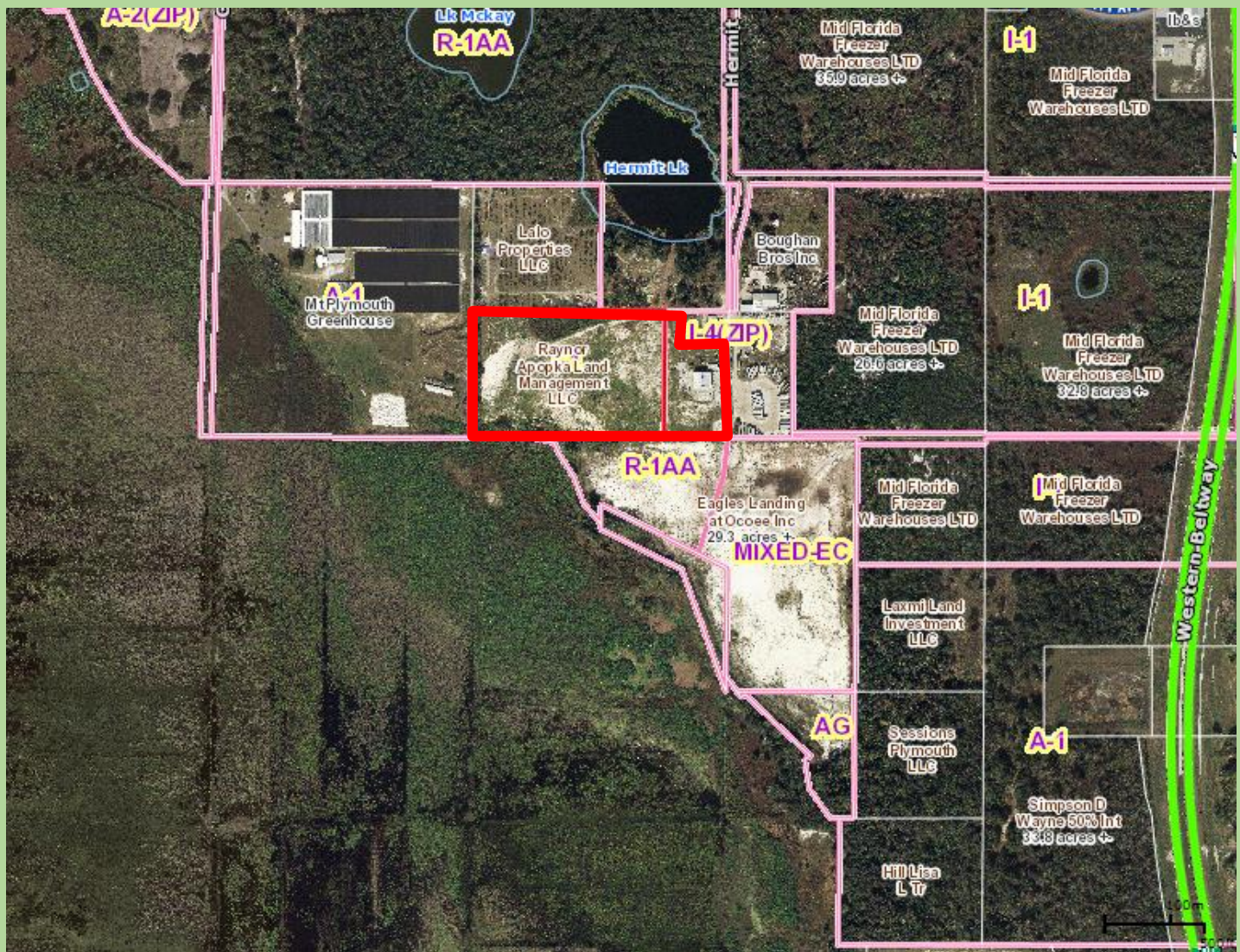
Raynor Shine Recycling Services, Inc.  
100 & 126 Hermit Smith Road  
19.4 +/- Acres  
Parcel ID #s: 01-21-217-0000-00-026 & 01-21-217-0000-00-080

## VICINITY MAP





## ADJACENT USES

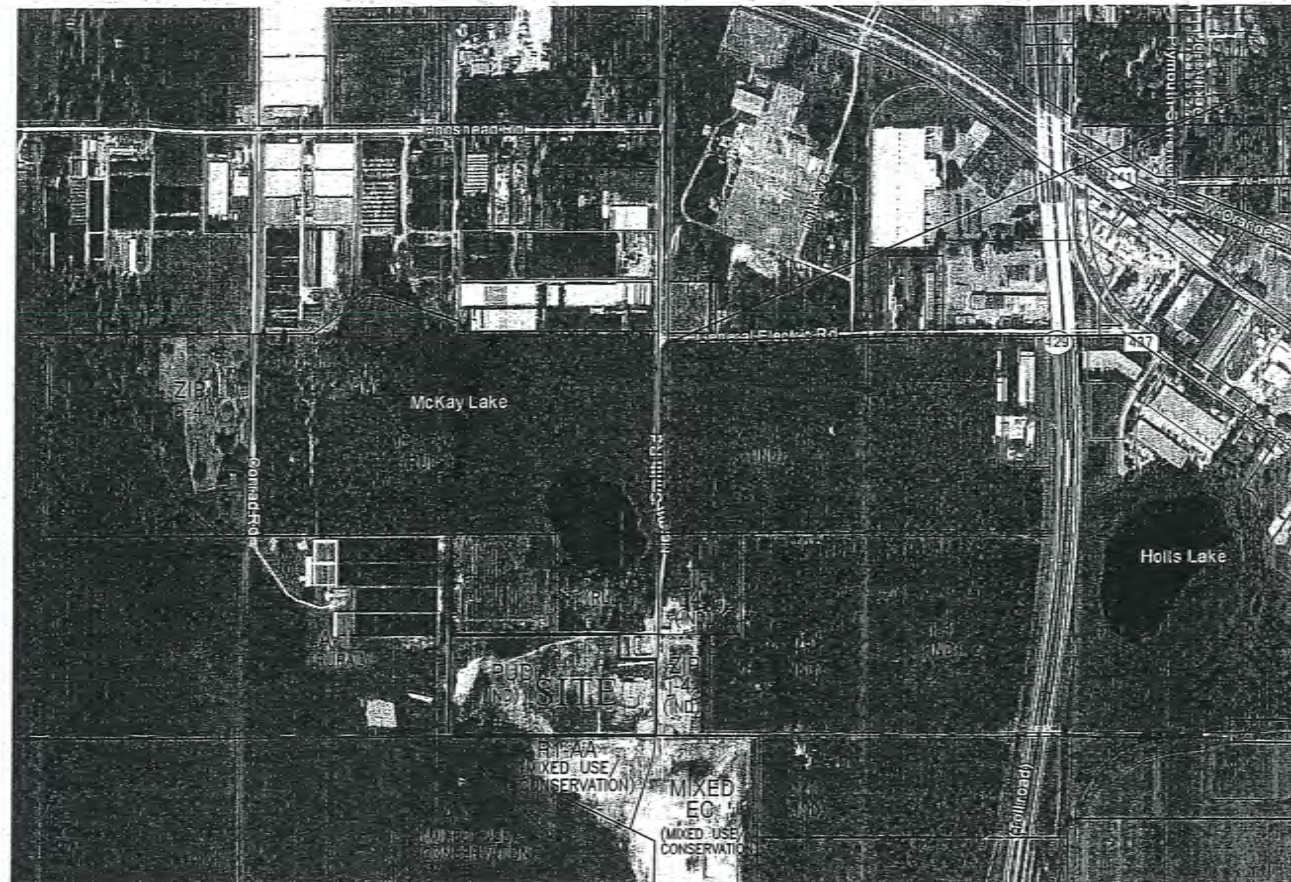




# Final Development Plan

## Raynor Shine Recycling Solutions

100 Hermit Smith Road, Apopka, Florida 32703



### VICINITY MAP

SCALE 1"=500'

SEC. 01 TWP. 21 S RGE. 27 E

### LEGAL DESCRIPTION:

THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, TOGETHER WITH THE WEST ONE-HALF (W-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

THE EAST ONE-HALF (E-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, (LESS THE NORTH 163.50 FEET OF THE EAST 240.00 FEET THEREOF).

### SUBJECT TO:

AN INGRESS/EGRESS EASEMENT OVER THE EASTERLY 30 FEET OF THE EAST ONE-HALF (E-1/2) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS PER O.R. 2665, PG. 0933.

### TOGETHER WITH:

AN INGRESS/EGRESS EASEMENT OVER THE WEST 40 FEET OF THE WEST ONE-HALF (W-1/2) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS PER O.R. 7035, PG. 3449 AS CORRECTED ON O.R. 10453, PG. 8531.

DATE	REVISIONS
02/06/17	4th submittal to City
12/19/16	3rd submittal to City
08/24/16	2nd submittal to City
05/11/16	1st submittal to City

### DEVELOPMENT SUMMARY

CONSTRUCT PHASE 1 OF RAYNOR SHINE RECYCLING SOLUTIONS, LLC, APOPKA, FLORIDA

### PLANNING DEPARTMENT NOTES:

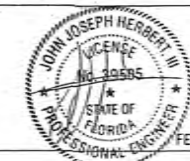
- THE PROPOSED STEEL BUILDINGS (BUILDINGS B AND C) SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF APOPKA DESIGN GUIDELINE (CURRENT EDITION). PENETRATION AND ARTICULATION OF THE FRONT FACADE OF THE BUILDING WITH THE USE OF ADDITIONAL WINDOWS, DOORS, DECORATIVE STONE COLUMNS AND A CANOPY OR AWNINGS TO BETTER DEFINE THE ENTRANCE TO THE BUILDING.
- GALVANIZED, CORRUGATED SHEET METAL SHALL NOT BE PERMITTED AS EXTERIOR MATERIALS ON PRINCIPLE STRUCTURES. ANY USE OF THESE MATERIALS ON SUPPORT STRUCTURES MUST BE SCREENED FROM VIEW OF ROADWAYS. ANY DEVIATIONS FROM THIS REQUIREMENT WOULD REQUIRE A VARIATION REQUEST.

### FIRE DEPARTMENT NOTES:

- ALL ROADWAYS, WATER LINE INFRASTRUCTURE AND FIRE HYDRANTS SHALL BE IN PLACE BEFORE BUILDING CONSTRUCTION MAY BEGIN.
- FIRE HYDRANTS MUST BE WITH 250 FEET OF BUILDING.
- FOLLOW FLORIDA STATUTE 633.027 CONCERNING LIGHT FRAME TRUSS CONSTRUCTION.
- FOLLOW CURRENT NFPA AND FLORIDA FIRE PREVENTION CODE CONCERNING FIRE AND LIFE SAFETY.
- BUILDINGS REQUIRED TO BE SPRINKLED ARE NOTED ON PLAN SHEET A.
- ALL BUILDINGS MUST BE MONITORED BY AN AUTOMATIC FIRE ALARM.
- A REMOTE FDC FOR THE SPRINKLER SYSTEM IS REQUIRED FOR ALL SPRINKLED BUILDING.

### SITE DATA TABLE

PARCEL ID NUMBERS	01-21-27-0000-00-000 & -026
FUTURE LAND USE	IND.
ZONING	I-1 & I-4
ACERAGE	19.350
SQUARE FOOTAGE	842,909
BUILDING HEIGHT	PROPOSED: 35' MAX: 35'
FLOOR AREA RATIO	PROPOSED: 0.04 MAX: 0.60
BUILDING SETBACKS	PROPOSED: F=65', S=10', R=200'
	REQUIRED: F=25', S=10', R=10'
OPEN SPACE	27.8%
PARKING SPACES	SEE SHEET 4
NUMBER OF EMPLOYEES	SEE SHEET 4



### PROJECT DIRECTORY

DEVELOPER:	Raynor Shine Land Management, LLC 17615 Deer Isle Drive Winter Garden, Florida 34787 (407) 654-0771
ENGINEER:	American Civil Engineering Co. 207 N. Moss Road, Suite 211 Winter Springs, Florida 32708 John Herbert, P.E. (407) 327-7700
LAND SURVEYOR: (boundary)	Ellis Surveys LLC PO Box 160952 Alt. Springs, Florida 32716 (407) 834-4003
LAND SURVEYOR: (topographic)	Hitt Land Surveyors, Inc. 318 Sweetwater Creek Drive W., Orlando, Florida 32779 Jeffrey J. Hitt, PSM (407) 772-0248
GEOTECHNICAL:	Universal Engineering Sciences, Inc. 3532 Maggie Blvd. Orlando, Florida 32811 R. Kenneth Derick, P.E. (407) 423-0504

### INDEX OF SHEETS

SHEET	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES & SPECIFICATIONS
3	EXISTING CONDITIONS (PRIOR TO RAYOR SHINE)
3A	CURRENT SITE OPERATIONS
4	DEVELOPMENT PLAN
4A	PHASE 1 LIMITS
4B	PHASE 2 LIMITS
4C	PHASE 3 & 4 LIMITS
4D	PHASE 5 LIMITS
5	MASTER UTILITY PLAN
6	MASTER PAVING, GRADING & DRAINAGE PLAN
7	MASTER LANDSCAPING PLAN
8-14	DETAILED SITE PLANS
15	TYPICAL CROSS SECTIONS
16	TYPICAL CROSS SECTIONS
17	SITE CONSTRUCTION DETAILS
18	LANDSCAPE DETAILS
19	IRRIGATION PLAN
20	IRRIGATION DETAILS
21	APOPKA UTILITY DETAILS
22	APOPKA UTILITY DETAILS
23	APOPKA UTILITY DETAILS
24	PRIVATE LIFT STATION PLAN
25	EROSION CONTROL PLAN
26	EROSION CONTROL DETAILS
PRE	PRE-DEVELOPMENT BASIN MAP
POST	POST DEVELOPMENT BASIN MAP

### CIVIL SITE PLANS PREPARED BY:



**AMERICAN CIVIL  
ENGINEERING CO.**

207 N. MOSS ROAD, SUITE 211 WINTER SPRINGS, FLORIDA 32708  
TEL. NO. (407) 327-7700 FAX NO. (407) 327-0227

CERT. OF AUTHORIZATION NO. 8729

### FINAL DEVELOPMENT PLAN:

**Raynor Shine Recycling Solutions**

100 Hermit Smith Road  
Apopka, Florida 32703

### Plans issued for:

- |  |   |
|--|---|
| <input type="checkbox"/> conceptual        | <input checked="" type="checkbox"/> final engineering |
| <input type="checkbox"/> PUD Master Plan   | <input type="checkbox"/> construction                 |
| <input type="checkbox"/> prelim. dev. plan | <input type="checkbox"/> record drawings              |

### Cover Sheet

project no. 14025  
sheet number  
1 of 26



1. USE OF THE PROPERTY WILL BE LIMITED TO: MILCH MANUFACTURING WITH OUTDOOR STORAGE OF RAW MATERIAL LOCATED WITHIN A SCREEN AREA IS THE ONLY 1-2 USE ALLOWED.

2. USE OF THE PROPERTY WILL BE LIMITED TO: ANY 1-1 AND C-3 USE.

3. C-2, -1, CN, OR PD-A WILL NOT BE ALLOWED AS A PRIMARY USE. ANY OFFICE USE SHALL BE ASSOCIATED WITH THE INDUSTRIAL ACTIVITY OCCURRING AT THE SITE.

4. OVERNIGHT PARKING OF TRUCKS SHALL ONLY OCCUR WITHIN AREAS APPROVED WITHIN THE MASTER SITE PLAN. NO OVERNIGHT PARKING OF LARGE TRUCKS WILL OCCUR IN THE OFFICE PARKING LOTS OR WITHIN ANY ROADWAY EASEMENT.

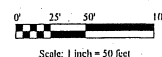
5. OUTDOOR STORAGE OF RAW MATERIALS SHALL ONLY OCCUR AT APPROVED LOCATIONS DEDICATED WITHIN THE MASTER SITE PLAN.

6. THE MIN. 30 FT. WIDE LANDSCAPE BUFFER PROVIDED AT THE NORTHWEST CORNER OF THE PROJECT BOUNDARY MAY BE REDUCED TO A MIN. WIDTH OF 10 FT. IF THE ADJACENT LOT IS REZONED FROM R-1A RESIDENTIAL TO AN INDUSTRIAL, COMMERCIAL, OR O OFFICE ZONING CATEGORY OR A MIXED USE OR PD zoning that allows NON-RESIDENTIAL USES.

7. IF A CONFLICT OR INCONSISTENCY OCCURS BETWEEN THE MASTER PLAN AND THE PUD ZONING ORDINANCE ASSIGNED TO THE PROPERTY, THE PUD ZONING ORDINANCE SHALL PREVAIL.

8. IN THE EVENT THE PROPERTY ADJACENT THE EASTERN BOUNDARY LINE OF THE MASTER PLAN BECOMES A PRIVATE OR PUBLIC ROAD, A VARIANCE IS GRANTED FOR ANY NON-CONFORMING STRUCTURE CREATED BY SAID PRIVATE OR PUBLIC ROAD.

2. MAXIMUM HEIGHT OF BUILDING, MULCH CONVEYOR BELTS AND MULCH PILES ARE NOT TO EXCEED 35 FT.
3. NOISE GENERATED BY THE MULCH OPERATION IS NOT TO EXCEED
4. RECEIVING LAND USE CATEGORY IN THE SBCO Standard for Sound Control, SSTO 8.87.
5. OPEN SPACE PROVIDED BY THIS MASTER PLAN (5.98 AC) IS OVER 20% OF THE GROSS AREA (10.350 AC @ 20% = 3.87 AC)
6. ALL MULCH HANDLING EQUIPMENT SHALL BE PARKE
7. ACCOMMODATION FOR A NIGHT WATCHMAN OR CUSTOMER LIVING QUARTERS IS PERMITTED AS AN ACCESSORY USE WHEN ATTACHED TO A PRIMARY STRUCTURE OR AS A STAND-ALONE BUILDING BUT SHALL PROVIDE ACCOMMODATIONS AND BEDDING FOR NO MORE THAN TWO WATCHMEN/CUSTOMERS
8. ANY RESIDENCE FOR A NIGHT WATCHMAN OR CUSTOMER LIVING QUARTERS IS PERMITTED AS AN ACCESSORY USE WHEN ATTACHED TO A ALL LANDSCAPE AREA SHALL BE PROTECTED FROM VEHICLE ENCROACHMENT BY CURBING OR WHEEL STOPS.
9. NO VEHICULAR PARKING WITHIN DESIGNATED LANDSCAPE AREAS OR PUBLIC RIGHT-OF-WAY.
10. ANY OTHER USE OF THE PROPERTY OTHER THAN THAT APPEARING IN THE MASTER SITE PLAN SHALL REQUIRE AN AMENDMENT TO THE CURRENT PUD ORDINANCE
11. ADDITIONAL DEVELOPMENT AND ZONING STANDARDS MAY APPEAR WITHIN A PUD ZONING ORDINANCE. IN THE EVENT A CONFLICT OR INCONSISTENCY OCCURS BETWEEN CONDITIONS APPEARING ON THE MASTER SITE PLAN OR CONDITIONS WITHIN THE PUD AND THE LDC THE PUD ZONING ORDINANCE SHALL PRESIDE.
12. ANY CHAIN LINK FENCE IN THE PERIMETER BUFFER SHALL BE EITHER BLACK OR GREEN W/WHITE COATED LINE FENCE.
13. THE MAXIMUM HEIGHT OF ANY BUILDING CONTAINING AN I-1 PERMISSIBLE USE IS FIFTY (50) FEET.
14. ALL NEW BUILDINGS CONSTRUCTED AFTER THE CITY'S APPROVAL OF THE MASTER PLAN SHALL BE DESIGNED TO MEET THE INTENT OF THE CITY DEVELOPMENT DESIGN STANDARDS UNLESS OTHER BUILDING MATERIALS AND DESIGN STANDARDS APPEAR IN THE MASTER PLAN OR ASSOCIATED PUD ORDINANCE.
15. ALL BUILDINGS FACING THE PERIMETER PROPERTY LINE SHALL COMPLY WITH THE DEVELOPMENT DESIGN GUIDELINES.

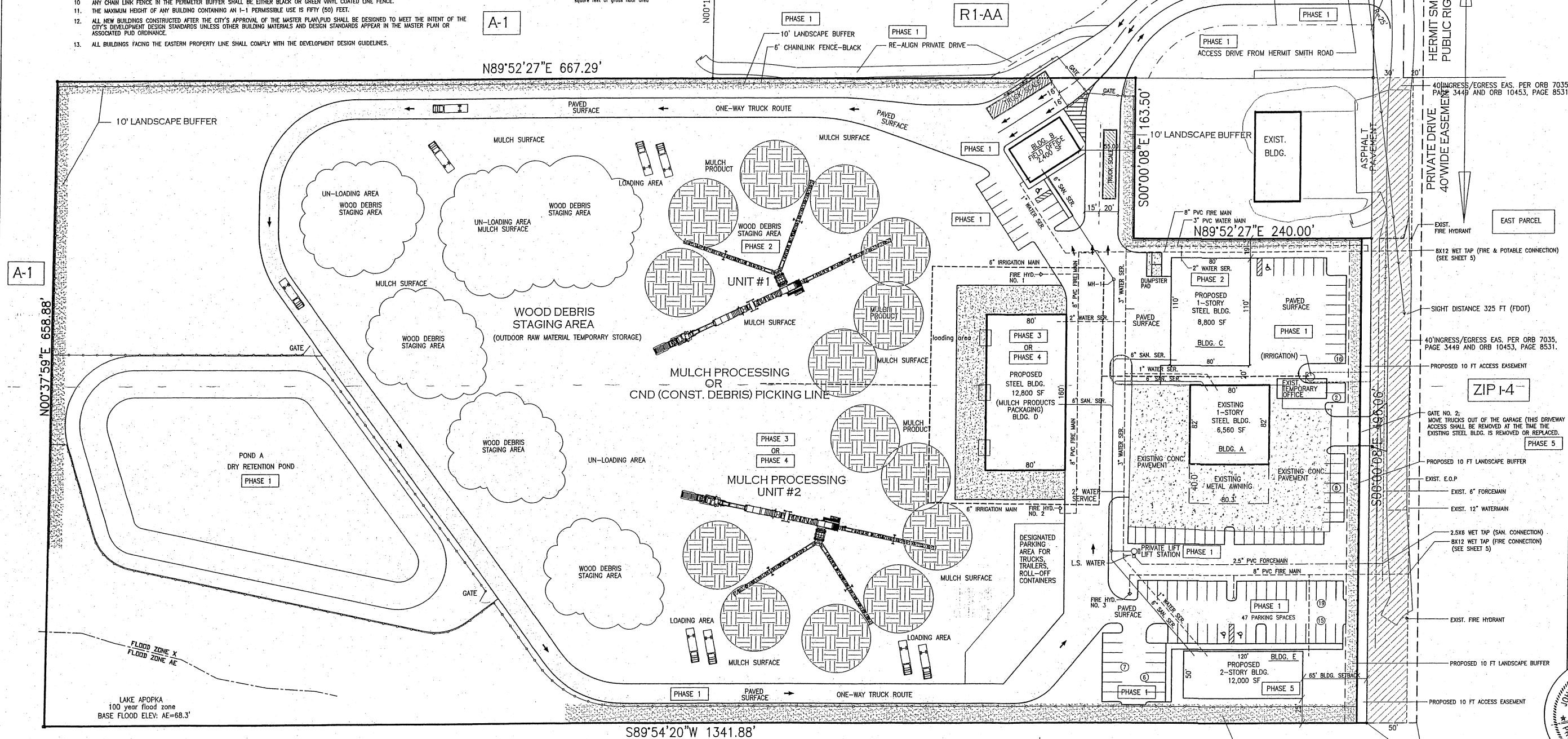



2 spaces per 1,000 square feet of gross floor area up to 150,000 square feet, plus 1 space per vehicle operating from premises or 1 space per 2 employees. 1 space per 1,000 square feet over 150,000 square feet of gross floor area.

PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5	
SEE SHEET 4A		SEE SHEET 4B		SEE SHEET 4C					
TENTATIVE DATE: (02/17)		TENTATIVE DATE: (12/17)		TENTATIVE DATE: (12/18)		TENTATIVE DATE: (12/19)		TENTATIVE DATE: (12/20)	
CONSTRUCTION ITEMS:		CONSTRUCTION ITEMS:		CONSTRUCTION ITEMS:		CONSTRUCTION ITEMS:		CONSTRUCTION ITEMS:	
BUILDING B TRUCK SCALE UTILITIES GRADE ENTIRE SITE		MULCH UNIT #1 BUILDING C		BUILDING D OR MULCH UNIT #2*		BUILDING D OR MULCH UNIT #2*		BUILDING E REMOVE OR REPLACE BUILDING A	
* depending on market conditions		* depending on market conditions		* depending on market conditions		* depending on market conditions			
PARKING ANALYSIS: PHASE 1 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A COMPANY VEHICLES 50 EACH		PARKING ANALYSIS: PHASE 1 & 2 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C COMPANY VEHICLES 50 EACH		PARKING ANALYSIS: PHASE 1,2,3 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C WAREHOUSE AREA 12,800 SF BLDG. D COMPANY VEHICLES 50 EACH		PARKING ANALYSIS: PHASE 1,2,3,4 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C WAREHOUSE AREA 12,800 SF BLDG. D COMPANY VEHICLES 50 EACH		PARKING ANALYSIS: PHASE 1,2,3,4,5 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C WAREHOUSE AREA 12,800 SF BLDG. D WAREHOUSE AREA 12,000 SF BLDG. E COMPANY VEHICLES 50 EACH	
REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 13 SPACES COMPANY VEHICLES 50 SPACES		REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 31 SPACES COMPANY VEHICLES 50 SPACES		REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 56 SPACES COMPANY VEHICLES 50 SPACES		REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 56 SPACES COMPANY VEHICLES 50 SPACES		REQUIRED PARKING: OFFICE AREA 58 SPACES WAREHOUSE AREA 56 SPACES COMPANY VEHICLES 50 SPACES	
REQUIRED PARKING: 73 SPACES 120 SPACING PARKING		REQUIRED PARKING: 91 SPACES 120 SPACING PARKING		REQUIRED PARKING: 116 SPACES 120 SPACING PARKING		REQUIRED PARKING: 116 SPACES 120 SPACING PARKING		REQUIRED PARKING: 164 SPACES 120 SPACING PARKING	

1. WOOD DEBRIS PILES SHALL BE SEPARATED TO MANAGEABLE SIZES FOR POSSIBLE EXTINGUISHMENT.
2. ANY BUILDING OVER 7,500 SF SHALL BE EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM AND FIRE ALARM SYSTEM TO MONITOR.
3. FIRE DEPT. CONNECTIONS (FDC) FOR SPRINKLER SYSTEMS SHALL BE REMOTE FOR THE BUILDINGS.
4. A LOCKBOX ARRANGEMENT SHALL BE PROVIDED FOR THE BUILDINGS. THIS WILL ALLOW EMERGENCY ACCESS WITH KEYS.
5. ACCESS SHALL BE VIA A LOCK BOX OR AUTOMATIC SIRE YELP ACTIVATION FOR ANY GATES ON THE PROPERTY.

PROPERTY OWNER: RAYNOR SHINE  
RECYCLING SOLUTIONS, LLC  
PARCEL NO. 01-21-27-0000-00-027  
(NOT A PART OF THIS MASTER PLAN)



 **HITT LAND SURVEYORS, INC.**  
318 SWEETWATER CREEK DRIVE W., LONGWOOD, FLORIDA, 32779, 407-772-0248 FAX 407-772-0249  
LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS

R1-AA

PARCEL NO. 01-21-27-0000-00-026  
EXIST. ZONING: I-1  
AREA: 15.260 AC

PARCEL NO. 01-21-27-0000-00-080  
EXIST. ZONING: ZIP I-4  
AREA: 4.089 AC

PARCEL 2, THE WEST 1/2 OF THE SE 1/4 OF THE SW 1/4 AND THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 1-21-2

65

1, THE EAST 1/2 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 1-21-27, LESS NORTH 163.50' OF THE EAST 240.00'

SOUTH PARCE

existing Utility Easement granted  
to the City of Apopka (12/14/05)  
recorded on 01/05/06 in Orange Co  
OR BK 08406 PG 2615 PGS=3  
The west 50' of the W 1/2 of the  
SW 1/4 of the SW 1/4 of the  
SE 1/4 of SEC 01-21S-27E

MASTER DEVELOPMENT PLAN  
**RAYNOR SHINEE**  
**RECYCLING SOLUTIONS**

AMERICAN CIVIL  
ENGINEERING CO

07 N. MOSS RD., SUITE 211; WINTER SPRINGS, FLA 32708  
PH. (407) 327-7700; FAX (407) 327-0227

ert. of authorization

FLORIDA

1

25

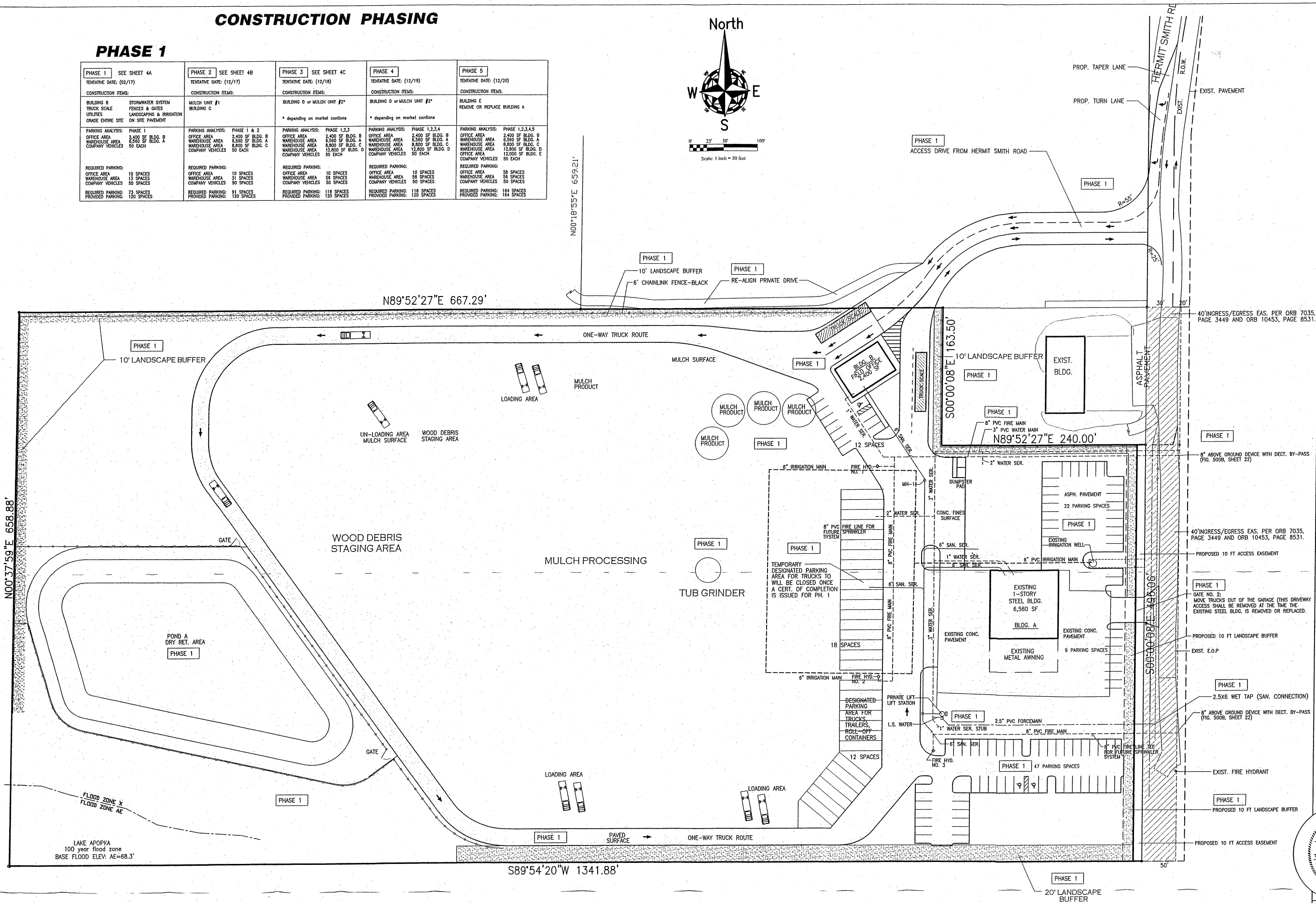
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CONSTRUCTION PHASING

PHASE 1

PHASE 1 TENTATIVE DATE: (02/17) CONSTRUCTION ITEMS: BUILDING B TRUCK SCALE UTILITIES GRADE ENTIRE SITE PARKING ANALYSIS: PHASE 1 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING: 120 SPACES	PHASE 2 TENTATIVE DATE: (12/17) CONSTRUCTION ITEMS: MULCH UNIT #1 BUILDING C PARKING ANALYSIS: PHASE 1 & 2 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING: 120 SPACES	PHASE 3 TENTATIVE DATE: (12/18) CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2* * depending on market conditions PARKING ANALYSIS: PHASE 1,2,3 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING: 118 SPACES	PHASE 4 TENTATIVE DATE: (12/19) CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2* * depending on market conditions PARKING ANALYSIS: PHASE 1,2,3,4 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING: 120 SPACES	PHASE 5 TENTATIVE DATE: (12/20) CONSTRUCTION ITEMS: BUILDING E REMOVE OR REPLACE BUILDING A PARKING ANALYSIS: PHASE 1,2,3,4,5 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING: 164 SPACES
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ENGINEER: JOHN HERBERT, P.E.  
CHECKED BY: TONIA SHELTON, P.E.  
12/15/16 ADDED PHASE CONTENT  
DATE: 01/30/17

PROJECT NO. 14025

AMERICAN CIVIL ENGINEERING CO.

