

**APOPKA CITY COUNCIL AGENDA**  
**December 05, 2018 1:30 PM**  
**APOPKA CITY HALL COUNCIL CHAMBERS**

**CALL TO ORDER**  
**INVOCATION**  
**PLEDGE**

**APPROVAL OF MINUTES:**

1. City Council regular meeting November 7, 2018.

**AGENDA REVIEW**

**EMPLOYEE RECOGNITION:**

- ❖ Ten Year Service Award – William A. Bryant, IV – Police /Communications
- ❖ Ten Year Service Award – Matthew A. Brown – Fire/Suppression

**PRESENTATIONS:**

1. Lake Apopka Natural Gas District. Monica Marlow, Director of Marketing & Business Development

**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. Approve the appointment of a new Planning Commission member.
2. Authorize an agreement to remove the lead from the Police range berm.
3. Authorize a Decorative Street Lighting Agreement with Silver Oak Phase 1.
4. School Concurrency Mitigation Agreement for Carriage Hill, Phase 2.
5. Sewer and Water Capacity Agreement for Carriage Hill, Phase 2.
6. Authorize the issuance of blanket purchase order for multiple departments.
7. Authorize the purchase of budgeted police vehicles.
8. Approve the purchase of a budgeted garbage truck for the Sanitation division.
9. Authorize the purchase of budgeted heavy equipment for multiple divisions in the Public Services department.
10. Authorize the transfer of two Apopka Police surplus police vehicles to be donated to the Springfield Police Department.
11. Authorize the closure of roads for the annual Apopka Christmas Parade.
12. Approve the serving of alcohol at the Festival of Trees at the Museum of Apopkans.

**BUSINESS (Action Item)**

1. Final Development Plan – Special Ops Tactical Site Plan Jean Sanchez  
Project: Property Industrial Enterprises, LLC  
Location: Lake Gem Commercial Industrial Park, Lot 8
2. Joint Planning Agreement – 3<sup>rd</sup> Amendment – Between City of Apopka and Orange County James Hitt

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

1. Ordinance No. 2645 – Second Reading - Comp Plan – Large Scale Amendment Phil Martinez  
Project: Kent Greer  
Location: South of West Kelly Park Road, East of Round Lake Road
2. Ordinance No. 2670 – First Reading - Comprehensive Plan – Large Scale Amendment Phil Martinez  
Project: Radam Investment, LLC  
Location: North of South Apopka Boulevard, west of South Lake Pleasant Road
3. Ordinance No. 2676 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment David

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|---|---------------|
| <p><a href="#"><u>4.</u></a> Ordinance No. 2677 – First Reading – Administrative - Change of Zoning<br/>Project: Renuka Prasad<br/>Location: North of West Orange Blossom Trail, west of S.R. 429</p>   | David Moon    |
| <p><a href="#"><u>5.</u></a> Ordinance No. 2682 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment<br/>Project: Douglas and Jeri Bankson<br/>Location: 585 East Sandpiper Street</p>   | David Moon    |
| <p><a href="#"><u>6.</u></a> Ordinance No. 2683 – First Reading – Administrative - Change of Zoning<br/>Project: Douglas and Jeri Bankson<br/>Location: 585 East Sandpiper Street</p>   | David Moon    |
| <p><a href="#"><u>7.</u></a> Ordinance No. 2684 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment<br/>Project: Bryan and Debbie Nelson<br/>Location: 1157 Oakpoint Circle</p>   | David Moon    |
| <p><a href="#"><u>8.</u></a> Ordinance No. 2685 – First Reading – Administrative - Change of Zoning<br/>Project: Bryan and Debbie Nelson<br/>Location: 1157 Oakpoint Circle</p>   | David Moon    |
| <p><a href="#"><u>9.</u></a> Ordinance No. 2686 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment<br/>Project: William D. Cook and Robyn D. Cook Revocable Trust<br/>Location: 1163 Oakpoint Circle</p>   | David Moon    |
| <p><a href="#"><u>10.</u></a> Ordinance No. 2687 – First Reading – Administrative - Change of Zoning<br/>Project: William D. Cook and Robyn D. Cook Revocable Trust<br/>Location: 1163 Oakpoint Circle</p>  | David Moon    |
| <p><a href="#"><u>11.</u></a> Ordinance No. 2688 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment<br/>Project: Carlos Verduzco<br/>Location: 1175 Oakpoint Circle</p>  | David Moon    |
| <p><a href="#"><u>12.</u></a> Ordinance No. 2689 - First Reading – Administrative - Change of Zoning<br/>Project: Carlos Verduzco<br/>Location: 1175 Oakpoint Circle</p>  | Phil Martinez |
| <p><a href="#"><u>13.</u></a> Ordinance No. 2690 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment<br/>Project: Carrol M. and Patricia A. Hamrick<br/>Location: North of West Ponkan Road, west of Mount Sterling Avenue</p>   | Phil Martinez |
| <p><a href="#"><u>14.</u></a> Ordinance No. 2691 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment<br/>Project: Cantero Holdings LLC<br/>Location: West of Golden Gem Road, south of West Kelly Park Road</p>  | Phil Martinez |
| <p><a href="#"><u>15.</u></a> Ordinance No. 2692 – First Reading – Annexation (SR 429 Group A)<br/>Ordinance No. 2693 – First Reading – Annexation (SR 429 Group B)<br/>Ordinance No. 2694 - First Reading – Annexation (SR 429 Group C)<br/>Ordinance No. 2695 – First Reading – Annexation (SR 429 Group D)<br/>Project: 429 West</p> | James Hitt    |
| <p><a href="#"><u>16.</u></a> Ordinance No. 2696 – First Reading – Annexation<br/>Project: CHS Management Corporation<br/>Location: 3443 Plymouth Sorrento Road, Plymouth Sorrento Road</p>   | Jean Sanchez  |
| <p><a href="#"><u>17.</u></a> Ordinance No. 2698 - First Reading - Code of Ordinances - Recodification.</p>   | Linda Goff    |
| <p><a href="#"><u>18.</u></a> Resolution No. 2018-25 – Deeding City Owned Property to the State Of Florida Department Of Transportation</p>   | Pam Richmond  |

**CITY COUNCIL REPORTS**

**CITY ADMINISTRATOR REPORT**

**MAYOR'S REPORT**

1. Attorney status.

**ADJOURNMENT**

**MEETINGS AND UPCOMING EVENTS**

DATE	TIME	EVENT
December 6-8, 2018	See brochure	Festival of Trees – Museum of the Apopkans
December 6, 2018	5:30pm – 8:00pm	Food Truck Round Up
December 8, 2018	10:00am – 12:00pm	Apopka Christmas Parade
December 10, 2018	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
December 11, 2018	5:30pm – 7:30pm	Planning Commission Meeting
December 15, 2018	11:00am – 12:00pm	Cookies & Milk with a Cop – NW Orange/Apopka Library
December 18, 2018	6:00pm –	Code Enforcement Hearing
December 19, 2018	7:00pm –	City Council Meeting
December 24, 2018		City Offices Closed in observance of Christmas Eve
December 25, 2018		City Offices Closed in observance of Christmas Day
January 2, 2019	1:30pm –	City Council Meeting
January 3, 2019	5:30pm – 8:00pm	Food Truck Round Up
January 8, 2019	5:30pm – 7:30pm	Planning Commission Meeting
January 12, 2019	9:00am – 4:00pm	Cops & Firefighters for Cystic Fibrosis – NW Recreation Complex
January 16, 2019	7:00pm –	City Council Meeting
January 19, 2019	11:00am – 12:00pm	Cookies & Milk with a Cop – NW Orange/Apopka Library

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.

## CITY OF APOPKA

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### **Minutes of the regular City Council meeting held on November 7, 2018, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Bryan Nelson  
Commissioner Doug Bankson  
Commissioner Kyle Becker  
Commissioner Alice Nolan  
Commissioner Alexander Smith  
City Attorney Cliff Shepard  
City Administrator Edward Bass

**PRESS PRESENT:** Teresa Sargeant - The Apopka Chief  
Reggie Connell, The Apopka Voice

**INVOCATION:** - Mayor Nelson called on Deacon Jim Shelley of St. Francis of Assisi, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Nelson introduced Harmony Collen, SGA President, Apopka High School, who said World War One ended at the eleventh hour on the eleventh day of the eleventh month in 1918. She then led in the Pledge of Allegiance.

Mayor Nelson also recognized:

Desiree Birriel, SGA Vice President and Homecoming Queen  
Dewey and Daisy Darter (Kameron Wade and Elena Korkes)  
Angels, (Dewey & Daisy's body men - Abbey Bankson and Dianna McNeil)

#### **APPROVAL OF MINUTES:**

1. City Council regular meeting October 17, 2018.
2. City Council/Planning Commission joint workshop October 18, 2018.

**MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve the minutes of October 17, 2018, and October 18, 2018, as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Nolan voting aye.**

**AGENDA REVIEW** – City Administrator Bass advised Consent Agenda Item #4 was not in the electronic version. Each Commissioner received a copy and copies were on the table for any public that wanted to review. Mayor Nelson advised people were present wanting to comment on Item #4 of the Consent, so this will be pulled as a separate item.

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

##### **EMPLOYEE RECOGNITION:**

- Antonio Batista – Fire / EMS – Five Year Service Award. The Commissioners joined Mayor Nelson in congratulating Antonio on his years of service.

- Haley R. Lovell – Police / Communications – Five Year Service Award. Haley was not present and her award will be presented at another time.
- Mandy E. Mathis – Fire / EMS – Five Year Service Award. Mandy was not present and her award will be presented at another time.
- Donna L. Saladin – Police / Communications – Five Year Service Award. The Commissioners joined Mayor Nelson in congratulating Donna on her years of service.
- Dylan C. Spencer – Fire / EMS – Five Year Service Award. The Commissioners joined Mayor Nelson in congratulating Dylan on his years of service.
- Jason C. Watson – Fire / EMS – Ten Year Service Award. Jason was not present and will be presented his award at another time.
- Dwight L. Ashton – Fire / EMS – Fifteen Year Service Award. Dwight was not present and will be presented his award at another time.

### **PROCLAMATIONS:**

1. Recognition of Apopka as a Purple Heart City.

Mayor Nelson invited Fred Robinson to come forward to introduce distinguished guests present. He introduced Ernie Rivera with the Military Order of the Purple Heart, Dana Galwin, and Retired United States Marine Corp General Arnold Fields.

Mayor Nelson read a proclamation supporting Apopka’s military veteran population and proclaimed the City of Apopka as a Purple Heart City encouraging citizens to continue support of our military heroes.

Fred Robinson presented Purple Heart Special Recognition plaque to the City of Apopka for the City’s dedication and support of wounded veterans and becoming a Purple Heart City.

### **PRESENTATIONS:**

1. Waste Water Plant Expansion.

Jay Davoll, Public Services Director, provide an update with background regarding the Waste Water Plant expansion. The old plant was a combination of two plants with a capacity of 4.5 million gallons a day. He reported the city is expanding to 8 million gallons a day and new technology to help reduce nitrogen and help the environment. Construction began in October 2016. He advised the east side is under substantial completion and they are working on the west side. He advised this should serve the city’s capacity through 2030. The project is around \$65 million and funded through the State Revolving Fund. He stated they evaluated two options for this process and it was determined to add a second anoxic basin due to the proven efficient removal of nutrients and the long-term economic benefit. The environmental benefits are also improved through this. The plant location is at Cleveland and this site has been in use for more than 40 years and regularly maintained. He advised the loan will be paid through impact fees and customer payments. He advised the project is currently approximately 85% complete. He stated the east side plant is substantially completed and they are fully working on the west side now, which is 33% complete. The entire project is estimated to be complete in April 2019. He reviewed aerial photographs of the Water Reclamation Facility.

In response to Mayor Nelson, Mr. Davoll advised that last year the City spent approximately \$250,000 to haul off waste. This will now go through a drying process and utilized as fertilizer.

2. Debt Overview Presentation

Jamie Roberson, Finance Director, said that Angela Singleton, Assistant Vice President of Hilltop Securities will be presenting the debt overview. She advised this was not just in reference to the wastewater plant, but the current outstanding debt of the city as a whole.

Ms. Singleton advised the city currently has General Fund, Sanitation System, and Utility System debt outstanding. The General Fund has approximately \$10.7 million outstanding in bonds and bank loans. In addition, there is a \$4.7 million in leases outstanding. The Sanitation System has \$249,000 in bank loans outstanding. The Water and Sewer System has \$80 million in debt outstanding and this includes the \$14 million in bonds issues in 2012 and approximately \$66 million in State Revolving Loan Funds for the wastewater system that was just discussed. She pointed out that all of this has not yet been disbursed. The Utility System Refunding Revenue Bonds, Series 2012, are the only ones with a Moody rating of Aa2 and she advised this is a high quality rating. The City is considered a low credit risk. A copy of the presentation is on file in the Finance Department and the City Clerk's office.

Ms. Roberson pointed out that a draft policy for a potential Debt Management Policy and a Disclosure Policy were included in the packets. She advised they were not requesting any action on these at this time, but after discussions with each Commissioner, they will bring back some modifications to these policies for approval in the near future.

**Public Comment:**

Helen Zanders said she was here from Zanders Funeral Home a family owned business that has been in the City of Apopka since 1970. She said she was in the process of doing some remodeling and upgrading of the facility. Upon contacting the City she was informed that she would have to switch over to city sewer and would incur impact fees in the amount of \$20,000. She stated she was in an existing building and not redoing the entire facility. The request was to tap the existing building to a location where plumbing was to be added. She said this put her in a stand still as far as receiving the permit for plumbing. She does currently have city water and garbage.

Mr. Bass advised the City has bond covenant that is restrictive and the impact fees we are required to collect because of this. He advised there were ways the City can work with them on payment of the impact fees and he would be willing to meet with her to go over and review various options.

Mayor Nelson said she was in the CRA and there may possibly be programs available.

**CONSENT**

1. Approve the calendar year 2019 Floating Holiday.
2. Authorize the presentation of service weapons to retired members of the Police Department.
3. Authorize expenditures from Law Enforcement trust funds for investigative buys and undercover operations.
4. Authorize the purchase of herbicide for Lake McCoy in coordination with Orange County.

5. School Concurrency Agreement with Apopka Farms.
6. Sewer and Water Capacity Agreement with San Sebastian Reserve.
7. Sewer and Water Capacity Agreement with Vista Reserve.
8. Approve the first extension of two continuing service contracts for Geotechnical and Environmental Engineering Services.
9. Approve the first extension of multiple continuing service contracts for Professional Engineering Services.
10. Authorize a purchase for an emergency purchase of a mobile pump for the Utility Maintenance Division.
11. Authorize the purchase of two new replacement pumps for sewer lift stations utilizing the Florida Sheriffs Association Contract.
12. Authorize a purchase for an emergency repair at the North Shore Reuse Water Pump Station.
13. Authorize the purchase of vehicles and equipment utilizing the Florida Sheriffs Association Contract.
14. Authorize the issuance of blanket purchase orders for the Utilities and Sanitation Divisions.

Consent Item 4 was pulled for separate discussion and action.

**MOTION by Commissioner Smith, and seconded by Commissioner Nolan, to approve items 1-3 and 5-14 on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, and Nolan voting aye.**

Edward Bass, City Administrator, said the City was approached by Orange County in 2016 regarding the possibility of an interlocal agreement to help with the Lake McCoy residents. He said Lake McCoy was a private lake with 55% of the citizens in Orange County and 45% in the City of Apopka. Since this is a private lake our Stormwater Assessment cannot be utilized. He stated the City's legal team is working with the County on an interlocal agreement to where our citizens will be part of the MSBU which is administered by Orange County. He said this will give the Apopka residents in this area a say regarding the maintenance of this lake. He advised there was funding in the budget for this one-time expense to the City.

Mayor Nelson opened public comment.

Jack Cooper lives in the County and has been paying into this for 8-10 years. He said in 2016, then Commissioner Nelson, got the County together and had the residents paying into their taxes for this. He stated they thought the City residents would automatically be paying into it as well, but they were not. He thanked Mr. Bass and Mayor Nelson for bringing this forward. He advised his assessment was approximately \$230 a year on his taxes. He said Lake McCoy feeds north, across Sandpiper and goes up into Wekiva and is based on runoff.

Dennis Wilcox said he has lived on Lake McCoy for 30 years now and he has seen the levels go up and down, have hydrilla and lilly pads in the lake. He declared it is in the worst shape than it has been in 30 years. He stated they had carp in the lake, but it appears that when the water level went up the carp fence was knocked down and water was rushing out, so nothing was attacking the hydrilla. He said at one time they went door to door for donations for herbicide prior to the MSBU.

Mayor Nelson advised he would be abstaining on this item since he has access to a dock and lives in the neighborhood.

No one else wishing to speak, public comment was closed.

**MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve Consent Item 4. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye, and Mayor Nelson abstained.**

## **BUSINESS**

### 1. UCF Incubator lease and renovations.

Jim Hitt, Community Development Director, said this was a continuation of a discussion Council voted on last month regarding the UCF Incubator where funding was approved for \$45,000 toward renovation of a building Florida Hospital/Advent Health owns at 205 North Park Avenue, along with an additional \$5,000 toward the actual move. Today, there are four items being requested; 1) authorize staff to execute the agreement with Florida Hospital for the lease; 2) authorization for a sublease with UCF; 3) waive permit fees for the building renovation and inspections; and 4) authorize staff to coordinate with the contractor for renovations. He pointed out on pages 6 and 9 there are references to the UCF Business Incubation program and those should be the City of Apopka in this case. He pointed out that page 1 references a month-to-month lease and the City will request a year lease with a 60 day out clause.

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

**MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve the lease and renovations for the UCF Incubator with the noted corrections. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

### 2. Final Development Plan – 7-Eleven Rebuild

Project: 7-Eleven Inc. c/o Craig Cornelison, P.E.

Location: 2229 East Semoran Boulevard.

Jean Sanchez, Planner, said this request was to approve the 7-Eleven Rebuild Final Development Plan for the property located at 2229 East Semoran Boulevard. She reviewed an aerial of the property and advised this is for an additional square footage of 1,280 square feet. The project has been determined a redevelopment plan based on Section 6.07(A) Hardship Waiver, of the Land Development Code. A total of 33 parking spaces will be provided as required by code, one of which will be a handicap parking space. DRC recommends approval. The Planning Commission recommended approval at their October 23, 2018 meeting.

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

**MOTION by Commissioner Smith, and seconded by Commissioner Nolan, to approve the Final Development Plan for 7-Eleven Rebuild. Motion carried unanimous with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**



3. Final Development Plan – Apopka Business Complex Addition

Project: Little Brownie Properties, Inc.

Location: 1350 Sheeler Avenue

Ms. Sanchez provided a review of the Apopka Business Complex Addition Final Development Plan. She reviewed the location of the project on an aerial map. The proposed building is 30,050 square feet in size and dedicated to light industrial flexible use space that includes product storage and private offices. She stated the applicant has requested a reduction of a 50-foot buffer to a 30-foot buffer with enhanced landscaping. Access will remain via Sheeler Road. DRC and Planning Commission recommend approval.

Steve Allen, Civil Engineer and representing the applicant, said they agree with staff recommendations and are present to answer any questions.

Mayor Nelson 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 Becker, to approve the Final Development Plan for Apopka Business Complex Addition. Motion carried unanimous with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

4. Final Development Plan – Meadow View Apartments

Project: Allonde Development, LLC

Location: 1611 Vick Road

Pam Richmond, Transportation Planner, said this was a request to approve the Final Development Plan for Meadow View Apartments, a 43-unit luxury multifamily apartment complex. She reviewed the location of the project on a map and the surrounding land uses. The plan is for five two-story buildings and the complex will be comprised of 4 one-bedroom units, 30 two-bedroom units, and 9 three-bedroom units with the minimum size of 771 square feet. The applicant meets the parking requirements with additional spaces for overflow parking. Upon review by the Planning Commission, they recommended one handicap parking space at each building. The applicant agreed to add two handicap spaces for this reason. There will be one access point near Vick Road. Condition of approval has been placed requiring the developer and future property owner to trim back the trees and shrubs located on the city right-of-way on the east side of Vick Road and to keep the line of site clear in the future. The applicant agreed to install a left turn lane at the entrance. DRC recommends approval and Planning Commission recommends approval with the two additional handicap parking spaces.

Steve Allen, said he was the Civil Engineer for this project and available for questions. In response to Commissioner Becker, he advised coming from Welch Road to Vick Road, the buildings will be approximately 10-feet below Vick Road.

Discussion ensued regarding the walls or fence. Mr. Moon advised the Land Development Code would allow up to 50% of the wall to be wrought iron style fence with pillars. Mr. Hitt advised the area directly across from Welch Road will require a solid wall due to the headlights from vehicles.

Mayor Nelson 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 Smith to approve the Final Development Plan for Meadow View Apartments. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

5. Final Development Plan – Sterling Title  
Project: Prograde Homes, Inc., c/o Bryan Blake  
Location: 217 South Highland Avenue

Ms. Sanchez reviewed the Final Development Plan for Sterling Title. She reviewed the location east of Highland Avenue and south of Monroe Avenue. The location was reviewed on an aerial map. This is the conversion of an existing residential structure with 1,337 square feet of area to an office use. There will not be any square footage added to the building and the ingress/egress will be via Highland Avenue. The applicant requested a reduction of required minimum length of a tandem parking space from 18 feet to 16 feet due to minimum space. She advised the landscaping plan meets the requirements of the Land Development Code. Planning Commission recommends approval.

Eric Lagassey, Linn Engineering, was present for any questions.

Mayor Nelson 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 Nolan, to approve the Final Development Plan for Sterling Title. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

6. Final Development Plan/Plat – Carriage Hill, Phase II Subdivision  
Project: JTD Land at Rogers Rd, LLC  
Location: 1455 West Lester Road and West Lester Road

Ms. Sanchez said this request was to approve the Carriage Hill, Phase II, Subdivision Final Development Plan and Plat. She reviewed the location stating it is a continuation of the subdivision. The Final Development Plan is consistent with the Preliminary Development Plan that was approved by Council on September 5, 2018. The Planning Commission recommends approval. The recommendation is to approve the Final Development Plan/Plat for Carriage Hill, Phase II.

Chris Allen, Dewberry Engineering, was present to answer any questions.

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

**MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve the Final Development Plan for Carriage Hill, Phase II Subdivision. Motion carried**

**unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION**

1. Ordinance No. 2657 – Second Reading – Right-of-Way Vacate  
Project: Mid-Florida Freezer Warehouse Ltd., c/o Pat Lee  
Location: South of U.S. Highway 441, East of Hermit Smith Road and West of US 441.  
The Clerk read the title as follows:

**ORDINANCE NO. 2657**

**AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A RIGHT OF WAY, KNOWN AS FRONDS ROAD LOCATED SOUTH OF U.S. HIGHWAY 441, EAST OF S.R. 429; IN SECTION 1, TOWNSHIP 21, RANGE 27, OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS AND AN EFFECTIVE DATE.**

Pam Richardson, Transportation Planner, said there have been no changes since the first reading.

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

**MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to adopt Ordinance No. 2657. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

2. Ordinance No. 2680 – Second Reading – Utility Easement Vacate  
Project: Willie and Cynthia McInvale  
Location: 1541 Islay Court. The Clerk read the title as follows:

**ORDINANCE NO. 2680**

**AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF THE EASEMENT AT THE REAR OF 1541 ISLAY COURT, LOCATED NORTH OF ISLAY COURT, WEST OF TOURNAMENT DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

Phil Martinez, Planner, said there were no changes since the first reading.

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

**MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to adopt Ordinance No. 2680. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

3. Resolution 2018-23 – FY 17/18 Budget Amendment.

**RESOLUTION NO. 2018-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, PROVIDING FOR A BUDGET AMENDMENT.**

Jamie Roberson, Finance Director, reviewed Resolution No. 2018-23 and the associated budget amendments.

**MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve Resolution No. 2018-23. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

4. Resolution 2018-24 – FY 18/19 Budget Amendment

**RESOLUTION NO. 2018-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, PROVIDING FOR A BUDGET AMENDMENT.**

Jamie Roberson, Finance Director, reviewed Resolution No 2018-24 and the associated budget amendments.

**MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve Resolution No. 2018-24. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**CITY ADMINISTRATOR'S REPORT**

**1. Appointment of Brian Forman as the Recreation Director.**

Mr. Bass said he was seeking ratification of the appointment of Brian Forman as the Recreation Director. He said this position was advertised and there were several qualified candidates. Following interviews it was felt Mr. Forman was a good fit for our Recreation Department. He has 22 years of experience as a municipal recreation director, is a certified recreation professional and served in Apopka previously as Recreation Maintenance Manager. He currently serves the City of Bartow as Recreation Director.

**MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to ratify the appointment of Brian Forman as Recreation Director. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

Mr. Bass said a few weeks ago discussion was held regarding temporary closing of Bradshaw Road for an emergency replacement of a generator for Lift Station 77. Public Services will be providing this closure on Tuesday, November 13, 2018, from 9:00 a.m. to 1:00 p.m.

He reported DEO had been requested to approve the award to MIE, Inc. for construction of Alonzo Williams Community Center. He said we received approval and the preconstruction meeting will be held next week.

### **CITY COUNCIL REPORTS**

Before going into this matter, Commissioner Becker recognized that Apopka lost a great Apopkan in Ms. Bell Gillium.

1. **Alcoholic Beverage Ordinance: Hours of Sale**

Commissioner Becker said he was not trying to change the Ordinance recently adopted, but he would like to revert to the time that was in the previous Ordinance language in terms of non-restaurant hours of operation. The previous ordinance allowed on premise sells to start at 9:00 a.m. for non-restaurant, but the change took it to 11:00 a.m. The ability for a restaurant to serve mimosas or similar beverages is not allowed. He would like to revert back to 9:00 a.m. that was in the previous language. He stated this did not seem to adversely or negatively impact any businesses.

Commissioner Nolan said she would like to have more time to consider this.

Mr. Bass advised if this were to change it would require an ordinance.

Commissioner Bankson reported there was a meeting on the trip to Israel that is coming up in January. There were representatives there from the City and business representatives. This was very well received.

Commissioner Nolan said there were many volunteers that worked on the Lodge and she appreciated all who came out.

Commissioner Smith said he called the County regarding Michael Gladden Boulevard and possibly having four lanes. He said this started conversation regarding widening and the traffic issues. He announced that he was having a “Calling a Few Good Men” conference on Saturday at the VFW Post from 10:00 a.m. to 2:00 p.m.

### **MAYOR’S REPORT –**

1. **Framed 1951 Towne of Apopka Municipal Bond donated anonymously to the City of Apopka.**

Mayor Nelson said there was an anonymous donor at the John Land Trust Gala last week to donate a bond dated August 15, 1921. He stated they will be hanging this in City Hall.

Mayor Nelson reported and congratulated George Garcia and Curtis Johnson who just passed the Orange County Class-A Underground Utilities Pipeline contractor exam.

Mayor Nelson said there was a group here from Sweden yesterday discussing our government and how we operate, as well as they were able to go to the VFW Polling site to see how our voting operates.

Mayor Nelson thanked the Rotary Club for the amazing job at Kit Land Nelson Park. He thanked Recreation and Streets for their hard work getting this park ready. He reported the fly over is at 5:00 p.m. at Kit Land Nelson Park and the program starts at 6:00 p.m.

**ADJOURNMENT:** There being no further business the meeting adjourned at 3:24 p.m.

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Bryan Nelson, Mayor

ATTEST;

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Linda F. Goff, City Clerk



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Community Development  
 EXHIBITS: Application  
 Resume

**SUBJECT: APPOINTMENT OF A MEMBER TO THE APOPKA PLANNING COMMISSION**

**REQUEST: APPROVE APPOINTMENT OF A MEMBER TO THE PLANNING COMMISSION FOR A THREE (3) YEAR TERM**

**SUMMARY:**

The City of Apopka’s Planning Commission is established as a citizen board to review and recommend to the City Council, approval or denial of development plans, amendments to the zoning map, amendments to the Land Development Code, proposed subdivision plats, proposed site plans, and future land use map amendments.

In accordance with Florida Statutes, the Planning Commission serves as the City’s “Local Planning Agency” when reviewing and recommending to the City Council, any future land use amendments to the Comprehensive Plan and Future Land Use Map.

There are seven members that are appointed by the Mayor and approved by the City Council. Members are appointed to three-year terms and must reside within the city limits. The Planning Commission normally meets on the second Tuesday of each month at 5:30 P.M. Additional meetings are scheduled depending on the subject or volume of applications.

At this time one member is due for re-appointment in order to fill the place of Jose Molina who has resigned. Mayor Nelson has appointed William Gusler, legal resident, to the Planning Commission for a three-year term ending December 5, 2021. Pursuant to §11.05.00 B.1., City of Apopka Code of Ordinances, this mayoral appointment requires approval by City Council.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approve appointment of William Gusler as a Planning Commission Member for a three year term.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



## CITY OF APOPKA BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: 11-20-18

Board(s) Desired:

1. PLANNING & ZONING
2. \_\_\_\_\_
3. \_\_\_\_\_

Name: WILLIAM K GUSLER

Address: (Home) \_\_\_\_\_, APOPKA, FL.

(Business) N/A

Phone: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_

E-mail Address: WILLIAM @ GUSLER.NET

Employer: SELF

Position: OWNER

Education:

High School	<u>STANIS HIGH SCHOOL</u>	Years Comp.	<u>12</u>	Degree	<u>YES</u>
-------------	---------------------------	-------------	-----------	--------	------------

College		Years Comp.		Degree	
---------	--	-------------	--	--------	--

- |   |   |  |
|---|---|--|
| 1. Are you a City of Apopka resident?         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 2. Are you a registered voter?                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 3. Do you own property in Apopka?             | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 4. Are you currently serving on a City Board? | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| 5. Have you ever served on a City Board?      | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |

If yes, when and which Board? ORANGE COUNTY PLANNING + ZONING

6. How long have you lived in Central Florida? Years 57 2017 & 18

7. References:

Name	Address	Phone No.
<u>DAVID RANKIN</u>	<u>APOPKA, FL.</u>	
<u>JAMES MCMILLAN</u>	<u>APOPKA</u>	
<u>JAMES AVIERS</u>	<u>ORLANDO</u>	

(Continued on other side)



**City of Apopka  
Board Appointment Information Form - Page 2**

Work Experience: SEE ATTACHED

Community Involvement:

Interests/Activities:

Why do you want to serve on this/these Board(s)? TO HELP ESTABLISH GUIDELINES AND PLANNED GROWTH IN THE C277 OF APOPKA.

A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

\_\_\_\_\_  
Signature

If you have questions, please call the Community Development Department at (407) 703-1712.

Return this form to: Mayor's Office  
120 E. Main Street  
Apopka, Florida 32703

\*\*\*\*\*NOMINATING BOARD USE ONLY\*\*\*\*\*

AIF Received \_\_\_\_\_

Info to Staff \_\_\_\_\_

AIF Acknowledged \_\_\_\_\_

Mayor's Letter \_\_\_\_\_

Forwarded to Mayor \_\_\_\_\_

Other \_\_\_\_\_

Council Action \_\_\_\_\_

# William K Gusler

Apopka, Florida 32703

Email: [william@gusler.net](mailto:william@gusler.net)

Fax: (407)-880-0356

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## EXECUTIVE PROFILE

**BUSINESS STRATEGY DEVELOPMENT • ORGANIZATIONAL LEADERSHIP  
P & L MANAGEMENT • PROFIT & PROCESS IMPROVEMENT  
CUSTOMER SATISFACTION ENHANCEMENT**

Highly qualified Senior Operations Manager offering 10 years of cross-industry operations management and business development experience. Results-focused and effectual leader with proven ability to turnaround troubled operations. Talent for proactively identifying and resolving problems, reversing negative profitability trends. Experienced in cost containment, customer satisfaction issues, employee development and process improvement.

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## PROFESSIONAL EXPERIENCE

**WKG Water Corporation/ Apopka, Florida.**

**2004-Present**

**Owner/ President**

Created WKG as a start up to design, manufacture and install commercial and residential water filtration and purification systems. The targeted market was new construction contractors and commercial filtration for restaurants and hotels. Currently WKG maintains contracts with 26 production and custom home builders, 14 corporate clients along with 144 monthly service contract creating yearly sales in excess of \$500,000. Executes operating budgets and plans, design and production, sales and marketing.

**AmericaOne, Inc. / PowerOne Communications – Tavares, Florida.**

**1999-2004**

**GENERAL MANAGER OPERATIONS (2001- 2004)**

**DIRECTOR, TECHNICAL SERVICES (1999-2000)**

Recruited initially to rebuild the Technical Services Department and Customer Support Program. Advanced to dual role with the added responsibility of General Manager Operations.

Currently oversees operations related to a 5.2 million corporation providing off-site banking services and communications services throughout 38 states. Executes operating budgets and plans, including P & L responsibility and administration affairs.

**NOTABLE ACCOMPLISHMENTS**

- Instituted process improvement of Technical Services Department maximizing profitability by cutting the required workforce by 30% while delivering a 27% increase in sales.
- Implemented inventory controls eliminating excess warehoused product by creating a direct source-to-customer ordering system reducing overall inventory overhead by \$47K.
- Restructured nationwide equipment rollout projects dropping per unit placement expense by 45% coupled with a reduction in total project completion time.
- Implemented departmental policies and procedures to improve consistency, profitability and customer satisfaction.
- Refocused marketing to customers from “price based” selling to “value-added” relationships.
- Development and implementation of web based monitoring systems for off-site equipment.

**William K Gusler**

-Page 2-

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**CTA Of America/ Ford Motor Company/ Indianapolis, Id.  
1993-1998**

**CHIEF OPERATIONS OFFICER(1995- 1998)/ SOUTHEAST REGION MANAGER (1993-1995)**

Managed all administration, financial and operational concerns for a multiple location automotive repair company.

Joined CTA, an automotive collision repair company, as a facility Areal Manager in 1993. Promoted to Chief Operations Officer in 1996 to improve underachieving operations at existing facilities and oversee construction and implementation of new facilities. Negotiated and secured Direct Repair contracts with five major insurance companies, providing the opportunity for company growth and increased profitability. Led a management team of 17 overseeing a total of 472 employees.

**NOTABLE ACCOMPLISHMENTS**

- Managed the expansion and acquisitions from 1996 to 1998 increasing gross sales from \$14 million to over \$72 million.

- Maintained a measured Customer Satisfaction Index of 97% with an increase in profits during growth period.
- Motivated and trained “Best Practices Team” to build an easily replicated facility model with operational guidelines designed to allow consistent company wide procedures. Successfully implemented these practices in new facilities in 1997 and 1998.
- Successfully positioned the company to attract a buy out offer from Sawigtuck International, a firm consolidating automotive repair facilities in cooperation with Ford Motor Company. Acquisition of all operations completed in Q4 of 1998.

**Building Energy Services Inc.-Windemere, Fl.**

**1991-1993**

**PROJECT MANAGER**

Managed all field operations for high-end residential contracting company providing climate control systems and technology. Responsible for complete project oversight including estimating/job-costing, material and equipment procurement, on-site monitoring of services and inspections.

**NOTABLE ACCOMPLISHMENTS**

- Decrease by labor costs by negotiating with outside sub-contractors to complete multiple phases of project while on-site.
- Eliminated warehousing expense of materials by facilitating pre-payment agreement with suppliers in return for “Just-in-time” delivery of products to job sites saving over \$12K in annual overhead.

**William K Gusler**

**-Page 3-**

**Don Mealey Chevrolet-Orlando, Fl.**

**1986-1991**

**WARRANTY ADMINISTRATOR / CUSTOMER SERVICE MANAGER (1990-1991)**

**SERVICE PRODUCTION MANAGER (1988-1990)**

**MANAGER, COLLISION REPAIR CENTER (1986-1988)**

**NOTABLE ACCOMPLISHMENTS**

- Elevated overall Customer Satisfaction Index from 63% to 92% in 1 year as production manager while maintaining profitability and consistent growth in sales.
- Selected to serve as a General Motors Service Supremacy Board Member

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## **EDUCATION**

**Associate Degree / Business Administration**  
Valencia Community College - Orlando, Fl.

## **PROFESSIONAL DEVELOPMENT**

**General Motors Management and Operations Course**  
General Motors Education Center – Jacksonville, Fl.

**Financial Administration / Production and Operations**  
Dupont Management Education - Atlanta, Ga.

**The 7 Habits of Highly Effective People**  
Franklin Covey Workshops – Orlando, Fl.

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## **ADDITIONAL**

I-CAR District Administrator, speaker at industry seminars on marketing and customer service. Instructor on collision-related diagnostic, safety and occupant restraint systems. Awarded Seminole County “Small Business Person of the Year” in 1998.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Police Department  
 EXHIBITS: Agreement

**SUBJECT: FIRING RANGE LEAD MAINTENANCE PROGRAM**

**REQUEST: AUTHORIZE THE POLICE CHIEF TO ENTER INTO AN AGREEMENT WITH METALS TREATMENT TECHNOLOGIES, LLC (MT2) TO REMOVE THE LEAD FROM THE POLICE RANGE BERM AND RESTORE THE BERM TO ITS ORIGINAL CONDITION.**

**SUMMARY:**

Metals Treatment Technologies, LLC (MT2) has provided a fixed price proposal to the City of Apopka for lead maintenance at the Apopka Police Training Range. MT2’s objectives are to provide firing range lead maintenance services that will support in mitigating potential physical, occupational, and environmental hazards associated with high concentrations of lead in the backstop berms at the range; as well as achieving compliance with various state and local entities for recommended firing range environmental Best Management Practices (BMPs). The costs for services are \$59,500 for the contract and \$2,000 for the soil to be provided by the city (\$61,500). The recovered lead will be sold as a revenue source to off-set the overall cost of remediation.

The proposal is on GSA contract (Professional Services Schedule 47QRAA18D00CS) as well as MT2 being used on various local ranges with professional outcomes.

**FUNDING SOURCE (Various):**

General Fund	001.2230.521.6300	\$36,900
Federal Forfeiture	103.2291.521.6300	\$12,300
Abandoned Property	106.2220.521.6322	\$12,300

**RECOMMENDATION ACTION:**

Authorize the agreement and purchase.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



November 16, 2018

Deputy Chief Randy Fernandez  
Mr. Jeff Plaughter  
City of Apopka  
112 E 6th St  
Apopka, FL 32703

rfernandez@apopka.net  
jmplaughter@apopka.net

**RE: PROPOSAL FOR FIRING RANGE LEAD MAINTENANCE  
CITY OF APOPKA TRAINING RANGE**

Dear Sirs:

Metals Treatment Technologies, LLC (MT2) is pleased to present this firm fixed price proposal for lead maintenance at the City of Apopka Training Range located at 333 Snowden Road in Apopka, Florida. This proposal is submitted pursuant to information provided by the City of Apopka (City) including, an MT2 range questionnaire and telephone discussions, as well pictures, and soil samples provided to MT2 June 2018. MT2's objectives are to provide firing range lead maintenance services that will support in mitigating potential physical, occupational, and environmental hazards associated with high concentrations of lead in the backstop berms at the range; as well as achieving compliance with OSHA, US EPA, State, and NRA and NSSF recommended firing range environmental Best Management Practices (BMPs).

**MT2 is the Nation's #1 Firing Range Maintenance/Reclamation Services Provider**

- MT2 provides the most comprehensive liability protection for range owners in the industry
- Over 2,500 firing range projects nationwide
- Recovery of > 15,000,000 lbs of lead
- Successful treatment of > 10,000,000 tons of lead impacted soils
- Credited > \$5,000,000 to range owners from lead recycling

***Save time and procurement costs – order your firing range lead solution services directly using GSA's pre-qualified contractor.***

**GSA Advantage!**<sup>®</sup> ([www.gsa.gov/advantage](http://www.gsa.gov/advantage)) is the online shopping and ordering system that provides access to thousands of contractors and millions of supplies (products) and services. Anyone may browse on GSA Advantage!<sup>®</sup> to view and compare the variety of products and services offered.

**[Click here to find Metals Treatment Technologies, LLC on GSA eLibrary.](#)**

<https://www.gsaelibrary.gsa.gov/ElibMain/contractorInfo.do?contractNumber=47QRAA18D00CS&contractorName=METALS+TREATMENT+TECHNOLOGIES%2C+LLC&executeQuery=YES>

**MT2 has unmatched firing range services credentials and capabilities:**

- ✓ **MT2's Liability Defender Compliance & Performance Promise:** Your choice of a lead reclamation contractor could expose your range to US EPA hazardous waste fines up to \$10,000 per day and potential criminal charges. A range owner ALWAYS retains responsibility for ALL lead waste and materials derived from their range even if it is their chosen contractor that improperly handles, transports, or disposes of the lead waste. MT2 has never received a US EPA violation, penalty or fine, and we have never left a project uncompleted. ***Our promise to you:*** MT2 is committed to stand with you and defend your firing range from the liability of lead hazards. ***We offer \$10,000,000 environmental and pollution liability coverage to protect range owners from claims or occurrences of lead hazard violations, penalties and cleanup expenses.***



- ✓ **Lead Removal and Recycling Expertise:** MT2 has performed lead removal and recycling nationwide using a variety of *proprietary lead separation technologies to remove and recycle over 15,000,000 lbs. of lead*. To maximize lead recovery, MT2 will use one of our proprietary lead separation systems. Each system utilizes a multi-tiered screening plant to separate lead from soils based on size and one of our proprietary pneumatic separation units (PSU) to “finish” the separation process by separating lead from like-size materials based on density. In addition, MT2 maintains contracts with lead recyclers nationwide to ensure top dollar is returned for lead.
- ✓ **Experienced, Professional Contractor:** *MT2 is recognized as the nation’s leading provider* of firing range lead removal, remediation and maintenance services. We maintain offices and crews nationwide, and with experienced crews ready to respond to fulfill the needs and schedule for your project. *MT2 has completed over 2,500 firing range projects nationwide*. A list of representative projects is provided in Section 4.0 MT2 Experience.
- ✓ **Staff Experience and Expertise:** *Our personnel have on average 24 years industry experience*. This expertise saves time and money for our customers since there will be no learning curve that may be incurred by less experienced firms. MT2 field staff maintain applicable OSHA HAZWOPER certifications.
- ✓ **As the Nation’s leading provider of Firing Range Maintenance/Reclamation Services, MT2 is regularly sole-sourced** based on our extensive experience and unique, proprietary lead reclamation and lead treatment technology. MT2 can provide example justifications which has been successfully utilized by other agencies, to contract MT2’s services via sole-source in order to expedite remediation activities.
- ✓ MT2 offers a **Guaranteed Solution at a Guaranteed Price** leading to the most cost-effective and technically sound firing range maintenance.

To discuss your project in further detail, please contact me at (888) 435-6645 or email: [jbarthel@mt2.com](mailto:jbarthel@mt2.com).

Sincerely Yours,

James M. Barthel  
President and CEO





## **Firm Fixed Price Proposal**

**Firing Range Lead Maintenance  
City of Apopka Training Range**

*Prepared for:*

**City of Apopka  
112 E 6th Street  
Apopka, FL 32703**

*Prepared by:*

**MT2, LLC  
14045 W 66th Ave; Arvada, CO 80004  
www.mt2.com                      888-435-6645**

***November 16, 2018***

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MT2, LLC (MT2) has prepared this Proposal to address the specific requirements of the project referenced within this Proposal and contains proprietary and confidential information. This Proposal is the sole property of MT2 and must be returned upon demand. By accepting this Proposal, the recipient agrees to keep confidential the information and concepts contained herein or made in connection with any further investigation of the Company. Any disclosure, copying, distribution or use of the contents of this Proposal for other than the above stated purpose is prohibited. By accepting this Proposal, the recipient agrees not to disclose copy, distribute or use this information for other than its intended purpose, as stated above, in whole or in part without the prior written consent of MT2.

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## 1.0 FIRING RANGE LEAD MAINTENANCE

MT2 proposes to provide firing range lead maintenance services at the at the City of Apopka Training Range located at 333 Snowden Road in Apopka, Florida. All work will be performed in accordance with applicable Federal, State, and local safety and environmental regulations including US Department of Labor regulations as well as achieving compliance with OSHA, US EPA, State, and NRA and NSSF recommended firing range environmental Best Management Practices (BMPs).

### 1.1 PROJECT DESCRIPTION

Based on information contained in the range questionnaire completed by range personnel, backstop berms have not been subjected to lead reclamation since construction and soils consist of sugar sand. Based on reported range usage and typical usage at similar ranges, it is reasonable to expect 10-20 tons of lead may be recovered and recycled from the shooting range backstop berm and apron area soils. MT2 has estimated soil quantities for processing pending final specifications. MT2 will excavate and process soil from the backstop berms until lead reclamation becomes economically infeasible and/or 80-90% of lead bullets and bullet fragments (measured as weight percent) are removed.

#### Estimated Project Quantities

Range/Berm	Berm Width (linear ft)	Berm Face Height (ft)	Est. Cut Depth (avg. ft bgs)	Est. Soil Volume (CY)
Range 1 Backstop Berm Impact Zone	80	16	2	95
Range 1 Backstop Apron Area	80' x 10'		.5	15
Range 2 Backstop Berm Impact Zone	100	10	2	148
Range 2 Backstop Apron Area	100' x 10'		.5	19
			Total	277

#### Facility Map: City of Apopka Training Range



## 2.0 TECHNICAL APPROACH

		
Berm Excavation	Lead Removal & Recycling	Berm Reconstruction

This technical approach for firing range lead maintenance includes:

- **Berm Excavation:** Excavate soil from the operating backstop berms and apron area
- **Lead Reclamation:** Separate lead bullets/bullet fragments from the excavated soils
- **Lead Recycling:** Recycle recovered lead providing Customer 50% split of the value of recycled lead
- **Berm Reconstruction:** Re-install processed soils back onto the firing range berms

MT2 can provide the following optional services if requested; Section 3.0 provides pricing:

<input checked="" type="checkbox"/>	<b>Optional:</b> Installation and placement of Customer-provided sand/clay mixture -3/4" or ballistic sand mixture to supplement processed materials and/or raise the berm height (other specifications pending)
<input checked="" type="checkbox"/>	<b>Optional:</b> ECOBOND® treatment of processed range soils to achieve 5.0 mg/L TCLP concentration for lead prior to reconstruction of berm to meet USEPA Best Management Practices for Lead at Outdoor Shooting Ranges (USEPA, 2005)
<input checked="" type="checkbox"/>	<b>Optional:</b> Complete an environmental review of the range and prepare a range-specific Environmental Stewardship Plan (ESP) to support future range management and ensure compliance with USEPA BMPs

### 2.1 MOBILIZATION, SITE SET-UP, AND PLAN PREPARATION (APPLICABLE IF MARKED )

Tasks to be completed by MT2						
<input checked="" type="checkbox"/>	Mobilize personnel and equipment mobilization to the project site					
<input checked="" type="checkbox"/>	Prepare the following project plans					
	<input checked="" type="checkbox"/>	Work Plan	<input checked="" type="checkbox"/>	Health & Safety Plan	<input type="checkbox"/>	Waste Management Plan
	<input type="checkbox"/>	SWPPP	<input type="checkbox"/>	Erosion Control Plan	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Complete a site walk-over with Customer representative to identify excavation/processing areas					
<input checked="" type="checkbox"/>	Establish temporary access, site access control, traffic control, and placing appropriate signage					
<input checked="" type="checkbox"/>	Set up of processing area and equipment					
Tasks to be completed by Customer						
<input checked="" type="checkbox"/>	Obtain necessary approvals/permits (with the support of MT2)					
<input checked="" type="checkbox"/>	Ensure MT2 safe access to the range site					
<input checked="" type="checkbox"/>	Complete utility locates					
<input checked="" type="checkbox"/>	Vegetation removal, if applicable					
<input checked="" type="checkbox"/>	Protect or remove knee walls, if applicable					
<input checked="" type="checkbox"/>	Remove target stands/systems, if applicable					

## 2.2 EXCAVATION, SCREENING, AND RECYCLING

Tasks to be completed by MT2	
<input checked="" type="checkbox"/>	Excavate estimated depth of 1.0-2.0 feet of soil from the backstop berms or deeper if concentrations of bullets appear economically feasible to recover at deeper depths
<input checked="" type="checkbox"/>	Remove 80%-90% or more (weight percent) of the lead bullets/bullet fragments greater than 1/4"– 3/8" from the lead impacted range soils using one of our separation systems to remove lead from soils based on size and "finish" the separation process using one of our proprietary pneumatic separation units (PSU) to separate lead from like-size materials based on density
<input checked="" type="checkbox"/>	Containerize and securely store recovered lead for shipment
<input checked="" type="checkbox"/>	Coordinate and ship recovered lead to a licensed lead recycler <sup>1/</sup>
<input checked="" type="checkbox"/>	Provide Customer with lead transport documentation and Certificate of Recycling

<sup>1/</sup> MT2 will provide Customer a 50% split of the net value of the recycled lead

## 2.3 OPTIONAL ECOBOND® TREATMENT

Application of a lead stabilization reagent such as ECOBOND® to firing range soils is a US EPA BMP (US EPA Best Management Practices at Outdoor Shooting Ranges, 2005).

Tasks to be completed by MT2 (if this option is selected)	
<input type="checkbox"/>	<b>Lead-Impacted Soil Treatment:</b> Chemically treat lead fines remaining in screened soil with ECOBOND® to meet US EPA Resource Conservation and Recovery Act (RCRA) hazardous lead Toxicity Characteristic Leaching Procedure (TCLP) of 5.0 mg/L to significantly reduce leachability of lead (Pb) into surface soils and reduce the potential for lead (Pb) infiltration to groundwater as measured by SPLP (see Attached Overview of ECOBOND® Technologies)
<input type="checkbox"/>	<b>Treatment Confirmation Sampling:</b> Following a 12–24 hour post-treatment curing period, MT2 will take a 5-point composite sample from treated soil; sample(s) will be sent to a certified laboratory for TCLP Pb analysis. MT2 will provide TCLP results to Customer for review prior to returning treated soils to the backstop berms.
<input type="checkbox"/>	<b>Guaranteed Treatment:</b> Should sample results indicate a failure to achieve RCRA 5.0 mg/L TCLP Pb, MT2 will retreat the soil at no additional cost

## 2.4 RANGE RESTORATION

Tasks to be completed by MT2	
<input checked="" type="checkbox"/>	Return screened fines to berm of origin <sup>2/</sup>
<input checked="" type="checkbox"/>	Replace oversize materials to range at a mutually agreed upon location
<input checked="" type="checkbox"/>	Place additional <input checked="" type="checkbox"/> Customer-provided <input type="checkbox"/> MT2 provided sand/clay -3/4" or ballistic sand mixture to the backstop berm at the Pistol Range (other specifications pending)
<input checked="" type="checkbox"/>	Perform general site cleanup

<sup>2/</sup> MT2 will utilize construction equipment to replace processed soils the backstop berms and rough grade these materials to conform to the original configuration of the range. Soil replaced to the backstop berm will be compacted using construction equipment to allow ongoing use; compaction testing will not be required or conducted.

Tasks to be completed by Customer	
<input checked="" type="checkbox"/>	Replace target stands/systems
<input checked="" type="checkbox"/>	Re-seed or re-vegetation of the site

## **2.5 FINAL REPORT**

MT2 will develop a range maintenance report to provide the Customer with proper record keeping as recommended by the US EPA, NRA, and NSSF.

## **2.6 OPTIONAL ENVIRONMENTAL STEWARDSHIP PLAN**

As an optional service, MT2 can develop an Environmental Stewardship Plan (ESP) to summarize range conditions and provide BMP recommendations pertaining to range maintenance and operations. This plan will assist the Customer in ensuring compliance with US EPA regulations, as well as shooting range BMPs over the life cycle of the range. It can be completed independently of berm maintenance services proposed above or performed in conjunction with either option.

## **2.7 PROJECT SCHEDULE**

**Estimated Schedule:** approximately 3-4 days onsite to perform lead maintenance tasks as described above. An additional day maybe required should optional ECOBOND® treatment or optional addition of Customer-provided soils be requested.

The project schedule depends on “dry” conditions prior to and during onsite operations. MT2 will coordinate a mutually-agreed upon schedule with the range and can mobilize within two weeks after receipt of “Notice to Proceed” issued by client. MT2 anticipates beginning this project Late Fall 2018, weather permitting.

### 3.0 MT2 FIRM FIXED PRICING

The following is MT2’s firm fixed pricing for proposed lead maintenance services.

Lead Firing Range Lead Maintenance Task	Quantity	Unit	Price
1. <b>Upfront Payment:</b> Prepare Workplan, Safety Plan Mobilization, Site Setup and Preparation, Demobilization	1	Lump Sum	\$6,000
2. <b>Lead Maintenance:</b> Excavation, Lead Recovery, Lead Recycling, Replacement of Screened Soil to Berms, Berm Reconstruction	Up to 300 CYDS	Lump Sum	\$31,000
3. <b>Option: Guaranteed ECOBOND® Treatment of Soils</b> <sup>1/</sup>	Up to 300 CYDS	Lump Sum	\$11,000
4. <b>Option:</b> Replacement of additional City-provided sand/clay -3/4” or ballistic sand to backstop berms to raise height an estimated 4-5’ at the Pistol Range (other specifications pending)	500 CYDS	Lump Sum	\$5,000
3. <b>Option: Environmental Stewardship Plan</b> <sup>1/</sup>	1	Lump Sum	\$6,500
4. <b>Potential Estimated Lead Recycling Credit to Customer</b> <sup>2/</sup>	10-20 tons	\$0.60/lb	(\$6,000 - \$12,000)

<sup>1/</sup> Pricing for optional tasks are valid if performed at the time of lead maintenance tasks, no field investigations are included with the ESP preparation

<sup>2/</sup> MT2 does not guarantee the value or quantity of recycled lead. The actual value of recycled lead will be determined at the time of recycling. MT2 will provide Customer a 50% split of the net proceeds from lead minus 50% of the costs for containers, pallets, and transportation to the recycler. The Estimated Lead Recycling Credit is based on a reasonable estimate of the amount of recoverable lead and current lead recycle value per pound. The lead credit will be provided in Final Project Invoice.

### 3.1 PRICING ASSUMPTIONS

- Project schedule depends on “dry” conditions prior to and during onsite operations. MT2 will coordinate arrival with the Customer to identify a time when dry conditions exist 1-2 weeks prior to arrival and followed by anticipated dry conditions.
- Pricing based on standard work days (0700-1700 M-F).
- SWPPP  is  is not required.
- MT2 will install erosion control and storm water protection measures such as waddles and hay bales to protect work areas, drainages and the environment
- Others will remove vegetation and materials such as timbers, scrap piles, material piles, fencing, concrete slabs, asphalt, range equipment, and large debris from the lead-impacted soils area.
- Upon arrival at the site, the Customer and MT2 will complete a site walkover and confer and agree upon the most efficient location of the staged soil piles and Processing Area and equipment access to work areas.
- Customer will provide MT2 access to an adequate nearby water source (e.g. hydrant) and associated items such as permit/meter/hose as needed. MT2 will utilize an MT2 water truck or trailer to provide dust suppression sprinkling as needed during excavation and screening operations.
- Pricing does not include management of live ammunition, only spent rounds. If live ammunition is discovered, it will be left onsite for Customer to manage.



- ☒ If applicable, MT2 will use appropriately-sized and/or rubber tire equipment and use caution to work around existing range appurtenances with limited access (e.g. backstop berm soils imposed by range knee walls, target systems, overhead baffles, and sidewalls). MT2 will not be responsible for damage to the range, range equipment, or appurtenances should damage occur during processing.
- ☒ MT2 will place recovered lead into 55-gallon drums on pallets in or near the Processing Area. MT2 will load and transport drums to a recycler. A certificate of recycling will be provided to Customer upon completion of recycling.
- ☒ Measurement of quantities will be based field measurement each day; signed-off daily by MT2 and Customer; and recorded in daily project log
- ☒ MT2 will perform dry decontamination of equipment before demobilization.

### **3.2 CONTRACT ASSUMPTIONS**

- MT2 pricing includes:
  - ~~Prevailing Wage Rates~~  ~~Bonding~~  ~~Retainage~~  ~~Liquidated Damages~~
- ☒ Customer will provide upfront payment prior to MT2 mobilization
- ☒ Payment to MT2 due within 30 days of Client receipt of MT2 invoice (Net 30 days). MT2 invoice will be submitted to the Customer along with the Range Maintenance Report and Lead Recycling Certificates.
- ☒ MT2 pricing is subject to MT2 review and approval of final contract terms and conditions.
- ☒ MT2 pricing valid for 120 days.
- ☒ Contractor, at its sole discretion, may offer Customer an opportunity to renew this Agreement for an additional four (4) one (1) year term(s). Customer understands and acknowledges that any future contracts or renewals are neither automatic nor implied by this Agreement. The continuing purchase by Customer of the Services set forth in this Agreement is subject to Customer's needs and to Customer's annual appropriation of sufficient funds in Customer's fiscal year in which such Services are purchased. In the event Customer does not appropriate or budget sufficient funds to perform this Agreement, this Agreement shall be null and void without further action by Customer.



## 4.0 MT2 EXPERIENCE

MT2 brings extensive experience in firing range lead removal, contaminated soil stabilization, environmental remediation, permitting, and project management for a broad range of government, commercial, industrial, municipal and engineering clients. Our key project personnel have an average of 24 years of relevant experience. With a staff of engineers, chemists, scientists, technicians, equipment operators, supervisors, project managers and management specialists, MT2 delivers quality work completed safely, on time and within budget. MT2 personnel routinely deliver turnkey deployment, including baseline sampling and characterization, treatment optimization, field operations and management and final report preparation. MT2 project experience includes, but is not limited to, the following:

### **Markham Park Target Range Firing Range Lead Reclamation and Re-Construction; Ft. Lauderdale, FL:**

MT2 was contracted to provide firing range environmental lead remediation at the Markham Park Target Range located Broward County, Florida. The range consisted of six trap and skeet houses approximately 600 feet in length and a lake approximately 50 to 75 feet in width. MT2 project tasks included: 1) Mobilization & Site Setup; 2) Site clearing (remove trees and vegetation); 3) Excavation of lead impacted soils; 4) Excavation and removal of sediments (including the clay targets) from the lake bottom; 5) Disposal of clay targets and other solid shooting wastes recovered from the lake; 6) Treatment of lead fines remaining in processed soils and lake sediments; 7) Re-installing processed and treated soils and sediments back onto the firing range to allow for continued range usage; and 8) Preparation of project reports (Work Plan, H&S, QA/QC, Final Report) and conduct project meetings as required. MT2 provided construction management including coordination of all project activities, multiple subcontractors, and client representatives. MT2 processed over 70,000 cyds of soil and sediments and recovered over 1,100,000 lbs of lead for recycling.



### **Orange County Sheriff's Department Firing Range Remediation and Closure – Orlando, Florida:**

Orange County Florida wanted to properly close its inactive firing range. To do so, 10,000 cubic yards of lead-contaminated soil required screening and treatment to bring the property into compliance. Lead levels in the soil were in excess of 25,400 ppm following 20 years of shooting. MT2 was hired as Prime Contractor and deployed its proprietary ECOBOND® lead recovery and treatment technology to recover lead/brass and to treat soils into a non-leachable state for disposal. The scope of work included sampling and analysis, excavation, lead recovery and recycling, soil treatment, and site restoration; these tasks were performed in compliance with the Florida DEP approved Remedial Action Plan (RAP). The remediation activities included excavation of soil and hauling to an on-site location, performing screening activities (to less than 4 mm) followed with chemical treatment utilizing the ECOBOND® technology of the impacted soils until achieving UTS criteria of 0.75 mg/l, placement of cleaned soils back on-site, recycling of recovered lead, and off-site disposal of soils not meeting residential cleanup standards (400 mg/kg). Excavated soils were screened, staged and tested for total and TCLP lead.