207 N. MOSS RD., SUITE 211, WINTER SPRINGS, FLA 32708  
PH. (407) 327-7700; FAX (407) 327-0227

cert. of authorization number 8728

PHASE 1 MASTER DEVELOPMENT PLAN

**RAYNOR SHINE**

**RECYCLING SOLUTIONS**

APOPKA, FLORIDA

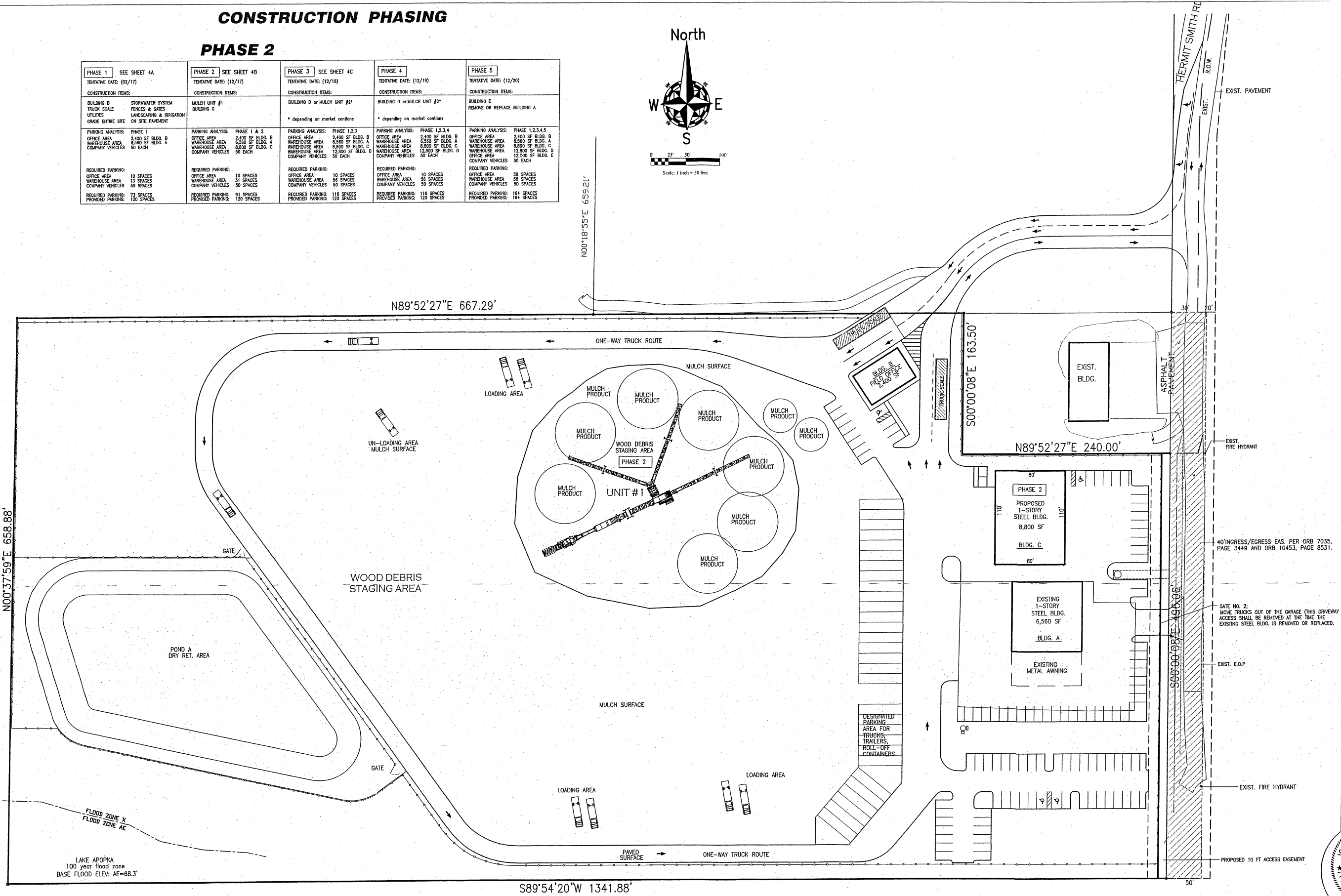
JOHN JOSEPH HERBERT III  
LICENSE NO. 39505  
STATE OF FLORIDA  
PROFESSIONAL ENGINEER

FEB 06 2017  
M.S.P. PHASE 1  
project no. 14025  
sheet number  
4A of 26

CONSTRUCTION PHASING

PHASE 2

PHASE 1 TENTATIVE DATE: (02/17) CONSTRUCTION ITEMS: BUILDING B TRUCK SCALE UTILITIES GRADE ENTIRE SITE PARKING ANALYSIS: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING:	SEE SHEET 4A TENTATIVE DATE: (02/17) CONSTRUCTION ITEMS: STORMWATER SYSTEM FENCES & GATES LANDSCAPING & IRRIGATION ON SITE PAVEMENT PHASE 1 2,400 SF BLDG. B 6,560 SF BLDG. A 50 EACH 10 SPACES 13 SPACES 50 SPACES 73 SPACES 120 SPACES	PHASE 2 TENTATIVE DATE: (12/17) CONSTRUCTION ITEMS: MULCH UNIT #1 BUILDING C PARKING ANALYSIS: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING:	SEE SHEET 4B TENTATIVE DATE: (12/17) CONSTRUCTION ITEMS: PHASE 1 & 2 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES 10 SPACES 31 SPACES 50 SPACES 91 SPACES 120 SPACES	PHASE 3 TENTATIVE DATE: (12/18) CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2* PARKING ANALYSIS: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING:	SEE SHEET 4C TENTATIVE DATE: (12/18) CONSTRUCTION ITEMS: * depending on market conditions PHASE 1,2,3 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES 10 SPACES 56 SPACES 50 SPACES 116 SPACES 120 SPACES	PHASE 4 TENTATIVE DATE: (12/19) CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2* PARKING ANALYSIS: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING:	SEE SHEET 4D TENTATIVE DATE: (12/19) CONSTRUCTION ITEMS: * depending on market conditions PHASE 1,2,3,4 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES 10 SPACES 56 SPACES 50 SPACES 116 SPACES 120 SPACES	PHASE 5 TENTATIVE DATE: (12/20) CONSTRUCTION ITEMS: BUILDING E REMOVE OR REPLACE BUILDING A PARKING ANALYSIS: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES PROVIDED PARKING:	SEE SHEET 4E TENTATIVE DATE: (12/20) CONSTRUCTION ITEMS: PHASE 1,2,3,4,5 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES 58 SPACES 58 SPACES 50 SPACES 164 SPACES 164 SPACES
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ENGINEER: JOHN HERBERT, P.E.  
CHECKED BY: TOM SKELTON, P.E.  
TECHNICIAN: JWH

01/20/17 ADDED PHASE CONTENT  
12/15/16 ADDED SHEET

DATE REVISIONS

PROJECT NO. 14025

AMERICAN CIVIL  
ENGINEERING CO.

207 N. MOSS RD., SUITE 211, WINTER SPRINGS, FLA 32708  
PH. (407) 327-1700; FAX (407) 327-0227

cert. of authorization  
number 8729

PHASE 2 MASTER DEVELOPMENT PLAN

**RAYNOR SHINE  
RECYCLING SOLUTIONS**

APOPKA, FLORIDA

JOHN JOSEPH HERBERT III  
LICENSE  
No. 39585  
STATE OF  
FLORIDA  
PROFESSIONAL ENGINEER

FEB 06 2017

M.S.P. PHASE 2

project no. 14025

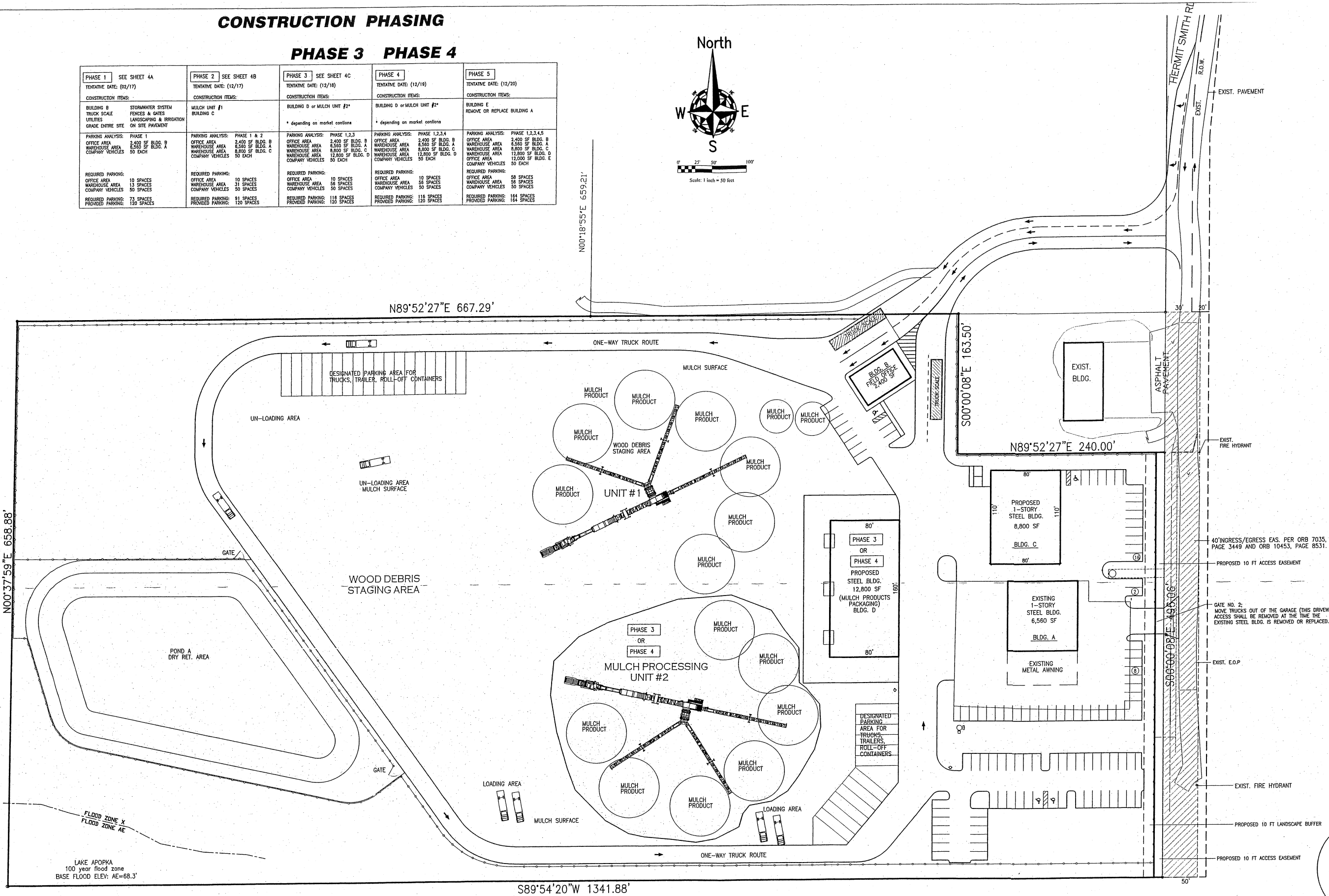
sheet number

4B of 26

CONSTRUCTION PHASING

PHASE 3 PHASE 4

PHASE 1 TENTATIVE DATE: (02/17)	PHASE 2 TENTATIVE DATE: (12/17)	PHASE 3 TENTATIVE DATE: (12/18)	PHASE 4 TENTATIVE DATE: (12/18)	PHASE 5 TENTATIVE DATE: (12/20)
CONSTRUCTION ITEMS: BUILDING B TRUCK SCALE UTILITIES GRADE ENTIRE SITE	CONSTRUCTION ITEMS: MULCH UNIT #1 BUILDING C	CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2* * depending on market conditions	CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2* * depending on market conditions	CONSTRUCTION ITEMS: BUILDING E REMOVE OR REPLACE BUILDING A
PARKING ANALYSIS: PHASE 1 OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: PROVIDED PARKING:	PARKING ANALYSIS: PHASE 1 & 2 OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: PROVIDED PARKING:	PARKING ANALYSIS: PHASE 1,2,3 OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: PROVIDED PARKING:	PARKING ANALYSIS: PHASE 1,2,3,4 OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: PROVIDED PARKING:	PARKING ANALYSIS: PHASE 1,2,3,4,5 OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: OFFICE AREA WAREHOUSE AREA WAREHOUSE AREA WAREHOUSE AREA COMPANY VEHICLES REQUIRED PARKING: PROVIDED PARKING:



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ENGINEER: JOHN HERBERT, P.E.
CHECKED BY: TOM SHELTON, P.E.
TECHNICIAN: JWH
01/30/17 ADDED PHASE CONTENT
12/15/16 ADDED SHEET
DATE
REVISIONS
PROJECT NO. 14025

AMERICAN CIVIL  
ENGINEERING CO.  
207 N. MOSS RD., SUITE 201, WINTER SPRINGS, FL 32786  
PH: (407) 327-7700; FAX: (407) 327-0227  
cert. of authorization  
number 8729

PHASE 3 & 4 MASTER DEVELOPMENT PLAN  
**RAYNOR SHINE  
RECYCLING SOLUTIONS**  
APOPKA, FLORIDA

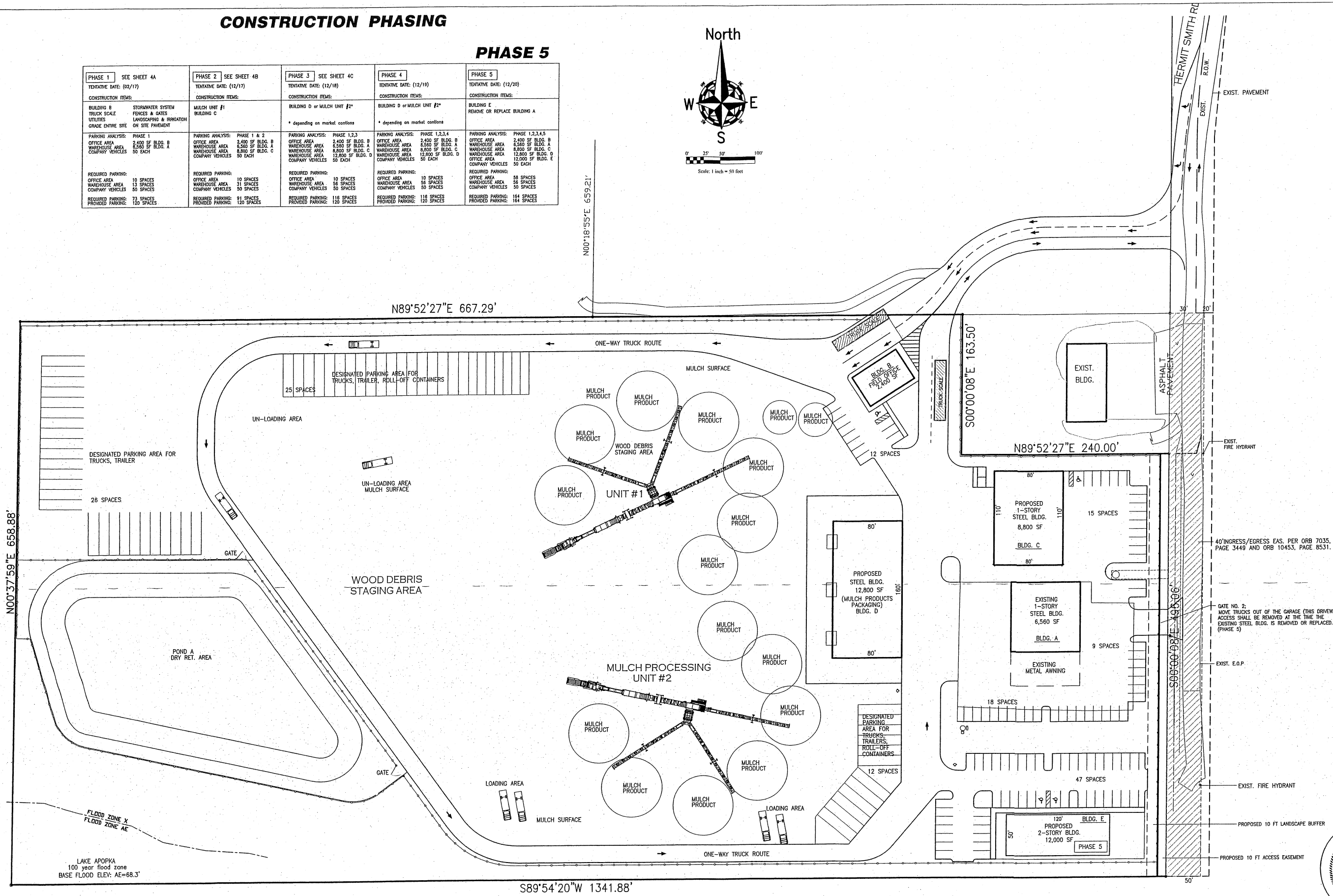
JOHN JOSEPH HERBERT, III  
LICENSE  
No. 19605  
STATE OF  
FLORIDA  
PROFESSIONAL ENGINEER  
FEB 08 2017  
M.S.P. PHASE 3  
project no. 14025  
sheet number  
4C of 26



CONSTRUCTION PHASING

PHASE 5

PHASE 1 TENTATIVE DATE: (02/17)	PHASE 2 TENTATIVE DATE: (12/17)	PHASE 3 TENTATIVE DATE: (12/18)	PHASE 4 TENTATIVE DATE: (12/19)	PHASE 5 TENTATIVE DATE: (12/20)
CONSTRUCTION ITEMS: BUILDING B TRUCK SCALE UTILITIES GRADE ENTIRE SITE ON SITE PAVEMENT	CONSTRUCTION ITEMS: MULCH UNIT #1 BUILDING C	CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2*	CONSTRUCTION ITEMS: BUILDING D or MULCH UNIT #2*	CONSTRUCTION ITEMS: BUILDING E REMOVE OR REPLACE BUILDING A
* depending on market conditions				
PARKING ANALYSIS: PHASE 1 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A COMPANY VEHICLES 50 EACH	PARKING ANALYSIS: PHASE 1 & 2 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C COMPANY VEHICLES 50 EACH	PARKING ANALYSIS: PHASE 1,2,3 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C WAREHOUSE AREA 12,800 SF BLDG. D COMPANY VEHICLES 50 EACH	PARKING ANALYSIS: PHASE 1,2,3,4 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C WAREHOUSE AREA 12,800 SF BLDG. D COMPANY VEHICLES 50 EACH	PARKING ANALYSIS: PHASE 1,2,3,4,5 OFFICE AREA 2,400 SF BLDG. B WAREHOUSE AREA 6,560 SF BLDG. A WAREHOUSE AREA 8,800 SF BLDG. C WAREHOUSE AREA 12,800 SF BLDG. D OFFICE AREA 12,000 SF BLDG. E COMPANY VEHICLES 50 EACH
REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 13 SPACES COMPANY VEHICLES 50 SPACES	REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 31 SPACES COMPANY VEHICLES 50 SPACES	REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 58 SPACES COMPANY VEHICLES 50 SPACES	REQUIRED PARKING: OFFICE AREA 10 SPACES WAREHOUSE AREA 58 SPACES COMPANY VEHICLES 50 SPACES	REQUIRED PARKING: OFFICE AREA 58 SPACES WAREHOUSE AREA 58 SPACES COMPANY VEHICLES 50 SPACES
REQUIRED PARKING: 73 SPACES PROVIDED PARKING: 120 SPACES	REQUIRED PARKING: 91 SPACES PROVIDED PARKING: 120 SPACES	REQUIRED PARKING: 116 SPACES PROVIDED PARKING: 120 SPACES	REQUIRED PARKING: 116 SPACES PROVIDED PARKING: 120 SPACES	REQUIRED PARKING: 164 SPACES PROVIDED PARKING: 164 SPACES



BASE SURVEY INFORMATION PROVIDED BY:

HITT LAND SURVEYORS, INC.  
318 SWEETWATER CREEK DRIVE W., LONGWOOD, FLORIDA, 32779, 407-772-0248 FAX 407-772-  
LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS

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ENGINEER: JOHN HERBERT, P.E.  
CHECKED BY: TOM SKELTON, P.E.  
TECHNICIAN: JWH

01/20/17 ADDED PHASE CONTENT  
12/15/16 ADDED SHEET  
DATE REVISIONS

PROJECT NO. 14025

AMERICAN CIVIL  
ENGINEERING CO.

207 N. U.S. RD. SUITE 201, WHITE SPRINGS, FL 32708  
TEL (407) 327-7700; FAX (407) 327-9427

cert. of authorization  
number 8723

PHASE 5 MASTER DEVELOPMENT PLAN

**RAYNOR SHINE  
RECYCLING SOLUTIONS**

APOPKA, FLORIDA

JOHN JOSEPH HERBERT, III  
LICENSE  
No. 839505  
STATE OF  
FLORIDA  
PROFESSIONAL ENGINEER

FEB 06 2017

M.S.P. PHASE 3  
project no. 14025  
sheet number  
4D of 26

# LANDSCAPE CHART:

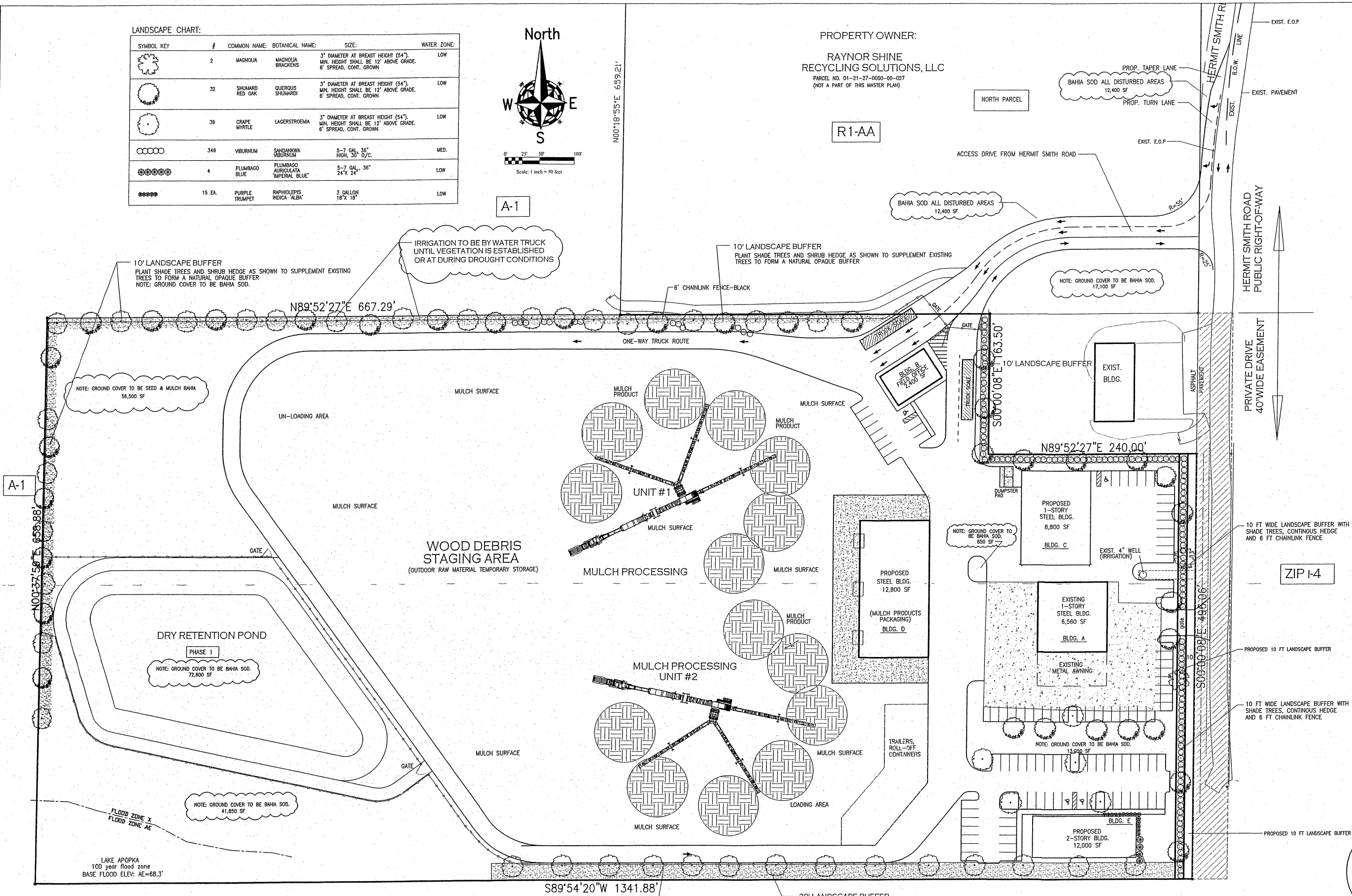
SYMBOL KEY	#	COMMON NAME	BOTANICAL NAME	SIZE	WATER ZONE
	2	MAGNOLIA	MAGNOLIA BRACKENS	3" DIAMETER AT BREAST HEIGHT (54") MIN. HEIGHT SHALL BE 12' ABOVE GRADE. 6' SPREAD, CONT. GROWN	LOW
	32	SHUMARD RED OAK	QUERCUS SHUMARDI	3" DIAMETER AT BREAST HEIGHT (54") MIN. HEIGHT SHALL BE 12' ABOVE GRADE. 6' SPREAD, CONT. GROWN	LOW
	39	CRAPE MYRTLE	LAGERSTROEMIA	3" DIAMETER AT BREAST HEIGHT (54") MIN. HEIGHT SHALL BE 12' ABOVE GRADE. 6' SPREAD, CONT. GROWN	LOW
	346	VIBURNUM	SANDHAWK VIBURNUM	5-7 GAL. 36" HIGH, 30" O/C.	MED.
	4	PLUMBAGO BLUE	PLUMBAGO AURICULATA 'IMPERIAL BLUE'	5-7 GAL. 36" 24" X 24"	LOW
	15 EA.	PURPLE TRUMPET	RAPHIOLEPIS INDICA 'ALBA'	3 GALLON 18" X 18"	LOW



A-1

PROPERTY OWNER:  
RAYNOR SHINE  
RECYCLING SOLUTIONS, LLC  
PARCEL NO. 01-21-27-0000-00-027  
(NOT A PART OF THIS MASTER PLAN)

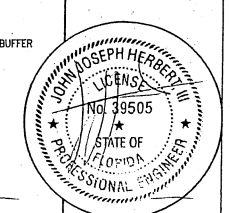
R1-AA



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	12.1.17	REVISED PER CITY REVIEW		
	12.19.16	REVISED PER CITY REVIEW		
	DATE	REVISIONS		

AMERICAN CIVIL  
ENGINEERING CO.  
207 N. MOSS RD., SUITE 211, WINTER SPRINGS, FLA 32708  
TEL (407) 367-1700, FAX (407) 367-0227  
cert. of authorization  
number 0729

MASTER LANDSCAPE PLAN  
RAYNOR SHINE  
RECYCLING SOLUTIONS  
APOPKA, FLORIDA



FEB 06 2017  
LANDSCAPE PLAN  
project no. 14025  
sheet number  
7 of 26

LANDSCAPE AND IRRIGATION DESIGN  
I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2008 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.  
39505  
FEB 06 2017  
SIGNATURE REG. NO. DATE

AT 70 FINAL DEVELOPMENT PLAN, CITY COUNCIL MAY REQUIRE FENCE ALONG HERMIT SMITH ROAD TO BE 5' HIGH WITH MASONRY BRICK POST EVERY 35 FEET.

IRRIGATION TO BE BY WATER TRUCK UNTIL VEGETATION IS ESTABLISHED OR AT DURING DROUGHT CONDITIONS

R1-AA

**ORDINANCE NO. 2471**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" I-4 (ZIP) AND "CITY" I-1 TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/I-2); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND SOUTH OF HOGSHEAD ROAD, COMPRISING 19.4 ACRES MORE OR LESS, AND OWNED BY RAYNOR APOPKA LAND MANAGEMENT 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**, 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 Planned Unit Development (PUD/I-2) 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 be designated as Planned Unit Development (PUD/I-2), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The zoning and uses permitted within the PUD district for the subject property shall be:
1. Use of the subject property will be limited to the manufacturing and production of mulch with outdoor storage of raw materials and with outdoor manufacturing operations. All outdoor storage and outdoor manufacturing operations shall be located within a screened area not visible from adjacent properties or streets. Outdoor mulch manufacturing and the outdoor storage of raw materials are the only I-2 uses that are allowed.
  2. Any I-1 or C-3 permitted use is allowed.
  3. C-2, C-1, CN, or PO/I permitted uses will not be allowed as a primary use. Any office use shall be associated with the industrial activity occurring at the subject site.
  4. Any use of the property other than the permitted uses described above, shall require an amendment to the PUD through the zoning process.
  5. Overnight parking of trucks or other large vehicles shall only occur within the boundaries of the Master Site Plan and within areas so designated on said Plan. No overnight parking of trucks will be allowed within the office parking lots. No parking of any vehicle will occur within any roadway easement running within the subject property or abutting the eastern property line.
  6. Outdoor storage of raw materials shall only occur at approved locations denoted within the Master Site Plan.

7. All mulching equipment shall only be placed in the areas denoted on the Master Site Plan.
  8. No parking of any vehicle or truck or outdoor storage shall occur within any landscape buffer area appearing on the Master Site Plan.
- B. Development standards and conditions required of any development within the PUD district for the subject property shall be:
1. Building elevations will be provided at time of a Final Development Plan application.
  2. Maximum height of any building, mulch conveyor belts, manufacturing equipment, raw material piles are not to exceed thirty-five feet from the finished ground level.
  3. All perimeter landscape areas shall be protected from vehicle encroachment by curbing or wheel stops.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
  2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  3. Rezone the property to a more appropriate zoning classification.
  4. Unless otherwise addressed within the PUD development standards, the I-1 zoning standards will apply to the subject property.