Project	Lead Reclamation & Recycling	Soil Treatment	Range Improvement	ESP
<b>NYPD Rodman's Neck (NY)</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Florida DOC (10 facilities) (FL)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City of Kissimmee (FL)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Former TM Shotgun Sports Range (FL)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Palm Beach County Sansbury Way (FL)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sawgrass Lake Pinellas County (FL)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aurora Police Department (CO)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Camden County Police Department (NJ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Colorado DOC (4 facilities) (CO)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dallas Police Department (TX)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duluth Police Department (MN)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Granite City Police Department (IL)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hempstead Police Department (NY)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Highlands Ranch LETA (CO)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mississippi LEOTA (MS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nassau County Police Department (NY)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
North Las Vegas Police Department (NV)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NYS OGS Mid-Orange County Correctional	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ohio DOC (OH)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phoenix Police Department (AZ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pittsburgh Police Department (PA)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Polk County Sheriff (IA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Richmond Police Department (VA)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
San Bernardino County Sheriff (CA)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seattle Police Department (WA)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Southern Arizona LETC (AZ)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stockton Police Department (CA)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Texas Department of Public Safety (TX)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
US Custom & Border Protection (TX & AZ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Waco Police Department (TX)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Houston Police Department (TX)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 5.0 OVERVIEW OF ECOBOND® TECHNOLOGIES

MT2 maintains a broad portfolio of patented and proprietary chemical metals stabilization processes; known as ECOBOND® that provide permanent stabilization of all heavy metals. The MT2 processes are previously approved by the US EPA and are non-hazardous. The resulting treated soils contain extremely stable metal compounds that virtually eliminate the leaching of metals to the environment. The strength and effectiveness of the stabilization has been verified using the EPA's TCLP test parameters and Multiple Extraction Procedure (MEP) tests.

Advantages of ECOBOND® chemical stabilization also include its robust capability and ease of application. The technology can be applied in a wet or dry form and can be used to stabilize metals in-situ or ex-situ. These varied applications make it ideal for use at a wide range of metals contaminated sites. At some sites the technology can be surface applied and mixed into soil in its dry form. At other sites the technology can be sprayed in its wet form onto the contaminated material in a topical fashion. In addition to the technical and application advantages, the cost of utilizing chemical stabilization to treat heavy metals contamination is attractive. By being able to treat metals contamination to EPA RCRA or Universal Treatment Standards (UTS), stabilized waste can often be left on-site rather than transported off-site to a hazardous landfill. The disposal cost savings for stabilized metals can often be measured in the hundreds of dollars per ton.

### MT2 ECOBOND® ADVANTAGE

- **Lower Cost:** Typically 30%-50% lower cost
- **Reduction of Environmental Liability:** Significantly reduces potential of long-term liabilities
- **Proven Technology:** Technology previously approved by EPA and state regulators with guaranteed, field validated reliability
- **Best Available Technology:** Permanent and irreversible chemical process, strength and durability to 1,000 years verified by EPA approved testing

**Table 1 MT2 Metals Treatment Results (TCLP)**

Waste Stream	Metals	Pre Treatment	Post-Treatment	Regulatory	
		TCLP	TCLP	Standards	Standards
		(ppm)	(ppm)	RCRA (ppm)	UTS (ppm)
Mill Tailing	As	2,200.0	1.030	5.0	5.000
Sludge	Cd	160.0	0.100	1.0	0.110
Mill Tailing	Cr	14.0	<0.050	5.0	0.650
Industrial Site	Ba	249.0	0.030	100.0	210.0
Industrial Site	Pb	980.0	0.250	5.0	0.750
Firing Range	Pb	977.0	0.180	5.0	0.750
Mine Tailing	Zn	108.0	2.000	NA	4.300
Mill Tailing	Se	190.0	0.890	1.0	5.700
Chemical Waste	Hg	500.0	0.070	0.2	0.025

TCLP = Toxicity Chemical Leaching Procedure

**Table 2 MT2 Lead (Pb) Treatment Results (SPLP)**

Project Location	Metal	Pre Treatment	Post-Treatment	Regulatory Standards	
		SPLP (mg/L)	SPLP (mg/L)	RCRA (ppm)	UTS (ppm)
Florida Soils/Sediment					
Sample 1	Pb	0.17	0.0140	5.0	0.750
Sample 2	Pb	0.11	BDL	5.0	0.750
Sample 3	Pb	4.70	0.0130	5.0	0.750
Massachusetts Inland Soils/Sediment					
Sample 1	Pb	3.30	0.0530	5.0	0.750
Sample 2	Pb	3.30	0.0550	5.0	0.750
Sample 3	Pb	3.30	0.1400	5.0	0.750
Utah Soils					
Sample 1	Pb	3.79	0.0800	5.0	0.750
Sample 2	Pb	2.17	0.0900	5.0	0.750
New York Soils/Sediments					
Sample 1	Pb	1,040	0.0184	5.0	0.750
Sample 2	Pb	1,090	0.0330	5.0	0.750
Sample 3	Pb	2,220	0.0104	5.0	0.750

SPLP = Synthetic Precipitate Leaching Procedure

Heavy metals contamination can be found associated with spent battery recycling sites, electroplating facilities, process sludge, military sites, firing ranges, brownfields redevelopment, lead based paint coated buildings and structures, and associated with mining activities. Our services and technologies have been applied to project work for the following types of commercial, industrial and government clients:

Commercial and Industry Applications: mining and smelting operations, battery recycle and disposal sites, military and private firing ranges, brownfields/real estate development, process wastes and sludge, and electric arc steel manufactures.

Government Agencies and Programs: Environmental Protection Agency, Department of Energy, Department of Defense, Bureau of Reclamation, U.S. Army Corps of Engineers and State Environmental and Health Agencies.

MT2’s ECOBOND® process utilizes a combination of proprietary materials that are nature’s best stabilizers of leachable metals. ECOBOND® compounds have extremely low Ksp (solubility potential) values indicating that it is virtually impossible to dissolve these metal complexes (Table 3). This technique has been used to stabilize heavy metals for a number of years and have proven superior to cementation and other methods that rely on increasing the alkalinity of the matrix to immobilize the metals. Unlike many stabilizing compounds, the MT2’s reagents bond directly with metals and are not subject to long-term pH related deterioration.



**Table 3 - Ksp (Solubility Potential) of Various Lead-Phosphate Minerals**

Lead Species / Mineral Name	Formula	Log Ksp
Salt	NaCl	0.0*
Quartz	SiO <sub>2</sub>	-4.0
Anglesite	PbSO <sub>4</sub>	-7.7
Cerussite	PbCO <sub>3</sub>	-12.8
Galena	PbS	-27.5
Fluoropyromorphite	Pb <sub>5</sub> (PO <sub>4</sub> ) <sub>3</sub> F	-71.6
Hydroxypyromorphite	Pb <sub>3</sub> (PO <sub>4</sub> ) <sub>3</sub> OH	-76.8
Plumbogummite	PbAl <sub>3</sub> (PO <sub>4</sub> ) <sub>2</sub> (OH) <sub>5</sub> H <sub>2</sub> O	-99.3
Corkite	PbFe <sub>3</sub> (PO <sub>4</sub> )(SO <sub>4</sub> )(OH) <sub>6</sub>	-112.6

*\*For comparison purposes*

The EPA's TCLP is one measure of the long-term stability of a treated waste because it simulates the leaching effect of water or acid that may come into contact with stabilized metals. To simulate a longer period of environmental exposure, the Multiple Extraction Procedure (MEP) test has been developed. The MEP test consists of multiple acid extractions and pH adjustments that are similar to the TCLP test. However, different leachates are used for each of ten separate extractions. It is estimated that each TCLP extraction simulates 100 years of stability and after ten MEP extractions, 1,000 years of metals stability are simulated. The durability of similar treated materials has been tested by numerous MEP tests and has been evaluated in the EPA's Superfund Innovative Technology Evaluation (SITE) program. The MEP test is just one of the tests that have been conducted to establish the long-term stability of chemically stabilized waste. See Table 4.

**Table 4 - Example of Treatment Results using MEP Testing of MT2 Stabilized Lead Contaminated Soil**

	Crookville Lead Superfund Site	Crookville Lead Superfund Site	Lead Paint Sand Blast Grit	Lead Paint Sand Blast Grit	Lead Paint Sand Blast Grit
Pre Treatment Lead TCLP	32	980	26	34	49
MEP Extraction Post Treatment					
#1 – 100 years	0.08	<0.05	<0.05	<0.05	<0.05
#2 – 200 years	0.14	0.13	<0.05	<0.05	<0.05
#3 – 300 years	0.21	0.05	<0.05	<0.05	<0.05
#4 – 400 years	0.13	0.06	0.13	0.23	0.08
#5 – 500 years	0.14	0.08	0.31	0.12	0.07
#6 – 600 years	<0.05	0.15	0.15	0.06	0.06
#7 – 700 years	0.16	<0.05	0.19	0.03	0.04
#8 – 800 years	0.25	0.18	0.19	0.05	0.06
#9 – 900 years	0.26	0.53	0.18	0.06	<0.05
#10–1,000 years	0.23	0.33	0.14	<0.05	<0.05
Average MEP Extraction	0.165	0.161	0.14	0.075	0.056

In summary, MT2's proprietary ECOBOND® technology has previously been approved by the U.S. Environmental Protection Agency as well as state regulators. ECOBOND® provides an advanced in situ and ex situ treatment for a wide variety of metals utilizing innovative methods with standard equipment, converting RCRA hazardous waste into non-hazardous material. MT2's state-of-the-art technologies and experienced personnel provide clients with technical and field services producing substantial cost savings. MT2's ECOBOND® technologies are broadly applicable for chemical conversion and stabilization for:

- Soils, Silts and Sediments
- Process Waste and Sludges
- Firing Ranges/Shooting Ranges
- Lead Paint and Glass
- Mine/Smelter Sites
- Former Disposal Locations
- Brownfields Sites
- Battery Recycling Site

The advantages of ECOBOND® technologies and MT2 services include:

- Lower Cost: Typically 30%-50% lower cost than other alternatives
- Reduction of Environmental Liability: Significantly reduced potential of long-term liabilities through improved best management practices
- Eliminates Generation of Hazardous Wastes: No hazardous waste manifesting, substantial disposal cost reduction and reduced liability
- Proven Technology: Technology previously approved by EPA and state regulators in over seven (7) years of operations with guaranteed, field validated reliability
- Best Available Technology: Permanent and irreversible chemical process, strength and durability to 1,000 years verified by EPA approved testing



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Public Services  
 EXHIBITS: Agreement

**SUBJECT: STREET LIGHT AGREEMENT BETWEEN FOR THE SILVER OAK PHASE 1 HOMEOWNER’S ASSOCIATION**

**REQUEST: EXECUTE THE AGREEMENT**

**SUMMARY:**

The developer of the Silver Oak Phase 1 subdivision has upgraded the street lighting to decorative street lighting.

Due to the cost for the decorative lighting being higher than that of standard lighting, an agreement is required to offset the City’s additional expense for the decorative street lighting. The Silver Oak Phase 1 Homeowner’s Association will be billed on a monthly basis for the cost differential of the decorative street lighting. The monthly cost differential based on 2018 rates is \$445.17 (33 street lights @ \$13.49/each). Per the agreement, the City will not be billed for any street lighting costs until 25% occupancy has been achieved within the subdivision. The developer retains full cost responsibility until the 25% occupancy has been achieved, at which time, the City will assume billing responsibility. The table below represents the per fixture cost comparison between standard lighting and decorative lighting.

Monthly Street Lighting Cost per Fixture	
Standard Lighting	Decorative Lighting
\$13.54	\$27.03

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Authorize and execute the Decorative Street Lighting Agreement for Silver Oak Phase 1 Homeowner’s Association.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

RESIDENTIAL DECORATIVE STREET LIGHT AGREEMENT

THIS AGREEMENT hereinafter ("Agreement"), entered into this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between Silver Oak Phase 1 Subdivision Home Owners' Association, its successors and/or assigns (hereinafter the "Association"), and THE CITY OF APOPKA, a political subdivision of the State of Florida (hereinafter the "City").

RECITALS:

A. The Association is the operator and administrator of the residential subdivision known as Silver Oak Phase 1 Subdivision pursuant to terms of that certain Declaration of Covenants and Restrictions for Silver Oak Phase 1 Subdivision recorded on 3/14/17, in Official Records Book 91, Page 124, of the Public Records of Orange County, Florida (hereinafter the "Declaration").

B. The Declaration encumbers that certain parcel of real property (hereinafter the "Subdivision") located in the City of Apopka, as more particularly described in Exhibit A (legal description) attached hereto and by this reference made a part hereof.

C. The Association is a not-for-profit corporation formed under the laws of the State of Florida for the purposes and with the powers set forth in its Articles of Incorporation, its Bylaws and the Declaration.

D. Streetlights are an amenity intended to be funded by ad valorem or other assessments upon sufficient occupancy of the subdivision.

E. The Association is upgrading the street lighting within the subdivision. Standard fixtures funded by the City and, toward that objective, will be constructing customized street lighting poles (hereinafter the "Improvement") along the rights-of-way adjacent to or within the Subdivision and/or located within those areas which



have been, or will be, dedicated to public use (hereinafter collectively referred to as the "Dedicated Areas").

F. The location of the Improvements within the dedicated areas, make access to the Improvements by the City a matter of public interest.

G. The City requires that the Association undertake certain commitments and covenants to assure the maintenance of the Improvements.

H. The Improvements will serve to preserve and enhance the value of the Subdivision and will benefit the owners and residents of the Subdivision.

DECORATIVE STREET LIGHT AGREEMENT RESIDENTIAL

NOW, THEREFORE, in consideration of the foregoing and of the terms and conditions set forth herein, the parties agree as follows:

1. Recitals. The foregoing recitals are true and form a material part of this Agreement.

2. Grant of Authorization.

a. City. The City grants to "Duke Energy," and its respective contractors, subcontractors, designees, or agents, to the right to access and utilize the Dedicated Areas for installation, replacement, maintenance and construction of the Improvements. Nothing contained herein shall give or grant to "Duke Energy" or the Association any property interest in any portion of the Dedicated Areas.

b. Association. The Association grants the City the access and use of all of the Improvements subject to this Agreement for the purpose of installing infrastructure related to any City project, including but not limited to; "Wi-Fi" projects, public safety initiatives, etc. The Association further grants the City the authority to apply for any necessary permits from "Duke Energy" for the use of these poles as contemplated herein. The Grant of Authority shall run the entire term of the Agreement.

3. Construction and Maintenance Obligation

a. Decorative Streets Lights The City requires all new developments to have street lights designed and constructed to meet IES (International Engineering Society) standards. All up-front costs for the construction and installation of the street lights shall be paid by the developer of the Subdivision (hereinafter the "Developer"). When Certificates of Occupancy have been issued for at least 25% of the total number of units approved for the Subdivision, the Association may submit a written request to the City, asking that the City assume responsibility for its share of the monthly cost for the rental, maintenance and electrical usage cost of the Improvements (hereinafter "Written Request"). Presently, a standard 30-foot concrete pole and CL27 conventional light fixture costing \$13.01 per month for both pole and fixture (not including electrical and other charges) is the standard fixture for which the City will assume financial responsibility (hereinafter "Standard Lights"). Should the Developer construct or install non-standard decorative poles and light fixtures for which the monthly charge for rental, maintenance and electrical usage is more than the Standard Lights, the Association shall pay the difference in the monthly cost between the non-standard decorative poles and light fixtures and the Standard Lights. In the event "Duke Energy" increases or decreases the applicable monthly rates, the City shall adjust the amount due accordingly. The City shall assume the obligation for its share of the cost of Improvements, as discussed herein, within 30 days of receipt of the written request from the Association. The City shall be responsible for payment of its share of the cost of the Improvements from the 30<sup>th</sup> day from the receipt of the written request from the Association, and shall not be retro-actively responsible for any cost incurred by the Association prior to that 30<sup>th</sup> day, even if the 25% Certificate of Occupancy threshold has been surpassed. The failure of the Association to submit the Written Request shall be deemed a waiver on the part of the Association of any obligation the City may have to contribute to the cost of the Improvements. The aforementioned waiver shall remain in effect until such time that the City receives the Written Request to assume its share of the cost of the Improvements as con

b. Payment. The City will invoice the Association on a \_\_\_\_\_  
for the Association's portion of the Cost of the Improvements.

c. **Non-Payment.** In the event of non-payment by the Association, the City reserves the right to collect payment for all current or future payments due for the Association's share of the monthly cost of the Improvements as permitted by law, including non-ad valorem tax assessments.

4. **Indemnification.** To the fullest extent permitted by law, the Association shall indemnify and hold harmless the City from and against all claims, damages, losses and expenses, including reasonable attorneys' fees and costs arising out of, or resulting from the performance of the Improvements.

5. **Recording.** This agreement shall be recorded in the Public Records of Orange County, Florida.

6. **Covenants Running with the Land.** It is intended that the provisions of this Agreement shall constitute covenants running with the Dedicated Area or an equitable servitude upon the Dedicated Area, as the case may be. It is further intended that this Agreement shall be binding on all parties having any right, title or interest in the Dedicated Area described herein or any portion thereof, their heirs, personal representatives, successors and assigns. This Agreement shall inure to the benefit of and be enforceable by the Association and the City, together with their respective legal representatives, successors and assigns.

7. **Amendment.** The provisions, restrictions and covenants of this Agreement shall not be modified or amended except in a written instrument signed by the City and the Association.

8. **Compliance.** The Association shall comply with all applicable City ordinances.

9. **Effective Date.** This Agreement shall take effect upon being recorded in the Public Records of Orange County, Florida.

10. Third Party Beneficiary. There shall be no third party beneficiaries to this Agreement.

11. Attorneys' Fees and Costs. In the event that either party finds it necessary to employ an attorney to enforce any provision of this Agreement, the prevailing party shall be entitled to recover from the other party or parties its attorneys' fees and costs as permitted by law, including but not limited to, expert fees and all costs incurred in connection therewith, at both trial and appellate levels, in addition to any other performances or damages to which party may be entitled.

12. Waivers. With the exception of the waiver discussed in section 3.a., of this Agreement, no failure by either party to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement or to exercise any right or remedy upon a breach thereof shall constitute a waiver of any such breach or of such or any other covenant, agreement, term or condition. Any party hereto, by written notice executed by such party only, may, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other party hereto. No waiver shall affect or alter this Agreement but each and every covenant, provision, term and condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

13. Governing Law and Jurisdiction. This Agreement shall be interpreted and enforced under the laws of the State of Florida. The venue for any litigation arising under this Agreement shall be in Orange County, Florida.

14. Captions. The captions for each paragraph of this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement, or the intent of any provision hereof.

15. Successors and Assigns. The rights and obligations created by this Agreement shall be binding upon and inure to the benefit of the parties hereto, their executors, receivers, trustees, successors and assigns expressly including the Association to request in writing that the City assume payment of its share of the Improvements. Whenever used the singular number shall include the plural, and the use of any gender shall include all genders, as the context requires.

16. Preparation of Agreement. The City and the Association have had equal input in the drafting of this Agreement and, in consideration thereof, the language used in this Agreement will be construed according to its fair and common meaning and will not be construed more stringently or liberally for either party.

17. Severability. If any provisions of this Agreement are held to be illegal or invalid, the other provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be made and executed as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

*Dorel Winer*  
Print *Dorel Winer*

*Victoria Vela*  
Print *Victoria Vela*

\_\_\_\_\_  
Print \_\_\_\_\_

\_\_\_\_\_  
Print \_\_\_\_\_

Silver Oak Phase 1  
Home Owner's Association

By: *[Signature]*  
Print *Amice Marti*  
Its *President*

Date: *11-16-18*

CITY OF APOPKA,  
A Political Subdivision of the  
State of Florida

By: \_\_\_\_\_  
Print \_\_\_\_\_  
Its Mayor

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





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER:

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: CMS Agreement

**SUBJECT: CARRIAGE HILL, PHASE 2, SCHOOL CONCURRENCY MITIGATION AGREEMENT (CMS)**

**REQUEST: APPROVE THE CARRIAGE HILL, PHASE 2, SCHOOL CONCURRENCY MITIGATION AGREEMENT; AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT.**

**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: JTD Land at Roger Road, LLC, c/o Craig Harris  
PROJECT ENGINEER: Dewberry/Christopher Allen, P.E.  
LOCATION: East side of Rogers Road  
PROPOSED DEVELOPMENT: Single Family Residential Subdivision – 15 Units  
DEVELOPABLE AREA: 10.31 +/- Acres  
SCHOOL ATTENDENCE ZONES: Wolf Lake Elementary; Wolf Lake Middle; Apopka High

**FUNDING SOURCE: N/A**

**RECOMMENDATION ACTION:**

Approve the Orange County Public Schools Concurrency Mitigation Agreement for Carriage Hill, Phase 2; and authorize the Mayor to sign the Agreement.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Community Development  
 EXHIBITS: Vicinity Map Agreement

**SUBJECT: CARRIAGE HILL PHASE II (15 LOTS)**

**REQUEST: AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE A SEWER AND WATER CAPACITY AGREEMENT FOR CARRIAGE HILL PHASE II (15 LOTS)**

**SUMMARY:**

The City’s standard Sewer and Water Capacity Agreement has been prepared for Carriage Hill Phase II, 1455 West Lester Road; West Lester Road

**FUNDING SOURCE: N/A**

**RECOMMENDATION ACTION:**

Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Carriage Hill Phase II.

**DISTRIBUTION**

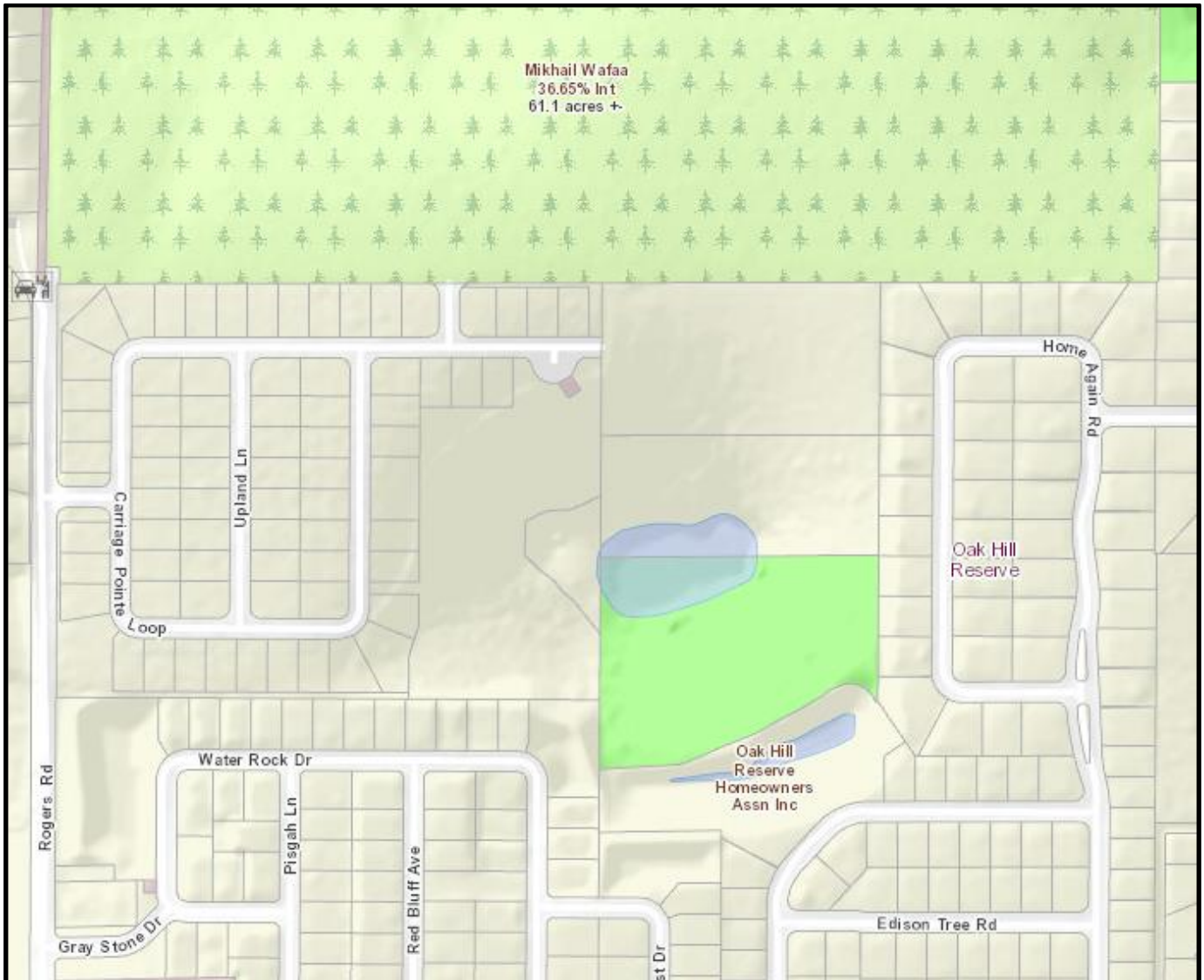
Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief





**CARRIAGE HILL PHASE II**  
JTD Land at Rogers Rd. LLC  
Parcel ID No: 29-20-28-0000-00-005 and 29-20-28-0000-00-049  
Total Acres: 10.31 +/-

**VICINITY MAP**



**SEWER AND WATER CAPACITY AGREEMENT**  
**CARRIAGE HILL PHASE 2 (15 LOTS)**

THIS AGREEMENT, made as of this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the City of Apopka, Florida, a municipal corporation, hereinafter sometimes referred to as "City" or "Utility" or both; and JTD Land at Rogers Road LLC, sometimes hereinafter referred to as "Owner" or "Developer" or both.

WHEREAS, in the City of Apopka Comprehensive Plan it has been established that land development shall not be permitted unless adequate capital facilities exist or are assured; and

WHEREAS, in the City of Apopka Comprehensive Plan the policy has been established that land development shall bear a proportionate cost of the provision of the new or expanded capital facilities required by such development; and

WHEREAS, the City of Apopka Comprehensive Plan established that the imposition of impact fees and dedication requirements are the preferred methods of regulating land development in order to ensure that it bears a proportionate share of the cost of capital facilities necessary to accommodate the development and to promote and protect the public health, safety and welfare; and

WHEREAS, the City Council of the City of Apopka has determined that the City of Apopka must expand its water and sewer systems in order to maintain current water and sewer standards if new development is to be accommodated without decreasing current standards; and

WHEREAS, the City Council of the City of Apopka enacted an Ordinance providing for Water and Sewer Capital Facilities Fees and Tap Fees; and

WHEREAS, Developer owns or controls lands located in City of Apopka or Orange

County, Florida, and described in **Exhibit "A"** attached hereto and made a part hereof as if fully set out in this paragraph and hereinafter referred to as the "Property," and Developer intends to develop the Property by erecting thereon, individually metered units, general service units, or combination of these; and

WHEREAS, Developer has officially requested that the Utility provide central water distribution and sewage collection service for Developer's property herein described in **Exhibit "A"**; and

WHEREAS, the Utility is willing to provide, in accordance with the provisions of this Agreement, Utility's main extension policy and the City's Code of Ordinances, central water and sewer services to the Property and thereafter operate applicable facilities so that the occupants of the improvements on the Property will receive an adequate water supply and sewage collection and disposal service from Utility; and

WHEREAS, Developer's project and the receipt of water and sewer service is contingent upon the construction and utilization of existing and contemplated water and sewer service facilities and the availability of capacity of those facilities; and

WHEREAS, the Developer is obligated to pay certain Capital Facilities Fees in conjunction with this commitment for capacity and does desire to execute a Service Agreement with the City.

NOW, THEREFORE, the parties hereto agree as follows:

**Section 1. Compliance.**

The Owner agrees that both he and his successors and assigns will abide by the provisions of this Agreement and the relevant Ordinances of the City and that he will install or have installed the improvements required by the City in accordance with the

provisions of this Agreement and of said Ordinances. The Owner further understands and agrees that, in the development of the subject property, failure to abide by the terms of this Agreement, the provisions of the City's Ordinances, or any other applicable regulations, ordinances, or laws from time to time existing, shall constitute grounds for refusal by the City, or the appropriate authority thereof, to allow such development, to obtain building permits, to institute utility services, or to permit occupancy of completed improvements.

**Section 2. Definitions.**

A. "ERU (Water)" means Equivalent Residential Unit defined as having the average demand of 400 gallons per day, without reclaimed water available, and having the average demand of 300 gallons per day, with reclaimed water available.

B. "ERU (Sewer)" means Equivalent Residential Unit defined as having the average demand of 300 gallons per day.

C. "DEP" shall mean the Department of Environmental Protection of the State of Florida.

D. "Notice To Proceed" - A document executed by the Developer requesting specific water.

E. "Point of Delivery" - The point where the pipes or meter of the Utility are connected with the pipes of the consumer or Owner. Unless otherwise indicated, Point of Delivery shall be at the Owner's lot line.

F. "Property" - The area or parcel of land described in **Exhibit "A"** attached hereto.

G. "Service" - The readiness and ability on the part of the Utility to furnish and maintain water and sewer service to the point of delivery for each lot or tract pursuant to

applicable ordinances, laws, rules, regulations, permits and Utility policies.

**Section 3. On-Site Installation.**

To induce the Utility to provide the water treatment and sewage collection and disposal facilities, and to continuously provide Owner's Property with water and sewer services, unless otherwise provided for herein, Owner hereby covenants and agrees to construct and to transfer ownership and control to the Utility, as a contribution-in-aid-of-construction, the on-site water distribution and sewage collection systems located on Owner's Property. The term "on-site water distribution and sewer collection systems" means and includes all water distribution and supply mains, lines and pipes, and related facilities and sewage collection lines facilities and equipment, including pumping stations, constructed within the boundaries of Owner's Property adequate in size to serve each lot or unit within the property or as otherwise required by Utility. Owner shall install at its sole expense all of the aforesaid facilities within the Property in accordance with the plans, specifications and all other pertinent documents approved by the Utility. Developer will furnish Utility with three (3) copies of the plans and specifications for the water distribution system, sewage collection main lift stations and other facilities necessary to serve the property described in **Exhibit "A"**.

Developer shall obtain approval of plans and specifications from all necessary agencies. No construction shall commence until utility and appropriate regulatory agencies have approved such plans and specifications in writing. If construction commences prior to all such approvals and any other approvals required hereunder, Utility shall have no responsibility to accept such lines and facilities and Utility may elect to terminate this Agreement and/or not provide service to Developer until such time as

Developer obtains all such required approvals. When permits and approved plans are returned by appropriate regulatory agencies to Developer, Developer shall submit to Utility one copy of the water and/or sewer construction permit and approved plans. Developer shall also supply to the Utility a copy of the final estimate or payment covering all contract items and Release of Lien from Contractor(s).

After the approval of plans and specifications by Utility and appropriate regulatory agencies, Developer, or the engineer of record, shall set up a preconstruction conference with engineer of record, utility contractor, appropriate building official(s), all other utility companies involved in the development of the Property, and Utility, as may be appropriate.

Developer shall provide to Utility's representative forty-eight (48) hours written notice prior to commencement of construction and forty-eight (48) hours written notice prior to any inspections or tests being performed as described herein. "Notice" shall be complete when Utility actually receives same.

During the construction of the water distribution and sewage collection systems by Developer, Utility shall have the right to inspect such installations to determine compliance with the approved plans and specifications. The engineer of record shall also inspect construction to insure compliance with the approved plans and specifications. The engineer of record and utility contractor shall be present for all standard tests and inspections for pressure, exfiltration, line and grade, and all other normal engineering tests and inspections to determine that the systems have been installed in accordance with the approved plan and specifications, and good engineering practices.

Upon completion of construction, Developer's engineer of record shall submit to

Utility a copy of the signed certification of completion submitted to the appropriate regulatory agencies. If certification is for the water distribution system, a copy of the bacteriological results and a sketch showing locations of all sample points shall be included. The engineer of record shall also submit to Utility paper copies of the as-built plans prepared signed and sealed by the engineer of record. Developer will provide Utility with two (2) copies of the approved paving and drainage plans. Developer will provide Utility with three (3) copies of the approved subdivision plat.

**Section 4. Off-Site Installation.**

The Developer will construct and install water mains, gravity sewer lines, lift station(s) and force main(s) from Developer's property to the Utility existing facilities in accordance with overall master plans of the utility system and in accordance with approved engineering plans and specifications. At all times prior to, during and upon completion of the construction of the extensions of water and sewer lines, Utility shall have the right to inspect and approve all construction plans and specifications, piping, connections, equipment, materials and construction work being provided or performed, or previously provided or performed, by or on behalf of the Developer. Such approval shall not be unreasonably withheld or delayed by Utility, and any costs of such inspections shall be borne by Utility. It shall be the Developer's responsibility to insure that all construction fully meets the plans and specifications approved by the Utility. The cost of inspections resulting from required corrective action shall be borne by the Developer. As conditions precedent to receiving water and sewer service, Developer shall:

- A. Provide Utility with three (3) copies of the approved subdivision plat.
- B. Provide Utility with three (3) copies of the approved paving and drainage plans

of the development.

C. Furnish Utility with three (3) copies of the plans, specifications and engineering cost estimate for the water distribution system, sewage collection system, lift station(s) and other facilities necessary to serve the property described in **Exhibit "A"**. Developer must receive approval from Utility of said plans, specifications and engineering cost estimate prior to proceeding with any construction of the facilities.

D. Obtain approval of the plans and specifications from all necessary governmental agencies, including, but not limited to, the Florida Department of Environmental Protection and the City of Apopka. No construction shall commence until Utility and appropriate regulatory agencies have approved such plans and specifications in writing. When permits and approved plans are returned by appropriate regulatory agencies to Developer, Developer shall submit to Utility one (1) copy of water and/or sewer construction permit and approved plans.

E. After the approval of plans and specifications by Utility and appropriate regulatory agencies, Developer, or the engineer of record shall set up a preconstruction conference with engineer of record, utility contractor, appropriate building official(s), all other utility companies involved in the development of the Property, and Utility, as may be appropriate.

Developer shall provide to Utility's representative forty-eight (48) hours written notice prior to commencement of construction and forty-eight (48) hours written notice prior to any inspections or tests being performed as described herein. "Notice" shall be complete when Utility actually received same.



During the construction of the water distribution and sewage collection systems by Developer, the Utility shall have the right to inspect such installations to determine compliance with the approved plans and specifications. The engineer of record shall also inspect construction to assure compliance with the approved plans and specifications. The engineer of record and utility contractor shall be present at all standard tests and inspections for pressure, exfiltration, line and grade, and all other normal engineering tests and inspections to determine that the systems have been installed in accordance with the approved plans and specifications, and good engineering practices.

F. Upon completion of construction, Developer's engineer of record shall submit to Utility a copy of the signed certifications of completion submitted to the appropriate regulatory agencies. If certification is for the water distribution system, a copy of the bacteriological results and a sketch showing locations of all sample points shall be included.

Developer's engineer shall deliver one (1) set of paper copies of "As-built" engineering plans, prepared signed and sealed by the professional engineer of record, showing the location of all water and sewer systems and services installed, and certification by the professional engineer of record to the Utility that such systems and services, as built, comply with the plans and specifications approved by the Utility.

Furnish proof satisfactory to the Utility that the installation of the facilities and all contractors, subcontractors, materialmen and laborers have been paid in full, and provide an engineer's certificate of total cost of improvements, i.e., by Release of Lien or other appropriate means.

G. As per this Agreement, Developer shall install, at its sole expense, all of the aforesaid facilities off-site, in accordance with the plans and specifications approved by the Utility. The Utility agrees it will complete its review of the plans and specifications within thirty (30) days of receipt from the Developer.

H. Developer hereby agrees to transfer to Utility title to all water distributions and sewage collection systems installed by Developer or Developer's contractor, pursuant to the provisions of this Agreement. Such conveyance shall take effect at the time Utility issues its final letter of acceptance. As further evidence of said transfer to title, upon completion of the installation, but prior to the issuance of the final letter of acceptance and the rendering of service by Utility, Developer shall:

I. Provide Utility with copies of Release of Lien for said Property.

J. Developer shall assign any and all warranties and/or maintenance bonds and the rights to enforce same to the Utility which Developer obtains from any contractor constructing the utility systems. Developer shall remain secondarily liable on such warranties. If Developer does not obtain such written warranty and/or maintenance bond from its contractor and deliver same to Utility, which warranty and/or maintenance bond shall be for a minimum period of two years, then in such event, Developer by the terms of this instrument, agrees to indemnify and save harmless the Utility for an loss, damages, costs, claims, suits, debts, or demands by reason of latent defects in the systems which could not have been reasonably discovered upon normal engineering inspection, for a period of two years from the date of acceptance by the Utility of said utility systems.

K. The Developer shall provide Utility with all appropriate

operations/maintenance and parts manuals.

L. The Developer shall further cause to be conveyed to Utility all easements and/or rights-of-way covering areas in which water and sewer systems are installed, by recordable document in form satisfactory to the Utility and shall convey title to the Utility, by recordable document in form satisfactory to Utility, and lift stations constructed on Developer's Property along with recordable ingress/egress easement documents.

M. Utility agrees that the issuance of the final letter of acceptance for the water distribution and sewage collection systems installed by Developer shall constitute the assumption of responsibility by Utility for the continuous operation and maintenance of such systems from that date forward.

**Section 5. Easement.**

Developer hereby grants and gives to Utility, its successors and assigns, but subject to the terms of this Agreement, the exclusive right or privilege to construct, own, maintain or operate the water and sewer facilities to serve the Property; and the exclusive right or privilege to construct, own, maintain or operate the said facilities in, under, upon, over and across the present and future streets, roads, alleys and easements, reserved utility strips and utility sites, and any public place as provided and dedicated to public use in the record plats, or as provided for in agreements, dedications or grants made otherwise and is independent of said record plats. Mortgagees, if any, holding prior liens on the Property shall be required to either release such lien, subordinate their positions or join in the grant or dedication of the easements or rights-of-way, or give to Utility assurance by way of a "non-disturbance agreement," that in the event of foreclosure, mortgagee would continue to recognize the easement rights of Utility, as long as Utility

complies with the terms of this Agreement. All water distribution and sewage collection facilities, save and except consumer installations, shall be covered by easements or rights-of-way if not located within platted or dedicated road or rights-of-ways for utility purposes.

Developer hereby further agrees that the foregoing grants include the necessary right of ingress and egress to any part of the Developer's property upon which Utility is constructing or operating utility facilities. The foregoing grants shall be for such period of time as Utility or its successors or assigns require such rights, privileges or easements in the construction, ownership, maintenance, operation or expansion of the water and sewer facilities. The parties agree that in the event Developer and Utility agree to install any of the water or sewer facilities in lands within the Property lying outside the streets and easement areas described above, then Developer or the owner shall grant to Utility, the necessary easement or easements for such "private property" installation; provided, all such "private property" installations by Utility shall be made in such a manner as not to interfere with the then primary use of such "private property". The use of easements granted by Developer to Utility shall not preclude the use by other utilities of these easements, such as for cable television, telephone, electric, or gas utilities, or as otherwise agreed to by Utility, provided each does not interfere with Utility's use thereof.

The Utility hereby agrees that all easement grants will be utilized in accordance with the established and generally accepted practices of the water and sewer industry with respect to the installation of all its facilities in any of the easement areas.

**Section 6. Utility's Exclusive Right to Utility Facilities.**

Developer agrees with Utility that all water and sewer facilities accepted by Utility in connection with providing water and sewer services to the Property shall at all times remain in the sole, complete and exclusive ownership of Utility, its successors and assigns, and any person or entity owning any part of the Property or any residence, building, or unit constructed or located thereon, shall not have any right, title, claim or interest in and to such facilities or any part of them, for any purpose, including the furnishing of water and sewer services to other persons or entities located within or beyond the limits of the Property.

**Section 7. Exclusive Right to Provide Service.**

As a further and essential consideration of this Agreement, Developer, or the successors and assigns of Developer, shall not (the words "shall not" being used in a mandatory definition) engage in business or businesses of providing potable water or sewer services to the Property during the period of time Utility, its successors and assigns, provide water or sewer services to the Property, it being the intention of the parties hereto that under the foregoing provision and also other provisions of this Agreement, Utility shall have the sole and exclusive right and privilege to provide water and sewer services to the Property and to the occupants of each residence, building or unit constructed thereon, except for providing by Developer, from its own sources and lines for irrigation uses.

**Section 8. Rates.**

The Utility agrees that the rates to be charged to Developer and individual consumers of water and sewer services shall be those set forth by the City Council. However, notwithstanding any provision in this Agreement, the Utility, its successors and assigns, may establish, amend or revise, from time to time in the future, and enforce rates

or rate schedules so established and enforced and shall at all times be reasonable and subject to approval by the City Council.

Notwithstanding any provision in this Agreement, the Utility may establish, amend or revise, from time to time, in the future, and enforce rules and regulations covering water and sewer services to the Property, including the costs thereof.

Any such initial or future lower or increased rate schedules, and rules and regulations established, amended or revised and enforced by Utility from time to time in the future shall be binding upon Developer; upon any person or other entity holding by, through or under developer; and upon any user or consumer of the water and sewer provided to the Property by Utility.

#### **Section 9. Capital Facility Fees.**

In addition to the contribution of any water distribution and sewage collection systems, where applicable, and further to induce the Utility to provide water and sewage service, Developer hereby agrees to pay to Utility the following Capital Facility Fees:

A. Water Capital Facility Fee. A capital facility fee which represents the capital cost of the Primary System capacity expansion will be charged and paid in the manner described herein. The City reserves the right to also require additional contributions or in kind contributions, including but not limited to constructed donated facilities, as may be necessary to extend services or to further expand the Primary System to facilitate the providing of services to the Owner's property and, if any oversizing is required the Owner shall be reimbursed in accordance with Section 26-80 of the Apopka Municipal Code. The City reserves the right to prospectively adjust unpaid fees and charges assessed herein. The Owner will be required to build or to provide the cost of construction of the

Secondary or Local Distribution System and all water facilities on site regardless of size necessary to provide service to the land development activity.

The water Capital Facility Fee charged shall be calculated as follows:

Total Water

Capacity Committed <u>in Gallons</u>	No. Of ERU's <u>Committed</u>	Water Capital Facility Fee <u>Per ERU</u>	Facility Fee Due from <u>Owner</u>
4,500	15	\$957.00	\$14,355.00

B. Sewer Capital Facility Fee. A capital facility fee shall be assessed by the City which represents the capital cost of the Primary System Capacity expansion. The City reserves the right to also require additional contributions or in kind contributions, including but not limited to constructed donated facilities, as may be necessary to extend services or to further expand the Primary System to facilitate the providing of services to the Owner's property and, if any oversizing is required, the Owner shall be reimbursed in accordance with Section 26-80 of the Apopka Municipal Code. The City additionally reserves the right to prospectively adjust unpaid fees and charges assessed herein. Owner will be required to build or to provide the cost of construction of the Secondary or Local Distribution System and all water facilities on site regardless of size necessary to provide service to the land development activity.

The Sewer Capital Facility Fee charged shall be calculated as follows:

Total Sewer

Capacity Committed <u>in Gallons</u>	No. Of ERU's <u>Committed</u>	Sewer Capital Facility Fee <u>Per ERU</u>	Facility Fee Due from <u>Owner</u>
4,500	12	\$4,775.00	\$71,625.00

**Section 10. Payment of Capital Fees.**

The capital facility fees described herein shall be due and payable as follows:

A. 10% of all capital facilities fees for all units at the time of applying to DEP for a permit.

B. 20% of all capital facilities fees at the time of receiving DEP approval/permit or 120 days from the date of application whichever occurs first.

C. 10% of all capital facilities fees at the time of issuance of Certificate of Acceptance by City or 120 days from the date of issuance of DEP permit whichever occurs first.

D. 20% of all capital facilities fees 12 months after the date of issuance of the DEP permit as set forth in (b).

E. 20% of all capital facilities fees not later than 24 months after the date of issuance of the DEP permit as set forth in (b).

F. All capital facilities fees are due not later than 36 months after the date of the issuance of the DEP permit as set forth in (b).

The capital facilities fees shall be based on the fee schedule in effect at the time payment is actually made to the City. The fees set forth therein are the minimum due and payable. Capital Facilities Fees shall be due and payable by the Owner on or before application for building permits for each individual lot or land development activity. During the time period following the issuance of the DEP permit until all capital facilities fees are paid, the amount due and payable shall always be the greater of the scheduled fees or the fees due upon applying for building permits during this period. If the Capital Facilities fees are paid in conjunction with the application for building permits are less



than the fees currently due pursuant to subparagraphs (d), (e), and (f) of this Section, the Owner must remit the difference as same comes due pursuant to the schedule. If the amount due in conjunction with the application for building permits exceeds the amount due pursuant to schedule, the amount due in conjunction with the application for building permits shall be the amount due and payable regardless of the amount of the scheduled payment.

The 40% first paid in accordance with subparagraphs (a), (b), and (c) of this Section will apply to the last 40% of the building permits applied for by the Developer. A failure of the Developer to pay all sums due in accordance with this Section shall be considered a default and all of the Capital Facilities Fees shall become immediately due and payable and all other rights and remedies associated with a default shall be available to the City.

It is also agreed by the parties that:

(a) No lots, units or interests in the property, development or units may be sold until 100% of all the capital facilities fees on those lots or units to be sold have been paid.

(b) No capacity may be transferred, sold or bartered to any other land development activity.

(c) If the Developer should default on any of the aforescribed, the City shall have the right to record a lien on all remaining lots owned by the Developer for unpaid fees and shall have the right to demand the return of unused capacity. This right is in addition to all other rights available to the City under Florida law.

**Section 11. Refund of Fee Paid.**

The parties agree that if a DEP permit expires and DEP has released all permitted capacity back to the City and no construction has been commenced, then the Developer shall be entitled to a refund of the capital facility fees paid as a condition for its issuance except that the City shall retain three percent (3%) of the refunded funds as a fee to offset the costs of collection and refund.

**Section 12. Recapture of Capacity.**

The parties agree that if the development has not been substantially completed by the end of the calendar quarter immediately following two (2) years from the date on which the water and sewer capital facility fee was paid in full, or if the developer is in default under this agreement or if the DEP permit issued to the developer has expired or the Developer has not proceeded to develop the property described in **Exhibit "A"** within two years from the date of execution of this Agreement, the City may petition, if necessary, the DEP to recapture the capacity committed pursuant to this Agreement. If said capacity is all released back to the City, the City may refund the capital facility fees as set forth in paragraph 11 above.

**Section 13. Maintenance Fees.**

The parties agree that the City may subject encumbered or committed water and sewer capacity to a maintenance fee to be assessed by the City. The amount of such fee will be determined by the City Council and shall be based upon the costs of maintaining the committed capacity for the Developer. Such fees shall not be a Capital Facility Fee as described herein and shall be due and payable as directed by the City.

**Section 14. Water System Tap Fee.**

The parties agree that a Water Tap Fee shall be charged at the time of approval by the City of a service connection. Such fee will include the labor cost and the cost of connection piping from the main to the meter not to exceed fifty (50) feet in length and shall be charged as follows:

<u>Single Service Meter</u>	
3/4"	\$350.00
1"	\$412.00
1½"	\$631.00
2"	\$757.00
<u>Dual Service Meter</u>	
3/4"	\$274.00
<u>Short Service Tap</u>	
3/4" & 1"	\$275.00
1½" & 2"	\$357.00
<u>Long Service Tap</u>	
3/4" & 1"	\$836.00
1½" & 2"	\$918.00

For a meter or tap over two (2) inches in size, the work will be performed by the contractor, however, in circumstances where the City elects to perform the work, the fee charged shall be actual cost plus ten percent (10%).

Short service is defined as service located on the same side of a road or driveway of an existing water line where the connection is to be made. Long service is defined as service located on the opposite side of a road or driveway of an existing water line where the connection is to be made. There will be an additional charge of \$10.00 for every linear foot for service over 50 linear feet. An additional charge will be added equal to the county right-of-way permit fee when it is required. All Tap Fees are due and payable at the time that a service connection is approved by the Utility.

**Section 15. Sewer Tap Fee and Other Charges.**

The parties agree that a sewer tap fee shall be charged at the time of approval by the City of a service connection. The cost of extending or installing 6" sewer lateral shall be \$745.00 up to 25 feet and including cleanout, and shall be payable by the Developer upon billing. For additional footage beyond 25 feet, the charge shall be \$12.00 per linear foot. The costs of any applicable county or state permits will be also an additional charge payable by the Developer. Any sewer lateral within the public right-of-way easement will remain the property of the City. All Tap Fees are due and payable at the time that a service connection is approved by the Utility. The other charges described herein are due and payable within 10 days of the date of the billing.

**Section 16. Miscellaneous Provisions Regarding Payments.**

The parties agree to the following with reference to fees described herein:

A. No building permit for any developmental activity requiring the payment of a capital facility fee shall be issued unless and until the water and sewer capital facility fees have been paid.

B. The City may require that all payments be made with certified funds or cashier's check if payments have been late or if the Developer has previously provided bad funds or if the Developer has an impaired credit reputation.

C. In the event that the City should have to take any actions other than initial presentment of a check to a local bank in order to collect the payments due and payable pursuant to this Agreement, the Owner shall be responsible for any costs, including reasonable attorney's fee, incurred in taking such actions.

D. Acceptance of payment of any of the Fees described herein in part or in full shall not constitute a waiver of the Utility's rates or regulations.

E. Neither Developer nor any person or other entity holding any of the Property by, through or under Developer, or otherwise, shall have any present or future right, title, claim or interest in and to the Capital Facility Fee charges paid or to any of the water or sewer facilities and properties of Utility, and all prohibitions applicable to Developer with respect to refund of such fees, are applicable to all persons or entities owning such property or an interest in such property.

**Section 17. Agreement to Serve.**

Upon the completion of construction of the water and sewer facilities by Developer, its inspection, the issuance of the final letter of acceptance by the Utility, the Utility covenants and agrees that it will allow the connection of the water distribution and sewage collection facilities installed by Developer to the central facilities of the Utility and shall provide utility service in accordance with the terms and intent of this Agreement. Such connections shall at all times be in accordance with rules, regulations and orders of the applicable governmental authorities including the City. The Utility agrees that once it provides water and sewer service to the Property and Developer or others have connected consumer installations to its system, that thereafter the Utility will continuously provide, in accordance with the other provisions of this Agreement, including rules and regulations and rate schedules, water and sewer service to the Property in a manner to conform with all requirements of the applicable governmental authority.

The parties agree that the capacity needed to provide service to the Property is 4,500 gallons per day for potable water supply and 4,500 gallons per day for wastewater removal. Developer agrees that the number of units of development for which capacity is reserved hereby shall not exceed the number of units of development for which capacity

is reserved hereby pursuant to final development plans on file in the Community Development Department. Developer agrees that sewage to be treated by the Utility from Developer's property will consist of domestic wastewater and further agrees that it will not allow any abnormal strength sewage to flow from developers' property to the Utility Sewage treatment facility that will cause harm to the treatment process. In addition, Developer further agrees that no wastewater, fluids or other substances and materials shall be discharged to the Utility's sanitary sewer collection/transmission system, which contain any hazardous, inflammable, toxic and/or industrial constituents, in whole or in part, regardless of the concentrations (i.e., strengths) of said constituents. Developer grants to Utility the right to sample the Developer's sewage, as referred to hereinabove, to verify Developer's compliance with this paragraph.

**Section 18. Application for Service: Consumer Installations.**

Developer, or any owner of any parcel of the Property, or any occupant of any residence, building or unit located thereon shall not have the right to and shall not connect any consumer installation to the facilities of Utility until formal written application has been made to Utility by the prospective user of service, or either of them, in accordance with the then effective rules and regulations of the Utility and approval for such connection has been granted.

Although the responsibility for connecting the consumer installation to the meter and/or lines of the Utility at the point of delivery is that of the Developer or entity other than the Utility, with reference to such connections, the parties agree as follows:

A. Application for the installation of water meters and backflow preventers shall be made twenty-four (24) hours in advance, not including Saturdays, Sundays and holidays.

B. All consumer installation connections may at its sole option be inspected by the Utility before backfilling and covering of any pipes.

C. Written notice to the Utility requesting an inspection of a consumer installation connection may be given by the Developer or his contractor, and the inspection will be made within twenty-four (24) hours, not including Saturdays, Sundays and holidays, provided the meter and backflow preventer, if applicable, have been previously installed.

D. The cost of constructing, operating, repairing or maintaining consumer installations shall be that of Developer or a party other than the Utility.

E. If a kitchen, cafeteria, restaurant or other food preparation or dining facility is constructed within the Property, the Utility shall have the right to require that a grease trap and/or pretreatment unit be constructed, installed and connected so that all waste waters from any grease producing equipment within such facility, including floor drains in food preparation areas, shall first enter the grease trap for pretreatment before the wastewater is delivered to the lines of the Utility. The size, materials and construction of said grease traps are to be approved by the Utility. Developer hereby grants to the Utility the right to periodically inspect the pretreatment facilities herein described. The provisions of this paragraph shall not apply to individual residential kitchens.

No substance other than domestic wastewater will be placed into the sewage system and delivered to the lines of the Utility. Should any non-domestic wastes, grease or oils, including, but not limited to, floor wax or paint, be delivered to the lines, the Owner will be responsible for payment of the cost and expense required in correcting or repairing any resulting damage or impairment of the treatment process and/or facilities.

**Section 19. Assurance of Title.**

Within fifteen (15) days of DEP approval or prior to Developer issuing the Notice to Proceed to the Utility, at the expense of Developer, Developer agrees to deliver to the Utility a Certificate of Title, a Title Insurance Policy or an opinion of title from a qualified attorney-at-law, with respect to the Property. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in the Agreement.

**Section 20. Binding Effect of Agreement.**

The Agreement shall be binding upon and shall inure to the benefit of Developer, the Utility and their respective assigns and successors by merger, consolidation, conveyance or otherwise, subject to the terms of this Agreement, as contained herein. This Agreement is freely assignable by either party.

**Section 21. Notice.**

Until further written notice by either party to the other, all notices provided for herein shall be in writing and transmitted by messenger, by mail or by telegram, and if to Developer, shall be mailed or delivered to Developer at:

210 S Hoagland Blvd.  
Kissimmee, FL 34741

\_\_\_\_\_  
\_\_\_\_\_

With a copy to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and if the Utility, at:

City of Apopka  
Utilities Department, Attn: Eusie Watson  
120 East Main Street, Apopka, FL 32704

**Section 22. Laws of Florida.**



This Agreement shall be governed by the laws of the State of Florida and it shall be and become effective immediately upon execution by both parties hereto.

**Section 23. Cost and Attorney's Fees.**

In the event the Utility or Developer is required to enforce this Agreement by Court proceedings or otherwise, by instituting suit or otherwise, then the prevailing party shall be entitled to recover from the other party all costs incurred, including reasonable attorney's fees.

**Section 24. Force Majeure.**

In the event that the performance of this Agreement by either party to this Agreement is prevented or interrupted in consequence of any cause beyond the control of either party, including but not limited to Act of God or of the public enemy, war, national emergency, allocation or of other governmental restrictions upon the use of availability of labor or materials, rationing, civil insurrection, riot, racial or civil rights disorder or demonstration, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty or disaster or catastrophe, unforeseeable failure or breakdown of pumping transmission or other facilities, and all governmental rules or acts or action of any government or public or governmental authority or commission of board or agency or agent or official or officer, the enactment of any statute or ordinance or resolution or regulation or rule or ruling or order, order of decree or judgment or restraining order or injunction of any court, said party shall not be liable for such non-performance.

**Section 25.**

The rights, privileges, obligations and covenants of Developer and the Utility shall survive the completion of the work of Developer with respect to completing the facilities and services to any development phase and to the Property as a whole.

**Section 26.**

This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between Developer and Utility, made with respect to the matters herein contained, and when duly executed, fully constitutes the Agreement between Developer and the Utility. No additions, alterations or variations of the terms of this Agreement shall be valid, nor can provisions of this Agreement be waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed.

**Section 27. Construction.**

Whenever the singular number is used in this Agreement and when required by the context, the same shall include the plural, and the masculine, feminine and neuter genders shall each include the others.

In case of any differences of meaning or implication between the text of this Agreement and any caption, illustration, summary table, or illustrative table, the text shall control.

The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".

The work "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

**Section 28.**

Both parties warrant that they have the legal authority to execute this Agreement.

**Section 29.**

Notwithstanding the gallonage calculations that could be made hereunder relative to ERU's, by and execution hereof, Developer agrees that the intention of this contract is to reserve a given number of units of capacity for the property described in **Exhibit "A"** and not for purposes of any other calculations.

**Section 30.**

It is agreed by and between the parties hereto that all words, terms and conditions contained herein are to be read in concert, each with the other, and that provision contained under one heading may be considered to be equally applicable under another in the interpretation of this contract.

**Section 31.**

By the execution hereof, Developer agrees that the Utility Company has certain obligations as a municipal utility to protect the health, safety and welfare of the public and not to burden Utility's customers with extraordinary expenses attributed or attributable to Developer, his successors or assigns, and that the Utility may, at its sole option, require pretreatment or special features such as grease traps. It is the intention of the parties that all sewage shall conform to the requirements of the Utility prior to introduction into Utility's collection system. Developer shall be responsible for all costs associated herewith.

**Section 32.**

The Utility shall, at all reasonable times and hours, have the right of inspection of Developer's internal lines and facilities. This provision shall be binding on the

successors and assigns of the Developer.

**Section 33. Water Conservation Measures.**

Water conservation measures shall be employed by the Developer. Said measures shall include but not be limited to:

- A. Low flush toilets which utilize 3.5 gallons or less of water per flushing cycle.
- B. Shower heads which have flow restrictors, pulsating features, flow control devices or other features which result in water conservation; and do not allow a flow exceeding 3.0 gallons per minute at 60 psi.
- C. No swimming pool filter backwash water or any other swimming pool wastewater shall be discharged to the sanitary sewer system.
- D. Spring-loaded/automatic shut-off water fixtures shall be utilized in all public restrooms. This shall include lavatory fixtures.
- E. Consideration and use (where possible) of dishwashers and washing machines which have water conservation features and/or utilize less water per cycle.

The Utility, at its discretion, shall review and approve all water conservation measures proposed by Developer.

**Section 34.**

Failure to insist upon strict compliance of any of the term, covenants, or conditions hereof shall not be deemed a waiver of such terms, covenants, or conditions, or shall any waiver or relinquishment of any right or power hereunder at any one time, or times, be deemed a waiver or relinquishment of such right or power at any other time or times.

**Section 35.**

In the event that relocation of existing water and sewer utilities are necessary for the Developer, Developer will reimburse utility in full for such relocations.

[Remainder of page intentionally left blank. [Signatures on the following pages.]

WITNESSES:

THE CITY OF APOPKA,  
A Florida municipal corporation

\_\_\_\_\_

\_\_\_\_\_

Print Name

Edward Bass  
City Administrator

\_\_\_\_\_

Print Name

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Edward Bass, City Administrator of the City of Apopka, a Florida municipal corporation, he is personally known to me or has produced \_\_\_\_\_ as identification and did (did not) take an oath.

(NOTARY'S SEAL)

\_\_\_\_\_ Notary Public

\_\_\_\_\_ Print Name  
Commission No. \_\_\_\_\_

WITNESSES:

M. Rivera

Nellie Rivera

Print Name

R. Garcia

Rocio de la A. Garcia

Print Name

OWNER:

By: [Signature]

Title

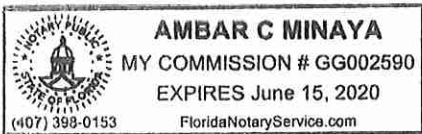
MANAGER

STATE OF FLORIDA  
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of November, 2018 by CRAIG HARRIS  
(Name of officer or agent) of 570 LAND AT ROGERS ROAD LLC  
(Name of corporation acknowledging), a FLORIDA  
(state or place of corporation) Corporation, on behalf of the corporation. He/She/They  
Is/are personally known to me or has produced \_\_\_\_\_  
(type of identification) as identification and did (did not) take an oath.

SEAL

[Signature]  
NOTARY PUBLIC



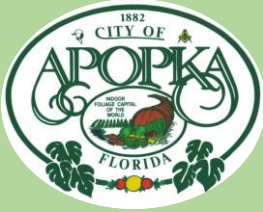
**EXHIBIT "A"**

Legal Description

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SEC 29-20-28 DESC AS: BEG AT THE NE COR OF CARRIAGE HILL 94/144 TH N89-54-35E ALONG THE NORTH LINE OF THE NW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SAID SEC 29 675.90 FT TO THE NW COR OF OAK HILL RESERVE PH2 65/01 TH S00-20-21W 370.66 FT TH S89-54-35W 675.66 FT TO THE E LINE OF SAID CARRIAGE HILL TH NLY ALONG THE SAID E LINE TO POB

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SEC 29-20-28 DESC AS: COMM AT THE NE COR OF CARRIAGE HILL 94/144 TH N89-54-35E ALONG THE N LINE OF THE NW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SEC 29 675.90 FT TO THE NW COR OF OAK HILL RESERVE PH2 65/01 TH S00-20-21W 370.66 FT FOR THE POB TH CONT S00-20-21W 291.31 FT TH S89-28-31W 675.54 FT TH N00-18-12E 296.43 FT TH N89-54-35E 675.66 FT TO POB





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: PURCHASE OF COMMODITIES**

**REQUEST: APPROVE THE ISSUANCE OF BLANKET PURCHASE ORDERS FOR FISCAL YEAR 2018/2019**

**SUMMARY:**

The departments purchase large amounts of various commodities in its daily operations including equipment, tooling, and services throughout the year. This purchasing is accomplished through piggybacking other municipalities, state contracts and evaluated sources which provide the best cost savings for the quantities that are utilized.