**Section II.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-1A), as defined in the Apopka Land Development Code.

Legal Description:

The Southwest one-quarter (SW  $\frac{1}{4}$ ) of the Southeast one-quarter (SE  $\frac{1}{4}$ ) of the Southwest one-quarter (SW  $\frac{1}{4}$ ) of Section 01, Township 21 South, Range 27 East, Orange County, Florida, together with

The west one-half (W- $\frac{1}{2}$ ) of the Southeast one-quarter (SE- $\frac{1}{4}$ ) of the Southeast one-quarter of the Southeast one-quarter (SE- $\frac{1}{4}$ ) of the Southwest one-quarter (SW- $\frac{1}{4}$ ) of Section 01, Township 21 South, Range 27 East, Orange County, Florida, and

The East one-half (E-  $\frac{1}{2}$ ) of the Southeast one-quarter (SE-  $\frac{1}{4}$ ) of the Southeast one-quarter (SE  $\frac{1}{4}$ ) of the Southwest one-quarter (SW-  $\frac{1}{4}$ ) (Less the North 163.50 feet of the East 240.00 feet thereof) of Section 01, Township 21 South, Range 27 East, Orange County, Florida.

**ORDINANCE NO. 2471**  
**PAGE 3**

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

**Section IV.** 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.

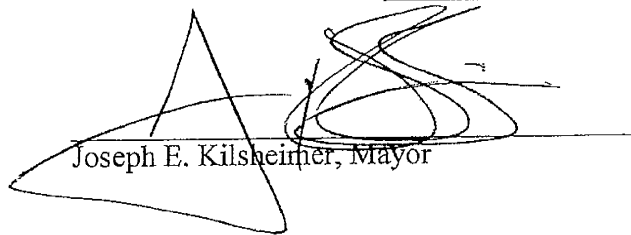
**Section V.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

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

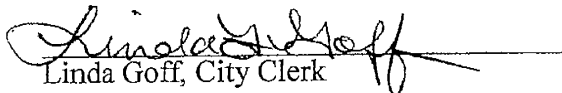
**Section VII.** That this Ordinance shall take effect immediately.

READ FIRST TIME: December 2, 2015

READ SECOND TIME  
AND ADOPTED: December 16, 2015

  
Joseph E. Kilsheimer, Mayor

ATTEST:

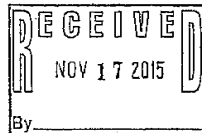
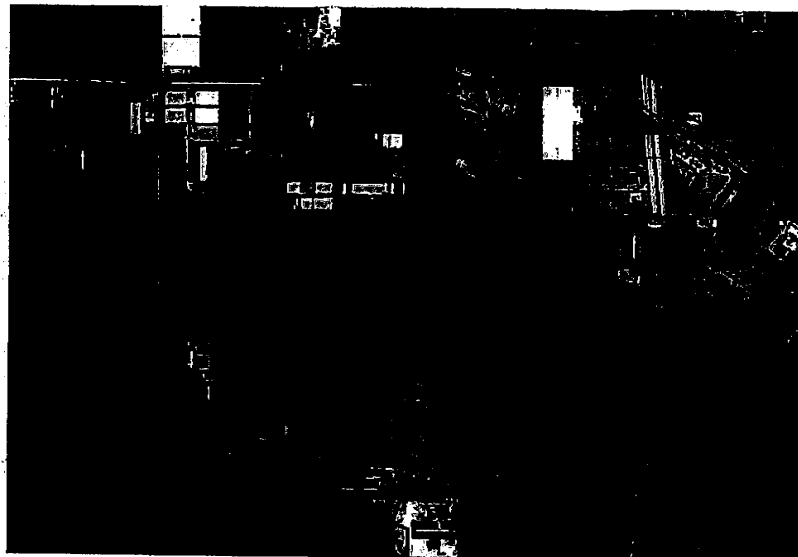
  
Linda Goff, City Clerk

DULY ADVERTISED: September 25, 2015  
November 6, 2015

# PUD Master Plan / Preliminary Development Plan

## Raynor Shine Recycling Solutions, LLC

136 Hermit Smith Road, Apopka, Florida 32703



VICINITY MAP  
SCALE 1"=500'  
SEC. 01 TWP. 21 S RGE. 27 E

### LEGAL DESCRIPTION:

THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, TOGETHER WITH THE WEST ONE-HALF (W-1/2) OF THE SOUTHWEST ONE-QUARTER (SE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

THE EAST ONE-HALF (E-1/2) OF THE SOUTHWEST ONE-QUARTER (SE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, (LESS THE NORTH 153.50 FEET OF THE EAST 360.00 FEET THEREOF).

### SUBJECT TO:

AN EGRESS/EGRESS EASEMENT OVER THE EASTERLY 30 FEET OF THE EAST ONE-HALF (E-1/2) OF THE SOUTHWEST ONE-QUARTER (SE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS PER O.R. 2345, P.O. 0633.

### TOGETHER WITH:

AN EGRESS/EGRESS EASEMENT OVER THE WEST 40 FEET OF THE WEST ONE-HALF (W-1/2) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 01, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS PER O.R. 2345, P.O. 0633.

### DEVELOPMENT SUMMARY

REQUEST TO INCORPORATE INDUSTRIAL PROPERTY TO PUD WITH 1-1 & 1-2 LOTS FOR THE WASTE AND RECYCLING OF ORGANIC MATERIALS, TOP SOIL AND WOOD.

### VARIANCE OR WAIVER REQUEST TABLE

Variance (V) / Waiver (W) Table Code Number	(V/W)	Request	Justification	Location
2.02.15.0.1	25'	Buffer 8' necessary and	10' Buffer with 8' CL fence	East PL
2.02.15.0.2	10'	Buffer 8' necessary and not to be replaced	10' Buffer with 8' CL fence	West PL
2.02.15.0.3	60'	Buffer 8' necessary and not to be replaced	30' Buffer with 8' CL fence	North PL
2.02.15.0.4	10'	Buffer 8' necessary and not to be replaced	10' Buffer with 8' CL fence	North PL
2.02.15.0.5	20'	Buffer 8' necessary and not to be replaced	20' Buffer with 8' CL fence	South PL

### SITE DATA TABLE

PARCEL ID NUMBER	01-21-27-0000-00-000-0-028
EXISTING LAND USE	IND
ZONING	1-1 & 1-2
ADDRESS	136300
SQUARE FOOTAGE	34,000
PAVING HEIGHT	PROPOSED 30' MAX 30'
FLOOR AREA RATIO	PROPOSED 0.54 MAX 0.80
PAVING MATERIALS	PROPOSED ASPHALT 2-1/2" 8-10' 10-15'
OPEN SPACE	PROPOSED 75' REQUIRED 50'
PARKING SPACES	20
NUMBER OF EMPLOYEES	20
TRAFFIC/AVANCE REQUESTS	YES - SEE TABLE ON THIS SHEET
IRRIGATION NOTES	ALL IRRIGATION PLAN WILL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN.

### PROJECT DIRECTORY

### EXHIBIT "A"

PROPERTY OWNER:	Raynor Shine Recycling Solutions, LLC 850 Osceola Road Apopka, Florida 32703 (407) 475-0142
CIVIL ENGINEER:	American Civil Engineering Co. 207 N. Moss Road, Suite 211 Winter Springs, Florida 32708 John Herbert, P.E. (407) 527-7700
LAND SURVEYOR (Boundary):	Ellis Surveys LLC P.O. Box 160932 Alt. Springs, Florida 32716 (407) 834-4023
LAND SURVEYOR (Topographic):	Hill Land Surveyors, Inc. 318 Sweetwater Creek Drive W. Orlando, Florida 32719 Jeffrey J. Hill, PLS (407) 772-0248

### INDEX OF SHEETS

SHEET	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	MASTER SITE PLAN
4	PRELIMINARY GRADING & STORMWATER PLAN
5	PRELIMINARY LANDSCAPE & BUFFER PLAN

10/15/15	site plan
10/27/15	site plan
11/17/15	site plan
12/14/15	site plan
12/14/15	site plan
DATE	REVISIONS



PUD Master Plan / Preliminary Development Plan

Raynor Shine Recycling Solutions, LLC

136 Hermit Smith Road Apopka, Florida 32703

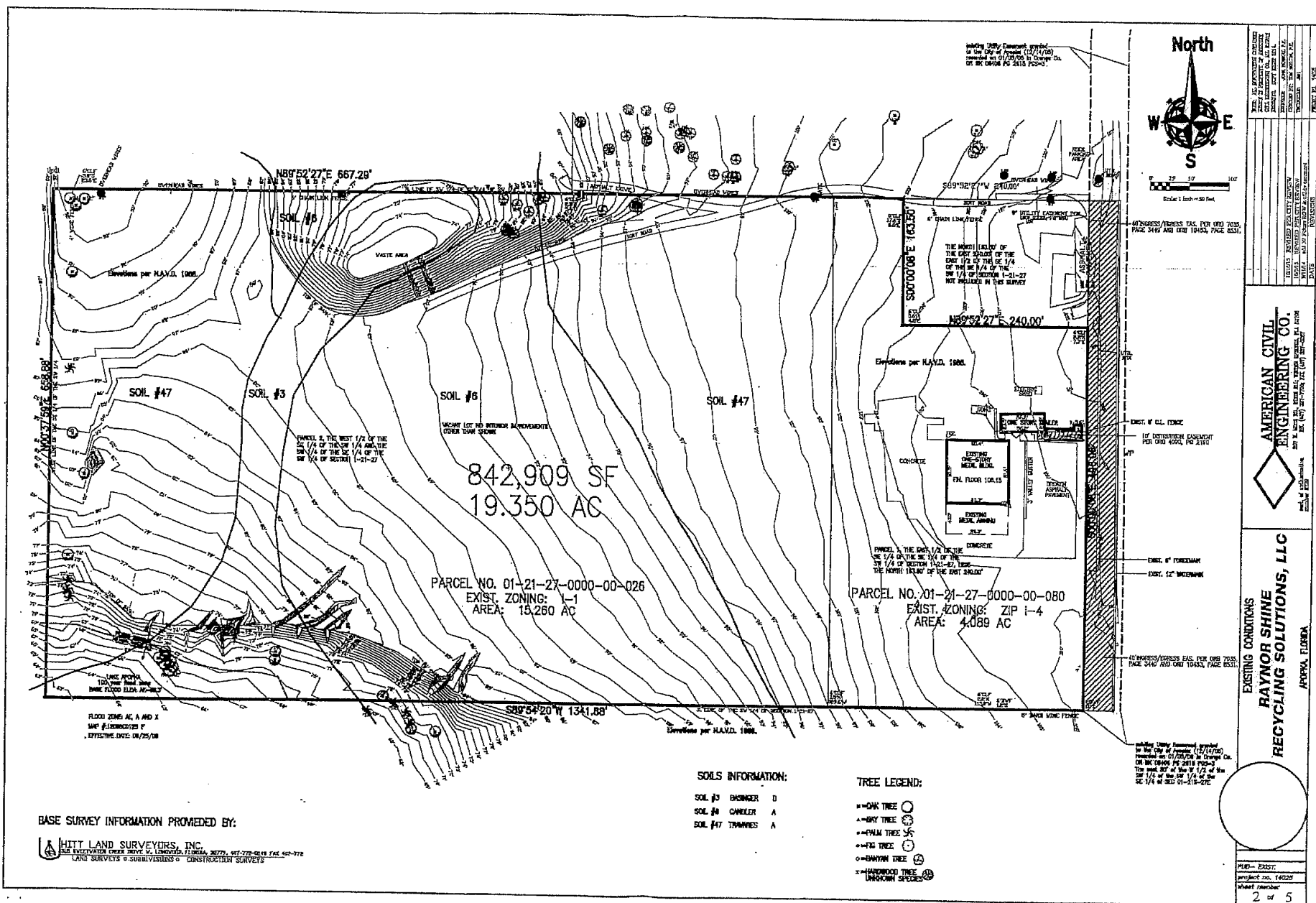
### Plan Sheet For:

<input type="checkbox"/> conceptual	<input type="checkbox"/> final engineering
<input type="checkbox"/> PUD Master Plan	<input type="checkbox"/> conceptual
<input type="checkbox"/> public, site plan	<input type="checkbox"/> record drawings

### Cover Sheet

project no. 13063

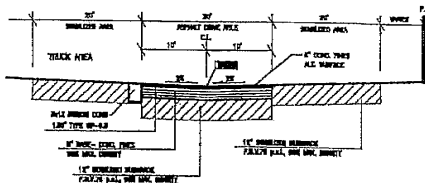
1 of 5



Test no. 13085



PURSUANT TO THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
THE INTENT OF THE DRAINAGE DESIGN IS TO RETAIN 100% OF THE  
25 YEAR / 96 HOUR STORM EVENT WITH A RAINFALL AMOUNT OF  
11" IN 24 HOURS

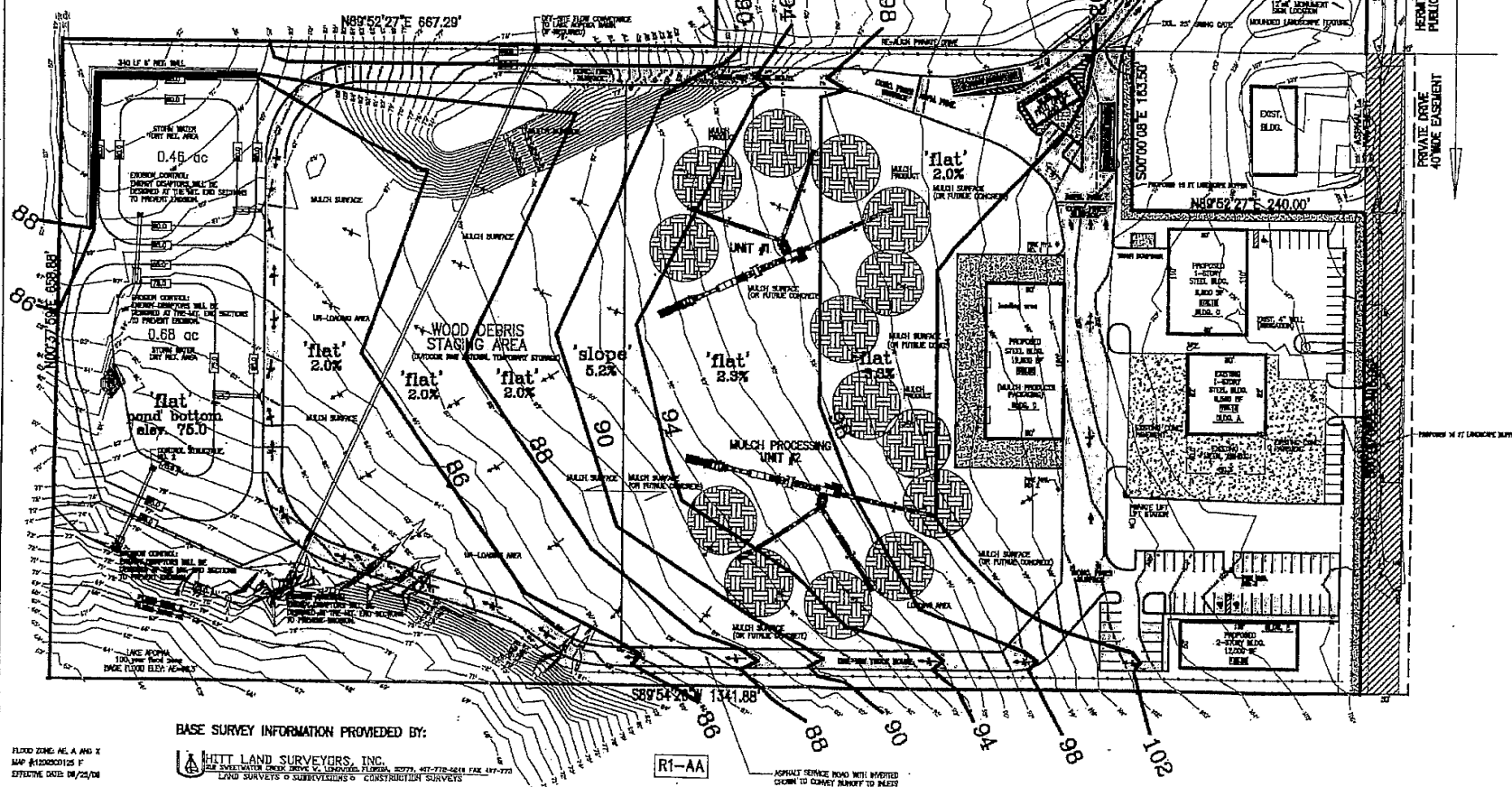


SECTION OF SERVICE ROAD



PROPERTY OWNER:  
RAYNOR SHINE  
RECYCLING SOLUTIONS, LLC  
PHONE NO. 71-81-87-8000-88-887  
(NOT A TYPE OF THIS NUMBER PLEASE)

R1-AA



BASE SURVEY INFORMATION PROVIDED BY:

FLOOD ZONE: AEL A AND X  
MAP #1202000125 F  
EFFECTIVE DATE: 08/25/08

**HITT LAND SURVEYORS, INC.**  
200 SWEETWATER CREEK DRIVE W. LONGVIEW, FLORIDA 32779 407-778-6248 FAX 407-778-  
LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS







CHORN' TO CONVEY RUNOFF TO INLETS

[illegible]

AMERICAN CIVIL  
ENGINEERING CO.

PUD MASTER / PRELIMINARY DEVELOPMENT PLAN  
**RAYNOR SHINE  
RECYCLING SOLUTIONS, LLC**

GRADING  
Project MA 1304  
about number  
4 of

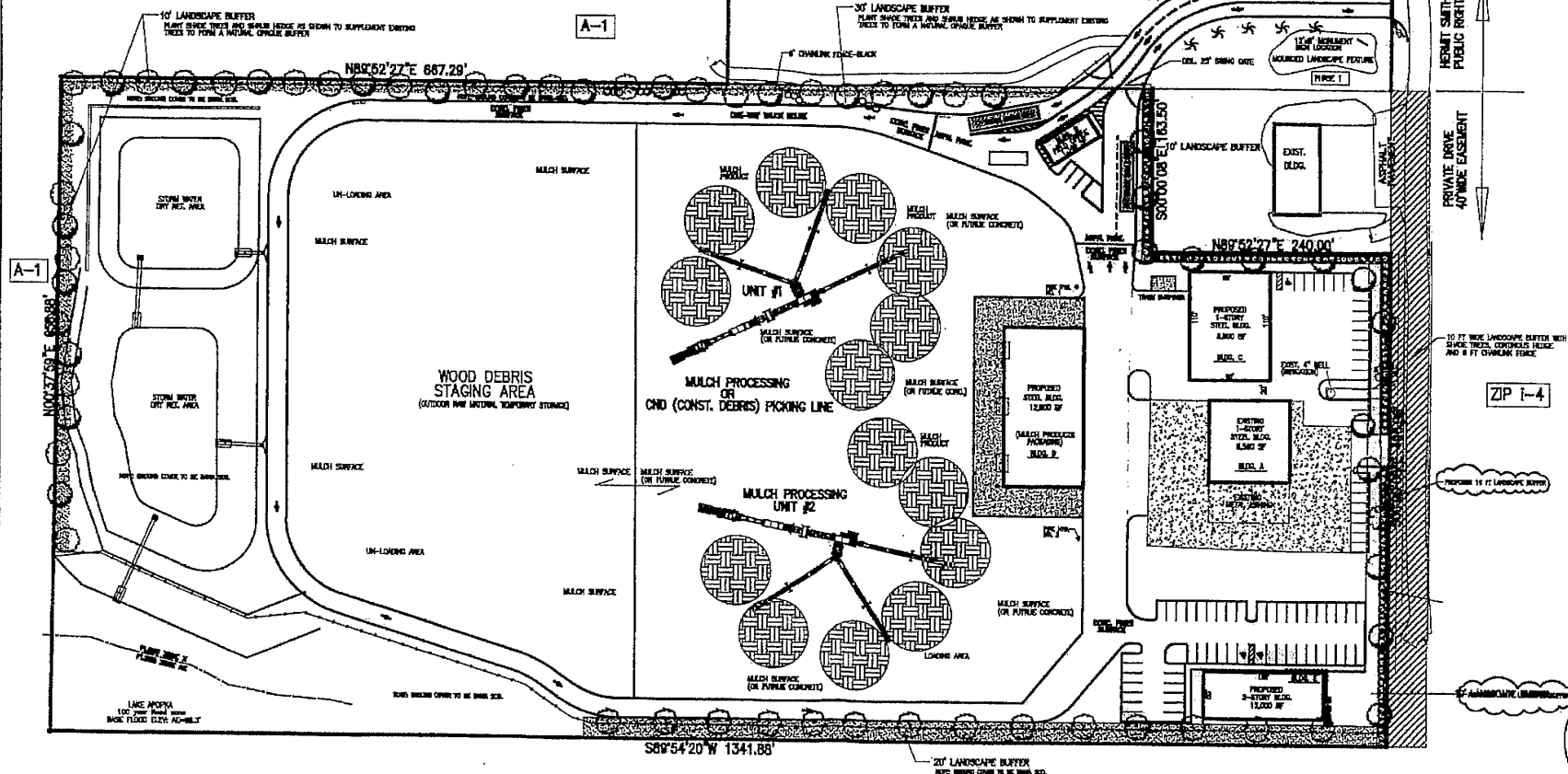
LANDSCAPE CHOICE			SIZE	WATER TOLERANCE
SYMBOL KEY	#	COMMON NAME	SCIENTIFIC NAME	
	8	WAXFLY	DIAPYCNA	LOW
	6	W. BELLFLOWER	DIAPYCNA	LOW
	8	CRANE	DIAPYCNA	LOW
	11	WAXFLY	DIAPYCNA	LOW
	36	WAXFLY	DIAPYCNA	LOW
	12	WAXFLY	DIAPYCNA	LOW



PROPERTY OWNER:  
RAYNOR SHINE  
RECYCLING SOLUTIONS, LLC  
PHOENIX, AZ 85-21-22-0000-00-007  
(CALL A TONN OF TONS WORTH PLAZA)

R1-AA

IRRIGATION NOTE:  
IRRIGATION PLANS SHALL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN AS CONSISTENT WITH CITY CODE.



**AMERICAN CIVIL  
ENGINEERING CO.**

PUD MASTER / PRELIMINARY DEVELOPMENT PLAN  
**RAYNOR SHINE**  
**RECYCLING SOLUTIONS, LLC**

butters
project no. 1304
sheet number
5 of

**Backup material for agenda item:**

2. Final Development Plan – Qorvo (a.k.a. Triquint Semiconductor, Inc.) Site Expansion – Quasi-Judicial David Moon



## CITY OF APOPKA CITY COUNCIL

---

<input type="checkbox"/> CONSENT AGENDA	MEETING OF:	March 15, 2017
<input checked="" type="checkbox"/> PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/> SPECIAL REPORTS	EXHIBITS:	Vicinity/Aerial Maps
<input checked="" type="checkbox"/> OTHER: Final Development Plan/Major Site Plan		Final Development Plan

---

**SUBJECT:** QORVO (AKA TRIQUINT SEMICONDUCTOR, INC.) SITE EXPANSION FINAL DEVELOPMENT PLAN/MAJOR SITE PLAN

**REQUEST:** APPROVE QORVO SITE EXPANSION FINAL DEVELOPMENT PLAN

---

**SUMMARY:**

OWNER/APPLICANT: Qorvo (aka Triquint Semiconductor, Inc.)

ENGINEER: Geoffrey Summitt, P.E., Summitt Engineering

LOCATION: South of South Orange Blossom Trail, east of Hiawasse Road

PARCEL ID #: 24-21-28-0000-00-055

FLUM: Industrial

ZONING: I-1 (Restricted Industrial)

EXISTING USE: Professional Office

PROPOSED USE: Expansion of professional office for semiconductor production

TRACT SIZE: 15.56 +/- acres

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial (max 0.6 FAR)	I-1	R-O-W & Warehousing
East (City)	Industrial (max 0.6 FAR)	I-1	Light manufacturing (printing)
South (County)	Rural (0-10 du/ac)	A-1	Single-family home
West (City)	Commercial (max 0.25 FAR)	C-1	Retail (Sam's Club)

---

**FUNDING SOURCE:**

N/A

---

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** The site plan proposes expansion of the Qorvo complex by adding a new three story, 36,900 sq. ft. office building. The applicant has proposed an additional 114 parking spaces, bringing the total on-site parking to 560 parking spaces; this exceeds the required 522 parking spaces per City Code.

**CONDITIONS OF APPROVAL\STAFF FINDINGS:** Prior to issuance of the Final Development Plan to the applicant, the Public Services and Community Development Departments must accept the Landscape and Irrigation Plan and Photometrics (aka outdoor lighting).

**PUBLIC HEARING SCHEDULE:**

March 14, 2017 - Planning Commission (5:30 pm)

March 15, 2017 - City Council (7:00 pm)

---

**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the Final Development Plan/Major Site Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Qorvo Site Expansion Final Development Plan/Major Site Plan, subject to the findings of this staff report.

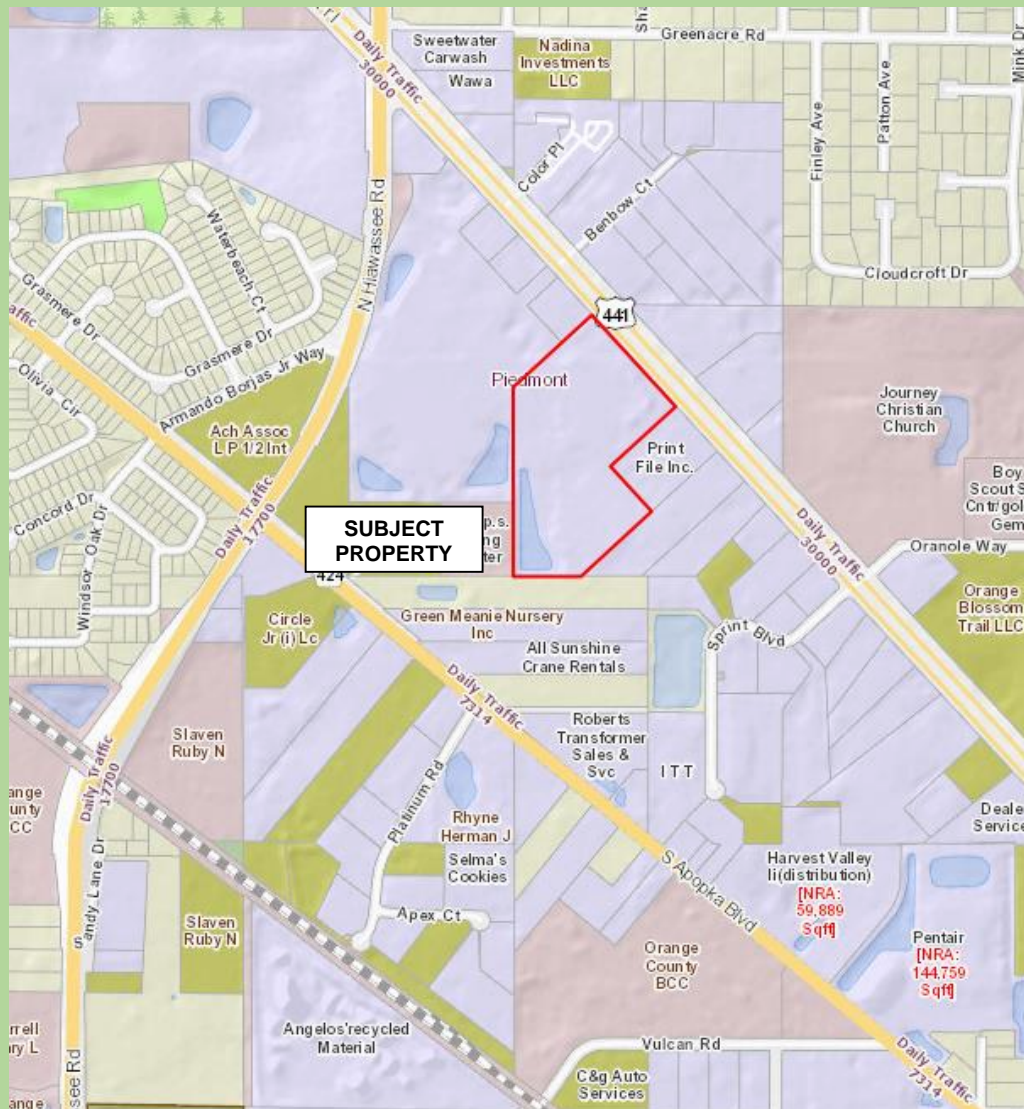
The **Planning Commission** will hold a public hearing on March 14, 2017 to review the proposed Qorvo Final Development Plan/Major Site Plan. The applicant requested expeditious review to address an urgent need to construct additional office space for an expanding professional workforce. Planning staff will bring the Planning Commission's recommendation to the City Council meeting on March 15.

**Recommended Motion:** Approval of the Final Development Plan/Major Site Plan, subject to the Conditions of Approval and findings of this 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.

## VICINITY MAP

Application: Qorvo Site Expansion – Final Development Plan/Major Site Plan  
Owner: Qorvo (aka Triquint Semiconductor, Inc.)  
Parcel I.D. No: 24-21-28-0000-00-055  
Location: South of Orange Blossom Trail, east of Hiawasse Road  
Total Acres: +/- 15.56 Acres





## **AERIAL MAP**

**Application:** Qorvo Site Expansion – Final Development Plan/Major Site Plan  
**Owner:** Qorvo (aka Triquint Semiconductor, Inc.)  
**Parcel I.D. No:** 24-21-28-0000-00-055  
**Location:** South of Orange Blossom Trail, east of Hiawasse Road  
**Total Acres:** +/- 15.56 Acres





# Qorvo Site Expansion

City of Apopka, Florida

## Final Development Plan Major Site Plan

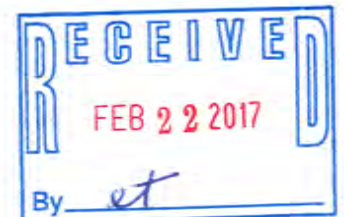
for

qorvo™

by



**G L SUMMITT**  
— ENGINEERING INC —



### Project Team

#### Owner

TriQuint Semiconductor  
1818 S. Hwy 441  
Apopka, FL 32703  
Ph: (407) 886-8860  
Fx: (407)

#### Architect

Bush Architecture  
2452 Stoneview Rd.  
Orlando FL 32806  
Ph: (407) 574-2894  
Fx: (407) 228-1712

#### Contractor

IronRock Commercial Construction  
115 Commerce Drive.  
Lake Mary, FL 32746  
Ph: (407) 915-6676  
Fx: (407) 915-6677

#### Civil Engineer

G L Summitt Engineering, Inc.  
3667 Simonton Place  
Lake Mary, FL 32746  
Ph: (407) 323-0705  
Fx: (407) 992-8650

### Utilities

#### Drinking Water

City of Apopka  
748 E. Cleveland St.  
Apopka, FL 32703  
Ph: (407) 703-1731  
Fx: (407) 703-1748

#### Sanitary Sewer

City of Apopka  
748 E. Cleveland St.  
Apopka, FL 32703  
Ph: (407) 703-1731  
Fx: (407) 703-1748

#### Garbage Disposal

Private Contract

### Vicinity Map



STR: 07, 20S, 31E

1" = 1,000'

### Drawing Index

No.	Title	Revised
C0-00-001	Cover	02-12-17
C0-00-002	Symbols and Abbreviations	02-12-17
C0-00-003	General Notes	02-12-17
C0-00-004	FDEP Notes	02-12-17
C1-00-001	Overall Site Plan	02-12-17
C1-00-002	Demo Plan	02-12-17
C1-00-003	Site Plan 1	02-12-17
C1-00-004	Site Plan 2	02-12-17
C1-00-005	Site Plan 3	02-12-17
C2-00-001	Utility Plan	02-12-17
C3-00-001	Grading & Drainage Plan 1	02-12-17
C3-00-002	Grading & Drainage Plan 2	02-12-17
C3-00-003	Grading & Drainage Plan 3	02-12-17
C4-00-001	Tree Removal Plan	02-12-17
C3-00-001	Site & Drainage Details	02-12-17
C3-00-002	Site & Drainage Details	02-12-17
C3-00-003	Site & Drainage Details	02-12-17
C3-00-004	Site & Drainage Details	02-12-17

**G L SUMMITT**  
— ENGINEERING INC —

3667 Simonton Pl., Lake Mary, FL 32746  
Ph: 407-323-0705, Fx: 407-992-8650



Plans not valid unless Signed,  
Dated and Sealed below.  
**GEOFFREY L. SUMMITT, P.E.**  
Date: \_\_\_\_\_  
FL Registration #58773  
Certificate of Authorization #29655

**QORVO 2017 OFFICE  
BUILDING EXPANSION  
APOPKA, FLORIDA**

REV	DATE	BY	CHK'D	APP'D	REV
1	02/12/17	GLS			
2	02/12/17	GLS			
3	02/12/17	GLS			
4	02/12/17	GLS			
5	02/12/17	GLS			

84

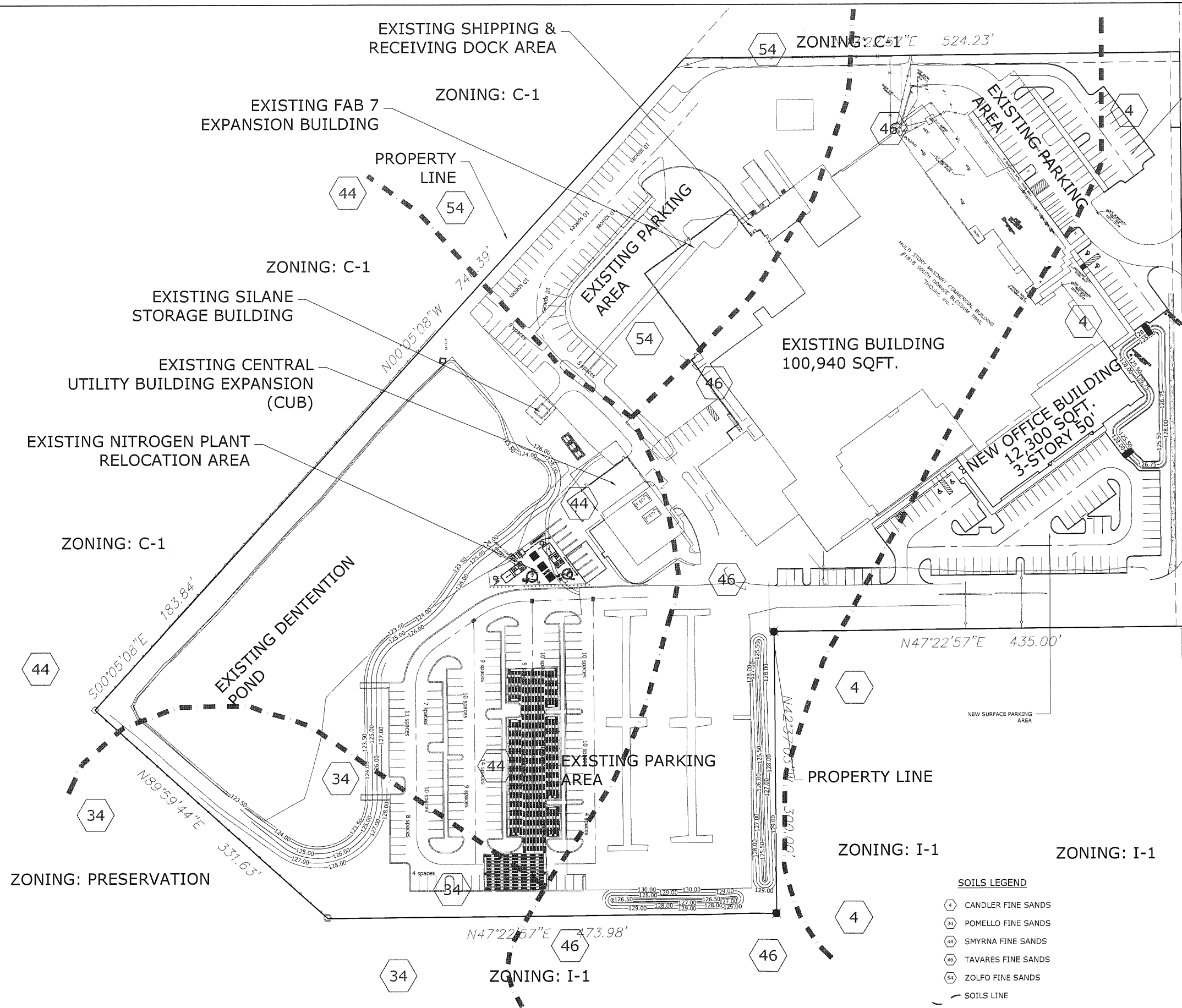
qorvo

DATE: February 12, 2017  
SCALE: 1" = 50'  
DRAWING: GLS  
CHECKED: GLS  
APPROVED: GLS  
**G L SUMMITT**  
ENGINEERING

**COVERSHEET**

CO-00-001





## 2017 Office Expansion Site Data:

1. Zoning: I-1
2. Total Land Area: 676,051 sqft. (15.52 acres) more or less
3. Building Area Breakdown:
 

	Industrial	Office	Total
Existing Buildings:	76,926 sqft.	56,981 sqft.	133,907 sqft.
Proposed Buildings:	0 sqft.	33,927 sqft.	90,908 sqft.
Building Totals:	76,926 sqft.	90,908 sqft.	226,815 sqft.
Floor Area Ratio:	11.7%	13.45%	23.53%
4. Building Setbacks:
 

Front yard setback:	25' (required)
Side yard setback:	10' (required)
Rear yard setback:	10' (required)
Side Street setback:	25' (required)
Min Lot Width:	75' (required)
U.S. 441 Setback:	100' (from centerline)
Max Building Height:	35' (required), 50' (special exception request 2017)
5. Area Breakdown:
 

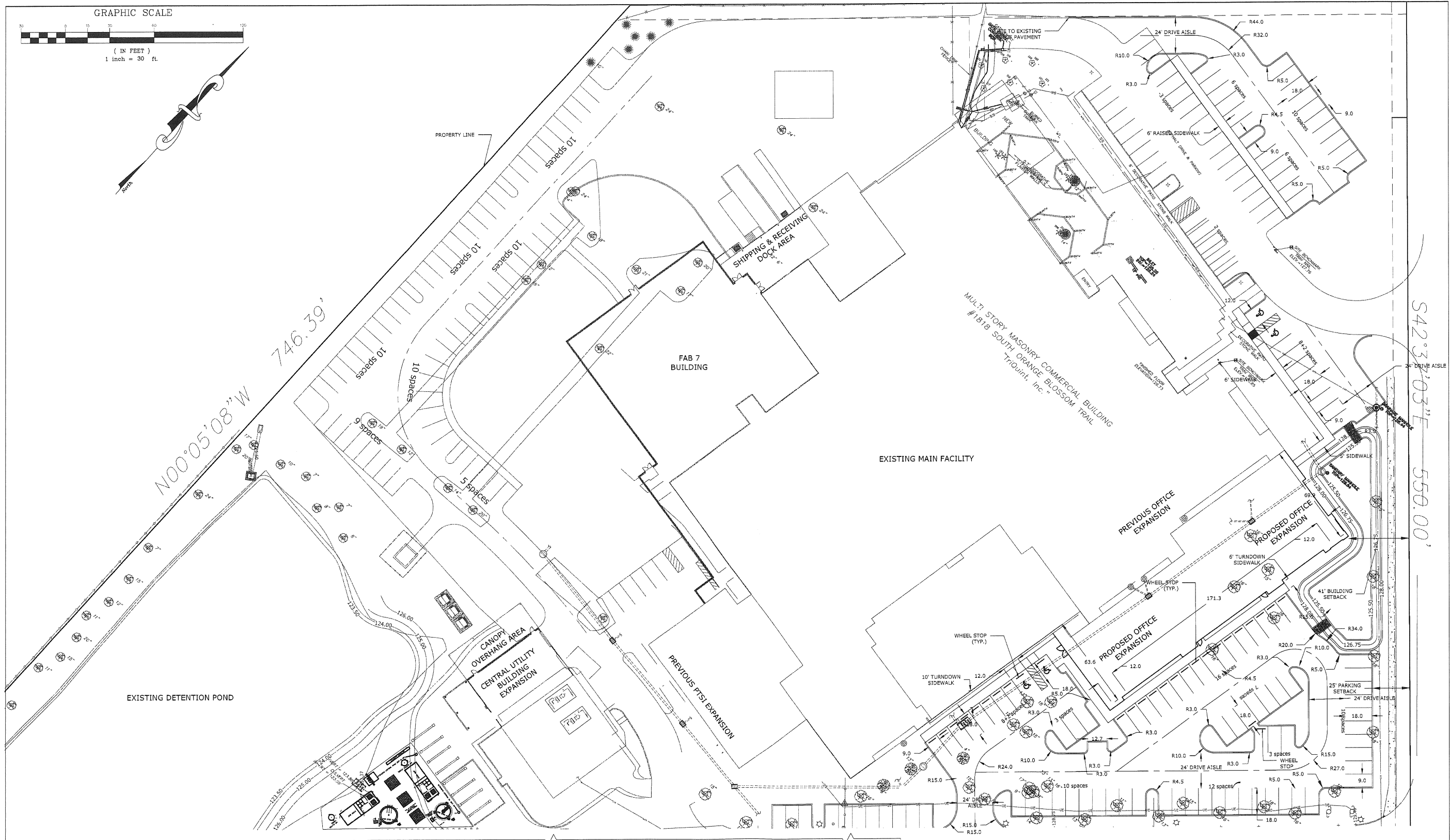
Total Lot Area:	676,051 sqft.
Existing Building Area:	133,907 sqft.
Proposed Building Area:	12,300 sqft.
Existing Pavement Area:	185,521 sqft.
Existing Sidewalk Area:	22,884 sqft.
Proposed Pavement Area:	45,562 sqft.
Pond Area:	99,392 sqft.
Open Space Area:	173,604 sqft.
Required Open Space (15%)	101,407 sqft.
Open Space Provided:	173,604 sqft. (25.9%)
6. Impervious Area Breakdown:
 

Existing Sidewalk Area:	22,884 sqft.
Existing Pavement Area:	185,521 sqft.
Existing Building Area:	133,907 sqft.
Proposed Building Area:	12,300 sqft.
Proposed Pavement Area:	45,562 sqft.
Proposed Sidewalk Area:	0 sqft.
Existing Pavement to be Removed:	501 sqft.
Proposed New Impervious Area:	57,862 sqft.
Total Impervious Area:	401,673 sqft.
7. Parking Space Breakdown:
 

Required Parking Spaces:			
Proposed/Existing Use	Parking Requirement:	Area (sqft.)	Required Spaces
General Warehouse	2 spaces per 1,000 sqft.	78,926	157
General Office	1 space per 250 sqft.	90,908	364
	Total Required Spaces:		522
	# of Required Handicap:		10

Available Parking Spaces:

Number of Existing Regular Spaces	430 spaces
Number of Truck/Company Vuc. Spaces	9 spaces
Number of Handicap Spaces	10 spaces
Number of Spaces Removed	3 spaces
Number of New Standard Spaces	114 spaces
Total Number of Spaces	560 spaces



SEE SITE PLAN 2

SITE PLAN 3

**G L SUMMITT**  
ENGINEERING INC  
3667 Simonton Pl., Lake Mary, FL 32746  
Ph. 407-323-0705, Ex. 407-992-8650



Plans not valid unless Signed,  
Dated and Sealed below.  
  
GEOFFREY L. SUMMITT, P.E.  
  
Date: \_\_\_\_\_  
FL Registration #58775  
Certificate of Authorization #29565

**QORVO 2017 OFFICE  
BUILDING EXPANSION**  
APOPKA, FLORIDA

REV.	REF. NO.	DATE	BY	CHK'D	APP'D	VER.	REVISION DESCRIPTION
1	NOTES LN1						PERIENCE DRAWINGS
2	NOTES LN2						REF. DWG1
3	NOTES LN3						REF. DWG2
4	NOTES LN4						REF. DWG3
5	NOTES LN5						REF. DWG4
6	NOTES LN6						REF. DWG5
							REF. DWG6

86

**QORVO**

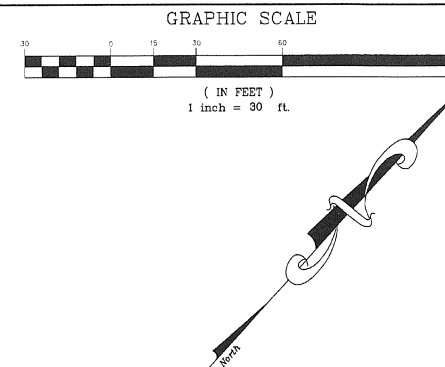
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CHECKED: GLS  
APPROVED: GLS  
CONSULTANT: G L SUMMITT  
ENGINEERING

TAG NO.:  
REF. NO.:  
PROJ. NO.:  
C.A.D. FILENAME:  
CAD. REF.#  
DRAWING NUMBER:

**SITE  
PLAN 1**

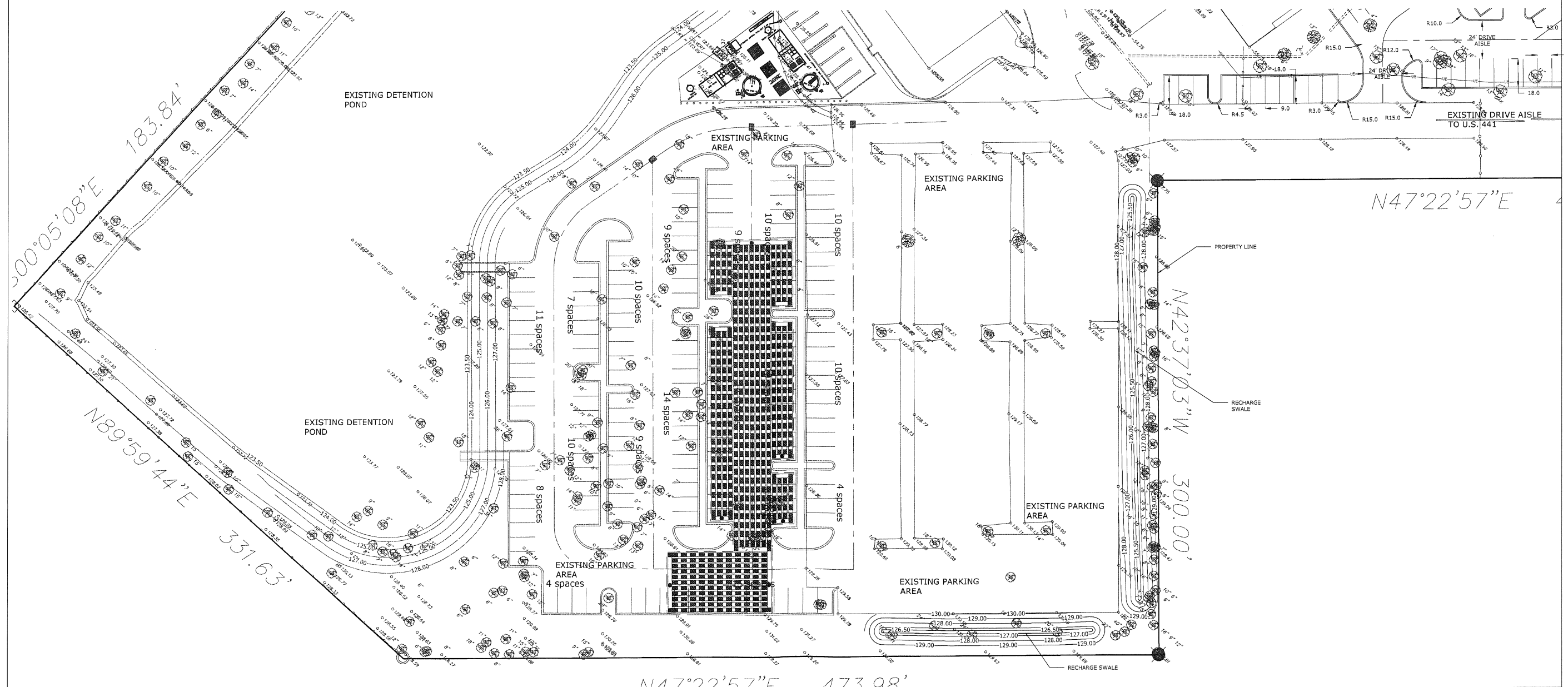
SHEET  
C1-00-003

REV.



SEE SITE PLAN 1

SEE SITE PLAN 3



**G L SUMMITT**  
ENGINEERING INC  
3667 Simonton Pl., Lake Mary, FL 32746  
Ph. 407-323-0705, Ex. 407-992-8650



Plans not valid unless Signed,  
Dated and Sealed below.

GEOFFREY L. SUMMITT, P.E.  
Date: \_\_\_\_\_  
FL Registration #58775  
Certificate of Authorization #29665

**QORVO 2017 OFFICE  
BUILDING EXPANSION**  
APOPKA, FLORIDA

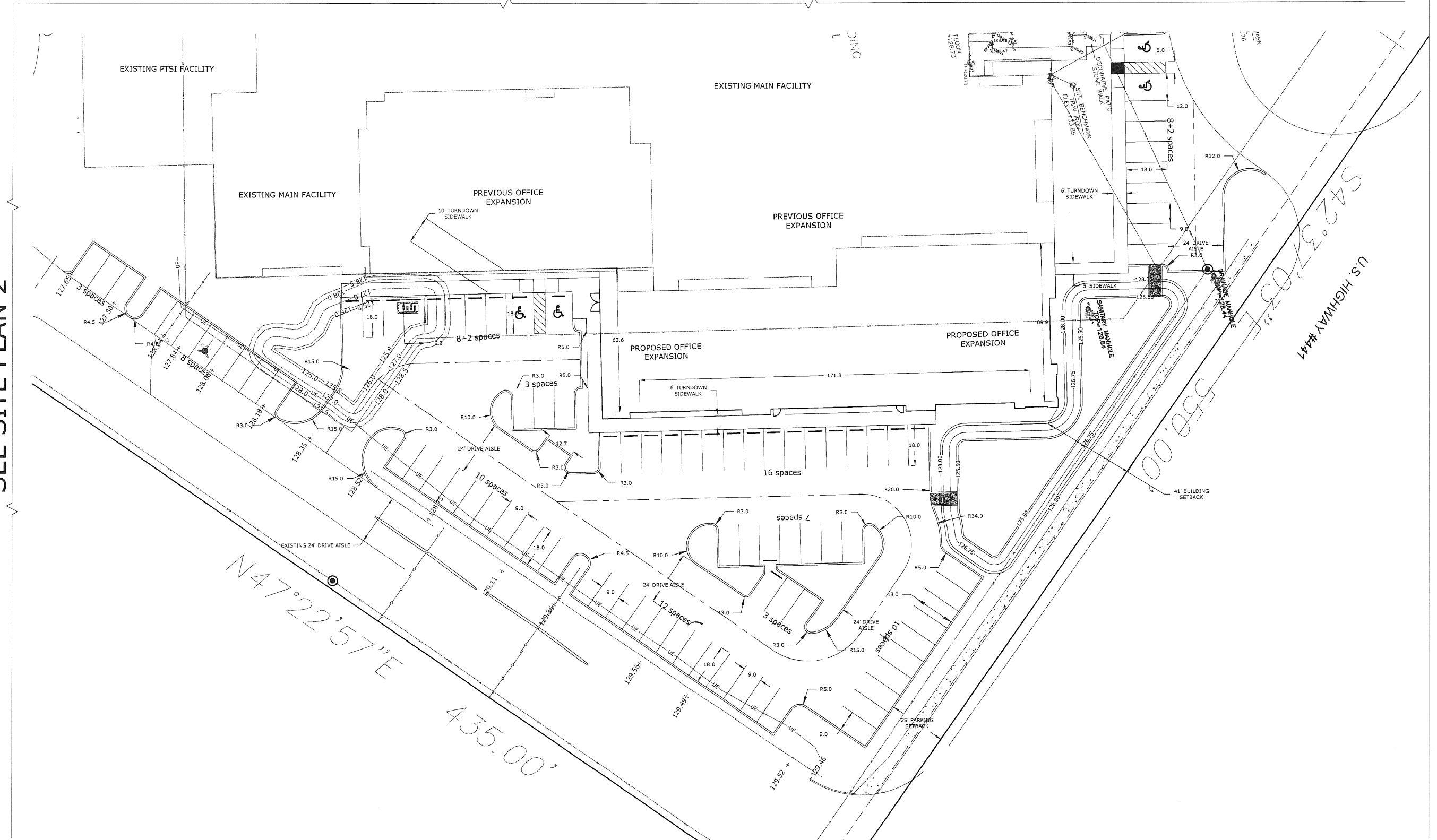
REV.	REF. NO.	DATE	BY	CHK'D	APP'D	VER.	REVISION DESCRIPTION
1	NOTES.LN1						PERMANENCE DRAINAGE
2	NOTES.LN2						REF. DWG1
3	NOTES.LN3						REF. DWG2
4	NOTES.LN4						REF. DWG3
5	NOTES.LN5						REF. DWG4
6	NOTES.LN6						REF. DWG5
							REF. DWG6

87

**qorvo**

DATE: February 12, 2017	TAG NO.:	SITE PLAN 2
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CHECKED: GLS	CAD FILENAME:	
APPROVED: GLS	CAD REF#	
CONSULTANT/ENGINEER: G L SUMMITT ENGINEERING	DRAWING NUMBER:	SHEET C1-00-004

REV.



**QORVO 2017 OFFICE  
BUILDING EXPANSION  
APOPKA, FLORIDA**

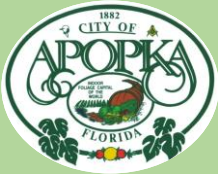
gorvo.

TITLE: **SITE PLAN**

SHEET  
C1-00-005

**Backup material for agenda item:**

1. Ordinance No. 2555 – Second Reading – Comprehensive Plan – Small Scale Amendment – Legislative      Elizabeth Florence



## CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER: Ordinance

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Adjacent/Proposed FLU Map  
Ordinance No. 2555

**SUBJECT:** **ORDINANCE NO. 2555 - SMALL SCALE – FUTURE LAND USE AMENDMENT – SMITH FAMILY REVOCABLE LIVING TRUST**

**REQUEST:** **SECOND READING & ADOPTION OF ORDINANCE NO. 2555 - SMALL SCALE – FUTURE LAND USE AMENDMENT – SMITH FAMILY REVOCABLE LIVING TRUST FROM “COUNTY” RURAL (1 DU/10 AC) TO “CITY” AGRICULTURE (1 DU/5 AC). (PARCEL ID #S: 06-20-28-0000-00-047; 06-20-28-0000-00-066)**

**SUMMARY:**

APPLICANT: City of Apopka

LOCATION: East of Mt. Plymouth Road, south of Boch Road

CURRENT FLUM: “County” Rural

PROPOSED FLUM: “City” Agriculture

EXISTING USE: Manufactured Homes/Grazing

CURRENT ZONING: “County” A-2 (ZIP)

PROPOSED DEVELOPMENT: Manufactured Homes (existing)

PROPOSED ZONING: “City” AG (Agriculture) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-2 to “City” AG [Agriculture].)

TRACT SIZE: 4.01 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT:

EXISTING:	1 dwelling unit per 10 acres
PROPOSED:	1 dwelling unit per 5 acres

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning and future land use classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 29, 2010, through the adoption of Ordinance No. 2202. Staff is requesting an administrative small scale future land use amendment for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city future land use designation is comparable to the densities and intensities and uses allowed under the existing “county” future land use designation, and the proposed future land use amendment is compatible with the character of the surrounding area.

The subject property is located in an area characterized as agricultural in nature, with “County” Rural future land use to the north and west of the subject property, and single-family residential to the east and proposed S.R. 429\Wekiva Parkway south of the site. The existing and proposed use of the subject site for manufactured homes is a permitted use in the proposed AG zoning district and future land use designation and compatible with the surrounding zoning and uses.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with “City” AG (Agriculture) Future Land Use designation and the City’s proposed Agriculture Zoning.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 9, 2016.

**PUBLIC HEARING SCHEDULE:**

February 14, 2017 – Planning Commission (5:30 pm)

March 1, 2017 – City Council (1:30 pm) – 1st Reading

March 15, 2017 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

January 27, 2017 – Public Notice and Notification

March 3, 2017 – Ordinance Heading Ad

---

**RECOMMENDATION 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” Rural (1 du/ 10 ac) to “City” Agriculture (1 du/5 ac) for the property owned by Smith Family Revocable Living Trust.

The **Planning Commission**, at its meeting on February 14, 2017, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Future Land Use from “County” Rural (1 du/ 10 ac) to “City” Agriculture (1 du/5 ac) for the property owned by Smith Family Revocable Living Trust.

The **City Council**, at its meeting on March 1, 2017, accepted the First Reading of Ordinance No. 2555 and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2555.

**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 (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
East (City)	Agriculture (0 – 1 du/5 acre)	A-2 (ZIP)	Single-family home
South (City)	Rural Settlement (0 – 1 du/5 acres) (county)	A-2 (ZIP)	Proposed 429
West (County)	Rural Settlement (0 – 1 du/5 acres)	A-2	Agriculture

### II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with the current agricultural uses. The property is east of Mt. Plymouth Road, south of Boch Road.

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 “North 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 storm water 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 property fronts Boch Road. The vegetative communities present are urban; the soils present are Tavares-Millhopper Fine sand; and no wetlands occur on the site, and the terrain has a 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.m Agricultural 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 Agriculture (1 du/5 ac). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

### CALCULATIONS:

ADOPTED (County designation): 1 Unit(s) x 2.659 p/h = 2.659 persons  
PROPOSED (City designation): 1 Unit(s) x 2.659 p/h = 2.659 persons

Housing Needs: This amendment will not impact the housing needs as projected in the Comprehensive Plan. One single family home is the maximum development anticipated for the subject properties.

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: 196 GPD
3. Projected total demand under proposed designation: 196 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: 210 GPD
3. Projected total demand under proposed designation: 210 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: none

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./person/day
4. Projected LOS under proposed designation: 4 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.

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: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 25 hour design storm
3. Projected LOS under proposed designation: 100 year - 25 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: 0.009 AC
3. Projected facility under proposed designation: 0.009 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.