In accordance with Section 107.3.1.2(IV) (A), of the City’s Purchasing Policy, Staff requests approval to issue blanket purchase orders to the following vendors for the purchase of the referenced commodities. The amounts shown have been included and approved in the FY19 budget.

Department	Vendor	Commodity	Amount	Municipal Contract
Recreation	Clark Sales Display	Holiday Lighting	\$65,000	City of St. Petersburg
Fire	Municipal Emergency Services	Equipment, Tools, Boots & Gear	\$165,000	Evaluated Source
Fire	Municipal Equipment Services	Hoses	\$26,000	Evaluated Source
Fire	Stericycle	Hazard Waste Disposal	\$48,000	Evaluated Source
Fire	Bound Tree	Medications & Medical Supplies	\$145,000 *not to exceed	Evaluated Source
Public Services	Evoqua	Odor Control Chemicals	\$125,000	Lee County
Public Services	Danus Utilities	Piping & Materials	\$141,000	South Seminole & North Orange County Wastewater Transmission Authority
Public Services	Kaman Industrial Technologies	Pump Repairs Treatment	\$73,000	Tohopekaliga Water Authority

**FUNDING SOURCE:**

Approved FY19 budget.

**RECOMMENDATION ACTION:**

Approve the issuance of blanket purchase orders to the referenced vendors for the purchases listed.

**DISTRIBUTION**

- |                                |                  |                          |
|--------------------------------|------------------|--------------------------|
| Mayor Nelson                   | Finance Director | Public Services Director |
| Commissioners                  | HR Director      | Recreation Director      |
| City Administrator             | IT Director      | City Clerk               |
| Community Development Director | Police Chief     | Fire Chief               |



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Police Department  
 EXHIBITS:

**SUBJECT: PURCHASE OF POLICE VEHICLES**

**REQUEST: AUTHORIZE THE PURCHASE OF BUDGETED POLICE VEHICLES FROM PRESTIGE FORD FOR THE TOTAL AMOUNT OF \$92,240.00 AND THE PURCHASE OF POLICE VEHICLE EQUIPMENT AND INSTALLATION FOR A TOTAL AMOUNT OF \$73,753.80**

**SUMMARY:**

The police department requests authorization for the purchase of four (4) vehicles that were approved within the current fiscal year’s budget. Additionally, the department requests approval for the purchase and installation of police equipment for the police vehicles.

Description	Qty	Contract Price	Ext. Price	Dealer
Ford Escape	4	\$23,060.00	\$92,240.00	Prestige Ford
The pricing comes from the current Florida Sheriff’s Association contract bid.				

Police Equipment Purchase and Installation \$73,753.80 Dana Safety  
 The Install of equipment includes a total of 5 vehicles that were purchased for this fiscal year.  
 The pricing comes from the current City of Tampa contract bid.

**FUNDING SOURCE:**

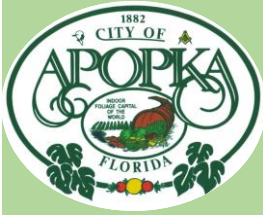
General Fund - 001.2230.521.6400

**RECOMMENDATION ACTION:**

Authorize the purchase of the above listed fleet vehicles and equipment for police department use.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
FROM: Public Services  
EXHIBITS:

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**SUBJECT: MACK/MCNELIUS FRONT LOAD GARBAGE TRUCK FOR THE SANITATION DIVISION**

**REQUEST: APPROVE THE PURCHASE OF A 2019 MACK/MCNELIUS FRONT LOAD GARBAGE TRUCK.**

---

**SUMMARY:**

The purchase of a new garbage truck will replace truck # 22-1068, a 2006 Mack front-end loader garbage truck. The pricing was obtained through the Florida Sheriff's Association Contract bid No. FSA18-VEH16.0. This purchase was included in the 2018-2019 Public Services budget. Staff requests approval to accept the proposal from Nextran Truck Centers of Orlando of \$324,192.10 for a new, 2019 model Mack truck with a McNelius front load garbage truck body.

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**FUNDING SOURCE:**

Fund 402 Sanitation Enterprise Fund.

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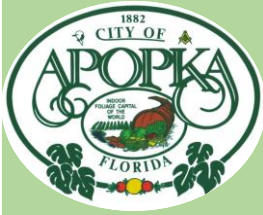
**RECOMMENDATION ACTION:**

Approve the purchase of a new 2019 Mack garbage truck from Nextran Truck Centers of Orlando at the price of \$324,192.10.

---

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: PURCHASE OF VEHICLES FOR PUBLIC SERVICES**

**REQUEST: AUTHORIZE THE PURCHASE OF VEHICLES & EQUIPMENT**

**SUMMARY:**

The purchase of vehicles for the Public Services Department. Pricing is made available through the Source Well Cooperative Purchasing program and the Florida Sheriffs Association Contract. The pricing is as follows:

Vehicle	Division	Vendor	Amount	Budgeted
Three F-150's and one F-550 utility bed	Water Maintenance	Alan Jay Ford, Coggin Ford and Duval Ford	\$172,493	\$180,000
F-150 and F-550 with boom	Sewer Maintenance	Alan Jay Ford	\$121,542	\$125,000
Two F-550's utility bed one with a 6k crane and one with a 8k crane	Plant Maintenance	Alan Jay Ford	\$246,247	\$260,000
F-550 with chipper	Street Maintenance	Duval Ford	\$63,035	\$72,100

**FUNDING SOURCE:**

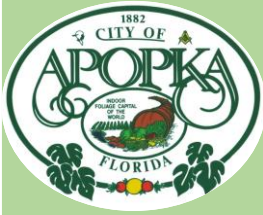
FY18/19 adopted budget.

**RECOMMENDATION ACTION:**

Authorize the purchase of vehicles through the Source Well Cooperative Purchasing program and the Florida Sheriffs Association Contract.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Police Department  
 EXHIBITS: Agreement

**SUBJECT: TRANSFER OF SURPLUS POLICE VEHICLES TO A POLICE AGENCY IMPACTED BY HURRICANE MICHAEL.**

**REQUEST: AUTHORIZE THE TRANSFER OF TWO APOPKA POLICE SURPLUS POLICE VEHICLES TO THE SPRINGFIELD POLICE DEPARTMENT.**

**SUMMARY:**

The Apopka Police Department is part of the state mutual aid compact. Requests for assistance have been sent statewide to members of the Florida Police Chief’s Association for a number of resources, to include the need for surplus vehicles to be donated to affected police agencies. One such request was for the Springfield Police Department in Bay County. The City of Springfield suffered major damage to its municipal infrastructure and is in need of support.

The City of Apopka has taken delivery of new fleet vehicles for the police department and has number of vehicles scheduled for surplus. Two vehicles can be made available to assist the agency with their request. The vehicles will be transferred to Springfield PD under an agreement that when they are no longer needed, Apopka will be contacted for direction before disposal.

2011	FORD INTERCEPTOR	2FABP7BVXBX129881	XC2486
2011	FORD INTERCEPTOR	2FABP7BV5BX127830	XC2644

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Authorize the agreement.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**DONATION AGREEMENT FOR  
POLICE VEHICLES TO THE SPRINGFIELD POLICE DEPARTMENT**

THIS AGREEMENT is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between, the City of Apopka, and the City of Springfield.

WHEREAS, the City of Apopka holds title to two (2) police vehicles (herein referred to as “donated vehicles”) which the City of Apopka has classified as surplus, obsolete, or the continued use of which is uneconomical or inefficient, and said vehicles are identified as follows:

2011 FORD INTERCEPTOR 2FABP7BVXBX129881 XC2486

2011 FORD INTERCEPTOR 2FABP7BV5BX127830 XC2644

WHEREAS, the City of Apopka has agreed to transfer, pursuant to Chapter 274, Florida Statutes, title of said donated vehicles to the City of Apopka to use exclusively as police vehicles for the Springfield Police Department.

IT IS HEREBY AGREED that the City of Springfield will be bound by the following terms and conditions of this donation:

1. The City of Springfield will only use the donated vehicles as police vehicles within the City of Springfield Police Department. The City of Springfield agrees to pay any costs associated with the transfer of vehicles from the City of Apopka to the City of Springfield.
2. The City of Springfield agrees to promptly complete and file all necessary paperwork to properly effect transfer of title and registration of the donated vehicles to the City of Springfield. Proof of said transfer of titles and registrations shall be provided to the City of Apopka once completed.
3. If the City of Springfield determines that the donated vehicles, for whatever reason, no longer serve their useful purpose, the City of Springfield will contact the City of Apopka to determine the means of disposition which may include the transfer of title, control and ownership of the donated vehicles back to the City of Apopka. In no event, shall the Springfield Police Department lease, loan, sell or otherwise transfer the donated vehicles to another individual or entity except through this process. If applicable, the City of Springfield further agrees to pay any and all costs associated with the transfer back to the City of Apopka and the physical return of the donated vehicles without graphics to the City of Apopka.
4. The City of Springfield agrees to purchase liability insurance or maintain self-insurance funds covering said donated vehicles and agrees and understands that the City of Apopka will not assume any liability relative to the use and/or operation of the donated vehicles.

5. The City of Springfield acknowledges that the vehicles are used and accepts the vehicles as is. The City of Apopka makes no warranties as to the condition of the vehicles and the City of Springfield will conduct its own review and inspection of the vehicle prior to its use.
  
6. The City of Springfield agrees to indemnify and hold the City of Apopka harmless, and to waive all claims for any and all injuries to the City of Springfield employees, agents, or others who may use the vehicle or become injured by it including but not limited to, those driving the vehicle, property damage, losses, claims, demands, judgments, and liabilities, whatsoever, and from all expenses and costs (including but not limited to attorney's fees) arising in connection with or related to the uses of the vehicle to the extent provided for in section 768.28, Florida Statute.
  
7. The City of Springfield agrees to provide and pay all costs associated with the maintenance, repair and servicing of the donated vehicles.

As evidenced by the signature below, the City of Springfield, acknowledges the transfer of vehicles, the release and waiver of liability, and knowingly and voluntarily signs this release and waiver of liability.

ATTEST:

City of Springfield

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

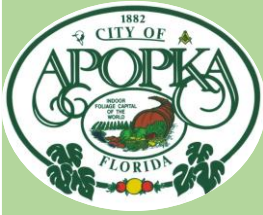
\_\_\_\_\_  
(Name)

ATTEST:

City of Apopka

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

\_\_\_\_\_  
(Name)



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Recreation  
 EXHIBITS: Map

**SUBJECT: FUMC OF APOPKA – APOPKA CHRISTMAS PARADE**

**REQUEST: AUTHORIZE THE CLOSURE OF ROADS**

**SUMMARY:**

FUMC (First United Methodist Church) of Apopka is requesting the City Council approve road closures for the annual Apopka Christmas Parade being held on Saturday, December 8, 2018, beginning at 10:00am. The Parade is to begin at the intersection of 1<sup>st</sup> Street and Forest Avenue traveling south to 3<sup>rd</sup> Street, then west to South Park Avenue. The parade will proceed north to Votaw Road and end at Apopka Memorial Middle School. Street closures are requested as indicated on the attached application map for the following streets: 1<sup>st</sup> Street, 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, Park Avenue, and S. Highland Ave. The Development Review Committee has reviewed the special events permit application and has found it to be consistent with the Land Development Code.

**FUNDING SOURCE:**

N/A

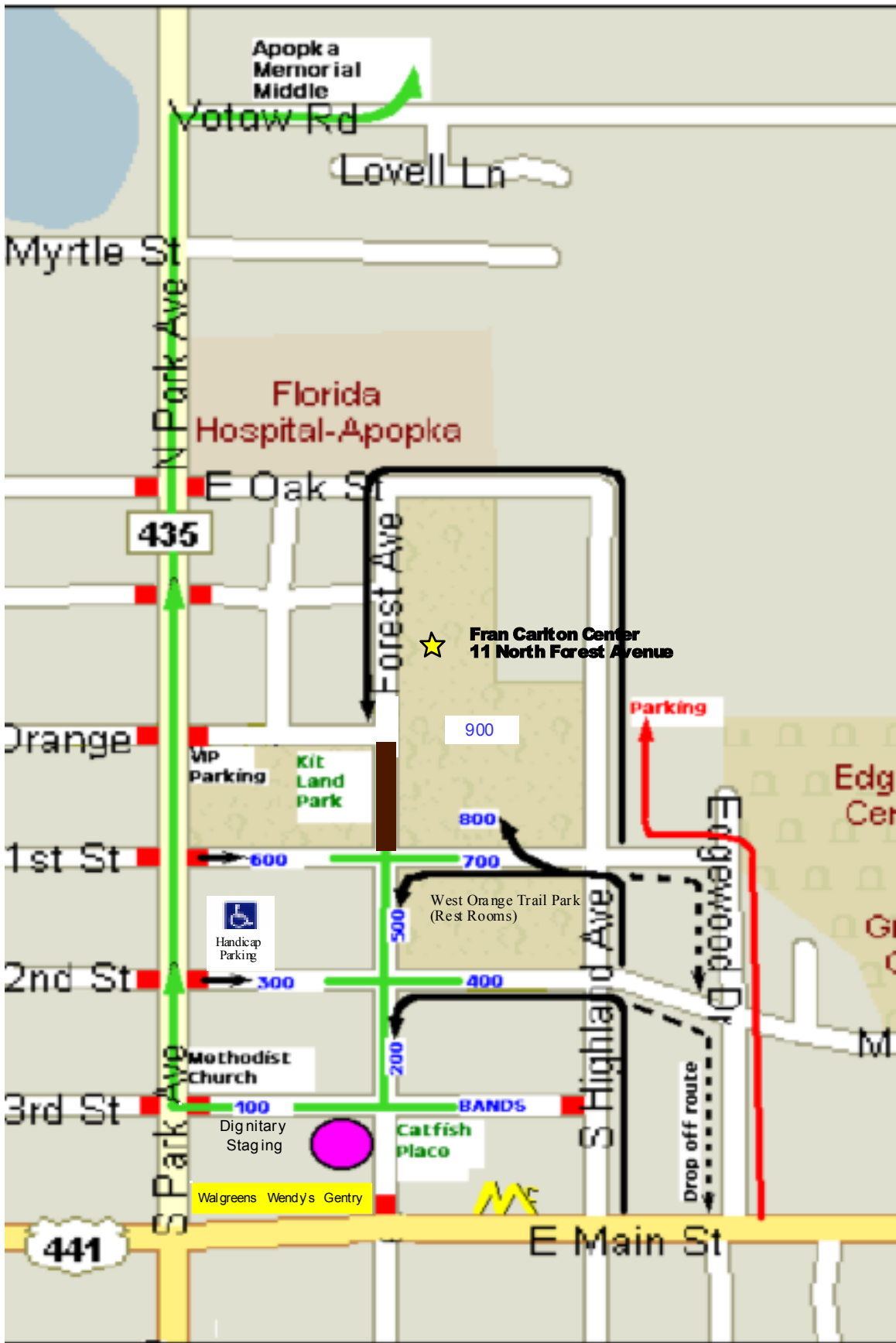
**RECOMMENDATION ACTION:**

Authorize the closure of roads associated with the FUMC of Apopka Christmas Parade on Saturday, December 8, 2016.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief





- Parking for Parade Watchers
- Parade Route
- Participants Arrival Route
- Participant Drop off Route
- ROAD BLOCKS/ROAD CLOSED
- Parade Marshall Staging Area

Band members should be dropped off at the corner of Highland Drive and 3<sup>rd</sup> Street. Buses must not turn onto 3<sup>rd</sup> Street. IF YOU ARE DROPPING OFF A PARTICIPANT FOR THE PARADE, PLEASE PARK IN THE PARADE WATCHERS' PARKING AREA. OTHERWISE, TURN RIGHT ON 1<sup>st</sup> or 2<sup>nd</sup> STREET. DO NOT DRIVE THROUGH THE PARADE STAGING AREA.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Administration  
 EXHIBITS: Brochure

**SUBJECT: ALCOHOL SERVICE AT FESTIVAL OF TREES**

**REQUEST: APPROVE THE SERVING OF ALCOHOL AT THE FESTIVAL OF TREES EVENT AT THE MUSEUM OF APOPKANS ON DECEMBER 2 & 8, 2018**

**SUMMARY:**

On December 2<sup>nd</sup> & 8<sup>th</sup>, 2018, the Apopka Historical Society intends to hold an event titled the “Festival of Trees” at the Museum of the Apopkans. With Council approval, beer and wine will be served during both dates for the event.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approve the serving of alcohol at the Festival of Trees event at the Museum of Apopkans on December 2, 2018 and December 8, 2018.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

## *A Special Thanks to our Donors*



### *Nursery Donors*

Alexander Hay Grh.    Happy Plants  
Dewar Nurseries      I.G.I. Marketing  
Florida Cactus        O.F. Nelsons  
Green Masters        Wekiva Gardens  
Halo Plants            Korus Orchids

---

*Christmas 'Raffle' Tree*  
*3/\$5.00 or 10/\$10.00*  
*Value over \$900.00*

---

### *Festival of Tree Donors*

Walmart, Apopka      Hollywood Nails  
Lowe's                    Ace Hardware  
Gators Dockside      Apopka Fire Dept.  
Beef O'Brady's        Apopka Police Dept.  
Porkie's BBQ          Merv's Mowers  
Café Positano         Sonny's BBQ  
Catfish Place          Woolf Gang Bakery  
Florida Safety Systems Shante Wellness  
5/3 Bank                Jim & Jeanne Sursely  
Sweetwater Car Wash

Aunt Gingibread's Bakery  
Oakwood Smokehouse Grill  
McDonald's Apopka & Rock Springs Road

## *Festival of Trees Committee*

Mary Kruger            Diann Haubner  
Charlotte White        Debbie Nelson  
Jodi Bengston         Dena Morrow  
Virginia Mapel         Lynn Garrett  
Wanda Hicks            Mark Byrd  
Robbie Manley         Joe Nolan  
Bob White

### *Festival of Trees Festivities*

*Sounds of the Seasons*  
*Mark Byrd, Seth Byrd and Bob Johnson*

*Carolers*  
*Apopka High School*

*Santa Claus*  
*Selfie with Santa, Sunday, December 2nd*

*Christmas 'Raffle' Tree*  
*Drawing Saturday, December 8, 2018 4:00 pm*  
*Raffle Tickets Available*

*Christmas Tree Silent Auction*

*Wine & Cheese Party*  
*Thursday, December 6th, 5:00 pm 7:00 pm*

*Silent Auction Gift Baskets*

*Silent Auctions close December 8, 2018 4:00 p.m.*

# *Festival of Trees*



*December 2 - 8, 2018*

*All proceeds to benefit the  
Museum of the Apopkans*

122 E. 5th Street  
Apopka, FL 32703



# *Festival of Trees*

**Welcome by  
Mayor Nelson**



*Gold Star Sponsor \$ 500.00*



Nelson's Insurance  
Services

*Garland Sponsor \$ 250.00*

McDonald's  
Apopka & Rock Springs Road

*Tinsel Sponsor \$ 100.00*

Mark Byrd Family  
GFWC Apopka Woman's Club

*Sleigh Bell Sponsor*

Rock Springs Realty  
Nancy McClure  
VFW



## *A Special Thanks to our Christmas Tree Exhibitors*

Apopka High School - SGA  
All Seasons Pest Control  
AOK Tire Mart  
Apopka Chamber of Commerce  
Apopka Chief & Planter  
Apopka Elks Lodge  
Apopka Fire Department  
Apopka Florist  
Apopka Parks & Recreation  
Apopka Police Department  
Apopka Rotary Club  
Backroom Steak House  
Beef O'Brady's  
Ryan Kruger - Belben Realty  
Big Oaks Ranch  
Leigh Taylor - B.S.A.  
Cali Kruger  
Carl Black Chevrolet, Buick GMC, Orlando  
City of Apopka  
Color Street  
Dart Auto Repair  
DeClue Brothers Insurance  
DJ's Unlimited/First Card Services  
Florida Door Solutions  
Game On Sports Gear  
Hanlex Group  
Hidden Barn Venue  
Iberia Bank  
Lou Haubner Realty, Inc.  
Mountain Laurel Flowers  
Nesta Realty  
NextHome Arrowsmith Realty  
Porkie's BBQ  
Repaint Masters  
Seacoast Bank  
So To Speak Therapies  
Something Fishy  
St. Germain Chiropractic  
Stardent, Inc.  
Sterling Title  
Glenn W. Tatum Septic Tank Services  
The Tavern  
Tijuana Flats  
Tractor Supply  
U.D.C.  
VFW  
Victory Church  
Walmart, Apopka  
Waste Management  
Watson Realty  
Woof Gang Bakery & Grooming



# CITY OF APOPKA CITY COUNCIL

<input type="checkbox"/>	CONSENT AGENA	MEETING OF:	December 5, 2018
<input checked="" type="checkbox"/>	PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/>	SPECIAL REPORTS	EXHIBITS:	Vicinity Map
<input checked="" type="checkbox"/>	OTHER: Final Development Plan/Site Plan		Aerial Map
			Final Development Plan

**SUBJECT: FINAL DEVELOPMENT PLAN/SITE PLAN – SPECIAL OPS TACTICAL**

**REQUEST: APPROVE THE FINAL DEVELOPMENT PLAN/SITE PLAN FOR SPECIAL OPS TACTICAL LOCATED IN LAKE GEM COMMERCE INDUSTRIAL PARK, LOT 8**

**SUMMARY:**

OWNER/APPLICANT: Property Industrial Enterprises, LLC c/o Michael R. Cooper

ENGINEER: Ken Ehlers, P.E.

LOCATION: 655 Gem Commerce Court

PARCEL ID #: 09-21-28-4453-08-000

FUTURE LAND USE: Industrial

ZONING: PUD (Planned Unit Development)/I-1

EXISTING USE: Vacant

PROPOSED USE: Industrial/Lot 8 within Lake Gem Commerce Park (Total of 12 Lots)

TRACT SIZE: 0.56 +/- acres; 26,245 +/- square feet

BUILDING SIZE: 4,000 square feet (1,150 square feet of manufacturing and 2,850 square feet of office)

FLOOR AREA RATIO Proposed 0.22; Maximum 0.60

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Railroad/Commercial	Railroad/I-1	Railroad/Vacant
East (City)	Industrial	I-1	Vacant
South (City)	Industrial	Right-of-Way/I-1	Marshall Lake Road/Single Family Residence/Horticulture/Vacant
West (City)	Conservation\Industrial	I-1	Vacant

**Project Use:** The Special Ops Tactical - Final Development Plan is a site plan proposing a 4,000 square feet one-story building at 28 feet in height. Located within the PUD/I-1 zoning district, Special Ops Tactical is Lot 8 of the Lake Gem Industrial Park contains 26,245 square feet of lot area. Lake Gem Commerce complies with the development standards for I-1 zoning district but allowed for a building height of up to 50 feet.

The minimum setbacks applicable to this project are:

<b>Setback</b>	<b>Min. Standard</b>
Front*	25'
Side	10'
Rear	10'*
Corner	25'

\*30 feet setback from residential uses or zoning districts.

**Access/Parking:** Ingress/egress access points for the development will be via Gem Commerce Court with full access onto Marshall Lake Road. Fourteen parking spaces are provided, including one handicap accessible parking space, while thirteen are required by Code.

**Transportation:** A transportation impact analysis (TIA) was conducted for the Lake Gem Industrial Park to assess the impacts of the total project on the surrounding roadway segments and intersections within a one-mile radius of the project per the City’s adopted TIA methodology. Special Ops Tactical, located on Lot 10, is one of the 12 lots located in the Lake Gem Industrial Park project. Included in the analysis were segments of Bradshaw Road, Marshall Lake Road, and W 1<sup>st</sup> Street. The intersection of Bradshaw Road and Lake Marshall Road along with the site entrance on Lake Marshall Road were also analyzed.

The Lake Gem Industrial Park project will generate 627 Daily trips and 87 P.M. Peak Hour trips. Marshall Lake Building Lot 10 will generate 52 Daily trips and 7 P.M. Peak Hour trips. The addition of the project trips for the entire Lake Gem Industrial Park to the study roadways will not cause the Level of Service (LOS) to fall below the City’s adopted LOS. The intersection of Bradshaw Road and Marshall Lake Road and the site entrance will operate at acceptable Levels of Service with the addition of project generated traffic.

**STORMWATER:** The stormwater management system includes an on-site retention area on the western portion of the Lake Gem Commerce Industrial Park. The stormwater pond design has been previously reviewed under the Lake Gem Commerce Park and meets the City’s Land Development Code requirements.

**LANDSCAPING AND BUFFER:** A 25-foot wide landscaped buffer and oak trees are provided along Gem Commerce Court. A Crepe Myrtle is provided for the parking landscape island, which is approximately 10-feet in width and matches the length of the adjacent parking spaces.

**BUILDING EXTERIOR:** Architectural renderings (pictures) of the exterior of the building will look like are provided within the site plan. The building exterior is similar to other buildings within the Cooper industrial parks along Bradshaw Road, and it meets the intent of the City’s development design standards/guidelines.

**ORANGE COUNTY NOTIFICATION:** The County was notified at the time of the subdivision plan and plat for this property through the DRC agenda distribution.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission, 5:30 p.m.

December 5, 2018 - City Council, 1:30 p.m.

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the Special Ops Tactical Final Development Plan subject to the findings of this staff report.

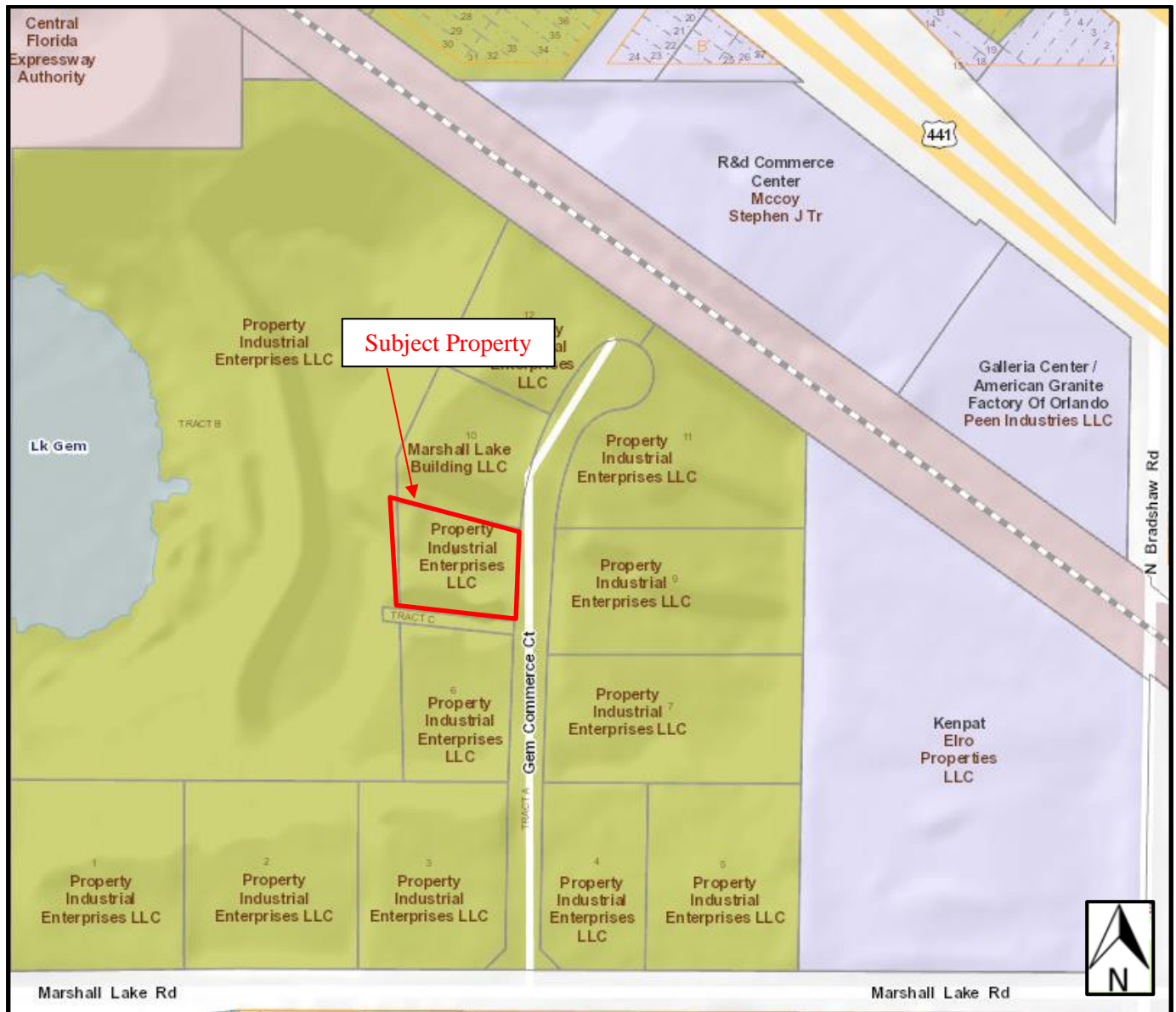
The **Planning Commission**, at its meeting on November 13, 2018, found the Special Ops Tactical Final Development Plan consistent with the Land Development Code and Comprehensive Plan; and unanimously recommended approval of Final Development Plan subject to the findings of this staff report.