**SMITH FAMILY REVOCABLE LIVING TRUST**

**Boch Rd.**

**4.01 +/- Acres**

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

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

**Proposed Small Scale Future Land Use Change**

**From: "County" Rural/Agricultural (1 du/10 ac)**

**To: "City" Agriculture (1 du/5 ac)**

**Proposed Zoning Change**

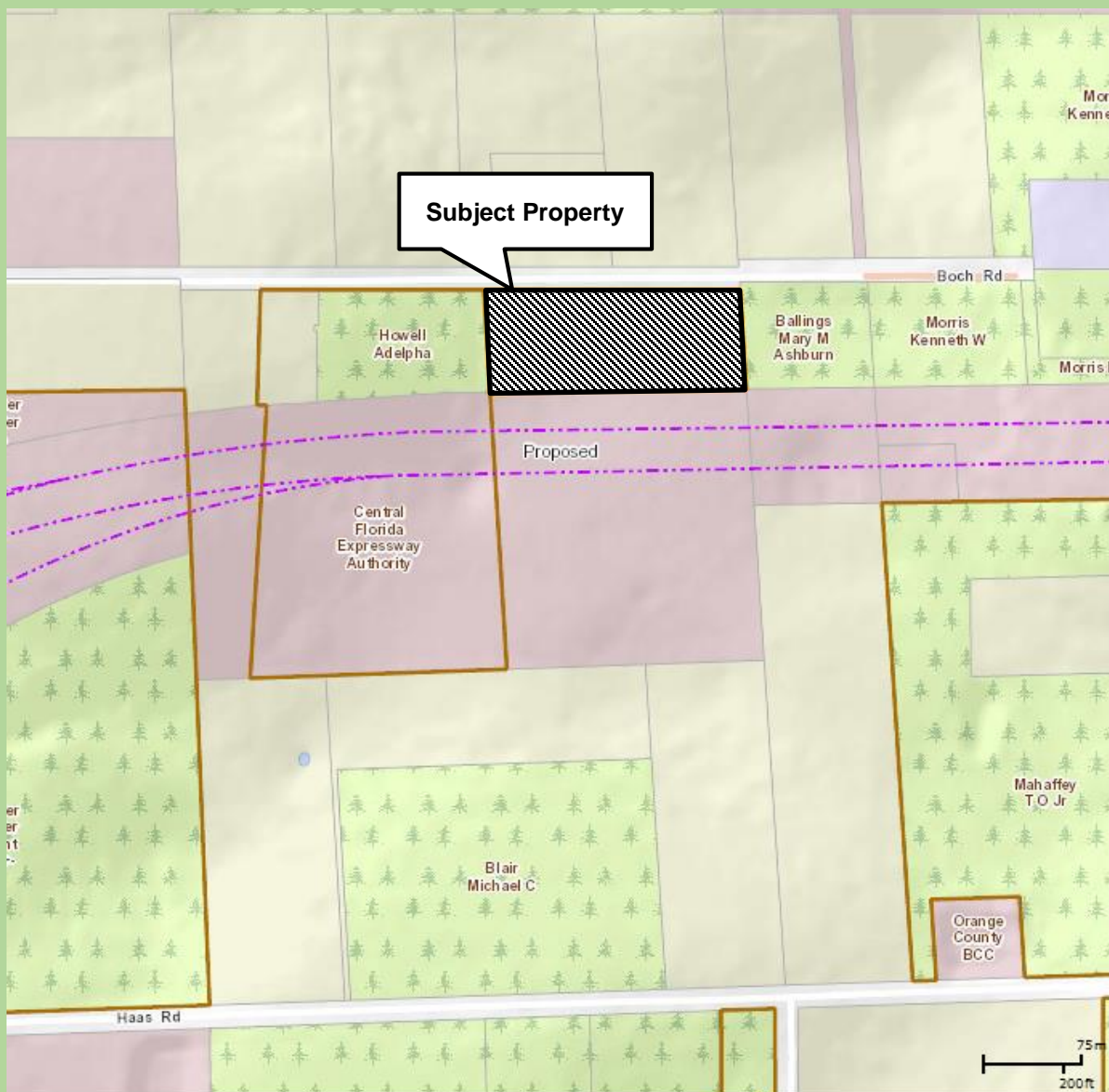
**From: "County" A-2**

**To: "City" AG**

**Parcel ID #: 06-20-28-0000-00-047 & 06-20-28-0000-00-066**

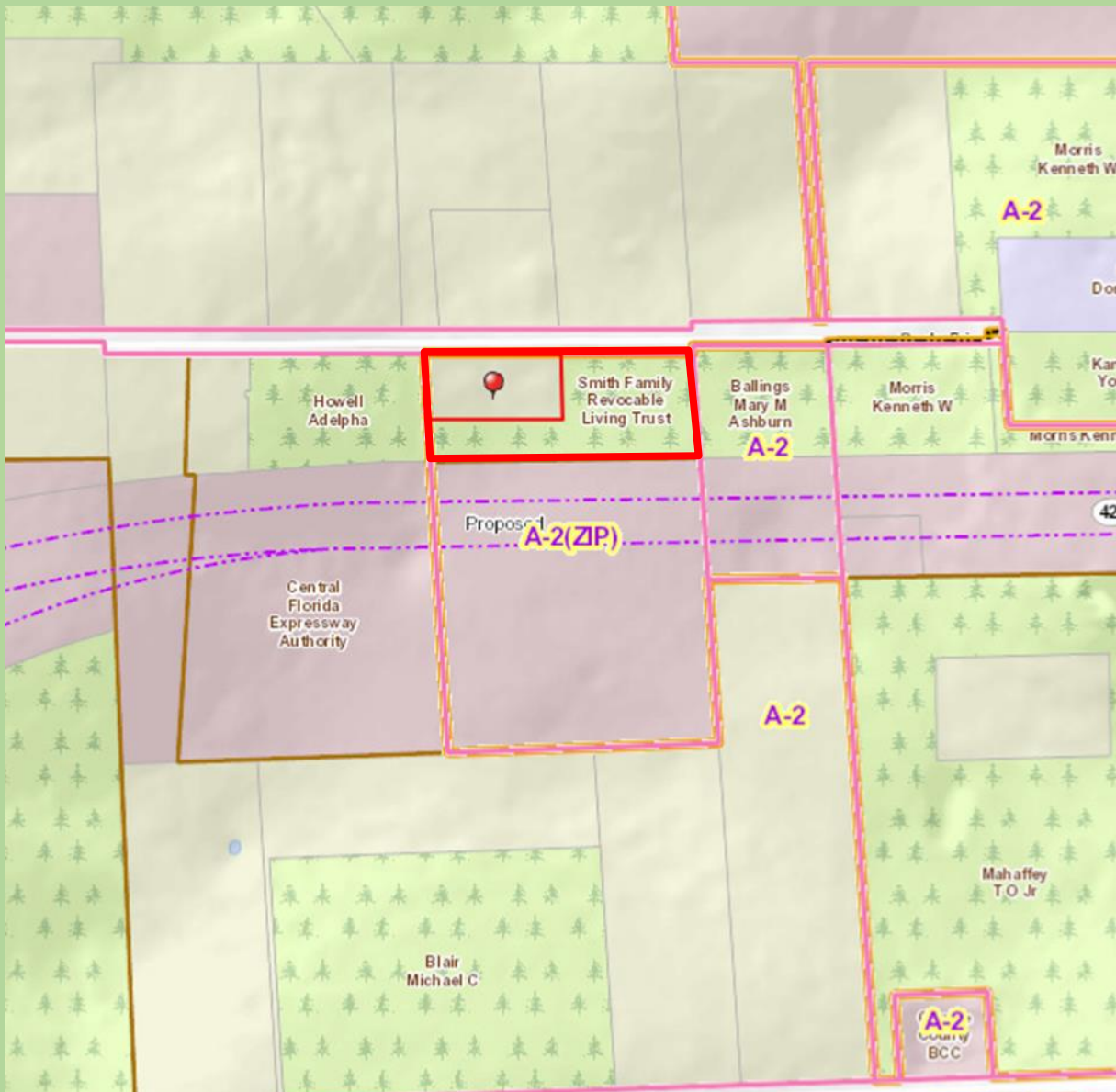


**VICINITY MAP**





## ADJACENT ZONING





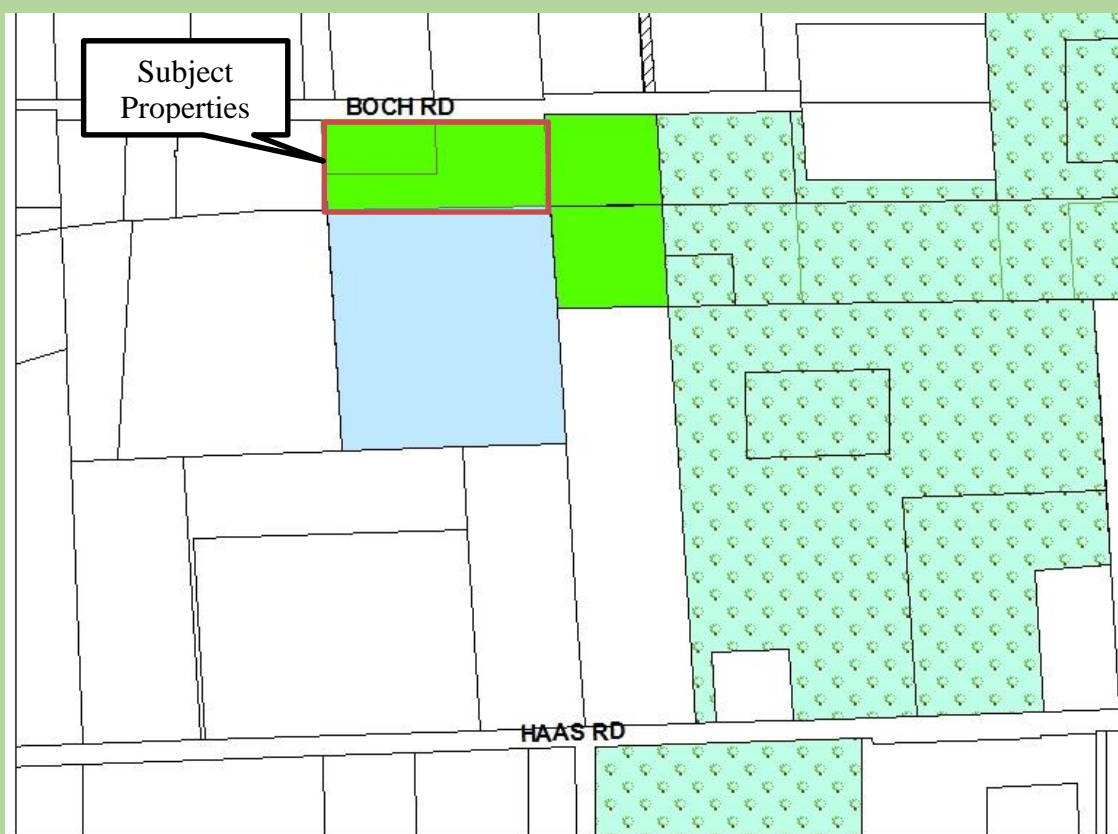


## ADJACENT USES





## ADJACENT & PROPOSED FUTURE LAND USE DESIGNATION



### City of Apopka Future Land Use Map



0 0.0175 0.035 0.07 0.105 0.14 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 responsibility for errors or omissions contained hereon.

#### Legend

Smith Family Revocable Trust	Res. Low
Apopka_Parcel_072216	Res. Medium Low
City Boundary	Res. Medium
JPA Boundary	Res. High
	Mixed Use
	Office
	Commercial
	Industrial
	Institutional/Public Use
	Conservation
	Parks/Recreation
	ANNEX
Agriculture	
Agriculture Estates	
Agriculture Homestead	
Rural Settlement	
Res. Estates	
Res. Very Low Suburban	
Res. Low Suburban	





## ORDINANCE NO. 2555

**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” RURAL (1 DU/ 10 AC) TO “CITY” AGRICULTURE (1 DU/5 AC), FOR CERTAIN REAL PROPERTY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 4.01 ACRES MORE OR LESS, AND OWNED BY SMITH FAMILY REVOCABLE LIVING TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 future land use 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 future land use classification of the following described property, being situated in the City of Apopka, Florida, is hereby AG, as defined in the Apopka Land Development Code.

Legal Description:

(NOTE: HOMESTEAD PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723 (NOTE: AGRICULTURAL PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723

Parcel ID #s: 06-20-28-0000-00-047; 06-20-28-0000-00-066

Contains: 4.01 +/- Acres

**Section II.** That the future land use 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 effective date of adoption.

READ FIRST TIME: March 1, 2017

READ SECOND TIME  
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

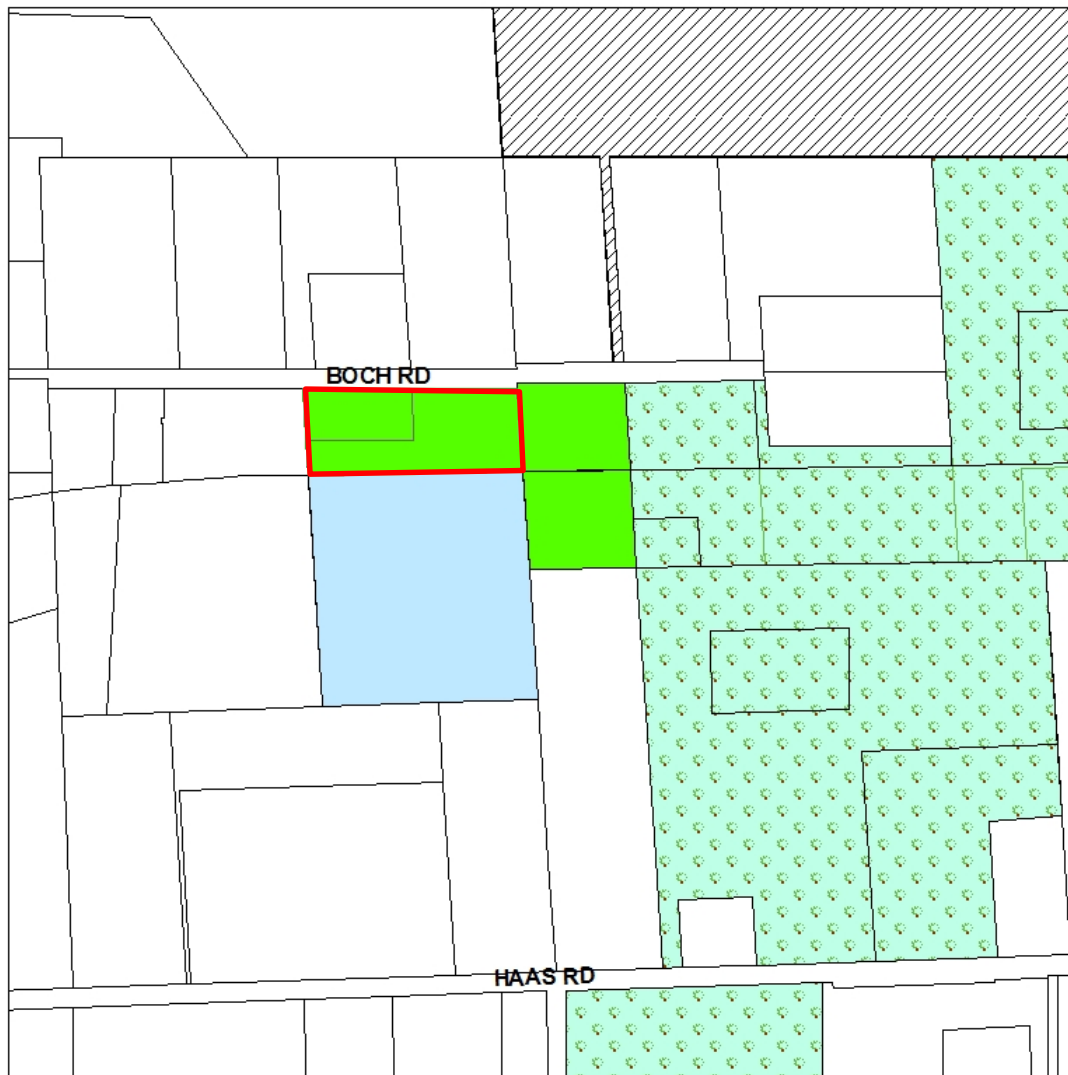
ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED:      January 27, 2017  
                                     March 3, 2017



**SMITH FAMILY REVOCABLE LIVING TRUST**  
**Boch Rd.**  
**4.01 +/- Acres**  
**Proposed Small Scale Future Land Use Change**  
**From: "County" Rural/Agricultural (1 du/10 ac)**  
**To: "City" Agriculture (1 du/5 ac)**  
**Parcel ID #s: 06-20-28-0000-00-047 & 06-20-28-0000-00-066**



**City of Apopka  
Future Land Use Map**

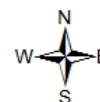


0 0.0175 0.035 0.07 0.105 0.14 Miles

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.

**Legend**

Smith Family Revocable Trust	Res. Low
Apopka_Parcel_072216	Res. Medium Low
City Boundary	Res. Medium
JPA Boundary	Res. High
<b>Future Land Use</b>	Mixed Use
<b>LAND USE</b>	Office
Agriculture	Commercial
Agriculture Estates	Industrial
Agriculture Homestead	Institutional/Public Use
Rural Settlement	Conservation
Res. Estates	Parks/Recreation
Res. Very Low Suburban	ANNEX
Res. Low Suburban	



**Backup material for agenda item:**

2. Ordinance No. 2556 – Second Reading – Administrative Rezoning – Quasi-Judicial Elizabeth Florence



## CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER: Ordinance

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2556

**SUBJECT:** ORDINANCE NO. 2556 – ADMINISTRATIVE CHANGE OF ZONING – SMITH FAMILY REVOCABLE LIVING TRUST (CASE #S 2017-1-3 & 2017-01-4)

**REQUEST:** SECOND READING & ADOPTION OF ORDINANCE NO. 2556 - ADMINISTRATIVE CHANGE OF ZONING – SMITH FAMILY REVOCABLE LIVING TRUST, FROM “COUNTY” A-2 (ZIP) TO “CITY” AG (AGRICULTURE). (PARCEL ID #S: 06-20-28-0000-00-047; 06-20-28-0000-00-066)

**SUMMARY:**

OWNER: Smith Family Revocable Living Trust  
APPLICANT: City of Apopka  
LOCATION: East of Mt. Plymouth Road, south of Boch Road  
EXISTING USE: Manufactured Homes/Grazing  
FUTURE LAND USE: Agriculture (0 - 1 du/5 acres)  
ZONING: A-2 (ZIP)  
PROPOSED DEVELOPMENT: Manufactured Homes (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 4.01 +/- Acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject properties were annexed into the City of Apopka on December 29, 2010, through the adoption of Ordinance No. 2202. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as agricultural in nature, with “County” A-2 zoning to the north and west of the subject property, and single-family residential to the east and proposed 429 south of the site. The existing and proposed use of the subject site for manufactured homes is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 9, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

February 14, 2017 – Planning Commission (5:30 pm)  
March 1, 2017 – City Council (1:30 pm) – 1st Reading  
March 15, 2017 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

January 27, 2017 – Public Notice and Notification  
March 3, 2017 – Ordinance Heading Ad

---

**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG for the property owned by Smith Family Revocable Trust.

The **Planning Commission**, at its regularly scheduled meeting on February 14, 2017, found the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the change of zoning amendment from “County” A-2 (ZIP) to “City” AG for the property owned by Smith Family Revocable Trust.

The **City Council**, at its meeting on March 1, 2017, accepted the First Reading of Ordinance No. 2556 and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2556.

**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:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
East (City)	Agriculture (0 – 1 du/5 acre)	A-2 (ZIP)	Single-family home
South (City)	Rural Settlement (0 – 1 du/5 acres) (county)	A-2 (ZIP)	Proposed 429
West (County)	Rural Settlement (0 – 1 du/5 acres)	A-2	Agriculture

### LAND USE &

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Boch Rd). The land use is compatible with the surrounding properties because it is agricultural in nature. The zoning change will not affect traffic in the area.

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Agriculture Future Land Use designation, which will be assigned along with this rezoning and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Agriculture Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

### AG DISTRICT REQUIREMENTS:

Minimum Living Area:	1,200 sq. ft. (Single-family) 400 sq. ft. (mobile home)
Minimum Site Area:	5 acres
Minimum Lot Width	NA
Setbacks: Front:	25 ft. (100 ft. non-residential uses)
Rear:	25 ft. (100 ft. non-residential uses)
Side:	25 ft. (100 ft. non-residential uses)
Corner	25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site is legal, nonconforming with code requirements for the AG district, because each property is under 5 acres.

### BUFFERYARD REQUIREMENTS:

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines.

### ALLOWABLE USES:

Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



**Smith Family Revocable Living Trust  
4.01 +/- Acres**

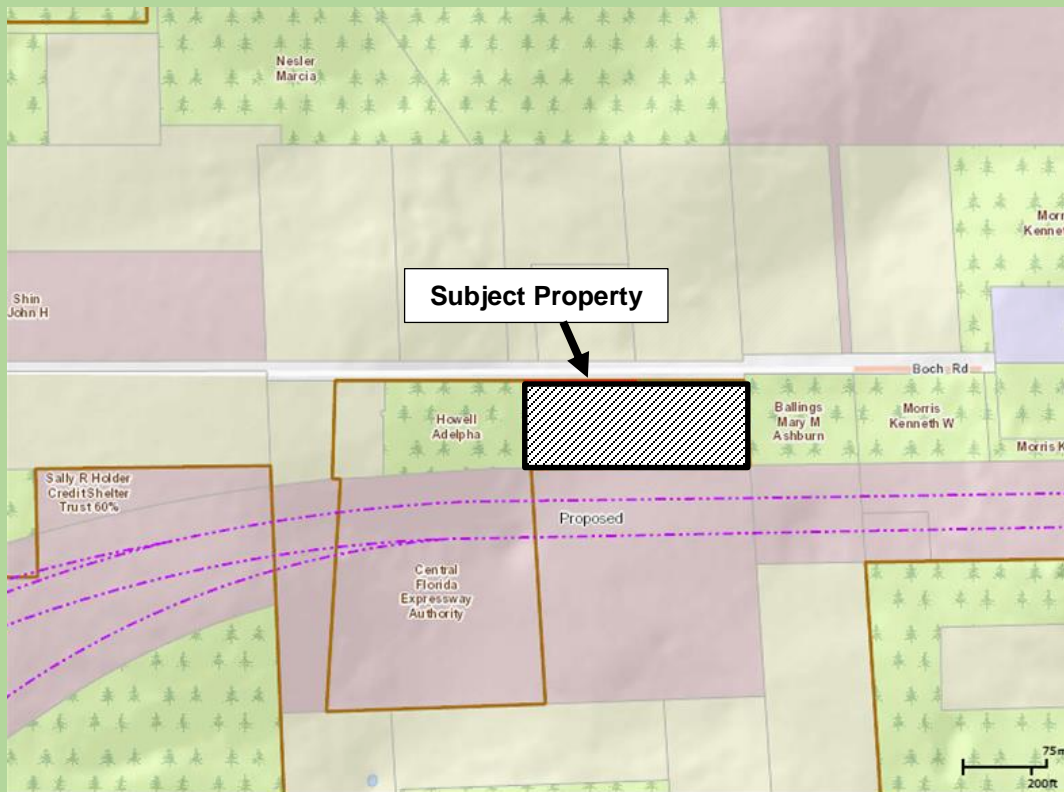
**Proposed Zoning Change:**

**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**

**To: "City" AG (Agriculture) (5 acre min. lot)**

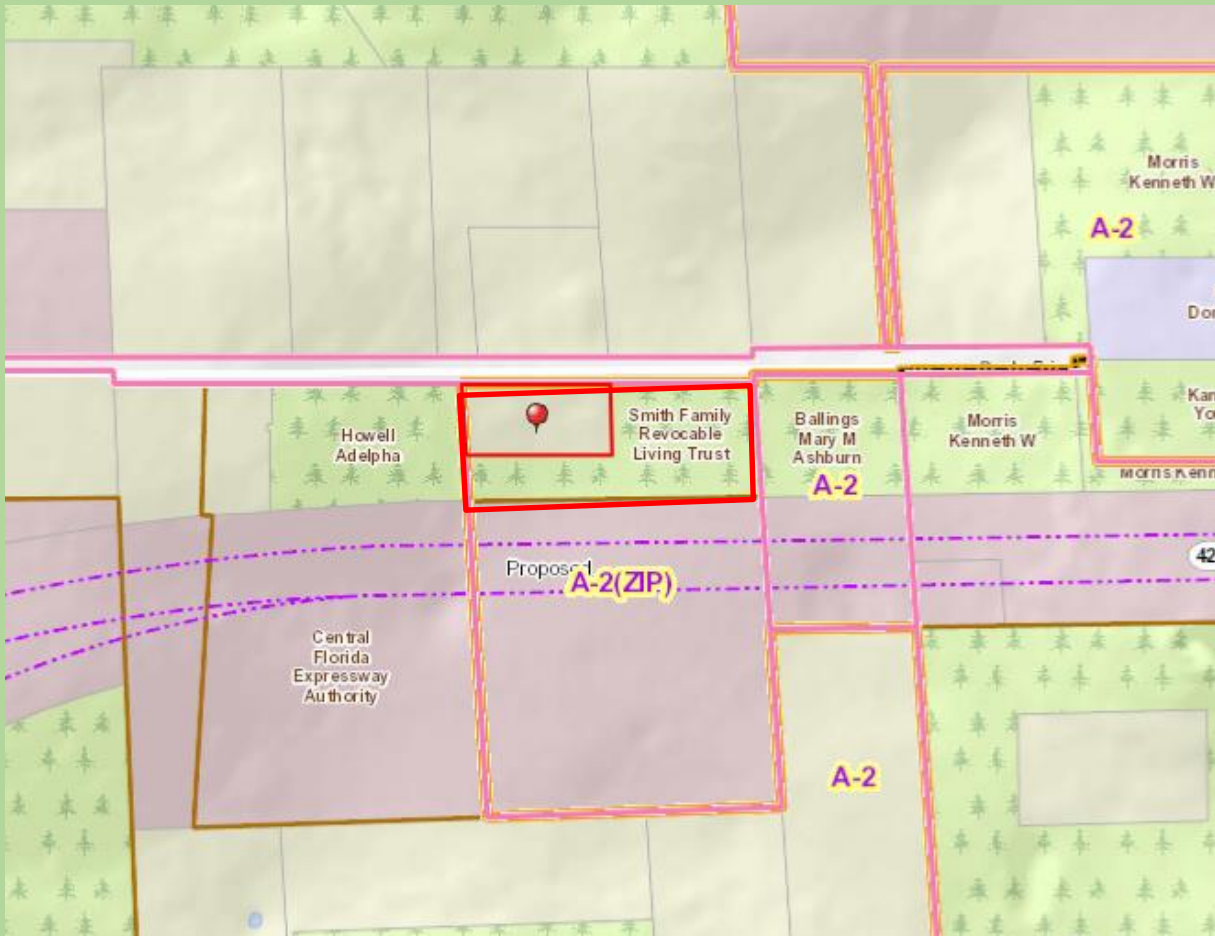
**Parcel ID #s: 06-20-28-0000-00-047; 06-20-28-0000-00-066**

**VICINITY MAP**





## ADJACENT ZONING





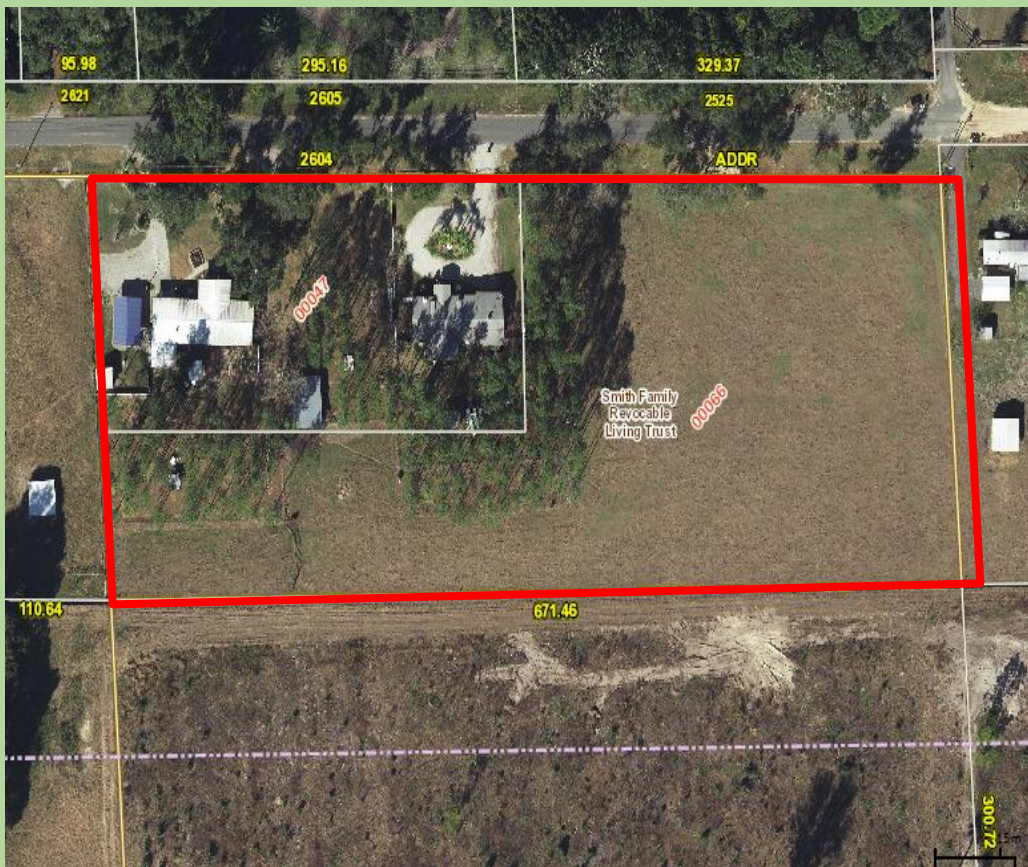
## ADJACENT USES







## EXISTING USES



## ORDINANCE NO. 2556

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 4.01 ACRES, MORE OR LESS, AND OWNED BY SMITH FAMILY REVOCABLE LIVING TRUST; 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

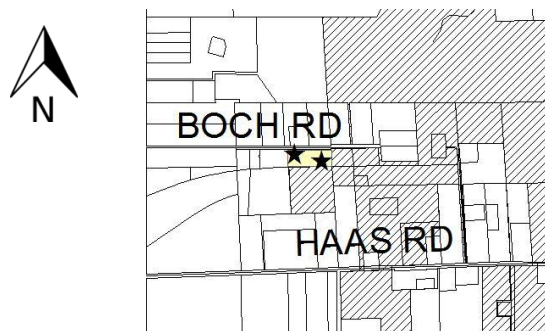
**WHEREAS**, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**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, as defined in the Apopka Land Development Code.

Legal Description:

(NOTE: HOMESTEAD PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723 (NOTE: AGRICULTURAL PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723



Parcel I.D.: 06-20-28-0000-00-047 & 06-20-28-0000-00-066  
Contains: 4.01 +/- 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 adoption of Ordinance No. 2555.

READ FIRST TIME: March 1, 2017

READ SECOND TIME  
AND ADOPTED: March 15, 2017

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

ATTEST:

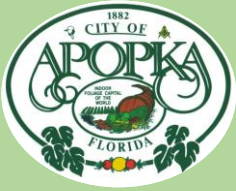
\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED:      January 27, 2017  
                                     March 3, 2017



**Backup material for agenda item:**

3. Ordinance No. 2557 – Second Reading – Administrative Rezoning – Quasi-Judicial Elizabeth Florence



## CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER: Ordinance

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2557

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**SUBJECT:** **ORDINANCE NO. 2557 – ADMINISTRATIVE CHANGE OF ZONING – MARY M. ASHBURN BALLINGS (CASE #2017-1-1)**

**REQUEST:** **SECOND READING & ADOPTION OF ORDINANCE NO. 2557 - ADMINISTRATIVE CHANGE OF ZONING – MARY M. ASHBURN BALLINGS, FROM “COUNTY” A-2 (ZIP) TO “CITY” AG (AGRICULTURE). (PARCEL ID #: 06-20-28-0000-00-029)**

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**SUMMARY:**

OWNER: Mary M. Ashburn Ballings  
APPLICANT: City of Apopka  
LOCATION: East of Mt. Plymouth Road, south of Boch Road  
EXISTING USE: Manufactured home  
FUTURE LAND USE: Agriculture (0 - 1 du/5 acres)  
ZONING: A-2 (ZIP)  
PROPOSED DEVELOPMENT: Manufactured home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 2.10 +/- Acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

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**FUNDING SOURCE:**

N/A

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 29, 2010 through the adoption of Ordinance No. 2201. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-2 zoning to the north, south, east and west of the subject property. The existing and proposed use of the subject site for a manufactured home is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 9, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

February 14, 2017 – Planning Commission (5:30 pm)  
March 1, 2017 – City Council (1:30 pm) – 1st Reading  
March 15, 2017 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

January 27, 2017 – Public Notice and Notification  
March 3, 2017 – Ordinance Heading Ad

---

**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG for the property owned by Mary M. Ashburn Ballings.

The **Planning Commission**, at its regularly scheduled meeting on February 14, 2017, found the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; unanimously recommended approval of the change of zoning amendment from “County” A-2 (ZIP) to “City” AG for the property owned by Mary M. Ashburn Ballings.

The **City Council**, at its meeting on March 1, 2017, accepted the First Reading of Ordinance No. 2557 and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2557.

**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:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
East (City)	Low Density Residential (0 – 4 du/ acre)	A-1 (ZIP)	Single-family home
South (County)	Rural Settlement (0 – 1 du/5 acres)	A-2	Single-family home
West (City)	Rural Settlement (0 – 1 du/5 acres)	A-2 (ZIP)	Grazing

### LAND USE &

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Boch Rd). Its land use is similar to the surrounding agricultural area, and will not affect traffic because there is an existing home on the property.

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Agriculture Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

### AG DISTRICT REQUIREMENTS:

Minimum Living Area:	1,200 sq. ft. (Single-family) 400 sq. ft. (mobile home)
Minimum Site Area:	5 acres
Minimum Lot Width	NA
Setbacks: Front:	25 ft. (100 ft. non-residential uses)
Rear:	25 ft. (100 ft. non-residential uses)
Side:	25 ft. (100 ft. non-residential uses)
Corner	25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site does not comply with code requirements for the AG district, therefore it will be a legal, nonconforming property.

### BUFFERYARD REQUIREMENTS:

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines.

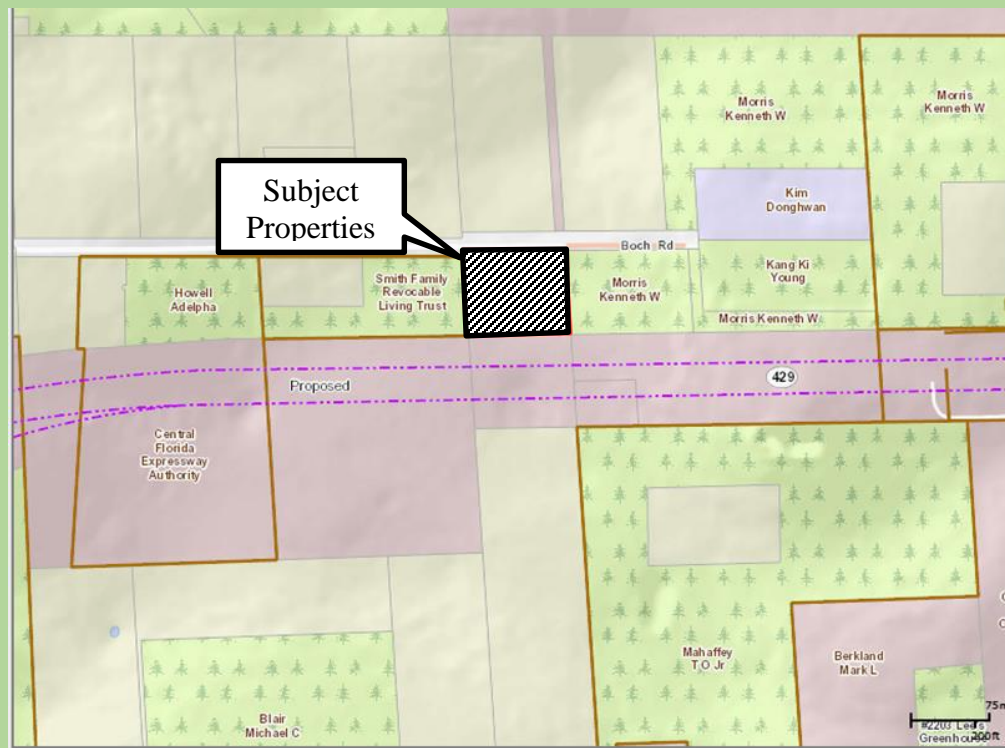
### ALLOWABLE USES:

Single-family dwellings, including mobile homes, and their customary Accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



**Mary M. Ashburn Ballings**  
**2.10 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-2 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (5 acre min. lot)**  
**Parcel ID #: 09-20-28-7608-00-050**

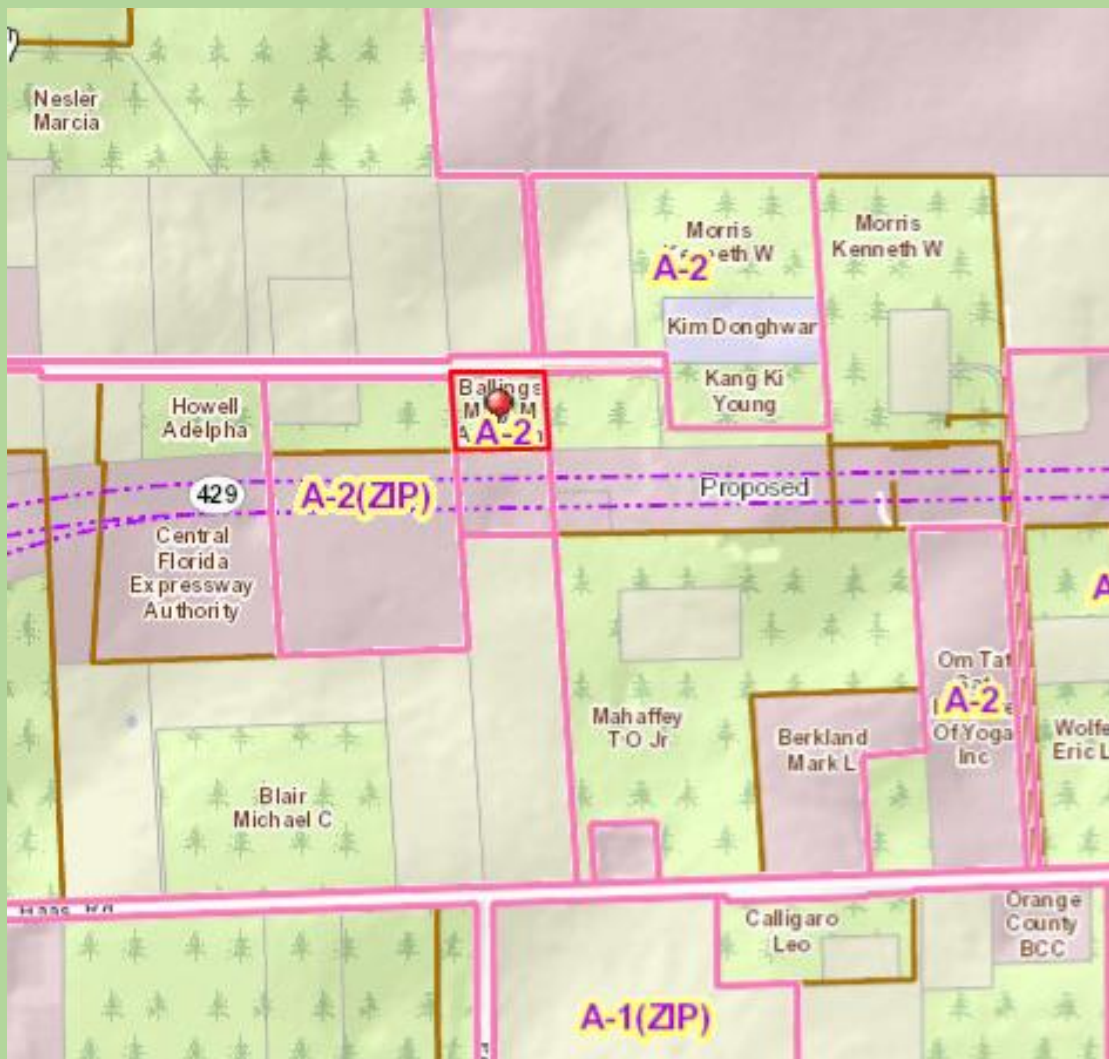
## VICINITY MAP





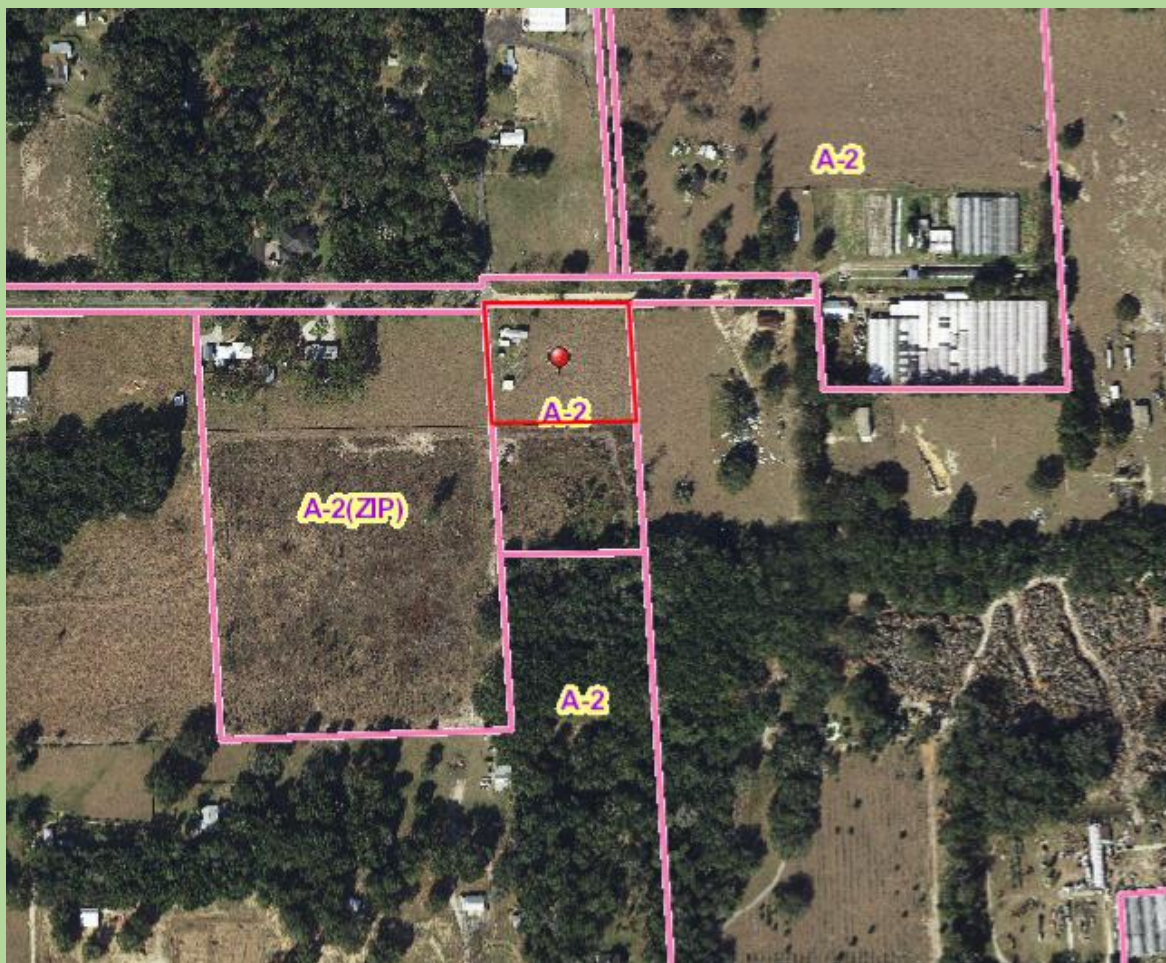


## ADJACENT ZONING





## ADJACENT USES







**EXISTING  
USES**



**ORDINANCE NO. 2557**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 2.10 ACRES, MORE OR LESS, AND OWNED BY MARY M. ASHBURN BALLINGS; 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

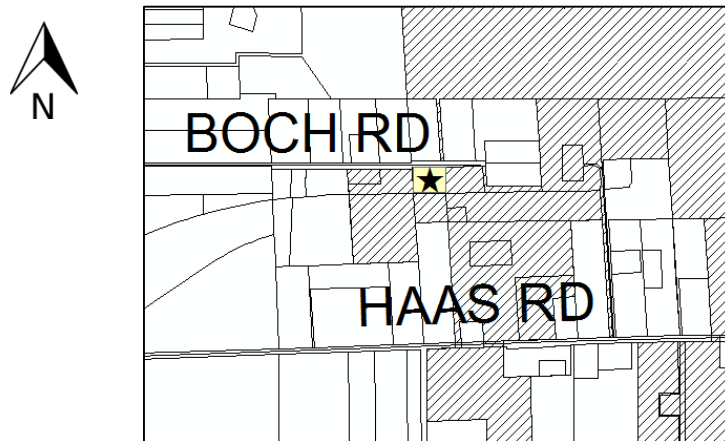
**WHEREAS**, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**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, as defined in the Apopka Land Development Code.

Legal Description:

W1/2 OF SW1/4 OF NW1/4 OF SE1/4 OF SEC 06-20-28 (LESS N 30 FT FOR R/W PER 2956/593) & (LESS COMM AT SW COR OF SE1/4 OF SEC RUN N03-43-34W 1279.55 FT TO PT ON S LINE OF NW1/4 OF SE1/4 FOR POB THE CONT N03-43-34W 300.72 FT TH DEPARTING W LINE N89-04-36E 331.91 FT TO E LINE OF W1/4 OF NW1/4 OF SE1/4 TH S03-42-12E 300.77 FT TO PT ON AFORESAID S LINE TH DEPARTING SAID E LINE S89-05-11W 331.79 FT TO POB PER 10941/4885)



Parcel I.D.: 06-20-28-0000-00-029

Contains: 2.10 +/- 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 adoption.

READ FIRST TIME: March 1, 2017

READ SECOND TIME  
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED:      January 27, 2017  
                                     March 3, 2017

**Backup material for agenda item:**

4. Ordinance No. 2558 – Second Reading – Administrative Rezoning – Quasi-Judicial Elizabeth Florence





## CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER: Ordinance

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2558

**SUBJECT:** ORDINANCE NO. 2558 – ADMINISTRATIVE CHANGE OF ZONING – TIITF (TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND)/DEP (CASE #S 2017-1-2)

**REQUEST:** SECOND READING & ADOPTION OF ORDINANCE NO. 2558 - ADMINISTRATIVE CHANGE OF ZONING – TIITF (TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND)/DEP, FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (AGRICULTURE). (PARCEL ID #: 05-20-28-0476-00-040)

**SUMMARY:**

OWNER: TIITF (Trustees of the Internal Improvement Trust Fund) - DEP  
APPLICANT: City of Apopka  
LOCATION: West of Mt. Plymouth Road, north of Swain Road  
EXISTING USE: Building/state land  
FUTURE LAND USE: Rural Settlement (1 du/acre)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Non-residential building (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 9.27 +/- Acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Non-residential Unit  
PROPOSED ZONING: 1 Non-residential Unit

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1962. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-1 zoning to the east, north, south, and west of the subject property, and mobile home park to the east of the site. The existing and proposed use of the subject site for a non-residential building is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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 zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

**JOINT PLANNING AREA/OVERLAY:** The subject property is located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**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 9, 2016.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

February 14, 2017 – Planning Commission (5:30 pm)  
March 1, 2017 – City Council (1:30 pm) – 1st Reading  
March 15, 2017 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

January 27, 2017 – Public Notice and Notification  
March 3, 2017 – Ordinance Heading Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG for the property owned by TIITF/DEP.

The **Planning Commission**, at its regularly scheduled meeting on February 14, 2017, found the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the change of zoning amendment from “County” A-1 (ZIP) to “City” AG for the property owned by TIITF/DEP.

The **City Council**, at its meeting on March 1, 2017, accepted the First Reading of Ordinance No. 2558 and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2558.

**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:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 acres)	A-1(ZIP)	Non-agriculture acreage
East (City)	AG (0 – 1 du/ 5 acre)	A-1 (ZIP)	State Lands
South (County)	Rural (0 – 1 du/10 acres)	A-1	Two Single-family home
West (City)	Rural Settlement (0 – 1 du/5 acres)	A-1 (ZIP)	Non-agriculture acreage

### LAND USE &

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Swain Rd). It is similar in nature to the surrounding agricultural and natural land areas, and there should be no impact on traffic.

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

### AG DISTRICT REQUIREMENTS:

Minimum Living Area:	1,200 sq. ft. (Single-family) 400 sq. ft. (mobile home)
Minimum Site Area:	5 acres
Minimum Lot Width	NA
Setbacks: Front:	25 ft. (100 ft. non-residential uses)
Rear:	25 ft. (100 ft. non-residential uses)
Side:	25 ft. (100 ft. non-residential uses)
Corner	25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

### BUFFERYARD REQUIREMENTS:

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property lines.

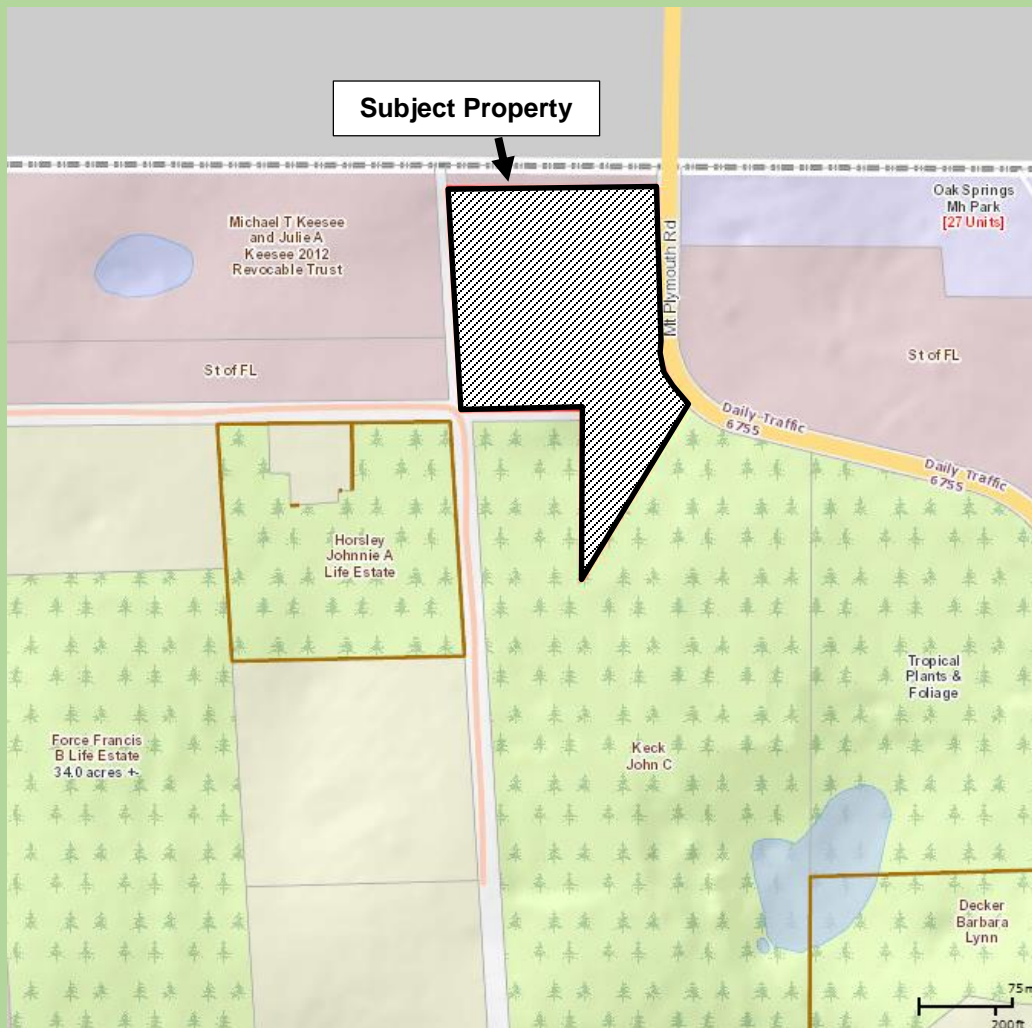
### ALLOWABLE USES:

Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



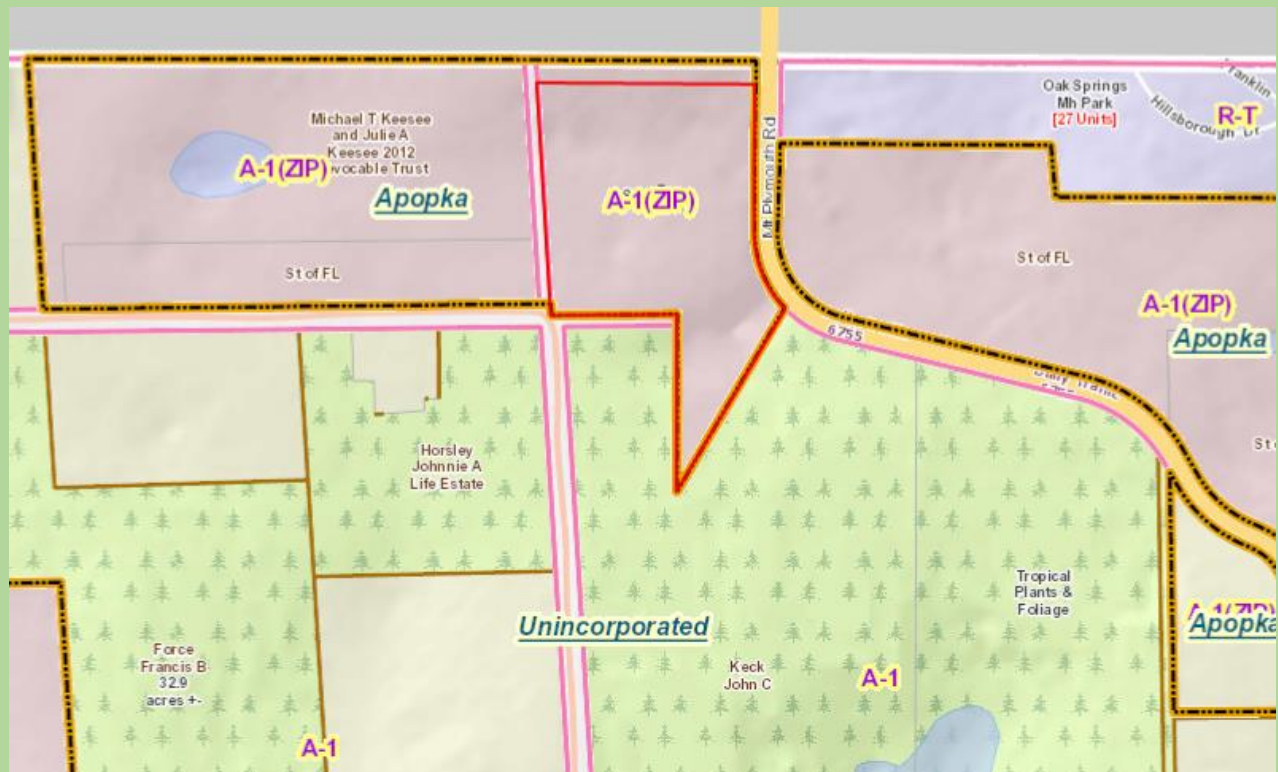
TIITF/DEP  
9.27 +/- Acres  
Proposed Zoning Change:  
From: “County” A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: “City” AG (Agriculture) (5 acre min. lot)  
Parcel ID #: 05-20-28-0476-00-040

### VICINITY MAP





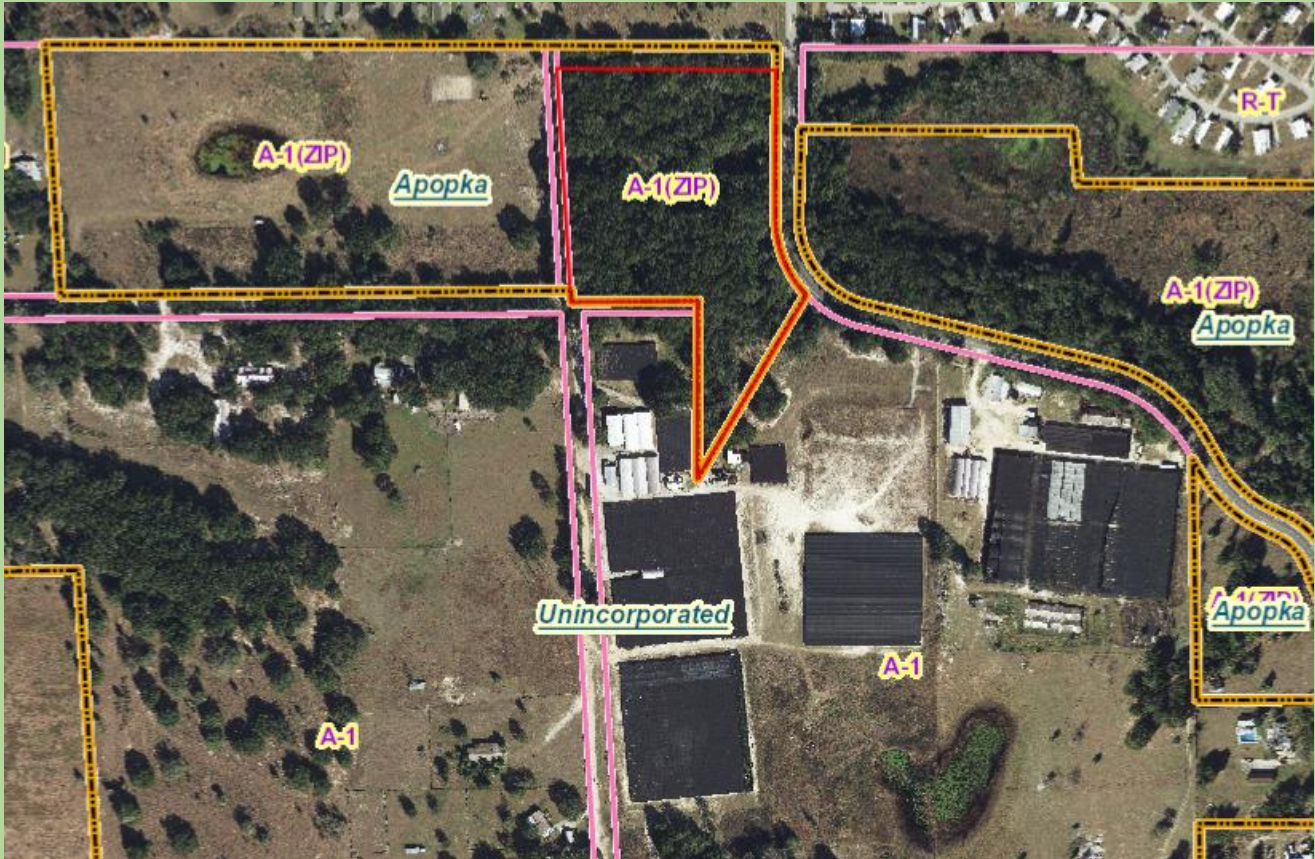
## ADJACENT ZONING







## ADJACENT USES







## EXISTING USES



## ORDINANCE NO. 2558

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 9.27 ACRES, MORE OR LESS, AND OWNED BY THFT/DEP; 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

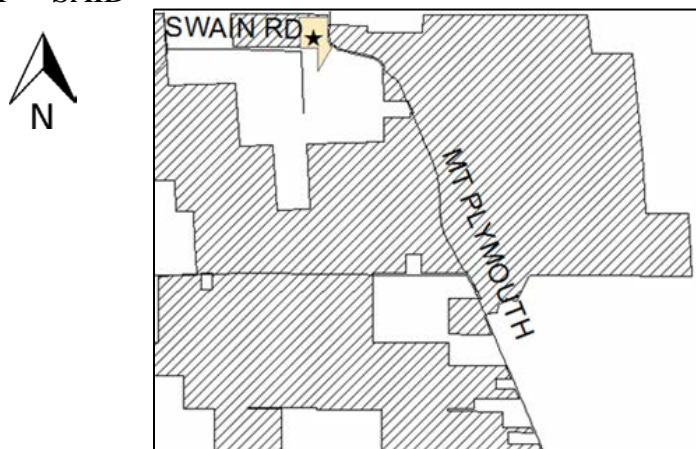
**WHEREAS**, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**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, as defined in the Apopka Land Development Code.

Legal Description:

J B BABCOCKS SUB B/27 A PORTION OF LOTS 4 & 6 DESC AS BEG N1/4 COR OF SEC 05-20-28 TH RUN S 670 FT S86-56-14E 30.12 FT S88-16-18E 299.98 FT S03-40-52W 464 FT N34-19-25E 550.42 FT TO WLY R/W SR 435 TH NWLY ALONG R/W 224.83 FT N04-02-29E 444.10 TH N86-9-52W 576.45 FT TO POB ( LESS PT TAKEN FOR R/W PER 9795/8222 1770/527) & (LESS N 60 FT OF SAID LOT 4)



Parcel I.D.: 05-20-28-0476-00-040

Contains: 9.27 +/- 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 adoption.

READ FIRST TIME: March 1, 2017

READ SECOND TIME  
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED:      January 27, 2017  
                                     March 3, 2017

**Backup material for agenda item:**

5. Ordinance No. 2561 – Second Reading – Comprehensive Plan – Capital Improvement Element – Legislative Wilkes

Kyle



## CITY OF APOPKA CITY COUNCIL

       CONSENT AGENDA  
  X   PUBLIC HEARING  
       SPECIAL REPORTS  
  X   OTHER: Ordinance

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Ordinance No. 2561  
Appendix 7-1, CIE

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**SUBJECT:** AMENDMENT TO THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENTS PLAN, AND INCORPORATING INTO THE CITY OF APOPKA, COMPREHENSIVE PLAN, CAPITAL IMPROVEMENTS ELEMENT.

**REQUEST:** SECOND READING & ADOPTION OF ORDINANCE NO. 2561 - ANNUAL UPDATE TO THE CITY OF APOPKA, FIVE-YEAR CAPITAL IMPROVEMENTS PLAN AND INCORPORATE INTO THE CITY OF APOPKA COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT.

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**SUMMARY:**

The city's annual update to the Five-Year Capital Improvement Plan was adopted recently by City Council. This annual update of the five-year CIP is intended to schedule capital projects that are necessary to meet accepted levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development.

However, the City is pursuing a Florida Department of Environmental Protection – Office of Operation, Lands and Recreation grant. This grant request is for \$200,000 to fund the installation of a fitness trail/track at Kit Land Nelson Park to complement the future park improvements to Kit Land Nelson Park and Edwards Field. The grant requires as part of the application process that the proposed grant project be included in the City's Five-Year Capital Improvement Plan.

Further, grant fund disbursement will require a 40 percent match (\$80,000) from the City's Recreation general fund.

Exhibit 'A' of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element. The proposed CIP changes (additions) are included in the 'General Fund' and 'FDEP Grant Fund' sections of the Recreation CIP (shown in Exhibit 'A').

Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP by ordinance, and is not considered a comprehensive plan policy amendment. Therefore, incorporation of the updated CIP into the Capital Improvements Element does not require transmittal to the Florida Department of Economic Opportunity for state agency review.

**PUBLIC HEARING SCHEDULE:**

February 14, 2017 – Planning Commission (5:30 pm)  
March 1, 2017 – City Council 1<sup>st</sup> Reading (1:30 pm)  
March 15, 2017 – City Council 2<sup>nd</sup> Reading (7:00 pm)

**DULY ADVERTISED:**

February 3, 2017 – Public Hearing Notice  
March 3, 2017 – Ordinance Adoption Ad

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**FUNDING SOURCE:** FDEP Grant & Recreation General Fund (Contingent upon grant approval)

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief



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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the amendment to the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

The **Planning Commission**, at its meeting on February 14, 2017, unanimously recommended approval of the amendment to the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

The **City Council**, at its meeting on March 1, 2017, accepted the first reading of Ordinance 2561, and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2561.

**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.**

**ORDINANCE NO. 2561**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; INCORPORATING AN AMENDMENT TO THE CITY'S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; 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. 2552; 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 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 Capital Improvements Element of the adopted Comprehensive Plan as follows:

The Capital Improvements Element is hereby amended to incorporate annual updates to the Five Year Capital Improvements plan and replaced in its entirety by Exhibit "A" of this Ordinance, and incorporated herein by reference.

**SECTION II:** 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 III:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION IV:** This Ordinance shall become effective upon adoption.