**City Council:** Approve the Special Ops Tactical Final Development Plan.

**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.

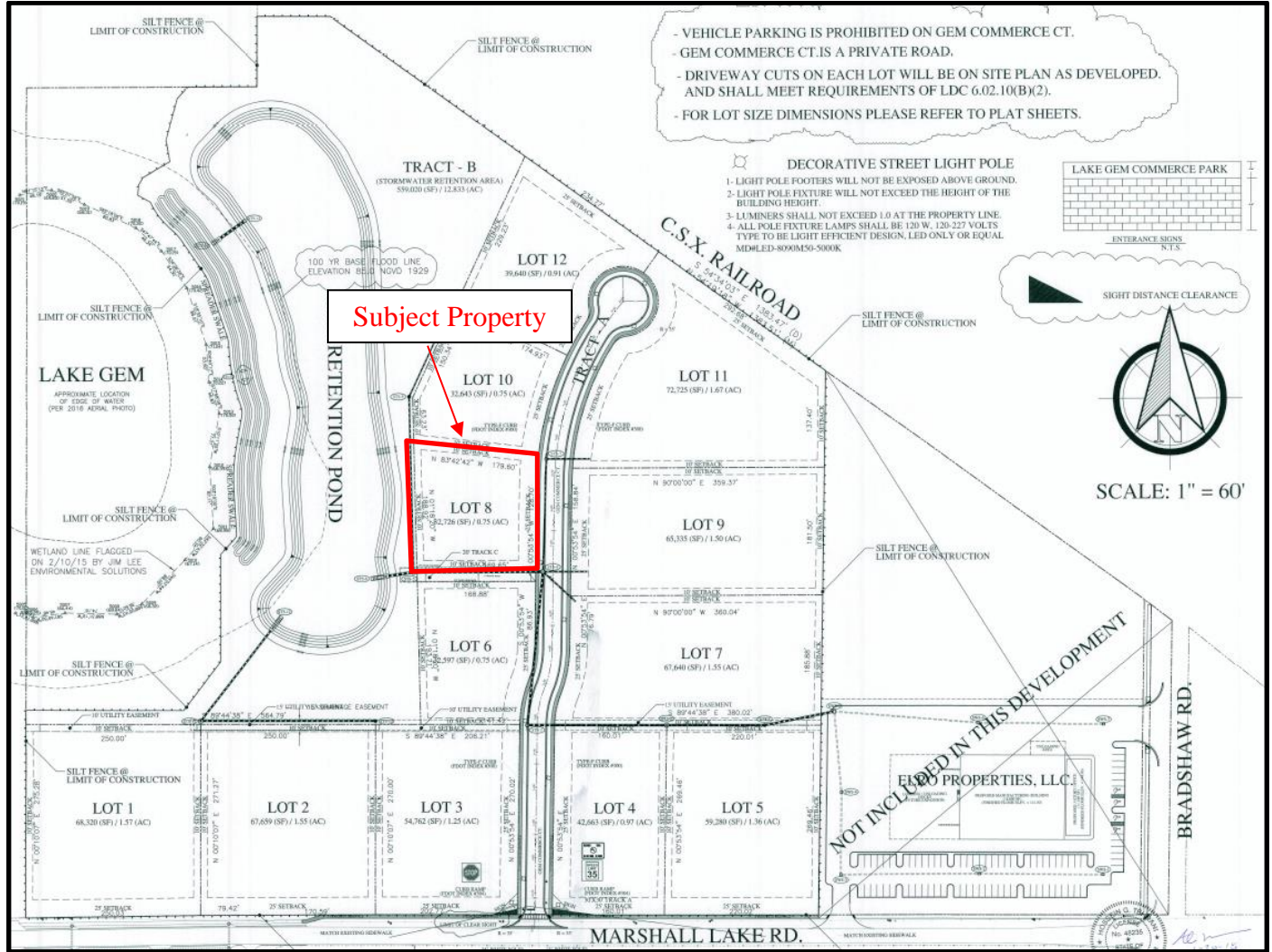
**Owner:** Property Industrial Enterprises, LLC c/o Michael R. Cooper  
**Applicant:** Ken Ehlers, P.E.  
**Parcel ID Nos.:** 09-21-28-4453-08-000  
**Address:** 655 Gem Commerce Court  
**Total area:** 0.56 acre(s) +/-

### VICINITY MAP





# SITE LOCATION MAP



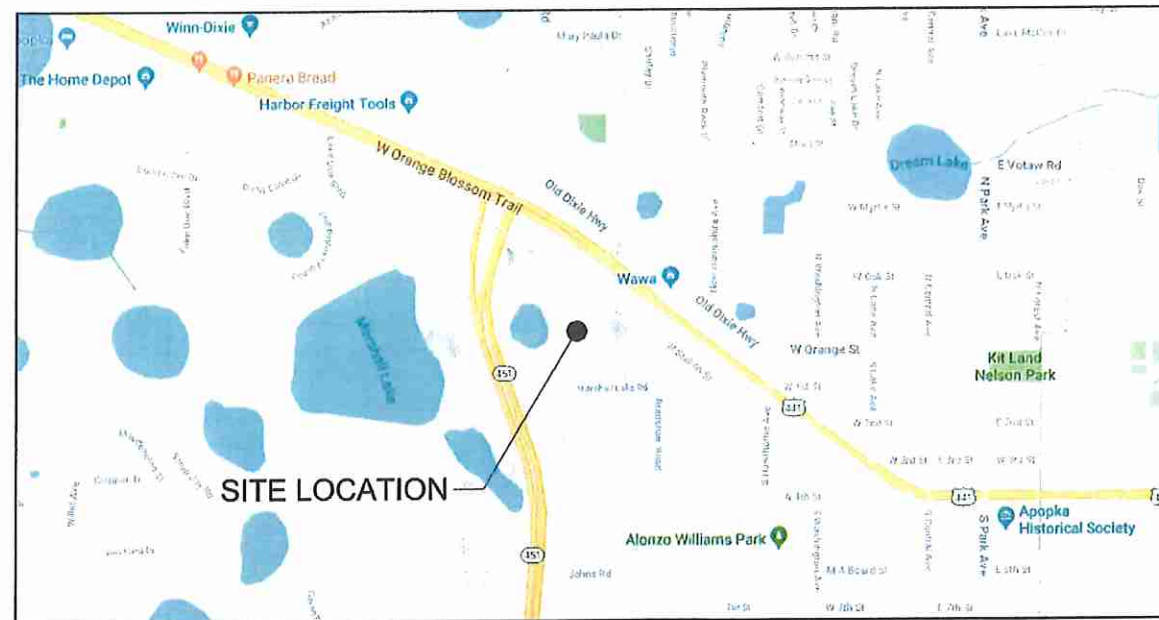
# AERIAL MAP



SUBDIVISION PLAN INDEX OF DRAWINGS	
SHEET NO.	SHEET DESCRIPTION
1	COVER
S - 1	SITE PLAN WITH BOUNDARY SURVEY
L - 1	LANDSCAPE PLAN
I - 1	IRRIGATION PLAN

PROPERTY OWNER: PROPERTY INDUSTRIAL ENTERPRISES, LLC  
MICHAEL R. COOPER

REFERENCE: CITY OF APOPKA ORDINANCE #2447  
"CHANGE OF ZONING".



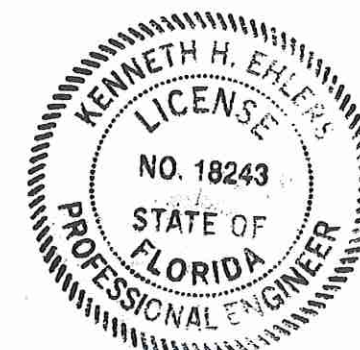
VICINITY MAP  
NTS

FINAL DEVELOPMENT PLAN  
FOR POTTER PROPERTIES, L.L.C.  
LAKE GEM COMMERCE PARK  
SUBDIVISION PLAN

PARCEL ID: 09-21-28-4453-08-000

LOT #8

CITY OF APOPKA  
AUGUST, 2018



10/3/18  
K. Ehlers

PLAN NOTES

COVER

NO.	REVISION/ISSUE	DATE

ENGINEER OF RECORD  
KEN EHLERS, P.E.  
FLORIDA P.E. LICENSE NO. 18243  
PROFESSIONAL ENGINEERING SERVICES  
6034 FALCONBRIDGE PLACE  
MOUNT DORA, FL 32757  
CELL PHONE: (407) 448-3412

PROJECT NAME  
POTTER  
PROPERTIES, L.L.C.  
LOT #8

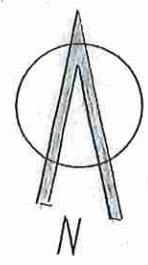
DWG SHEET 1-3	SHEET <b>1</b>
DATE AUGUST, 2017	
SCALE AS SHOWN	

REVISIONS	BY
18-006 FOR C.O.A. REVIEW & PERMIT	MARK

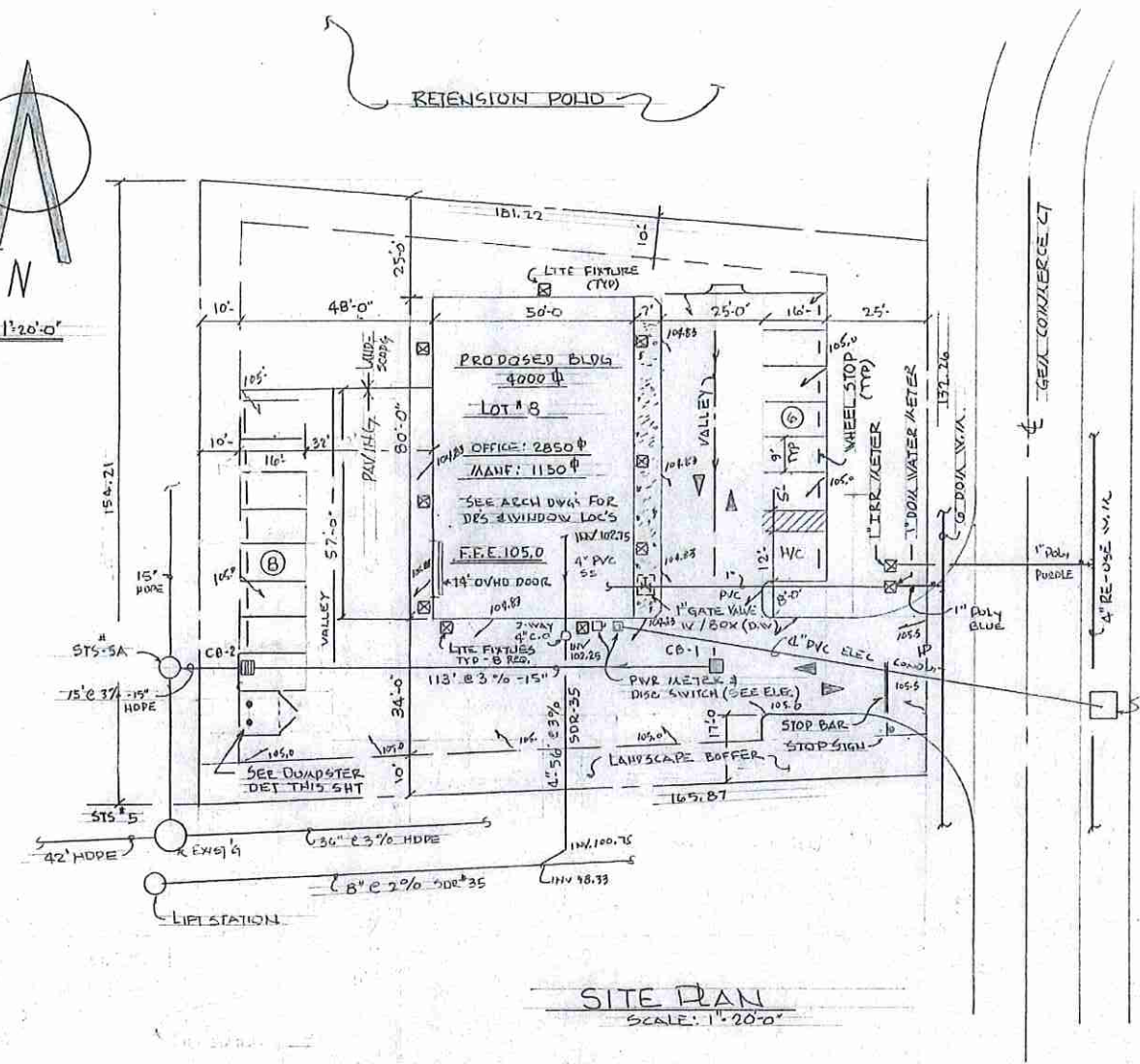
POTTER PROPERTIES LLC  
 GEM COMMERCE CT LOT #8  
 APOPKA FL 32703

LAKE GEM COMMERCE PARK  
 MARSHALL LAKE ROAD  
 APOPKA FL 32703

DRAWN	NO.	DATE	SCALE	JOB NO.	SHEET
MC	18-006	JULY 17, 2018	A6 NOTE	18-006	S-1



SCALE: 1"=20'-0"



SITE PLAN  
 SCALE: 1"=20'-0"

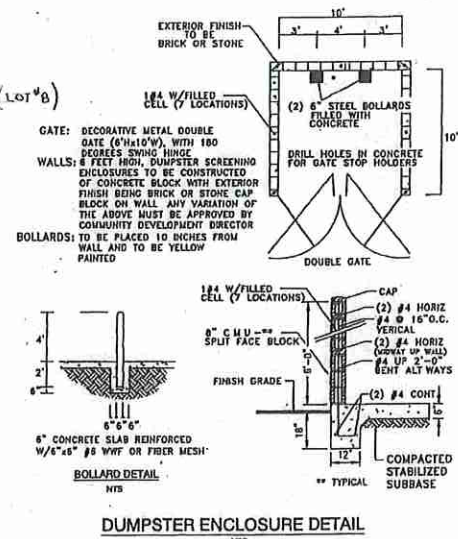
SITE DATA TABLE	
PARCEL ID NUMBER	09-21-28-44-000 LOT #8
FUTURE LAND USE	INDUSTRIAL
ZONING	PUD (I-1)
ACREAGE/SQUARE FOOTAGE	.60 ACRE/26,245 SQ FT
OVERLAY DISTRICT	-
ADJACENT LAND USE	North: Vacant, East: Vacant, South: Vacant, West: Retention Pond
ADJACENT ZONING	North: PUD, East: PUD, South: PUD, West: PUD
BUILDING HEIGHT	Proposed: 28' Max: 75'
FLOOR AREA RATIO	Proposed: .22 Max: .60
BUILDING SETBACKS	Proposed: Front: 73', No Side: 25', So Side: 44', Rear: 58', Corner: N/A Required: Front: 25', Side: 10', Rear: 10', Corner: N/A Provided: 12 Required: 12
PARKING SPACES	-
TREE BANK MITIGATION FEE	N/A
NUMBER OF EMPLOYEES	4
WAIVER REQUEST	YES NO
VARIANCE REQUEST	YES NO

- Notes:
- All piping is manufactured by Advance Drainage Systems.
  - All concrete structures manufactured by Mack Concrete.

**Storm Water pervious/impervious Requirements:**  
 Approved by SJRWMD  
 Pervious 20%  
 Impervious 80%  
 Property - 26,245 Sq Ft  
 Pervious - 9,932 Sq Ft/37%  
 Impervious - 16,313 Sq Ft/63%

**Parking Requirements:**  
 Manufacturing 1,150 Sq Ft  
 Office 2,850 Sq Ft  
 Office 2,850 Sq Ft/250 Sq Ft = 11 Spaces  
 Total Parking Spaces Required: 12 (Provided 14)  
 Handicap Required: 1

STS-5:	STS-5A:	CB-1:	CB-2:
Rim - 99.0	Rim - 102.00	Rim - 104.33	Rim - 103.33
West - 89.4	East - 95.74	West - 99.58	West - 96.0
North - 93.13	North - 97.25		East - 96.19
South - 94.13	South - 94.83		



CITY OF APOPKA  
 DESIGN ENGINEERING DIVISION  
 JANUARY 2014  
 FIG. 601

See Final Development Plans for Lake Gem Commerce Park, Dated August 2017, Signed and Sealed by C.O.A. on March 21, 2018.

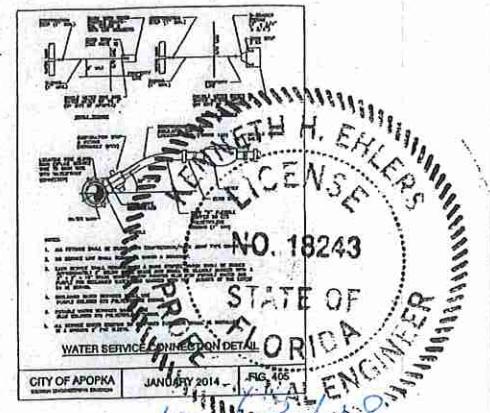
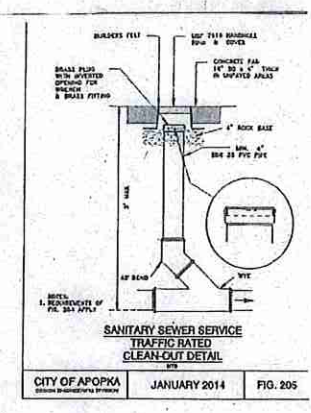
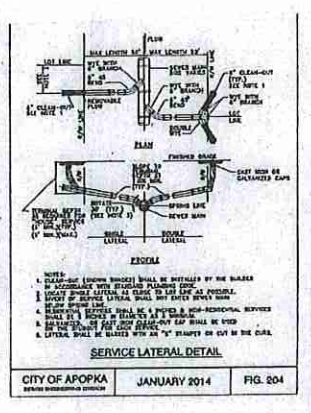
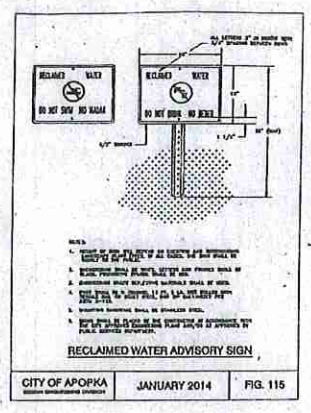
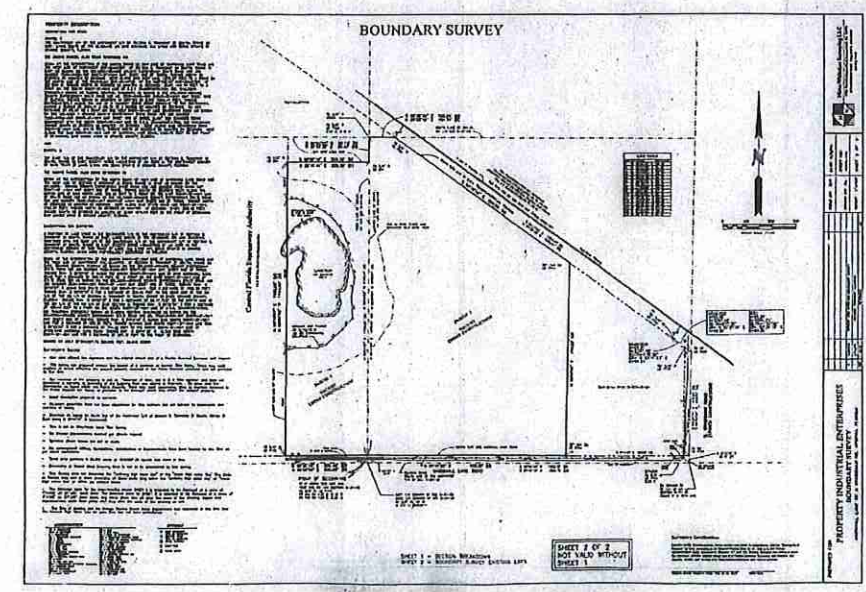
- Ref. Notes:**
- Potable and reclaimed water meters to be installed by the Developer and not C.O.A.
  - All equipment (including roof top), water mains, lift stations, backflow preventers and utility boxes must be fully screened (including the rear of the building).
  - Paving: 12" stabilized sub-grade compacted to 98% modified proctor, concrete fines/llimestone; 6" base compacted to 98% modified proctor, Asphalt; 1 1/2" Type S-111.

See Final Development Plans for Lake Gem Commerce Park for Sanitary Sewer, Fire Water, Domestic Water and Storm Water details.

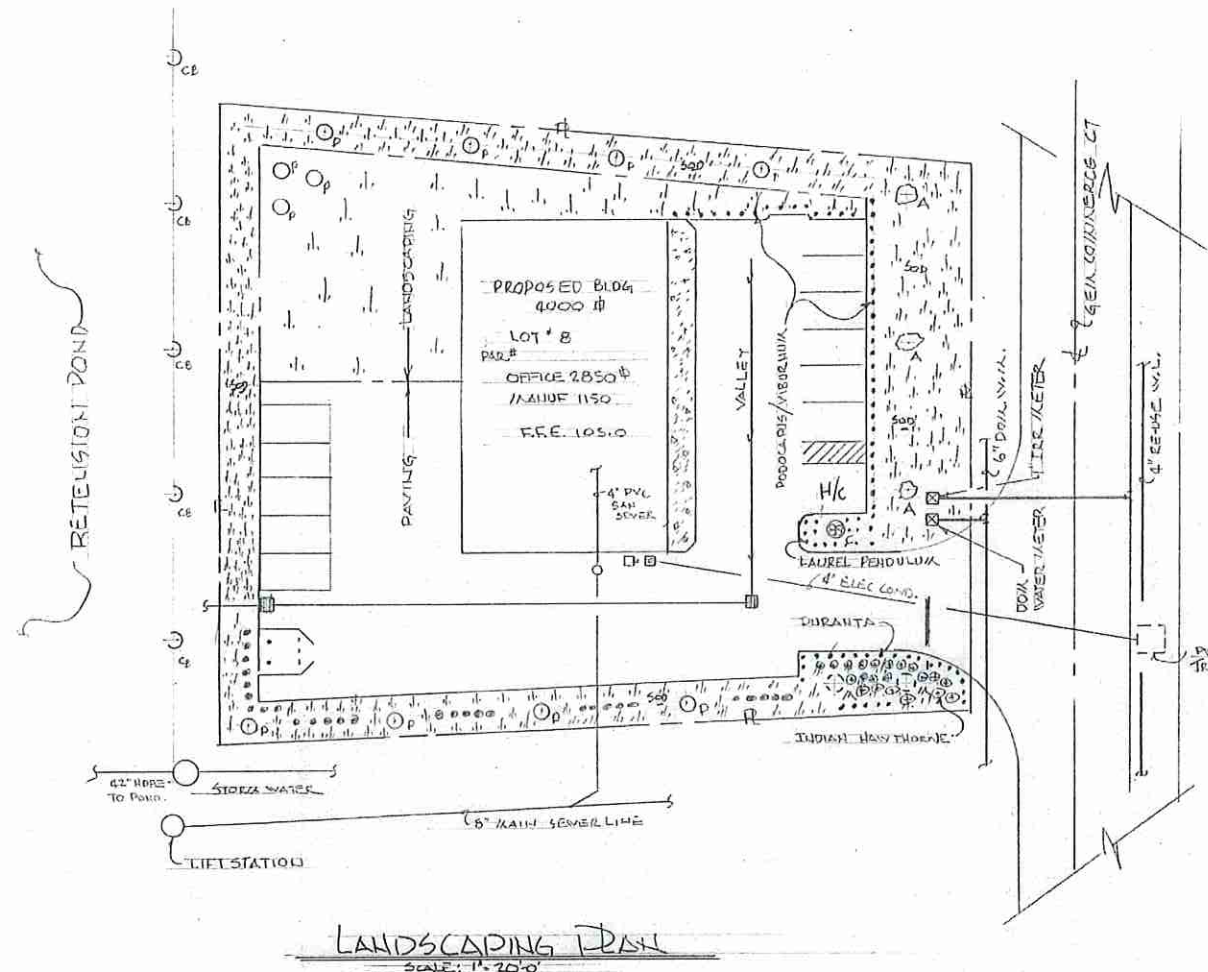
PROPERTY OWNER: POTTER PROPERTIES, LLC

REFERENCE: CITY OF APOPKA ORDINANCE #2447 "CHANGE OF ZONING".

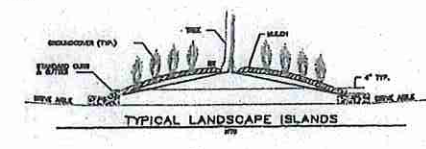
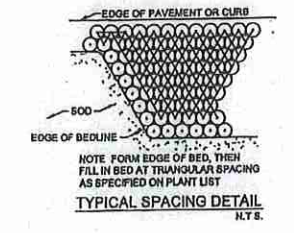
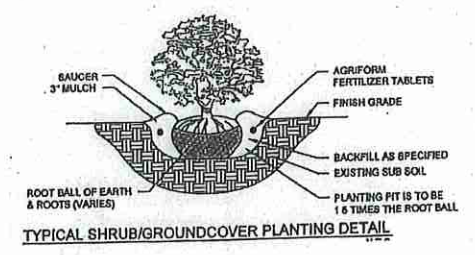
Vehicle parking is prohibited on the spine road (Gem Commerce Court).



*A. Ehlers*



LANDSCAPING PLAN  
SCALE: 1" = 20'-0"



SITE DATA TABLE	
PARCEL ID NUMBER	09-21-28-4453-08-000 LOT #8
FUTURE LAND USE	PUD
ZONING	PUD
ACREAGE/SQUARE FOOTAGE	.60 ACRE/26,245 SQ.FT.
OVERLAY DISTRICT	-
ADJACENT LAND USE	North: Vacant, East: Vacant, South: Vacant, West: Retention Pond
ADJACENT ZONING	North: PUD, East: PUD, South: PUD, West: PUD
BUILDING HEIGHT	Proposed: 28' Max: 75'
FLOOR AREA RATIO	Proposed: 22 Max: 60
BUILDING SETBACKS	Proposed: Front-70', No. Side-13', So. Side-68', Rear-35', Corner-N/A Required: Front-25', Side-10', Rear-10', Corner-N/A
PARKING SPACES	Provided: 12 Required: 12
TREE BANK MITIGATION FEE	N/A (NO TREES)
NUMBER OF EMPLOYEES	4
WAIVER REQUEST	YES: X NO: -
VARIANCE REQUEST	YES: - NO: X

1. Request permission to waive the requirement for landscape drawings to be signed and sealed by a Registered Landscape Architect, and in place have Mr. William Stuhke, PHD, a Licensed State of Florida Professional Engineer, Reg. # 22150, sign and seal Landscape and Irrigation drawings. Please note that all landscape and irrigation will be in accordance with City of Apopka, Ordinance #2069.

Landscape Material Schedule

- Trees:**  
 A - Oak - 3" cal. minimum, Live Oaks - Qty 3  
 M - Magnolia - 3" cal. minimum, Brackens Brown - Qty 2  
 P - Palms-Sable - 3" cal. minimum, Cabbage Palm - Qty 8  
 CM - Crepe Myrtle, Muskogee (red) - Qty 1  
 BC - Bald Cypress - Qty 5

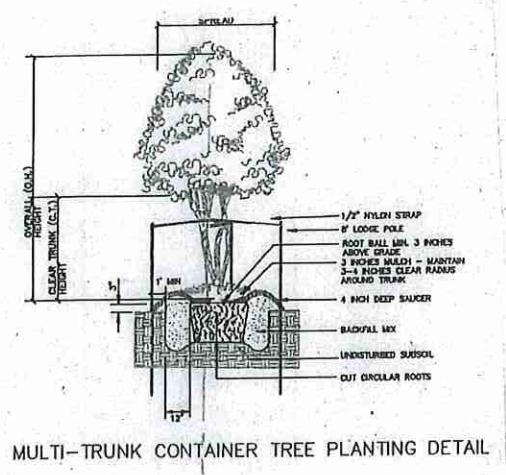
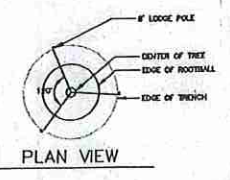
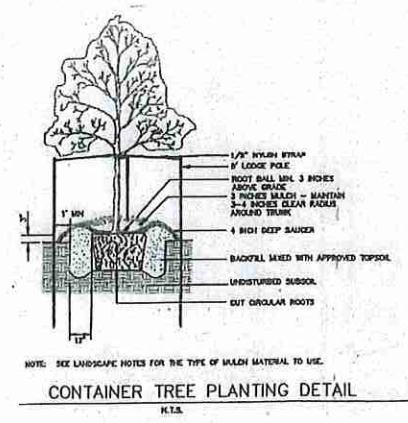
- Hedge Row:**  
 VO - Viburnum - Obovatum Walter's Desha - Qty 70  
 PO - Podocarpus - Macrophyllus -

- Planters:**  
 IH - Indian Hawthorne - Alba - Qty 21  
 LP - Laurel Pendulum - Qty 14  
 OU - Duranta - Gold Mound - Qty 23

- Notes:**  
 1. The landscape contractor shall review site drawings to determine the location of all underground utilities and coordinate placement of landscape materials accordingly.  
 2. All plant materials shall be located at 36" on center.  
 3. All plants to be No. 1 or better and meet City of Apopka Codes and Ordinances.  
 4. All green areas of trees, plants and sod to be irrigated accordingly.  
 5. All plants and beds shall receive mulch accordingly.  
 6. All trees shall be braced/staked to withstand nature's wind forces. Type of brace shall be of type not to injure the trees trunk.  
 7. All trees shall receive the necessary irrigation until the root systems and tree itself can sustain its own growth through nature's irrigation system.  
 8. All sod shall be Argentina Bahia.  
 9. All equipment (including roof top equipment) and utility boxes must be fully screened (including back of building).

**LANDSCAPE AND IRRIGATION DESIGN:**  
 I certify that the Landscape and Irrigation design for this project is in accordance with City of Apopka Ordinance 2069, adopted May 21, 2008, which establishes water wise landscape and irrigation standards.  
 Note: Irrigation risers are not allowed.