**ORDINANCE NO. 2561**  
**PAGE 2**

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

READ FIRST TIME: March 1, 2017

READ SECOND TIME  
AND ADOPTED: March 15, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

APPROVED AS TO FORM:

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Cliff B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: February 3, 2017  
March 10, 2017

**APPENDIX 7-1\*: FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS - RECREATION**  
 (\* indicates proposed changes)

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Concession, bathrooms, building and sidewalks at NWRC	General Fund		\$300,000					\$300,000
Parking Lot-NWRC Little League Fields			\$510,000					\$510,000
Picnic Pavilions			\$100,000		\$100,000		\$100,000	\$300,000
NWRC Ball Field Renovations		\$23,900	\$50,000	\$50,000	\$50,000			\$173,900
Fitness Equipment for Kit Land Nelson Park (with grant)								\$23,900
Bleacher Covers Over Quad 3			\$60,000					\$60,000
Tennis Court Resurfacing – NWRC					\$50,000			\$50,000
Basketball Resurfacing – NWRC					\$50,000			\$50,000
Lk. Ave. Park – Playground, Pavilion, Shade Structure				\$350,000				\$350,000
Old Little League Fields New Park					\$200,000			\$200,000
NWRC Scoreboards for (1) Quad			\$30,000	\$30,000				\$60,000
New ball fields (Baseball, soccer, etc.)				\$2,200,000				\$2,200,000
Alonzo Williams Park Improvements (Contingent upon CDBG grant award)			\$50,000					\$50,000
Kit Land Nelson Park Fitness (grant contingent)*			\$80,000					\$80,000
<b>TOTAL GENERAL FUND</b>		<b>\$23,900</b>	<b>\$1,180,000</b>	<b>\$2,630,000</b>	<b>\$450,000</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$3,285,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Recreation Splash Pad at NWRC	Recreation Impact Fund					\$400,000		\$400,000
Skate Park			\$300,000					\$300,000
Playground at Apopka Athletic Complex (AAC)			\$75,000					\$75,000
Splash Pad w/ Restrooms (Kit Land Nelson Park)		\$750,000						\$750,000
Park Lot - NWRC				\$267,000	\$865,000		\$1,165,000	\$2,297,000
<b>TOTAL RECREATION IMPACT FUND</b>		<b>\$750,000</b>	<b>\$375,000</b>	<b>\$267,000</b>	<b>\$865,000</b>	<b>\$400,000</b>	<b>\$1,650,000</b>	<b>\$4,307,000</b>
Alonzo Williams Community Center Bldg.	CDBG		\$750,000					\$750,000
<b>TOTAL CDBG</b>			<b>\$750,000</b>					<b>\$750,000</b>
Alonzo Williams Park <sup>1</sup> Renovations	FRDAP Grant	\$28,000						\$28,000
Alonzo Williams Park New Construction <sup>2</sup>		\$22,000						\$22,000
Kit Land Nelson Park Renovations <sup>3</sup>		\$3,700						\$3,700
Kit Land Nelson Park New Construction <sup>4</sup>		\$42,500						\$42,500
AAC Renovations <sup>5</sup>			\$17,000					\$17,000
AAC New Construction <sup>6</sup>			\$33,000					\$33,000
Old Little League Fields New Park Construction					\$200,000			\$200,000
<b>TOTAL FRDAP GRANT FUNDS</b>		<b>\$96,200</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$346,200</b>

<sup>1</sup> Resurfacing, irrigation, drinking fountain, picnic facilities

<sup>2</sup> Playground, security lighting

<sup>3</sup> Resurfacing, tennis court maintenance, drinking fountain, picnic facilities, miscellaneous maintenance

<sup>4</sup> New playground, bike rack, picnic facilities

<sup>5</sup> Restrooms, playground surface materials, baseball dugout shelters, drinking fountain & picnic facilities

<sup>6</sup> Playground, landscaping, picnic facilities

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Kit Land Nelson Park Fitness Track/Trail*	FDEP Grant		\$200,000					\$200,000
<b>TOTAL FDEP GRANT FUNDS</b>			\$200,000					\$200,000
Gymnasium/Aquatic Center (GO Bond)	Other Funds		\$20,000,000					\$20,000,000
Fitness Equipment for Kit Land Nelson Park/Outdoor Fitness Grant		\$9,560						\$9,560
<b>TOTAL OTHER FUNDS</b>		\$9,560	\$20,000,000	\$0	\$0	\$0	\$0	\$20,009,560

**APPENDIX 7-1 (CONT'D) : FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS – PUBLIC SERVICES**

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Downtown Parking Lot	CRA	\$200,000						\$200,000
Downtown Park Lot Upgrades			\$500,000					\$500,000
<b>TOTAL CRA FUND</b>								<b>\$700,000</b>
Brick Streets, Repair & Restoration	Street Improvement Fund		\$500,000					\$500,000
Equipment (3412 Streets-6400)		\$60,000	\$60,000	\$60,000	\$50,000	\$50,000	\$50,000	\$330,000
New Sidewalk & Curb Construction (3412 Streets-6304)		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$300,000
Paving & Resurfacing (3412 Streets-6304)		\$600,000	\$600,000	\$600,000	\$600,000	\$600,000		\$3,000,000
8 <sup>th</sup> Street Complex (Renovation/or Relocate) Split with 3412/3513/3181)		\$300,000						\$300,000
<b>TOTAL STREET IMPROVEMENT FUND</b>		<b>\$1,010,000</b>	<b>\$1,410,000</b>	<b>\$710,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$100,000</b>	<b>\$4,630,000</b>



<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
6 <sup>th</sup> Street Reconstruction & Downtown Related Street Improvements, Central Ave to US 441	Traffic Impact Fee	\$500,000	\$500,000	\$1,000,000				\$2,000,000
Bradshaw Rd US 441 Traffic Signal		\$400,000						\$400,000
Peterson Rd (End of pavement to Hermit Smirth Rd) 2 lanes				\$750,000				\$750,000
Maine Ave, Martin St to Old Dixie Hwy (2 lanes)					\$1,000,000			\$1,000,000
Martin St, Maine Ave between Park Ave					\$1,600,000			\$1,600,000
Marden Rd (Keene Rd to CR 437A) 2 lanes, Urban Section Improvement		\$500,000	\$500,000					\$100,000
New Sidewalks		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		\$250,000
Rogers Rd, Lester Rd to Ponkan Rd				\$1,400,000				\$1,400,000
Old Dixie (Hawthorne Ave to Schopke Lester Rd) turn lane, curb, gutter		\$1,000,000						\$1,000,000
Sheeler Ave/Cleveland St Intersection Improvement (turn lanes/traffic light)			\$500,000					\$500,000
Plymouth Rd/Yothers Rd Intersection Improvements		\$500,000						\$500,000

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Piedmont-Wekiwa Rd/Greenacres Rd (Traffic Light)	Traffic Impact Fee (Cont'd)			\$350,000				\$350,000
<b>TOTAL TRAFFIC IMPACT FUND</b>		<b>\$2,950,000</b>	<b>\$1,550,000</b>	<b>\$3,550,000</b>	<b>\$2,650,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$9,850,000</b>
Drainage Upgrading – Citywide (6308)	Stormwater Fund	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$2,100,000
<b>TOTAL STORMWATER FUND</b>		<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$2,100,000</b>
Miscellaneous Water Mains (2)	Water Impact Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
<b>TOTAL WATER IMPACT FUND</b>		<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$600,000</b>
Binion Rd RWM, IFAS to Ocoee Apopka Rd, 5,329 LF,	Reclaim Fund				\$511,584			\$511,584
16" Golden Gem Reuse Station HSP						\$6,500,000		\$6,500,000
Keene Rd RWM, Marden Rd to Ocoee Apopka Rd, 4,413 LF, 36"		\$794,340						\$794,340
Kelly Park Rd RMW II, Jason Dwelley Pkwy to Rock Springs Rd 16", 8,801 LF (2)				\$705,000				\$705,000
Kelly Park Rd RWM, Golden Gem Rd to Round Lake Rd 24"			\$371,400					\$371,400

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Miscellaneous RWM (5)	Reclaim Fund (Cont'd)	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$600,000
Northwest Reclaim Water Pump Station, 2 @ \$3,000			\$700,000					\$700,000
Northwest Reclaim Water Pond 2 & 3		\$250,000						\$250,000
Ocoee Apopka Rd, RWM, Harmon Rd to Alston Bay Blvd, 2,500 LF, 30"		\$412,500						\$412,500
Ocoee Apopka Rd RWM, Keene Rd to Alston Bay Blvd, 4,000 LF 30"		\$660,000						\$600,000
Plymouth Sorrento Rd RWM, Yothers Rd to Ponkan Rd, 4,654 LF 24" (2)			\$670,176					\$670,176
Ocoee Apopka Rd RWM, Keene Rd to Binion Rd, 3,500 LF 30"		\$308,000						\$308,000
Plymouth Sorrento Rd RWM, Ponkan Rd to Kelly Park Rd 2,745 LF, 20" (2)			\$645,000					\$645,000
<b>TOTAL RELAIM FUND</b>		<b>\$2,524,840</b>	<b>\$2,486,576</b>	<b>\$805,000</b>	<b>\$611,584</b>	<b>\$6,600,000</b>	<b>\$100,000</b>	<b>\$13,128,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Plymouth Sorrento Rd WM, Yothers Rd to Ponkan Rd, 5,423 LF 12" (1)	Water Impact Fund (Cont'd)	\$390,456						<b>\$390,456</b>
Plymouth Regional Water Plant, modifications and improvements Wells #1 & 2			\$900,000					<b>\$900,000</b>
Ponkan Rd, Ponkan Pines to Golden Gem 8,271 LF 12"			\$595,572					<b>\$595,572</b>
Sheeler Oaks WTP 65T .75 MG (1)			\$750,000					<b>\$750,000</b>
Southwest Water Plant (1)						\$4,500,000		<b>\$4,500,000</b>
US 441 WM, Roger Williams Rd to Sheeler Rd (1)				\$240,000				<b>\$240,000</b>
<b>TOTAL WATER IMPACT FUND</b>		<b>\$1,590,776</b>	<b>\$2,245,572</b>	<b>\$2,220,000</b>	<b>\$2,644,976</b>	<b>\$4,600,000</b>	<b>\$100,000</b>	<b>\$13,401,324</b>
Martin's Pond Improvements	Other Funds (TBD)							<b>TBD</b>
<b>TOTAL OTHER FUNDS</b>								<b>TBD</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Grossenbacher WTP, Replace Well	Water Impact Fee				\$910,000			<b>\$910,000</b>
Haas Rd WM, Mt. Plymouth Rd to Round Lake Rd, 22,708 LF 12" (1)					\$1,634,976			<b>\$1,634,976</b>
Kelly Park Rd WM, Golden Gem Rd to Round Lake Rd, 4,035 LF 16" (1)			\$387,360					<b>\$387,360</b>
Kelly Park Rd WM, Plymouth Sorrento Rd to Golden Gem, 6,672 LF 12" (1)		\$400,320						<b>\$400,320</b>
Miscellaneous Water Mains (2)		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	<b>\$600,000</b>
Mt. Plymouth Water Plant (Well #1) modifications and improvements		\$700,000						<b>\$700,000</b>
Mt. Plymouth Water Plant (Well #4) modifications and improvements			\$900,000					<b>\$900,000</b>
NW WTP (1 MG Storage Tank) (1)				\$850,000				<b>\$850,000</b>
Plymouth Sorrento Rd WM Ponkan Rd to Kelly Park Rd, 10,720 LF 16" (1)				\$1,030,000				<b>\$1,030,000</b>

**Backup material for agenda item:**

6. Ordinance No. 2562 – Second Reading – Comprehensive Plan – Small Scale Amendment – Legislative      Kyle Wilkes





## CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER: Ordinance

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Adjacent/Proposed FLU Map  
Ordinance No. 2562

**SUBJECT:** ORDINANCE NO. 2562 - SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC

**REQUEST:** SECOND READING & ADOPTION OF ORDINANCE NO. 2562 - SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC, FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” OFFICE (MAX. 0.3 FAR). (PARCEL ID #S: 09-21-28-7540-00-771; 09-21-28-7540-00-772)

**SUMMARY:**

OWNER/APPLICANT: Apopka Holdings LLC

LOCATION: 1109 S Park Avenue & 157 Rand Court

EXISTING USE: Single-family residence

CURRENT FLUM: “County” Low Density Residential

PROPOSED FLUM: “City” Office

CURRENT ZONING: “County” R-3 (ZIP)

PROPOSED ZONING: “City” PUD/PO/I (Professional Office/Institutional) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County”R-3 (ZIP) to “City” PUD/PO/I.)

DEVELOPMENT POTENTIAL: Maximum 10,715 sq. ft. office use (.30 floor area ratio)

TRACT SIZE: 0.82 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence  
PROPOSED: Up to 10,715 sq. ft. office use.

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Applicant intends to use the subject property for a parking lot to meet minimum parking requirements for the Central Florida Recovery Center, located on the opposite side of Park Avenue\Clarcona Road. 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 Office (max FAR of 0.3) to the property.

The subject properties were annexed into the City of Apopka on February 1, 2017, through the adoption of Ordinance No. 2546. 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 Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.82 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). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Office (max 0.3 FAR) Future Land Use designation and the City’s proposed PUD/PO/I Zoning.

**SCHOOL CAPACITY REPORT:** Because this request represents a change to a non-residential future land use designation and zoning classification, school capacity determination by Orange County Public Schools is not required.

**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 January 13, 2017.

**PUBLIC HEARING SCHEDULE:**

February 14, 2017 - Planning Commission (5:30 pm)

March 1, 2017 - City Council (1:30 pm) - 1st Reading

March 15, 2017 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 3, 2017 – Public Notice and Notification

March 3, 2017 – ¼ Page w/Map Ordinance Heading Ad

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**RECOMMENDATION 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” Office (max 0.3 FAR) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

The **Planning Commission**, at its meeting on February 14, 2017, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Future Land Use from “County” Low Density Residential (1 du/4 ac) to “City” Office (Max. 0.3 FAR) for the property owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

The **City Council**, at its meeting on March 1, 2017, accepted the First Reading of Ordinance No. 2562 and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2562.

**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)	Industrial (max 0.6 FAR)	I-1	Vacant industrial
East (County)	Low Density Residential (0-4 du/ac)	R-3	Single-family residences
South (County)	Low Density Residential (0-4 du/ac)	R-3	Single family residence
West (City)	Residential Low (0-5 du/ac) & Office (max 0.3 FAR)	R-3 & PUD/POI/Residential	Church (St. Paul AME Church) and Central Florida Recovery Center Office/Inpatient Residential

### II. LAND USE ANALYSIS

The applicant intends to redevelop the property for use for off-site parking to serve the approved mental health and substance abuse center located on the west side of Park Avenue\Clarcona Road. If all the land is not needed to accommodate parking needs for the Central Florida Recovery Center, a small office building may be constructed on the subject property. The proposed future land use of Office and use for the property is compatible with the general character of the surrounding neighborhood. Predominant existing land uses and assigned zoning in the abutting and surrounding area industrial are single family residential and religious facilities, with Office future land use to the west of subject sites (under the same ownership as the subject sites), and Industrial land use to the north.

North: Abutting the subject property to the north are vacant industrial properties with industrial and commercial buildings to the north of this vacant property.

West: The subject properties front S. Park Ave. to the west, with St. Paul AME Church and the approved Central Florida Recovery Center properties to the west. These uses have Residential Low and Office future land use designations, respectively.

South: Single family homes abut the subject property directly to the south. While the areas to the south are predominantly single family residential, commercial-zoned nodes do occur approximately 600 feet away.

East: Properties to the east are located within unincorporated Orange County and are used currently for single-family residences and have a Low Density Residential land use designation.

The proposed future land use designation of “City” Office serves as a transitional land use between the residential uses to the east and south, as well as the institutional uses to the west and industrial land uses to the north.

Therefore, staff supports the proposed future land use changes.

Other Information:

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 properties front S Park Avenue. 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 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office 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 Office (max FAR 0.3). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

#### **CALCULATIONS:**

ADOPTED (County designation): 3 Unit(s) x 2.659 p/h = 8 persons

PROPOSED (City designation): N/A, no residential.

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.

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: 588 GPD
3. Projected total demand under proposed designation: 1,607 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: 1,362 GPD
3. Projected total demand under proposed designation: 2,143 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: 32 lbs./person/day
4. Projected LOS under proposed designation: 21 lbs./day/1000 sf
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 - 25 hour design storm
3. Projected LOS under proposed designation: 100 year - 25 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: 0.024 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

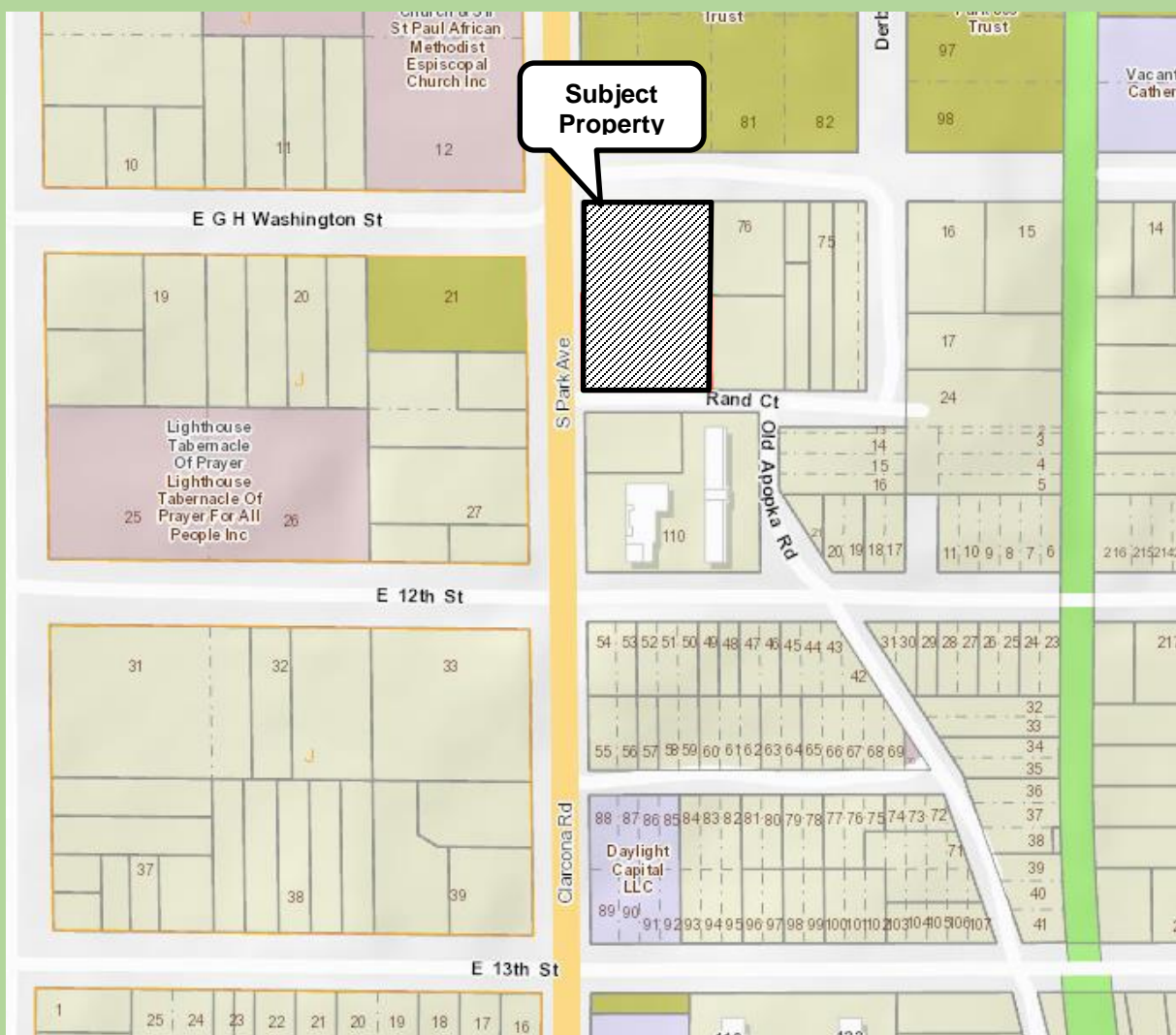
This initial review does not preclude conformance with concurrency requirements at the time of development approval.



**Apopka Holdings, LLC**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: “County” Low Density Residential (0-4 du/ac)**  
**To: “City” Office (max 0.3 FAR)**

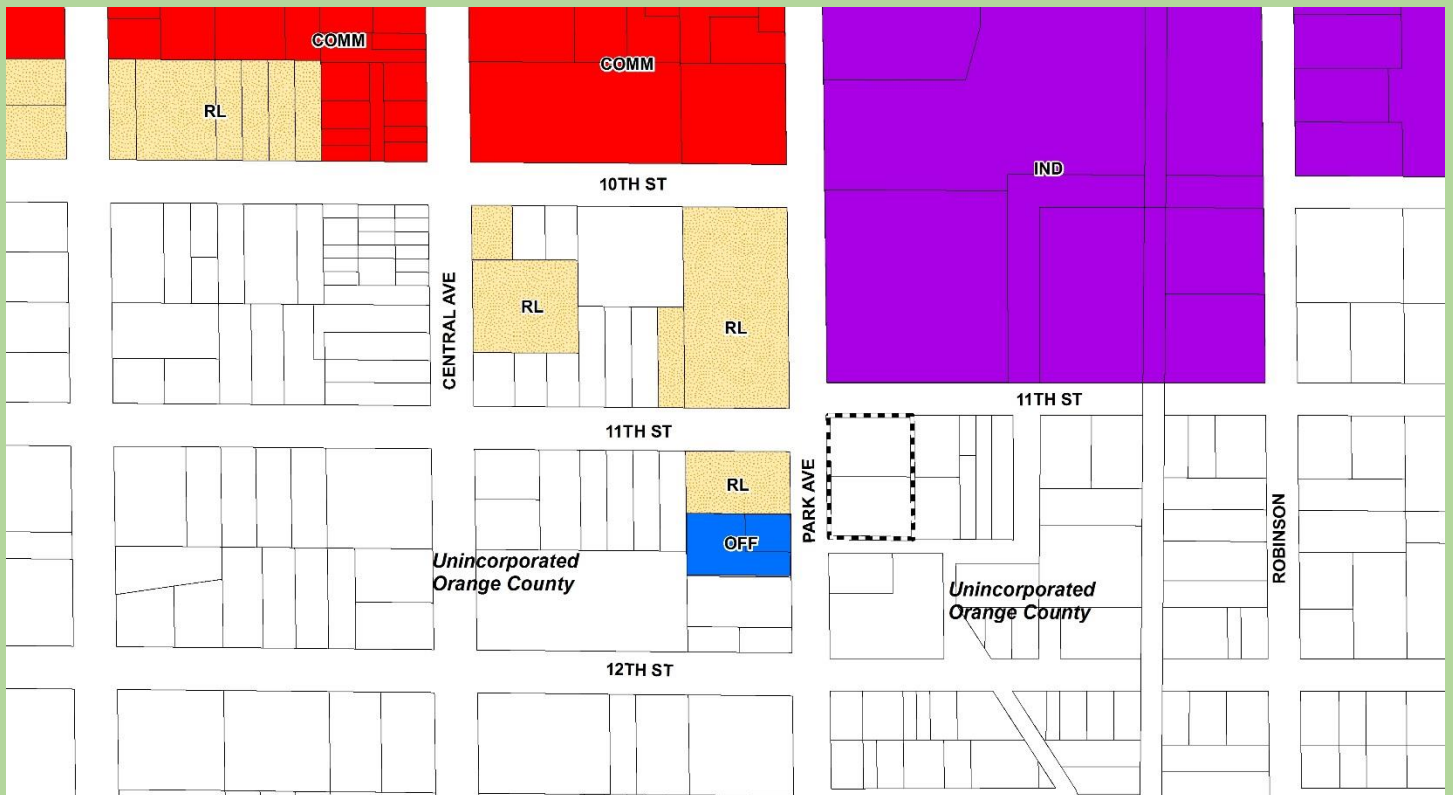
**Proposed Change of Zoning:**  
**From: “County” R-3 (Residential)**  
**To: “City” PUD/PO/I (Planned Unit Development/Professional Office/Institutional)**  
**Parcel ID #s: 15-21-28-7540-00-771; 15-21-28-7540-00-772**

### VICINITY MAP



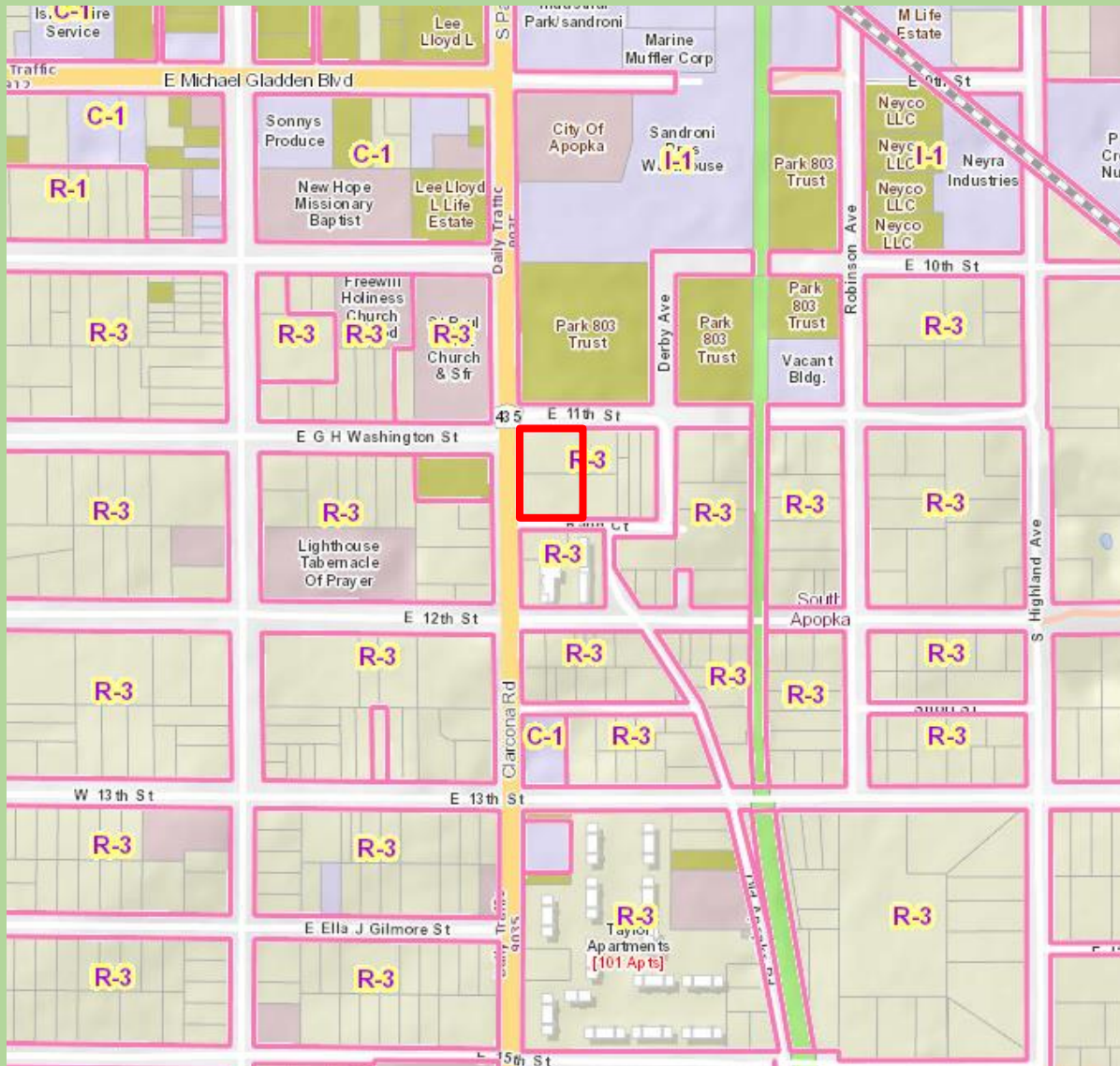


## FUTURE LAND USE MAP





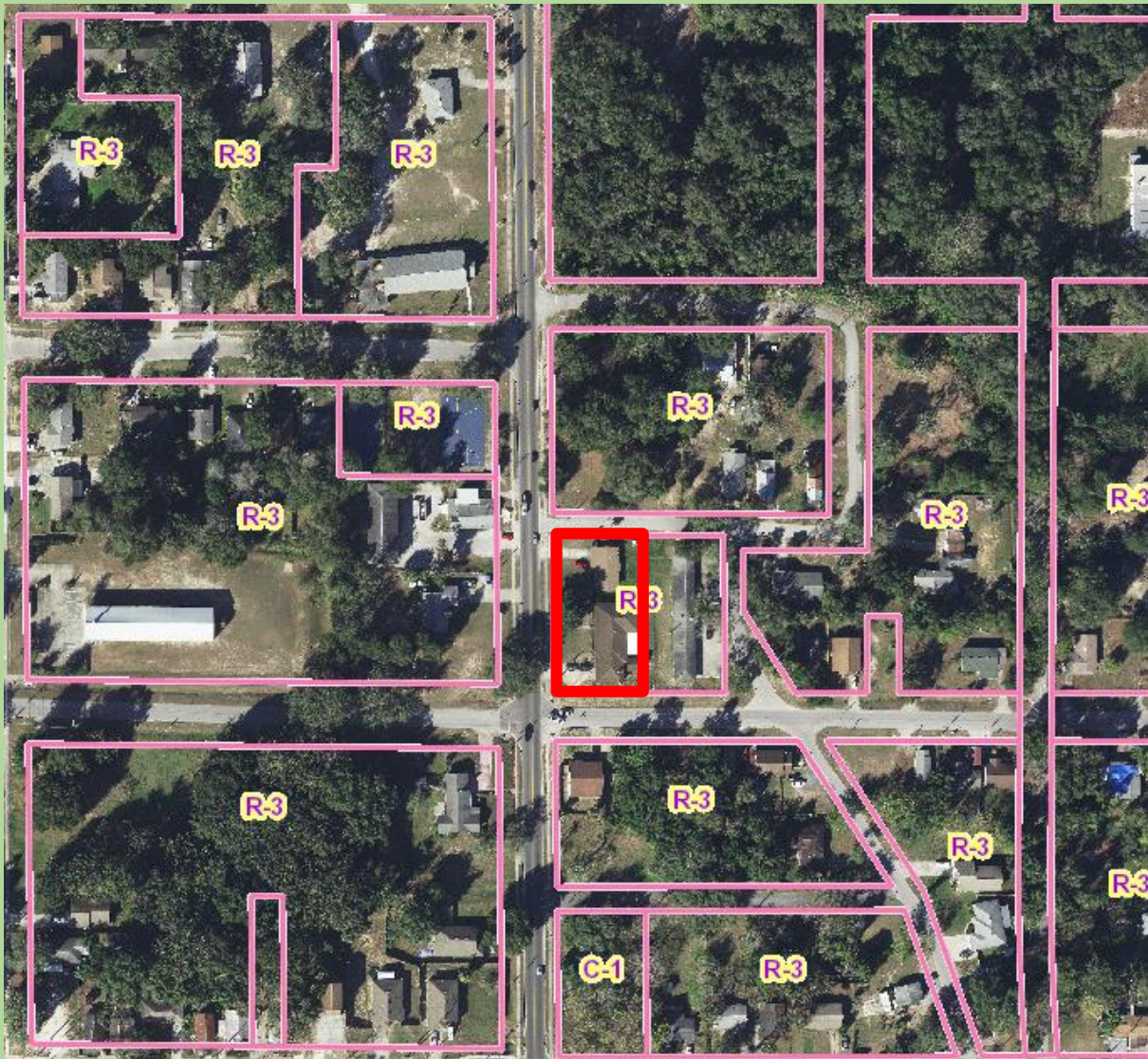
## ADJACENT ZONING







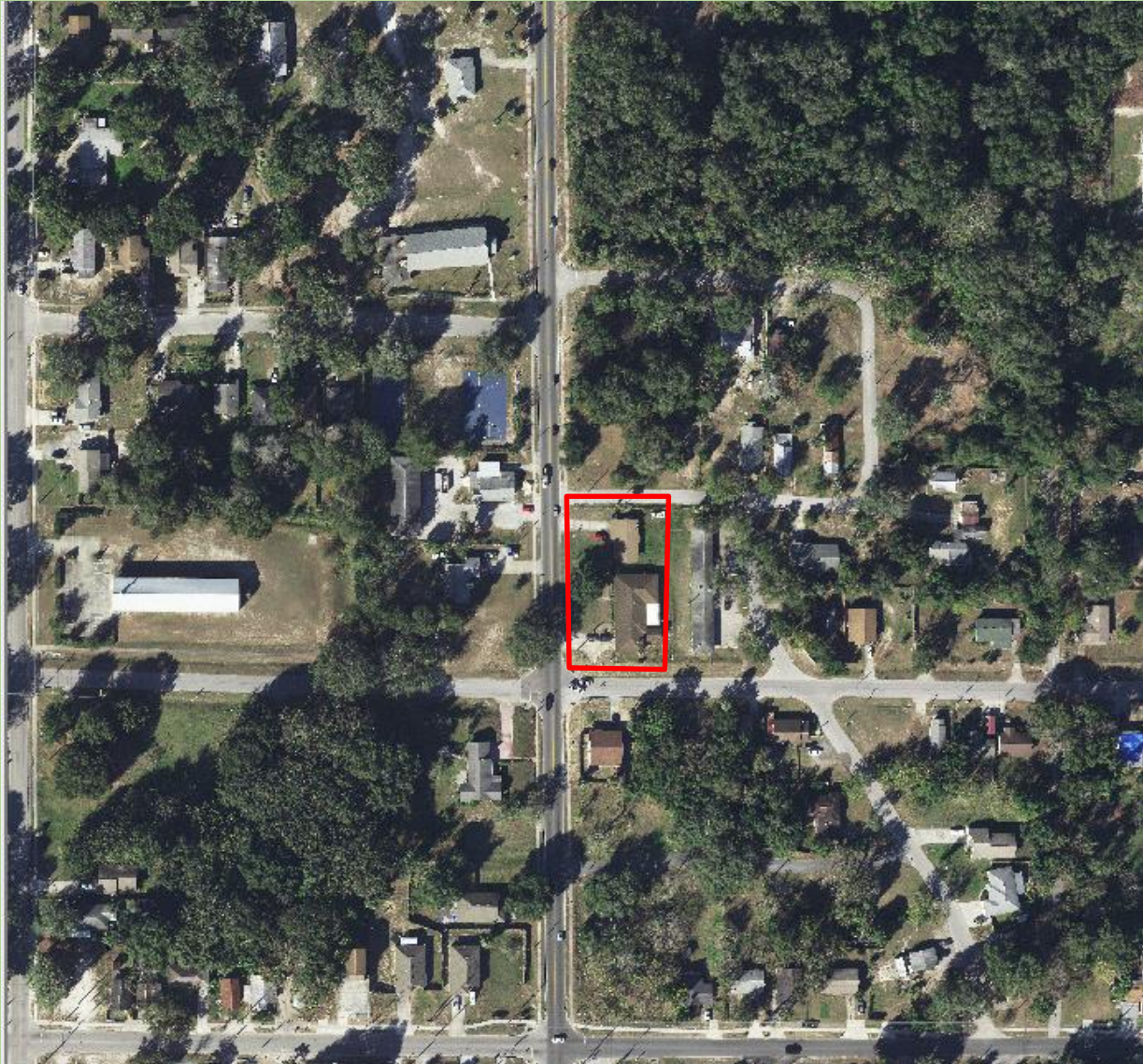
## ADJACENT USES







## EXISTING USES





## **ORDINANCE NO. 2562**

**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” OFFICE (MAX. FAR 0.30), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH PARK AVENUE AND NORTH OF RAND COURT, COMPRISING 0.82 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, LLC; 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. 2552 on February 15, 2017; 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. 2552, is amended in its entirety to change the land use from “County” Low Density Residential (0-4 du/ac) To “City” Office (Max. FAR 0.30), for certain real property generally located east of South Park Avenue, north of Rand Court and comprising 0.82 acres more or less, and owned by Apopka Holdings, LLC; 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.