Michael H. Cooper, Developer



LANDSCAPING PLAN

REVISIONS	BY
ISSUED FOR C.O.D. Return & permit	MFC

POTTER PROPERTIES LLC  
 655 GEA COMMERCE COURT (LOT 8)  
 APOPKA FL 32703

LAKE GEA COMMERCE PARK  
 MARSHALL LAKE ROAD  
 APOPKA FL 32703

DRAWN	KFC
CHECKED	(Signature)
DATE	AUG 21, 2018
SCALE	AS NOTED
JOB NO.	18-006
SHEET	1-1

WILLIAM F. STUHRKE, PhD  
 PROFESSIONAL ENGINEER  
 FLORIDA REGISTRATION #22150

(Signature)  
 10/2/18







# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Community Development  
 EXHIBITS: Third Amendment to the  
 JPA Agreement

**SUBJECT: THIRD AMENDMENT TO THE JOINT PLANNING AGREEMENT BETWEEN APOPKA AND ORANGE COUNTY**

**REQUEST: APPROVE THE THIRD AMENDMENT TO THE JPA**

**SUMMARY:**

The City of Apopka has been approached to annex land that is currently outside the JPA limits. Please refer to the Joint Planning Area Map.

In order to accomplish this, the City of Apopka and Orange County will need to complete a “Map Amendment” to the JPA that will allow the City to annex land in the newly established boundary. This area will also be accessed through annexed land within the JPA. At this time, Round Lake Road is the western limit of the JPA line and the area primarily affected are the properties west and northwest of the Orlando Apopka Airport. This is the only area that will be changed on the map to provide for any proposed development adjacent to the airport.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approve the Third Amendment to the Settlement Interlocal Agreement for the JPA.

**DISTRIBUTION**

Mayor Nelson  
 Commissioners  
 City Administrator  
 Community Development Director

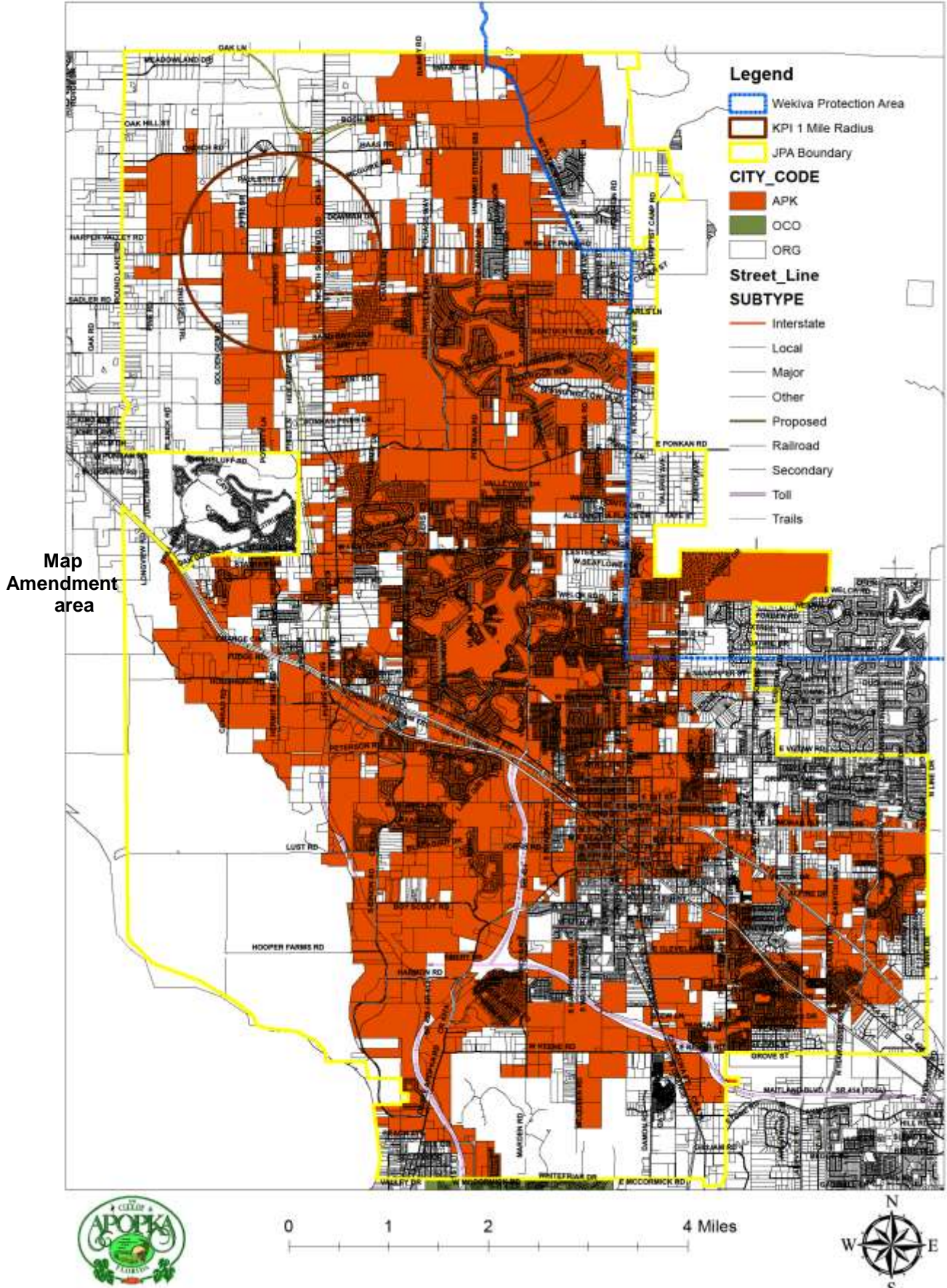
Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

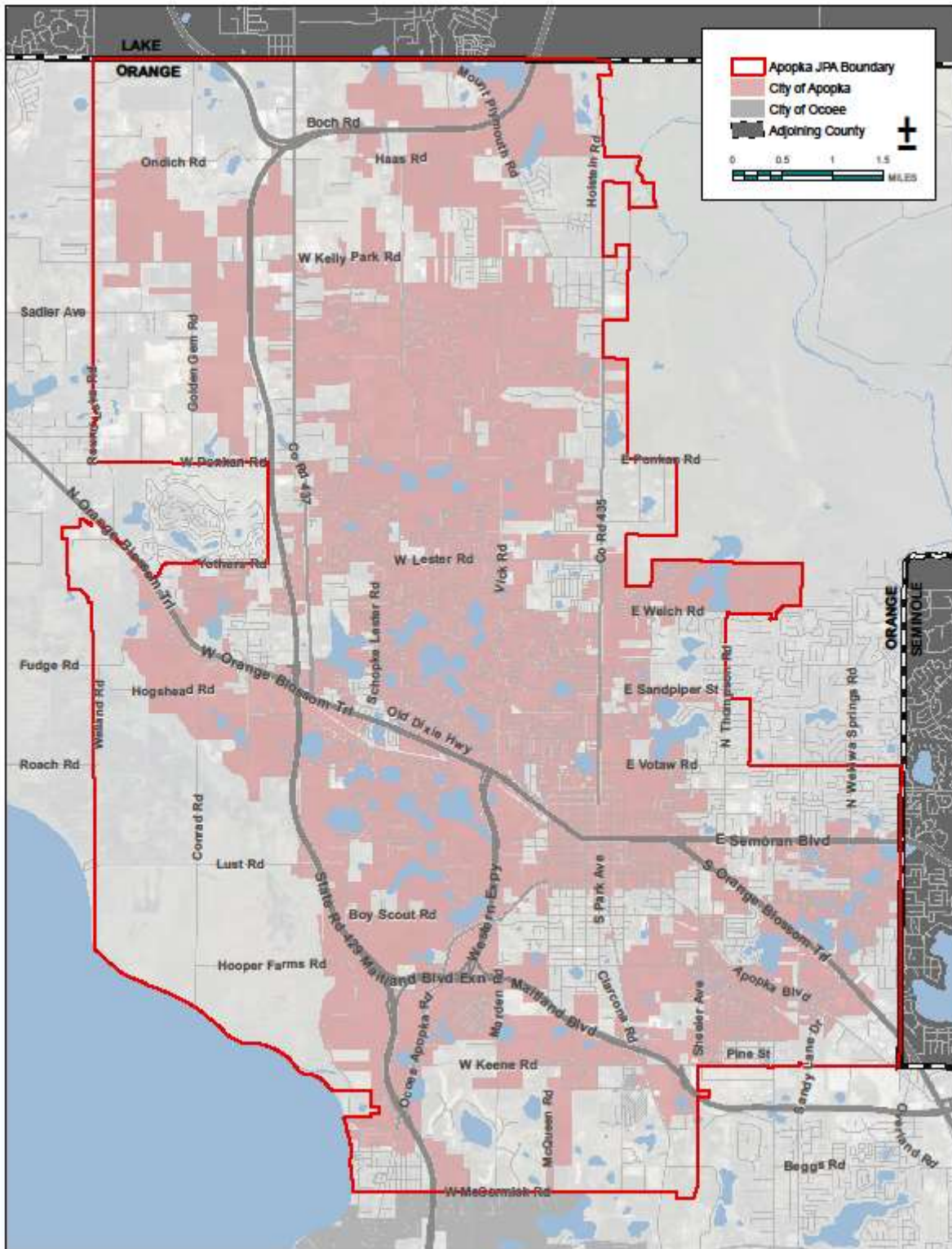


# Joint Planning Agreement Map Amendment area

(Exhibit "A" in the JPA Agreement – Existing Boundary)



# Joint Planning Agreement Map Amendment area (Exhibit "A" in the JPA Agreement – New Boundary)



# Joint Planning Agreement Map Amendment area (Exhibit "I" in the JPA Agreement – Airport Area change)



**THIRD AMENDMENT TO  
SETTLEMENT INTERLOCAL  
AGREEMENT**

**THIS THIRD AMENDMENT TO THE SETTLEMENT INTERLOCAL AGREEMENT** (Amendment) is made by and entered into as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **CITY OF APOPKA**, a Florida municipal corporation (the "City"), and **ORANGE COUNTY, FLORIDA**, a political subdivision and charter county of the State of Florida (the "County").

**RECITALS:**

**WHEREAS**, City and County entered into that certain Settlement Interlocal Agreement Between the City of Apopka, Florida and Orange County, Florida on October 26, 2004, as amended by that certain First Amendment to the Settlement Interlocal Agreement approved on August 2, 2005 and that certain Second Amendment to Joint Planning Area Agreement Between Orange County and the City of Apopka approved on October 19, 2010 (collectively the "Agreement") (attached hereto and incorporated herein as Exhibit "A"); and

**WHEREAS**, the City and County now desire to further amend the Agreement to clarify certain other parcels that are eligible for annexation into the City; and

**WHEREAS**, the City and County recognize that a Map Amendment is necessary to provide proper planning and access to areas that are unique to the JPA border adjacent to the Orlando Apopka Airport (Exhibit "T"); and

**WHEREAS**, the City shall complete a small area study to assign conceptual land uses for the new area being added to the area north, west and southwest, and adjacent to the Orlando Apopka Airport; and

**WHEREAS**, pursuant to Section 163.3171(3), Florida Statutes, this Third Amendment has been approved by the Orange County Board of County Commissioners and the Apopka City Council at advertised public hearings.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

**Section 1. Recitals.**

The foregoing Recitals are true and correct and are incorporated into and form a part of this Third Amendment. All initially capitalized terms not defined herein shall have the meaning set forth in the Agreement.

**Section 2. Authority.**

This Third Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes, (2) the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements, (3) the Charters of the County and City, and (4) the Joint Planning Area Agreement.

**Section 3. Map Amendment.**

A new "Exhibit I" is hereby added to the JPA which is attached hereto and incorporated by reference. For purposes of interpreting the JPA, the parties agree that the area depicted in "Exhibit I" allows for the JPA Boundary line to incorporate only those properties depicted as being within the newly established JPA Boundary, only within this area.

Further, a revised "Exhibit A" is hereby amended to the JPA which depicts the new JPA Map Amended area and all annexations that have occurred with the JPA boundary since the original adoption.

**Section 4. Severability.**

Except as expressly set forth herein, all other provisions of the JPA, as amended, remain unchanged and in full force and effect. Should any section, subsection, sentence, clause, phrase or provision of this amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment invalid or unconstitutional.

**Section 5. Effective Date.**

This Third Amendment to the Agreement shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

**IN WITNESS WHEREOF**, the City and County have executed this Third Amendment to the Agreement on the dates inscribed below.

**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By: \_\_\_\_\_  
Jerry Demings  
Orange County Mayor

DATE: \_\_\_\_\_

ATTEST: Phil Diamond, County Comptroller  
as Clerk of Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

**CITY OF APOPKA**

By: \_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST: Linda F. Goff  
City Clerk

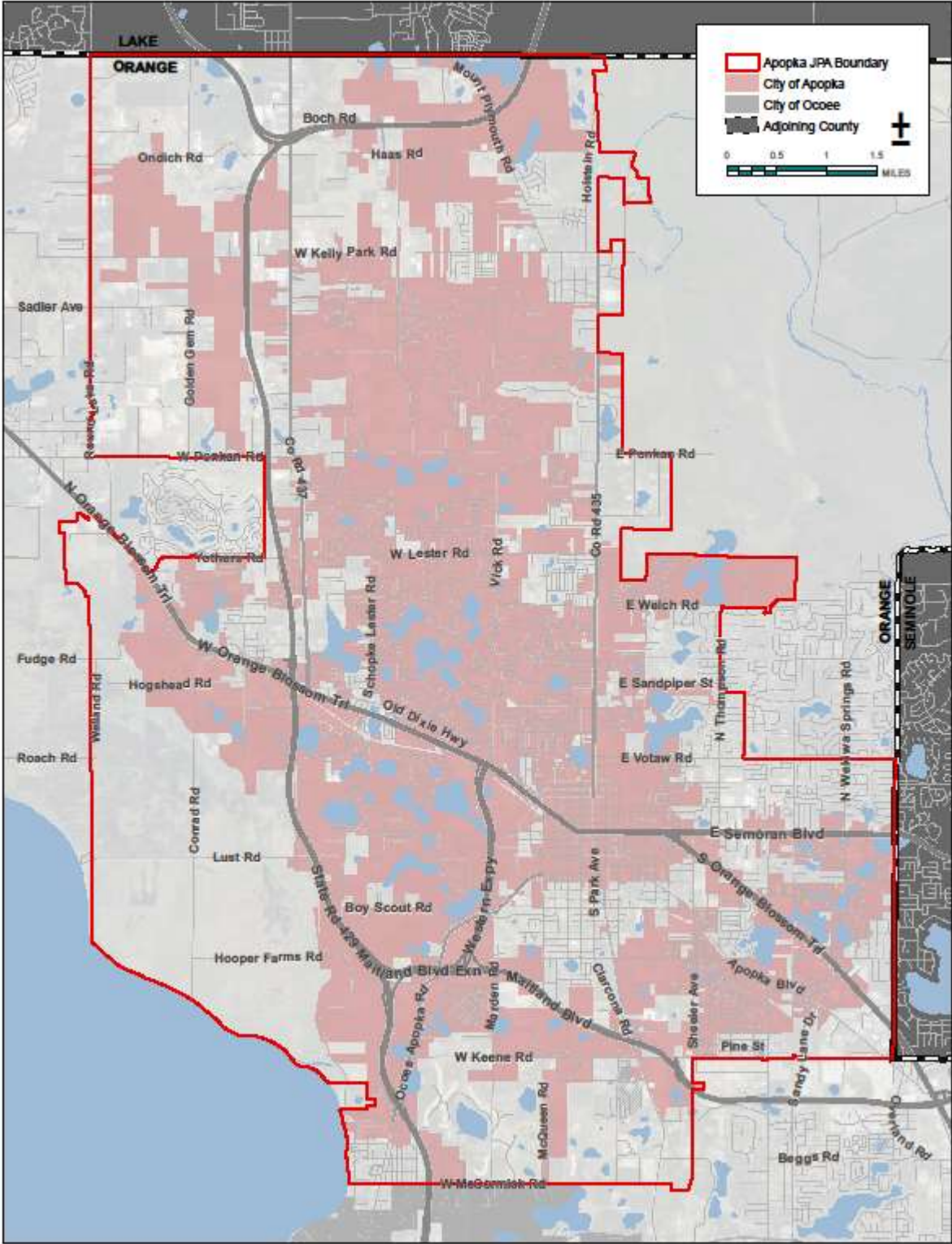
By: \_\_\_\_\_  
Date: \_\_\_\_\_

# Exhibit "I" Map Amendment Area



# Exhibit "A"

## JOINT PLANNING AREA







# CITY OF APOPKA CITY COUNCIL

       CONSENT AGENDA  
  X   PUBLIC HEARING  
       SPECIAL REPORTS  
  X   OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Aerial Map  
Kelly Park Interchange Map  
WPIVP<sup>1</sup> Character Districts  
Comp Plan Objectives  
JPA Amendment No. 2  
Ordinance No. 2645

**SUBJECT:       ORDINANCE NO. 2645 – COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – KENT GREER**

**REQUEST:      ORDINANCE NO. 2645 – SECOND READING - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – KENT GREER, FROM RURAL SETTLEMENT TO MIXED USE INTERCHANGE**

**SUMMARY:**

OWNER:                               Kent Greer  
APPLICANT:                           Hanover Land Company  
LOCATION:                               South of West Kelly Park Road, East of Round Lake Road  
PARCEL ID NUMBERS:               14-20-27-0000-00-021, 084, 005  
EXISTING USE:                        Single Family House and Agriculture – grazing  
CURRENT ZONING:                    Agriculture  
PROPOSED DEVELOPMENT:           139 Single Family Lot Subdivision  
PROPOSED ZONING:                  Mixed Use Interchange Zoning District with Neighborhood Overlay Zone  
TRACT SIZES:                         39.15 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:   EXISTING:    Max. 7 residential units  
  PROPOSED:  Max. 195 residential units

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

<sup>1</sup> WPIVP – Wekiva Parkway Interchange Vision Plan

**ADDITIONAL COMMENTS:** The applicant requests a future land use designation of “City” Mixed Use Interchange. The applicant choose to proceed with the Future Land Use Amendment at this time to allow rezoning and master plan applications to move forward more expeditiously in the future.

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that all property within a one-mile radius of the Kelly Park Road interchange must be assigned the Mixed Use Interchange Future Land Use Designation.

The subject parcels are located within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore is required to adhere to the Kelly Park Crossing Form Based Code. The properties are located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation and the Overlay District covering the property within the Vision Plan.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is compatible with the character of the surrounding area, is within one mile of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Wekiva Parkway Interchange Vision Plan a (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

*Future Land Use Element*

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant’s request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.
7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

*Transportation Element*

1. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, short trip lengths and balanced trip demand.

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

2. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses...This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses.
3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

**VISIONING AND SPECIAL STUDIES:** The properties are located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the Kelly Park Crossing Form-Based Code, Mixed- Use Interchange Zoning District and Neighborhood Overlay District. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

**SCHOOL CAPACITY REPORT:** An executed capacity enhancement agreement with Orange County Public Schools must be submitted to the City prior to scheduling a hearing for a rezoning, overlay, district and master plan, consistent with the Kelly Park Form Based Code. Density for the property is not determined until the Overlay District and Master Plan application are submitted and proceed to a public hearing. For the Wekiva Parkway Interchange Vision Plan Area (aka Kelly Park Form-Based Code Area), Policy 20.11 of the Future land Use Element limits the maximum residential development within the Interchange Plan Area to 7,500 single family homes and 8,500 multi-family units.

**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 March 9<sup>th</sup>, 2018. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

**PUBLIC HEARING SCHEDULE:**

May 8, 2018– Planning Commission (5:30 pm)

May 16, 2018 – City Council (7:00 pm) - 1<sup>st</sup> Reading & Transmittal

December 5, 2018 – City Council (1:30 pm) – 2<sup>nd</sup> Reading & Adoption

**DULY ADVERTISED:**

April 24, 2018– Public Notice and Notification (Apopka Chief, poster and letters)

November 23, 2018 – Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by Kent Greer subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on May 8, 2018, found the Future Land Use Designation consistent with the Comprehensive Plan and recommended a change in Future Land Use Designation to Mixed Use Interchange for the properties owned by Kent Greer subject to the information and findings in the staff report.

The **City Council**, at its meeting on May 16, 2018, accepted the first reading of Ordinance No. 2645 and authorized transmittal to the Florida Department of Economic Opportunity.

**Recommended Motion:** Adopt Ordinance No. 2645

**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 and County)	“City” Agriculture and “County” Rural	“City” Agriculture and “County” Rural	Nurseries and Single Family Homes
East (County)	“County” Rural	“County” A-1	Nursery
South (County)	“County” Rural	“County” A-1	Nurseries and Single Family Homes
West (County)	“County” Rural	“County” A-1	Single Family Homes

**II. LAND USE ANALYSIS**

Analysis for the Future Land Use Designation was performed as part of the adopted Wekiva Parkway Interchange Vision Plan. This Vision Plan has been incorporated into the Comprehensive Plan. The subject property straddles the one-mile radius from the interchange, and the property owner has selected to pull the entire property into the Kelly Park Crossing Form-Based Code Area (aka Wekiva Parkway Interchange Vision Plan Area).

Therefore, the proposed Mixed Use Interchange future land use designation is consistent with the general future land use character and long-range planning goals of the surrounding area.

- Wekiva Parkway Interchange Vision Plan Area: Yes
- 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 and amended the JPA in October 19, 2010 to address the Wekiva Parkway Interchange Vision Plan. The subject property is consistent with the Vision Plan incorporated into Amendment 2 of the Wekiva Parkway Interchange Vision Plan.

Transportation: Road access to the site is from West Kelly Park Road.

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

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2; Objective 19, 20.
- 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 the parcels appear to occur within an area having a potential for karst features.

Analysis of the character of the Property: The current use of the property is for agriculture. Analysis of the FLUM designation occurred as part of the Wekiva Parkway Interchange Vision Plan. A regional electrical power line easement runs across a portion of the subject property. Use of the property under the easement may be limited by the utility easement granted to Duke Energy.

Analysis of the relationship of the amendment to the population projections: Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population by as many as 518 residents. The applicant proposes to develop the property as single family residential subdivision. Land use analysis was conducted as part of the Wekiva Parkway Interchange Vision Plan.

**CALCULATIONS:**

ADOPTED: 7 Unit(s) x 2.659 p/h = 18 persons  
PROPOSED: 195 Unit(s) x 2.659 p/h = 518 persons

Housing Needs: The housing need is demonstrated through the Wekiva Parkway Interchange Vision Plan area Study. Policy 20.11 of the Future land Use Element limits the maximum residential development within the Wekiva Interchange Plan Area to 7,500 single family homes and 8,500 multi-family units.

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

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan. The road system shall be consistent with the intent of the Kelly Park Crossing Form-Based Code.

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: 1,372 GPD
3. Projected total demand under proposed designation: 38,220 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 1,470 GPD
3. Projected total demand under proposed designation: 40,950 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: 28 lbs/ day
4. Projected LOS under proposed designation: 2,072 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm

4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.054 acres
3. Projected facility under proposed designation: 1.554 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

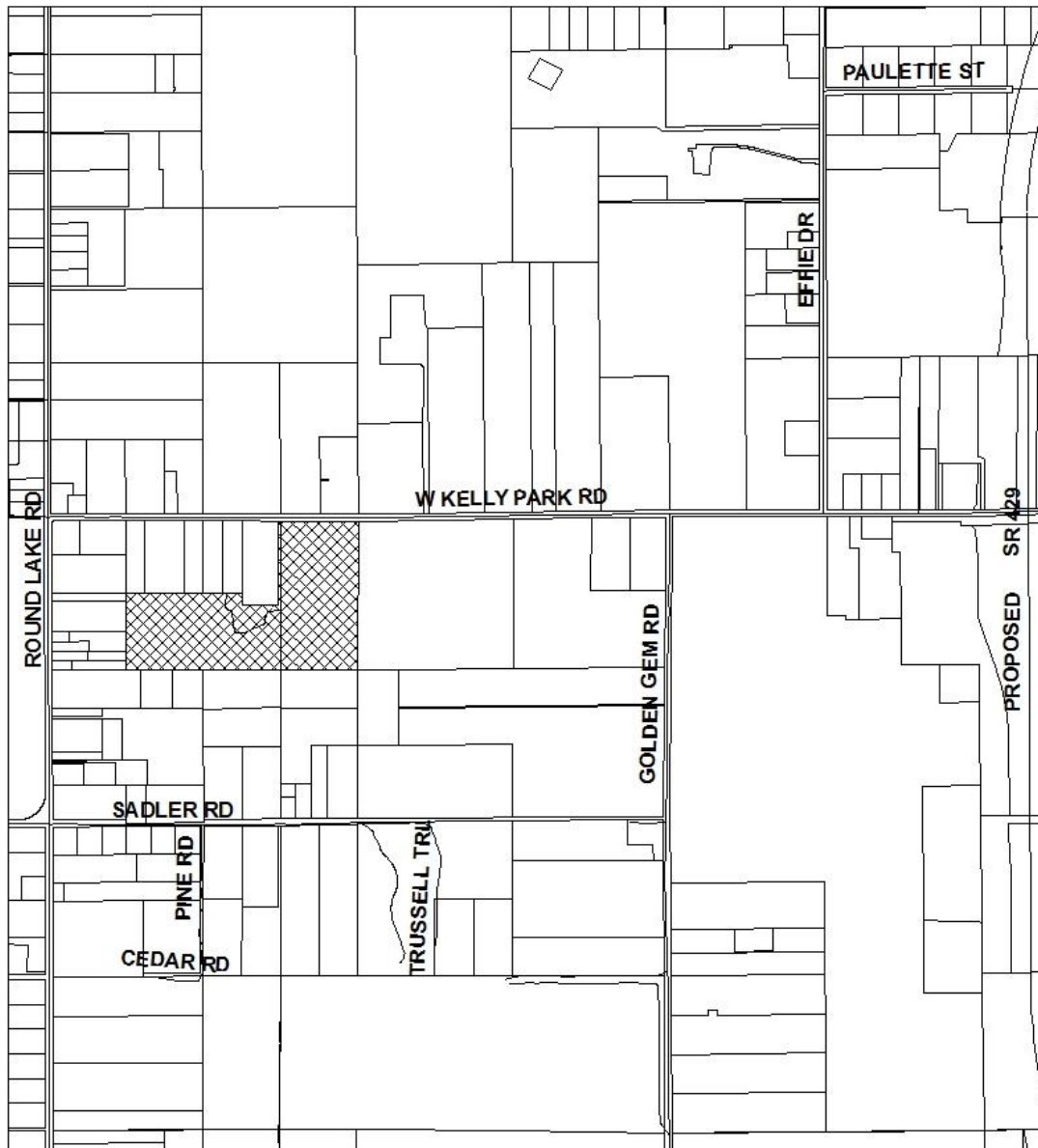
This initial review does not preclude conformance with concurrency requirements at the time of development approval.