**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 15<sup>th</sup> day of March, 2017,

READ FIRST TIME: March 1, 2017

READ SECOND TIME  
AND ADOPTED: March 15, 2017

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

ATTEST:

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

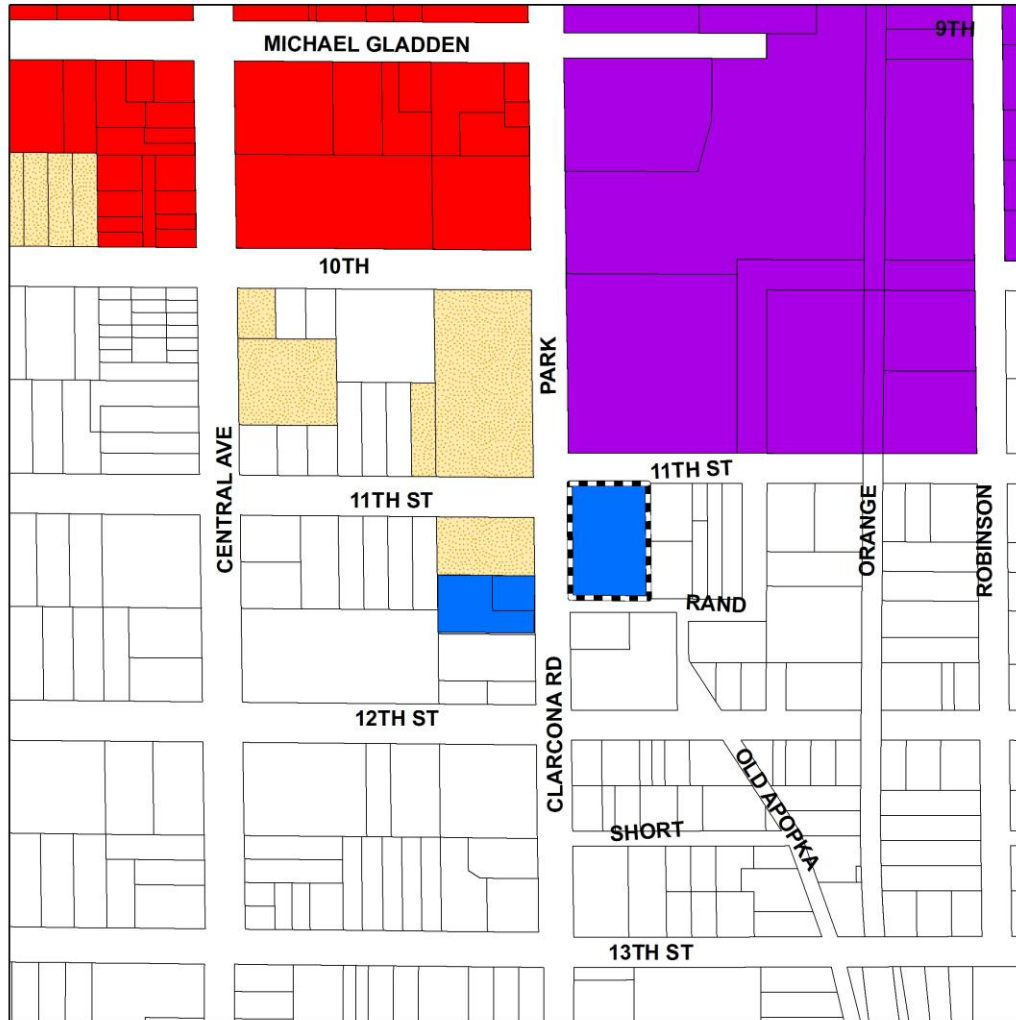
DULY ADVERTISED FOR HEARING: February 3, 2017  
March 3, 2017



## EXHIBIT "A"

### ORDINANCE NO. 2562

**Apopka Holdings, LLC**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential (0-4 du/ac)**  
**To: "City" Office (max 0.3 FAR)**  
**From: "County" R-3 (Residential)**  
**Parcel ID #s: 15-21-28-7540-00-771; 15-21-28-7540-00-772**



#### City of Apopka Future Land Use Map



0 0.01 0.02 0.04 0.06 0.08 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.

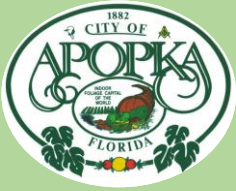
#### Legend

Subject Sites	Res. Medium
City Boundary	Res. High
JPA Boundary	Mixed Use
<b>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



**Backup material for agenda item:**

7. Ordinance No. 2563 – Second Reading – Change of Zoning – Quasi-Judicial      Kyle Wilkes



## CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA  
☒ PUBLIC HEARING  
☐ SPECIAL REPORTS  
☒ OTHER: Ordinance

MEETING OF: March 15, 2017  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2563

**SUBJECT:** ORDINANCE NO. 2563 - CHANGE OF ZONING – APOPKA HOLDINGS, LLC

**REQUEST:** SECOND READING & ADOPTION OF ORDINANCE NO. 2563 - CHANGE OF ZONING – APOPKA HOLDINGS, LLC, FROM “COUNTY” R-3 (ZIP) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/PO-I). (PARCEL ID #S: 09-21-28-7540-00-771; 09-21-28-7540-00-772)

**SUMMARY:**

OWNER/APPLICANT: Apopka Holdings LLC

LOCATION: 1109 S Park Avenue & 157 Rand Court

EXISTING USE: Single-family residence

CURRENT FLUM: “County” Low Density Residential

PROPOSED FLUM: “City” Office

CURRENT ZONING: “County” R-3 (ZIP)

PROPOSED ZONING: “City” PUD/PO/I (Professional Office/Institutional) (Note: this Change of Zoning request is being processed along with a request to change the Future Land Use designation from “County” Low Density Residential (0-4 du/ac) to “City” Office (Max. 0.3 FAR)

DEVELOPMENT POTENTIAL: Maximum 10,715 sq. ft. office use (.30 floor area ratio)

TRACT SIZE: 0.82 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence  
PROPOSED: Up to 10,715 sq. ft. office use.

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** The subject properties were annexed into the City of Apopka on February 1, 2017 via Ordinance 2546. The applicant requests the change of zoning to PUD/PO/I to accommodate off-site parking to serve the existing Central Florida Recovery Center properties owned by the applicant. If the subject site accommodates the parking requirements for Central Florida Recovery Center, applicant may desire to construct a 2,000 sq. ft. office building on the site as well, subject to demonstrating that sufficient parking is available for the subject property and for the Central Florida Recovery Center.

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

**PUD ZONING AND DEVELOPMENT STANDARDS:** 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 shall be: the subject property shall be used for parking to accommodate the parking requirements for the Central Florida Recovery Center located on Parcel Numbers 09-21-28-0917-10-211 and 09-21-28-0917-10-213. If another site is used and developed to accommodate this parking need for Central Florida Recovery, then the following all uses permitted within the PO/I (Professional Office/Institutional PO/I (zoning category) are allowed except for following PO/I uses shall be prohibited:
1. Hospitals, museums, libraries or cultural institutions;
  2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
  3. Boarding or rooming house(s);
  4. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
  5. Pharmacy;
  6. All uses permitted through a special exception within the Professional Office/Institutional zoning district.
- B. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the Final Development/master site plan:

**Building Design Standards:**

1. New development shall have architectural features and materials that are residential in character.
  - a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
  - b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
  - c. Windows shall include fenestration detail and/or shutters.
  - d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.



- e. A main building entrance shall face a public street.

**Building Design Guidelines**

1. Building exterior design uses residential-scale fenestration that may include:
  - i. Windows with multi-pane glazing
  - ii. Dormers or similar architectural features
  - iii. Roof overhang, cornice, eaves, soffits
2. Building façades that are modulated into house-sized segments or broken into separate buildings are encouraged.
3. A portico or porch is encouraged to define a main building entrance.
4. The total area of the first floor of a building shall not exceed 12,000 sq. ft. and the total gross floor area of a building shall not exceed 18,000 sq. ft. The minimum and maximum floor area does not apply to churches.

**Site Design Standards:**

1. The front façade and primary entrance of the building shall be oriented toward the front of the property.
  2. Minimum front setback of 15 ft. and a maximum of 25 ft.
  3. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
  4. Parking is located at the rear or side of any building.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Final Development Plan;
  2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  3. Rezone the property to a more appropriate zoning classification.
  4. The site shall provide a six-foot brick/masonry wall along the southern and eastern portions of the subject properties adjacent to residential uses.
  5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code.
  6. The applicant must demonstrate through the Final Development Plan that sufficient parking exists to support off-site parking requirements for existing Central Florida Recovery Center properties west of Park Avenue, as well as any future professional office development on-site.

7. Connection to City central water and sewer service is required prior to issuance of a certificate of occupancy for any future office development.
8. The applicant must receive approval for the location of a crosswalk from the subject properties to the existing Central Florida Recovery Center properties; the approved crosswalk location shall be identified on the Final Development Plan.
9. Unless otherwise provided herein, the design of the site through a Master Plan\Final Development Plan shall occur consistent with development standards for the PO/I zoning district. Modifications to the Final Development Plan may be approved by the Development Review Committee if determined to be an insubstantial change by the Community Development Director.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City’s proposed Planned Unit Development (PUD/PO/I) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** Because this Change of Zoning represents a change to a non-residential underlying zoning classification, a capacity enhancement agreement with Orange County Public Schools is not required.

**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 January 13, 2017.

**PUBLIC HEARING SCHEDULE:**

February 14, 2017 - Planning Commission (5:30 pm)  
March 1, 2017 - City Council (1:30 pm) - 1st Reading  
March 15, 2017 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 3, 2017 – Public Notice and Notification  
March 3, 2017 – ¼ Page w/Map Ordinance Heading Ad

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**RECOMMENDATION 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” R-3 (ZIP) to “City” Planned Unit Development (PUD/PO-I) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

The **Planning Commission**, at its meeting on February 14, 2017, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the Change in Zoning from “County” R-3 (ZIP) to “City” Planned Unit Development (PUD/PO-I) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

The **City Council**, at its meeting on March 1, 2017, accepted the First Reading of Ordinance No. 2563 and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2563.

**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:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial (max 0.6 FAR)	I-1	Vacant industrial
East (County)	Low Density Residential (0-4 du/ac)	R-3	Single-family residences
South (County)	Low Density Residential (0-4 du/ac)	R-3	Single family residence
West (City)	Residential Low (0-5 du/ac) & Office (max 0.3 FAR)	R-3 & PUD/PO/I/Residential	Church (St. Paul AME Church) and Central Florida Recovery Center Office/Inpatient Residential

### LAND USE COMPATIBILITY:

The proposed zoning and use is compatible with adjacent zoning districts and the general character of the surrounding area. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Parcels abutting to the west across S Park Avenue are for a church – the St. Paul African Methodist Episcopal Church, as well as the existing Central Florida Recovery Center owned by the applicant, institutional and office uses, respectively. In addition, the area contains other non-residential land uses, including industrial north and commercial to the south of the subject sites.

The underlying PO/I zoning serves as a transitional zoning between the residential uses to the east and south, to the institutional and industrial zoning uses and zoning to the west and north of the subject properties. The Land Use Compatibility supporting information from the Future Land Use amendment is incorporated into the findings of the Zoning Report.

### TRAFFIC COMPATIBILITY:

The property has access to a Minor Arterial roadway (S. Park Avenue/Clarcona Road). A medical office/clinic is a permissible use within the PO/I zoning category. Future land use designations and zoning categories assigned to properties to the north, south, east, and west is predominantly residential, industrial and commercial.

### COMPREHENSIVE PLAN COMPLIANCE:

The proposed PUD/PO/I/Residential zoning is compatible with policies set forth in the Comprehensive Plan. The underlying PO/I zoning standards within the proposed PUD are as follows:

### PO/I DISTRICT REQUIREMENTS:

FAR:	0.30 (max.)
Open Space:	30 percent
Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width:	85 ft.
Setbacks:	Front: 25 ft.
	Side: 10 ft.
	Corner: 25 ft.
	Rear: 10 ft.
Adjacent to Residential:	25 ft.

**BUFFERYARD  
REQUIREMENTS:**

Areas adjacent to all road rights-of-way shall provide a minimum ten (10) foot landscaped bufferyard. Areas adjacent residential use shall provide a minimum six (6) foot masonry wall within a ten (10) foot landscaped bufferyard.

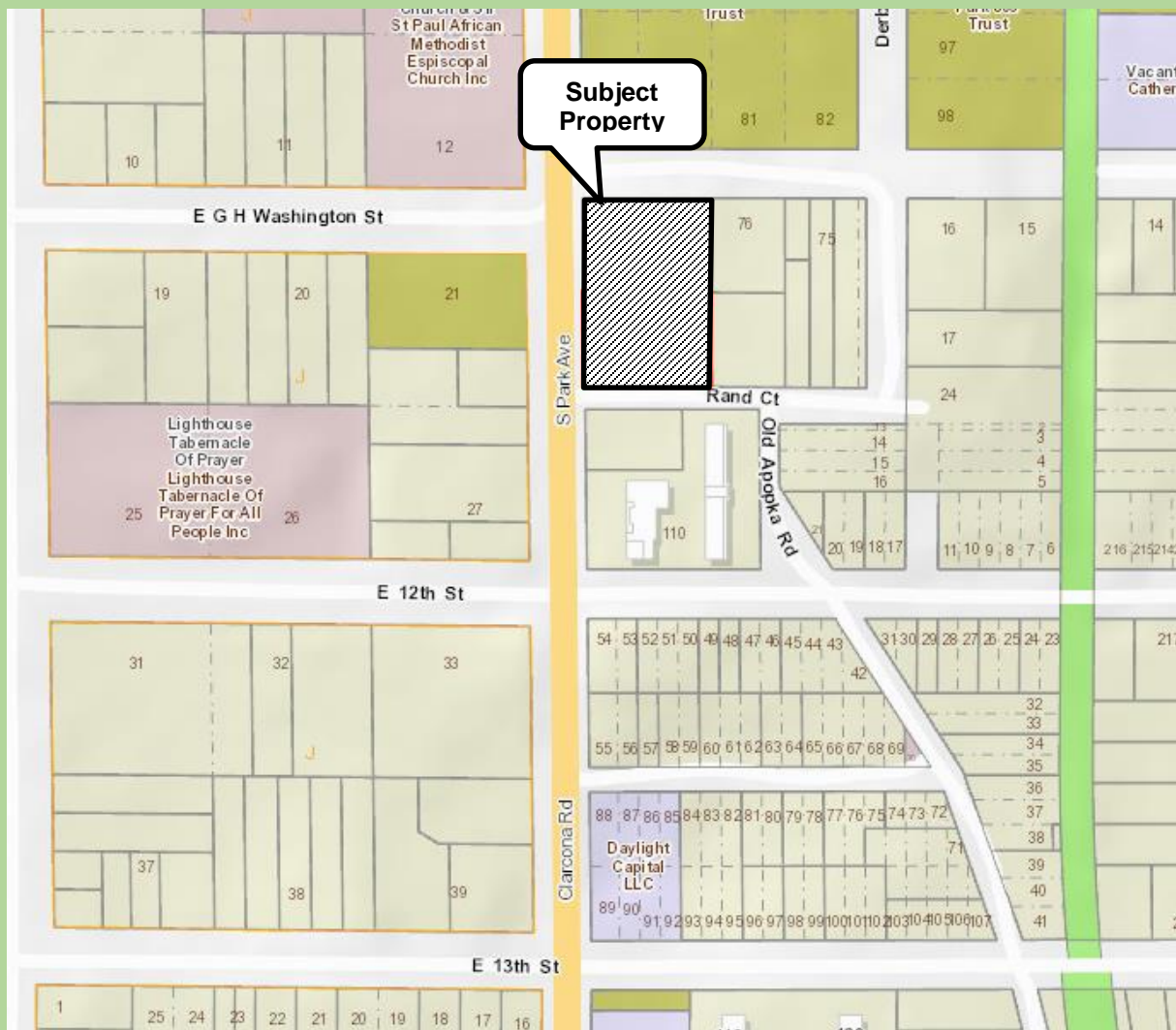
**ALLOWABLE  
USES:**

Professional offices, medical or dental clinics and offices, establishments for the retail sale of pharmaceutical, medical and dental supplies, hospitals, museums, libraries, churches and educational facilities.



**Apopka Holdings, LLC**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: “County” Low Density Residential (0-4 du/ac)**  
**To: “City” Office (max 0.3 FAR)**  
**Proposed Change of Zoning:**  
**From: “County” R-3 (Residential)**  
**To: “City” PUD/PO/I (Planned Unit Development/Professional Office/Institutional)**  
**Parcel ID #s: 15-21-28-7540-00-771; 15-21-28-7540-00-772**

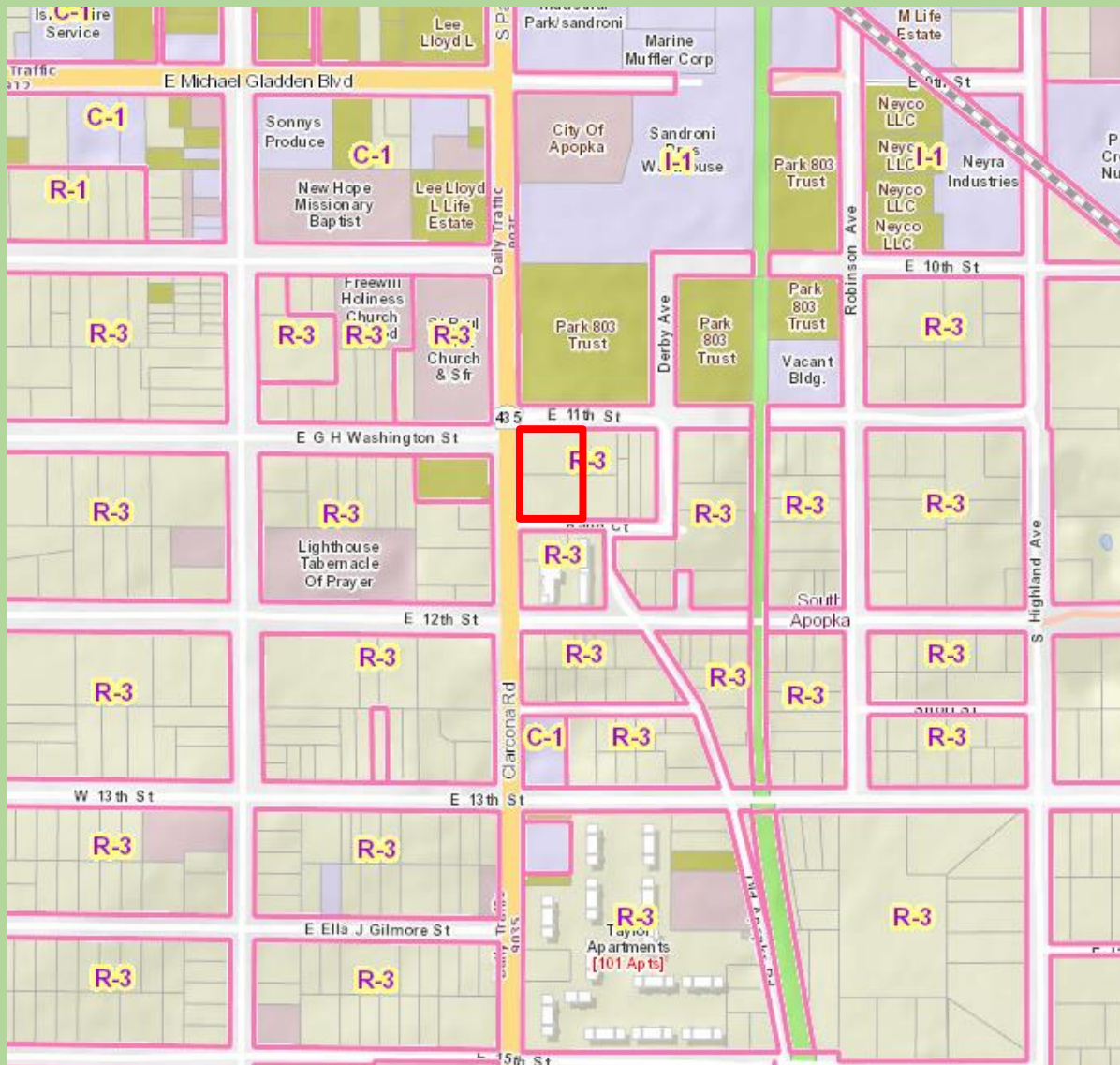
### VICINITY MAP







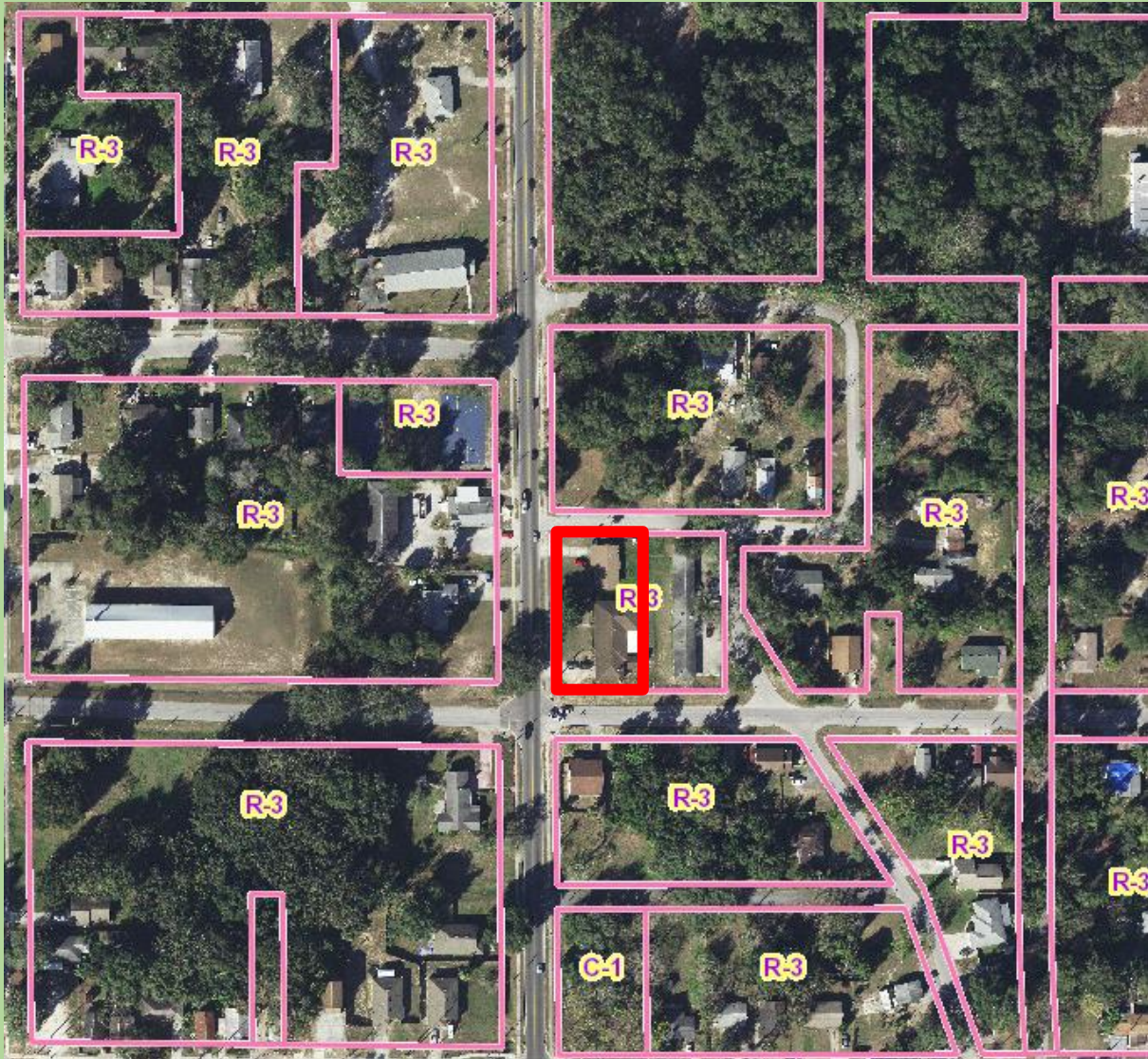
## ADJACENT ZONING







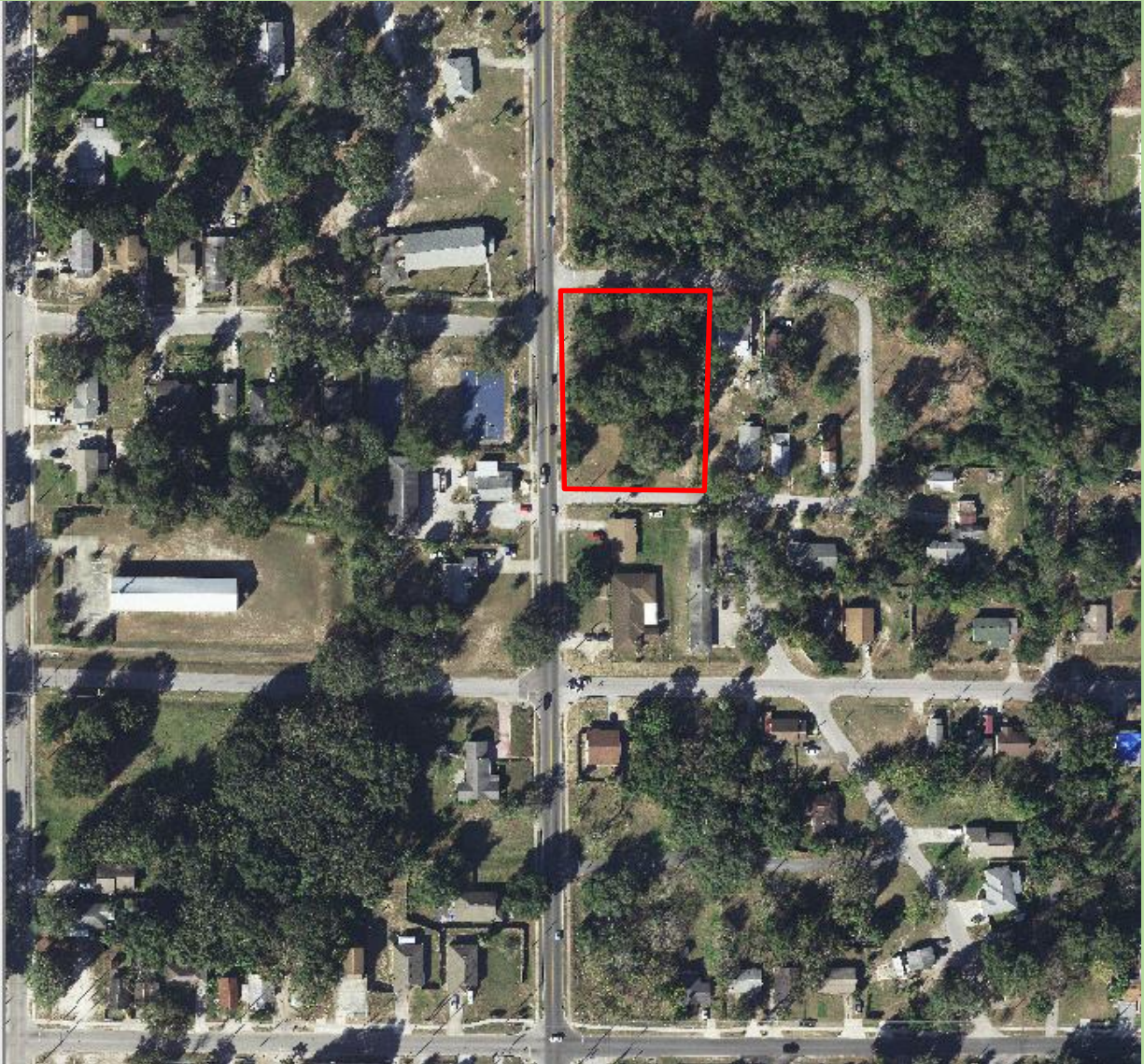
## ADJACENT USES







## EXISTING USES



## ORDINANCE NO. 2563

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-3 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD-PO/I); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH PARK AVENUE AND NORTH OF RAND COURT, COMPRISING 0.82 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, 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**, 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 Planned Unit Development (PUD-PO/I-Residential) 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 be designated as Planned Unit Development (PUD-PO/I-Residential), as defined in the Apopka Land Development Code, and with the following Master Plan provisions, as established in Exhibit “A”, subject to the following zoning provisions:

**PUD ZONING AND DEVELOPMENT STANDARDS:** That the zoning classification of the following described property shall be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions affecting the use of the Property:

- A. The uses permitted within the PUD district shall be: the subject property shall be used for parking to accommodate the parking requirements for the Central Florida Recovery Center located on Parcel Numbers 09-21-28-0917-10-211 and 09-21-28-0917-10-213. If another site is used and developed to accommodate this parking need for Central Florida Recovery, then the following all uses permitted within the PO/I (Professional Office/Institutional PO/I (zoning category) are allowed except for following PO/I uses shall be prohibited:
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  2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
  3. Boarding or rooming house(s);
  4. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
  5. Pharmacy;

6. All uses permitted through a special exception within the Professional Office/Institutional zoning district.
- B. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the Final Development/master site plan:

**Building Design Standards:**

1. New development shall have architectural features and materials that are residential in character.
  - a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
  - b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
  - c. Windows shall include fenestration detail and/or shutters.
  - d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
  - e. A main building entrance shall face a public street.

**Building Design Guidelines**

1. Building exterior design uses residential-scale fenestration that may include:
  - i. Windows with multi-pane glazing
  - ii. Dormers or similar architectural features
  - iii. Roof overhang, cornice, eaves, soffits
2. Building façades that are modulated into house-sized segments or broken into separate buildings are encouraged.
3. A portico or porch is encouraged to define a main building entrance.
4. The total area of the first floor of a building shall not exceed 12,000 sq. ft. and the total gross floor area of a building shall not exceed 18,000 sq. ft. The minimum and maximum floor area does not apply to churches.

**Site Design Standards:**

1. The front façade and primary entrance of the building shall be oriented toward the front of the property.

2. Minimum front setback of 15 ft. and a maximum of 25 ft.
  3. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
  4. Parking is located at the rear or side of any building.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Final Development Plan;
  2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  3. Rezone the property to a more appropriate zoning classification.
  4. The site shall provide a six-foot brick/masonry wall along the southern and eastern portions of the subject properties adjacent to residential uses.
  5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code.
  6. The applicant must demonstrate through the Final Development Plan that sufficient parking exists to support off-site parking requirements for existing Central Florida Recovery Center properties west of Park Avenue, as well as any future professional office development on-site.

**Section II.** That the zoning classification of the following described Property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD-PO/I), as defined in the Apopka Land Development Code.

Legal Description:

ROBINSON & DERBYS ADD TO APOPKA B/40 THE N1/2 OF LOT 77 & N1/2 OF LOT 78 Parcel I.D. No. 15-21-28-7540-00-771 (0.41 +/- acres)

ROBINSON & DERBYS ADD TO APOPKA B/40 THE S1/2 OF LOTS 77 & 78  
Parcel I.D. No. 15-21-28-7540-00-772 (0.41 +/- acres)

Combined acreage: 0.82 +/- acre

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

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

**Section VII.** That this Ordinance shall take effect upon adoption of Ordinance No. 2562.

READ FIRST TIME: March 1, 2017

READ SECOND TIME  
AND ADOPTED: March 15, 2017

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

ATTEST:

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

DULY ADVERTISED:      February 3, 2017  
                                     March 3, 2017