**Kent Greer**  
**Property Owners**  
**39.15 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: Rural Settlement**  
**To: Mixed Use Interchange**  
**Parcel ID #: 14-20-27-0000-00-021, 084, 005**

### VICINITY MAP

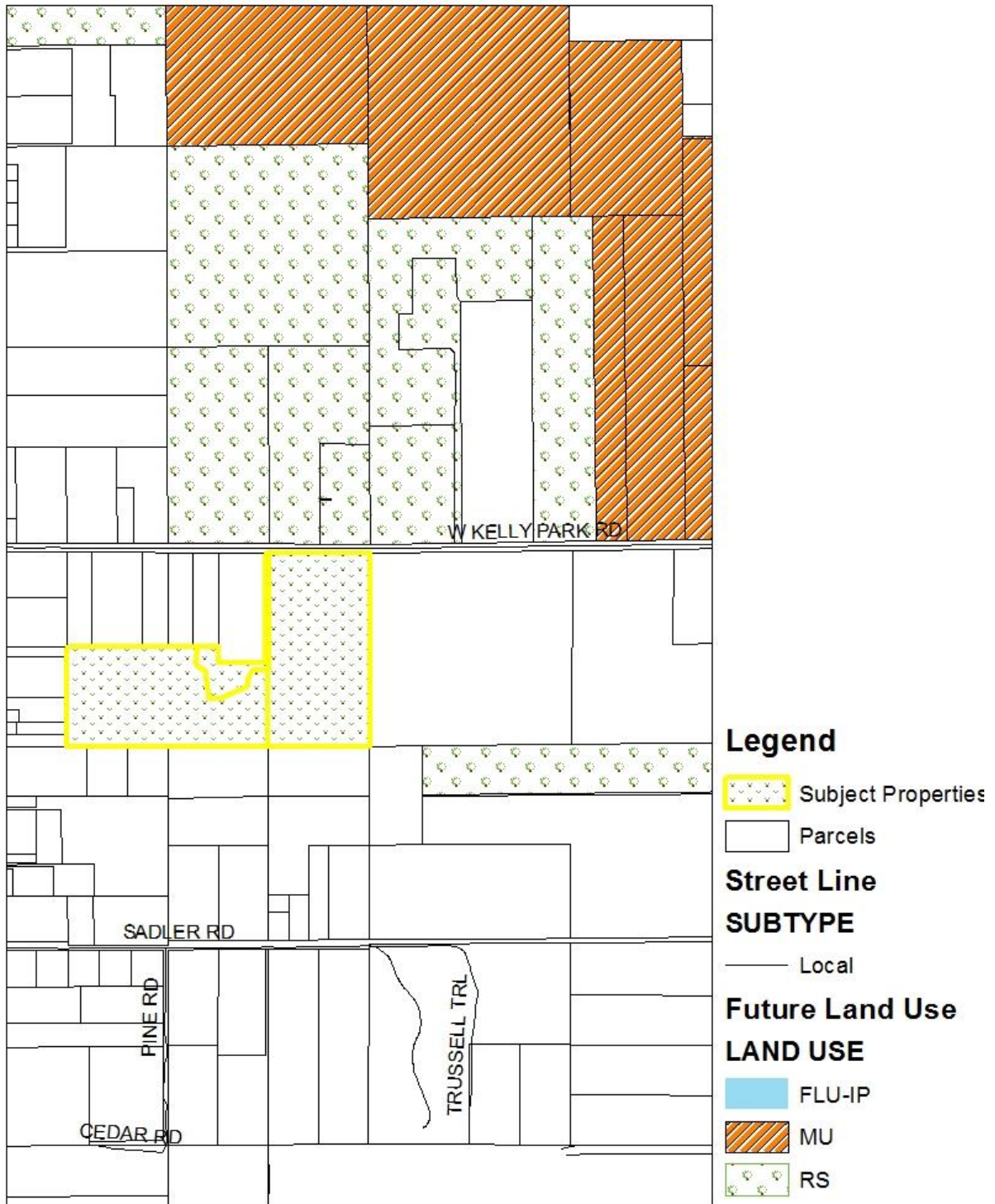


#### Legend

-  Subject Property
-  PARCELS



### FUTURE LAND USE



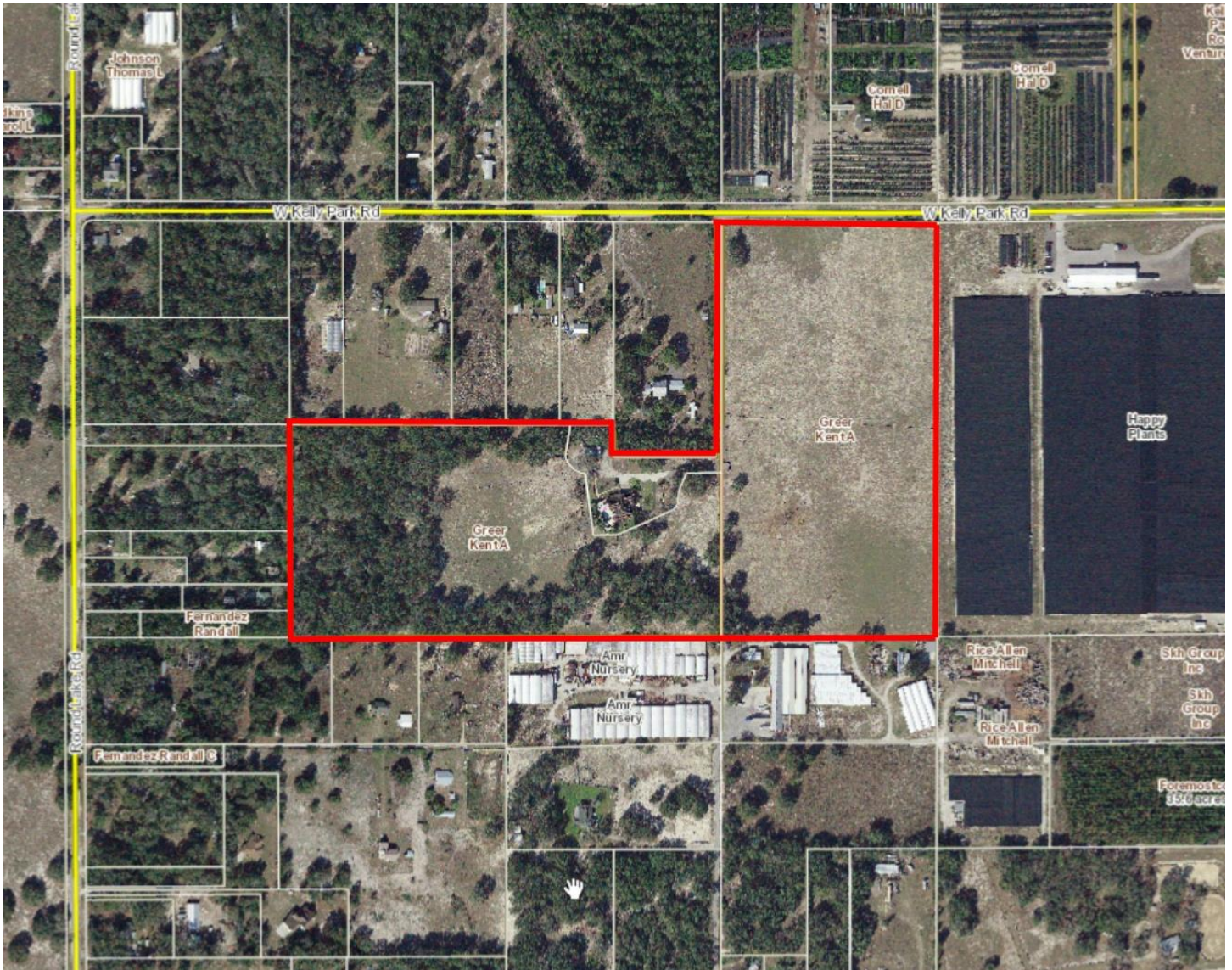


### ADJACENT ZONING





## AERIAL MAP





## KELLY PARK CROSSING FORM-BASED CODE AREA

**Subject  
 Property**



*Note: City boundaries not depicted in this graphics as they change overtime.*

**Legend:**

- Design Districts**
- Village Center
  - Employment
  - Interchange
  - Transition
  - Neighborhood
  - Recreation

- Existing Roads
- 1 Mile Radius
- ✱ Interchange
- ✱ Activity Nodes

Rainbow Ridge Rural Settlement

**ORDINANCE NO. 2645**

**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 RURAL SETTLEMENT TO MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST KELLY PARK ROAD AND EAST OF ROUND LAKE ROAD, OWNED BY KENT GREER; COMPRISING 39.6 ACRES, MORE OR LESS, 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. 2560; and

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

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

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

The Future Land Use Map is hereby amended for the property identified in Exhibit "A" of this Ordinance, and incorporated herein by reference.

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

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

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

**ORDINANCE NO. 2645**

**PAGE 2**

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 5<sup>th</sup> day of December, 2018.

READ FIRST TIME: May 16, 2018

READ SECOND TIME  
AND ADOPTED: December 5, 2018

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Bryan Nelson, Mayor

ATTEST:

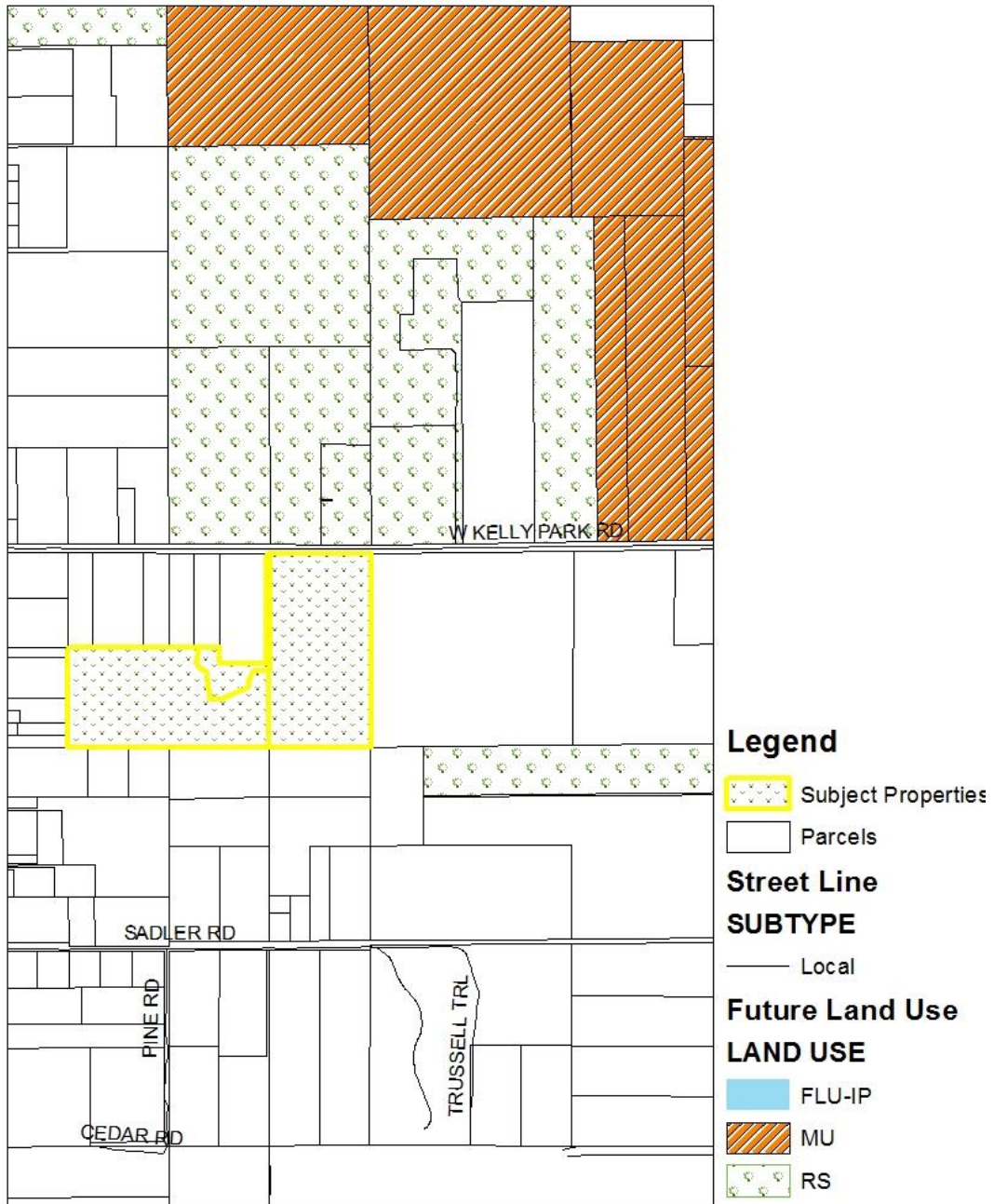
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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2018; November 23, 2018



**Kent Greer**  
**Property Owners**  
**39.6 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: Rural Settlement**  
**To: Mixed Use Interchange**  
**Parcel ID #: 14-20-27-0000-00-021, 084, 005**





construction, whereas larger pipes are constructed from ductile iron. Improvements to the distribution/transmission system have generally followed the recommendations outlined in the most recent master plan, with the timing of specific projects dependent on development patterns. **Map 10** shows the extent of the system within the interchange study area.

#### E. Public Schools

The area is currently served by Wolf Lake and Zellwood elementary schools, Wolf Lake Middle School and Apopka High School. According to the Orange County Public Schools (OCPS), all four schools are projected to be deficient by FY 2011-12. The OCPS current 10-year plan includes a relief elementary school for Wolf Lake and Zellwood, and a relief middle school for Wolf Lake. **Maps 11 to 13** show the attendance zones for these schools.

### IV. Community Involvement

In conjunction with the County, the City conducted two public workshops to discuss the future growth around the proposed Wekiva Parkway Interchange. The first public workshop was conducted on February 25, 2010, and the second workshop was conducted on March 25, 2010. **Appendices B and C** contain the workshop summaries and the list of attendees. It should be noted that for the purpose of the Community Workshops an enlarged study area was reviewed, which included the area north of West Ponkan Road.

Additionally, the City held a public hearing before the City of Apopka Planning Commission on April 27, 2010 and the City Council on May 19, 2010.

### V. Wekiva Parkway Interchange Vision Plan

The Wekiva Parkway will complete the outer beltway around Metro Orlando area. The completion of this outer ring, along with the proposed interchange, will result in added growth and development pressure within the Wekiva Study Area.

The Interchange Vision Plan was developed with a goal to accommodate new development that: (1) supports regional markets that depend on the Wekiva Parkway's function to move people and goods (light industry and warehousing, hotels/motels, restaurants, gas stations, truck stops, and convenience stores)<sup>1</sup>; (2) is designed to complement the surrounding areas; and (3) manages and protects water and wildlife resources.

#### A. Land Use Vision

Even though the area is currently rural in character and the adopted land use categories for the area reinforce that character, the introduction of a highway interchange at Kelly Park Road will create development pressure in the area. The City, County and most area residents realize a need and have a desire for a plan for that future growth. The main goal of planning for growth is to situate it within an appropriate area around the interchange, and to allow sufficient density

<sup>1</sup> Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area

and intensity to maximize sustainability and minimize environmental impacts on the Wekiva Study Area. The City also wants to take advantage of the opportunity this location provides to create a setting that will attract new quality employment to the area. The higher densities and intensities expected to accompany the interchange should transition into lower densities/intensities to ensure compatibility with the surrounding areas. Well thought-out, coordinated development is, therefore, a driving element of the interchange land use plan. Coordinated, transitional development at the interchange will protect meaningful tracts of connected open space, and preserve rural land outside of the interchange study area while allowing for carefully planned growth.

As shown on **Map 8**, potential Karst features are indicated proximate to the proposed interchange. For that reason, the vision plan proposes a measured approach to intensive development in the area immediately adjacent to the interchange, and instead create two nodes of development at the closest intersections to the parkway: Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth Sorrento Road (see **Map 14**). The most dense and intense uses will be located within a 1/3-mile radius of the two proposed nodes. Between these nodes and the one-mile study area boundary, land uses will provide a transition to the existing lower densities, and less intense development character will be respected beyond the one-mile radius.

**Map 15** shows the proposed interchange vision plan, which includes both City and unincorporated land. As shown on the map, the area within a 1-mile radius of the proposed interchange is proposed to be urban in character, with uses such as industrial, commercial, office, institutional/public, and medium and high-density residential uses. The highest intensity of use will be clustered around the two nodes as village centers. The area between the nodes and the one-mile radius will contain uses that will ensure the smooth transition to the less intense areas outside the one-mile radius.

The following is a description of the proposed character districts for the vision plan area.

**1. Village Center (residential and commercial mix)**

As noted above, the vision plan intends to concentrate the most intensive development within the two major intersection nodes. The type of development envisioned for these two nodes includes mixed-use buildings with retail uses on the ground floor and offices or residential spaces above. The Village Center character district will comprise approximately 5 to 15% of the area.

**2. Edge Employment(employment uses)**

Office uses may appear within the village center nodes as part of mixed-use buildings, or as stand-alone uses in the Edge Employment character district along the Wekiva Parkway. Other uses that would be appropriate for the Edge Employment area include industrial developments (clean industry), or large institutional uses (hospitals, educational facilities), which would provide much needed jobs in the area. Limited residential

will also be allowed. Both office and industrial uses will benefit from the visibility and access from the highway. Within the [EdgeEmployment](#) character district, greater attention will be applied to ensure protection of the potential Karst features and to allow for adequate setbacks from the highway. This area will not focus on the pedestrian environment as the village center, but would adopt a campus-like environment. Approximately 5 to 10% of the area is shown as [EdgeEmployment](#) on the vision plan map.

**3. Interchange (highway-dependent uses)**

The area between the proposed village centers and the parkway will be the most accessible to traffic exiting the highway. Therefore, the intended character for those areas will be a mix between Village Center and a more “suburban” type setting. It is expected that this is the area where gas stations would be located. There will be form-based standards adopted to ensure the transition from the fast-moving traffic in the highway to the more walkable environment expected to develop in the village centers. The Interchange character district will contain predominantly stand-alone uses (as opposed to mixed-use buildings) with less intensity of development than in the Village Center. [EdgeEmployment](#) character district type uses, including limited high density residential, may also occur in this character district. The area to be dedicated to Interchange uses comprises approximately 5 to 10% of the entire vision plan area.

**4. Transitional (office, medium density residential uses)**

Uses within the transitional areas will be regulated to minimize the impact of the most intensive areas (Village Center, [EdgeEmployment](#) and Interchange) on the existing lower density neighborhoods surrounding the study area. Medium densities in the form of town houses, apartments and condominiums, and office uses will be allowed within the Transitional district. The vision plan shows that approximately 10 to 20% of the total area will be dedicated to the Transitional character district. The expected density in the Transitional character district would accommodate between 5 to 15 dwelling units per acre depending on their location respective to neighborhood areas.

**5. Neighborhood (residential)**

The Neighborhood character district is intended to be primarily a single-family residential area. This district will have lower density residential than the Transitional district, allowing for a smooth transition into the existing lower density neighborhoods outside the 1-mile radius. The character of the area will be regulated through form-based standards to ensure that single-family homes are designed with front porches and that garages are located in the back with access from alleyways. The neighborhood area comprises over 50% of the vision plan area.

6. Recreation and Institutional

The Vision Plan shows an area as Recreation, consistent with the adopted Northwest Small Area Plan. This, however, does not mean that there will only be one area designated for recreation/open space. As properties develop (especially large tracts), the City will consider dedication of land for open space. Institutional uses (schools, churches, etc.) will also be defined as the area develops. It is anticipated that a minimum of 15% of the land within the area will eventually be used for open space/recreation purposes.

B. Vision Plan Holding Capacity

Based on the land uses and densities proposed in the vision plan, holding capacities were calculated to identify the amount of development that could potentially occur in the area. **Table 3** demonstrates that the vision plan area could accommodate approximately 15,873 residential units and 22,587,535 square feet of non-residential development.

Table 3: Vision Plan Holding Capacity

Proposed Land Use	Total Acres	% of Total	Max. Intensity (FAR)	Max. Density (UPA)	Density/Intensity Factor	Total Dwelling Units	Non-Residential Square Feet
Village Center Core (assumes 1st floor non-resid. + resid above)	80	2.1	0.5	12	0.75	720	1,306,800
Village Center balance (assumes 1st floor non-resid. + resid above)	248	6.4	0.35	12	0.75	2,232	2,835,756
Interchange (assumes 10% residential)	175	4.5	1.0	15	0.70	184	4,811,875
Edge Employment (assumes 10% residential)	260	6.7	0.5	7.5	0.60	117	3,052,231
Transitional (assumes 70% resid.; 30% non)	581	14.9	1.0	15	0.85	5,185	6,453,276
Neighborhood (assumes 90% residential)	2,360	60.7	0.5	5	0.70	7,435	3,598,699
Parks/Recreation	121	3.1	0.2		0.50	0	528,897
Wekiva Parkway ROW	63	1.6					
<b>TOTAL</b>	<b>3,889</b>	<b>100.0</b>				<b>15,873</b>	<b>22,587,535</b>

Note: Acreages and yields are approximations only.

Based on the total acres of the area and the potential for residential and non-residential development noted above, an overall density of 4 du/ac and an overall FAR of 0.14 could be achieved.

factors are taken into account, that there is no increase in nitrate/nitrogen loading to groundwater and surface water.

### **Objective 18**

The City shall implement the Wekiva Parkway Interchange Land Use Plan adopted on September 15, 2010, which addresses the requirements of Section 369.321(1) F.S. as it relates to coordinated planning within the Wekiva area.

#### **Policy 18.1**

The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

#### **Policy 18.2**

Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan. These standards shall address creative planning solutions to protect environmentally sensitive lands, such as:

##### Open Space

Standards will be developed for appropriate percentages of open space for single parcels and/or for the entire Interchange Study Area.

##### Clustering:

Standards will be developed to allow multiple land owners to aggregate parcels for the purpose of calculating density/intensity and developing cohesive clusters of higher density/intensity in the area closest to the interchange and major intersections in the study area.

##### Transfer of Development Rights (TDR):

A TDR system shall be developed to allow land owners that have sensitive lands or lands farthest from the interchange, to sell density/intensity rights to owners of lands closest to the interchange. The vision plan will analyze the potential sending and receiving areas.

##### Form-Based Regulations:

Develop form-based regulations for the study area to ensure the Vision Plan is implemented.

**Policy 18.3**

The development standards within the Interchange Study Area shall be applied through a zoning overlay, or similar method, that encompasses the study area. Developer agreements may be required.

**Policy 18.4**

If a parcel is severed by the one-mile radius or is under common ownership, either the entire parcel will be included or excluded from the study area based upon the Vision Plan.

**Policy 18.5**

In the event that the Wekiva Parkway is not constructed, it is anticipated that the Wekiva Parkway Interchange Plan will be reevaluated and appropriate comprehensive plan amendments adopted to address then-existing development and future land use designations within the Wekiva Parkway Interchange Plan Area.

**Policy 18.6**

Before any development can occur within the Project Orlando LLC site (further identified as parcels 11-20-27-0000-00-003, 11-20-27-0000-00-013, 11-20-27-0000-00-036, 11-20-27-0000-00-042, 11-20-27-0000-00-057, 12-20-27-0000-00-060, 11-20-27-0000-00-030, 13-20-27-0000-00-023, 13-20-27-0000-00-005, 13-20-27-0000-00-061, 13-20-27-0000-00-026, 13-20-27-0000-00-032), the proposed development must be processed and approved as a Development of Regional Impact (DRI) as defined in Chapter 380.06, Florida Statutes and Chapter 28-24, Florida Administrative Code.

**Policy 18.7**

Public school capacities and facilities serving the Project Orlando site shall be addressed with the rezoning and DRI processes. No increase in density above the vested 67 dwelling units shall be permitted by the City until it is demonstrated that adequate public school facilities are available to meet the increased demand.

**Policy 18.8**

Prior to the completion of the interchange, but following the official designation of the interchange location by the Expressway Authority, a development program may be permitted by the City which shall not exceed 17,907 average daily vehicle trips external to the Project Orlando project, subject to rezoning and a traffic study.

*(Revised - Ord. No. 2317, 10-02-2013)*

**Policy 18.9**

A parcel assigned a land use designation during the 2010-1 or 2010-2 large-scale comprehensive plan amendment cycles, shall not be assigned a city residential zoning category or obtain a rezoning for residential uses until Orange County Public Schools has either issued a finding of school capacity or a school capacity enhancement agreement to the applicable property owner, excepting those parcels having a diminimus impact on public schools as defined in the Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

**Objective 19**

New development in the City shall comply with "Smart Growth" principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl. The following policies shall be incorporated into the City's LDC prior to the next required Evaluation and Appraisal Report.

**Policy 19.1**

Development in the mixed-use categories, and where appropriate in other land use categories, shall provide pedestrian-friendly street design.

**Policy 19.2**

New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

### **Policy 19.3**

New infill development in the mixed-use categories shall provide shops, offices and homes within neighborhoods, including mixed uses in one structure, to offer opportunities to encourage walking and/or live and work environments.

### **Objective 20**

Ensure development within the City of Apopka surrounding the Wekiva Parkway interchange will occur in a predictable, yet flexible manner consistent with the intent of the Wekiva Parkway and Protection Act, the community vision, and the City's economic development goals, and which will provide a balanced land use scenario that can accommodate economic and residential growth in the context of the environmental concerns identified within the Wekiva Parkway and Protection Act, and that can serve as the primary targeted area for greenfield development within the Wekiva Study Area.

### **Policy 20.1**

The Wekiva Parkway Interchange Plan is composed of three elements: the *Wekiva Parkway Interchange Vision Plan*, the *Wekiva Parkway Interchange Land Use Plan*, and the *Wekiva Parkway Interchange Goal, Objectives, and Policies*. The *Wekiva Parkway Interchange Vision Plan*, adopted as part of the Future Land Use Overlay Series found in Appendix 1-2 of the Future Land Use Element, represents a conceptual scenario that demonstrates the intent of the Wekiva Parkway Interchange Plan and will guide the development of lands located within the Wekiva Parkway Interchange Vision Plan Area. The *Wekiva Parkway Interchange Land Use Plan* and the *Wekiva Parkway Interchange Goal, Objectives, and Policies* shall represent the regulatory elements of the Wekiva Parkway Interchange Plan. The land use configuration and distribution demonstrated on the *Wekiva Parkway Interchange Vision Plan* are intended to illustrate the potential application of the adopted *Wekiva Parkway Interchange Vision Plan* policies; however, the specific details for each development phase will be established through the approval of development plans consistent with the *Wekiva Parkway Interchange Goal, Objectives & Policies*, the *Wekiva Parkway Interchange Land Use Plan*, and the regulations established in the *Wekiva Parkway Interchange Form-Based Code*.



**Policy 20.2**

The Wekiva Parkway Interchange Vision Plan shall be applicable within Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Vision Plan Area is generally comprised of a one-mile radius emanating from the anticipated Wekiva Parkway Interchange. The exact configuration is based upon a logical, parcel-specific boundary consistent with the intent of capturing a one-mile radius.

**Policy 20.3**

The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.

**Policy 20.4**

Prior to approving the first development plan within the Wekiva Parkway Interchange Vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Code establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Form-Based Code shall be based on the criteria contained within the Wekiva Parkway Interchange Goal, Objectives, and Policies.

**Policy 20.5**

The Wekiva Parkway Interchange Vision Plan identifies the approximate location of the character districts necessary to support the anticipated development program within the Wekiva Parkway Interchange Vision Plan Area. The location and/or boundaries of the character districts shown on the Vision Plan are illustrative only, and it is the intent of the City that locations and boundaries can be refined through an administrative review, except where other review and approval procedures are specified, in either the Comprehensive Plan or the Wekiva Parkway Interchange Form-Based Code. The specific boundaries and locations of character districts will be established through the approval of development plans, as established through the Wekiva Parkway Interchange Form-Based Code procedures.

**Policy 20.6**

Deviations in the area-wide densities and/or intensities established in the Wekiva Parkway Interchange Land Use Plan, or proposed design elements that are not consistent with the Wekiva Parkway Interchange Goal, Objectives, and Policies shall require a comprehensive plan amendment.

**Policy 20.7**

The Wekiva Parkway Interchange Form-Based Code shall include regulations governing the following community design elements for the Wekiva Parkway Interchange Plan area:

- An interconnected network of streets and paths designed to encourage pedestrian and bicycle travel, with traffic calming where appropriate;
- A complementary mix of land uses, including residential, employment, recreational, and civic;
- Appropriate densities and intensities of land uses within walking distance of transit stops; and
- Daily activities within walking distance of residences, public uses, streets and open spaces that are safe, comfortable and attractive for the pedestrian, with adjoining buildings open to the street and parking designed so as not to interfere with pedestrian and bicycle travel.

**Policy 20.8**

The Wekiva Parkway Interchange Form-Based Code shall include provisions requiring that the land uses incorporated into the Wekiva Interchange Vision and Land Use Plans are physically and functionally integrated, including a connected and continuous system of pedestrian facilities.

**Policy 20.9**

Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outlined in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan. This policy shall not be construed to remove any existing entitlements upon property within the Wekiva Parkway Interchange Plan Area, nor shall it prevent

development consistent with the existing future land use designations. Development occurring under the existing future land use designations shall comply with the design criteria included in the Wekiva Parkway Interchange Plan to the extent that the criteria does not conflict with the existing future land use designation.

**Policy 20.10**

The City shall ensure that areas of greatest density and intensity within the Wekiva Parkway Interchange Plan Area are located at and between the two major intersection nodes at Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth-Sorrento Road, but not upon areas of Karst formations. The Wekiva Interchange Form-Based Code shall require a mix of uses consistent with Wekiva Interchange Plan and shall establish a system of transfer of development rights to encourage increased density and intensity within Wekiva Parkway Interchange Plan Area. Development at the outer edges of the mixed-use area shall maintain compatibility with the lands adjacent to the Wekiva Interchange Plan Area by reducing density and intensity or by providing substantial buffers, landscaping, height, and lighting controls. The City shall also allow transfer of development rights to maintain 20% open space in the overall Study Area. Densities and intensities allowed within the Wekiva Parkway Interchange Plan Area character districts shall be as shown on **Table 20.10**:

Table 20.10: Wekiva Parkway Interchange Character District Standards

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min. )
<b>Village Center (VC)</b> Safe, vibrant and pedestrian-oriented mixed-use area. Each Village Center may include a Core of up to 40 acres each.	Residential, retail, commercial, office and entertainment uses. Horizontal mixed-uses shall be allowed, but vertically mixed-uses are preferred.	Min: 200 Max: 380 (40 acres max. of VC Core in each village)	Min: 7.5 Max: 25 District Average: 12	VC Core: Min: 0.3 Max: 1.0 Average: 0.5 Balance of VC: Min: 0.25 Max: 0.7 Average: 0.35	10% minimum in the form of public plazas and small park spaces that are urban in character.
<b>Interchange</b> Accommodate highway-oriented vehicular service uses and provide a transition between the fast traffic exiting the highway and the pedestrian Village Center.	Highway-oriented uses, such as automobile service & repair, retail, office, and limited high density residential.	Min: 175 Max: 380	Min: 7.5 Max: 15	Min: 0.1 Max: 1.0	15% minimum in the form of neighborhood parks and common areas
<b>Employment (formerly Edge District)</b> Accommodate corporate office development and foster the development of a campus-like corporate park.	Office, hospitality, clean industry, large institutional uses (hospitals, educational facilities), and large scale residential,	Min: 190 Max: 380	Min: 4 Max: 7.5	Min: 0.1 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min. )
<b>Transition</b> Provide a transition between the high-density/intensity Village Core and the low-density/ intensity areas at the edge of the study area.	Single family home and single or multi-use office/medium-density residential	Min: 380 Max: 770	Min: 5 Max: 15	Min: 0.5 Max: 1.0	15% minimum in the form of neighborhood parks and larger common areas.
<b>Neighborhood</b> Preserve the existing low-density single-family residential neighborhoods and transition to the less intense uses just outside the study area.	Single-family homes and small scale support uses (schools, churches, day care facilities)	Min: 2,360 Max: 3,060	Min: 1 Max: 5	Min: .05 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.

\* Calculated based on the entire vision plan area acreage.

**Policy 20.11**

Maximum allowable development within the Wekiva Parkway Interchange Plan Area shall be allocated among land uses as follows:

- Single Family: 7,500 units
- Multi Family: 8,500 units
- Commercial/Services: 22 million square feet

**Policy 20.12**

The character district regulations included in the Form-Based Code will ensure densities and intensities are allocated as noted in **Table 20.10** (see **Policy 20.10**). The TDR system will allow increased densities in the Core area (noted as bonus density on the table). The average density/intensity for individual districts and the entire mixed-use area shall not exceed the average allowed. The City shall establish a tracking system to ensure the densities/intensities are kept within the established limits. The tracker will also ensure the acreages of the character districts remain within the parameters set in **Policy 20.10**.

**Policy 20.13**

Development within the Wekiva Parkway Interchange Vision Plan Area shall be planned in a manner that maximizes internal circulation and does not cause the Florida Strategic Intermodal System (SIS) to exceed its adopted Level of Service Standard without appropriate mitigation.

**Policy 20.14**

The Wekiva Parkway Interchange Vision Plan Area shall include the following performance targets for transit, bicycle and pedestrian facilities as follows:

- 80% of all the bicycle and pedestrian facilities within the Plan Area shall function at LOS C or better;
- All parcels within ¼ mile of a transit stop should be serviced by pedestrian facilities operating at LOS C or better.

LOS standards shall be measured in accordance with the methodology established in the FDOT Multimodal

Transportation Districts and Area wide Quality of Service Handbook (Nov. 2003 or as revised). The City shall coordinate with LYNX and METROPLAN ORLANDO to apply the transit quality of service framework as found in the most recent edition of the Transit Capacity and Quality of Service Manual (TCQSM) and required as part of METROPLAN ORLANDO'S long-range transportation plan where feasible.

**Policy 20.15**

The City and applicants for development within the Wekiva Parkway Interchange Vision Plan Area shall incorporate transportation demand management strategies into the transportation planning process to alleviate congestion. A range of techniques will be considered, such as vanpool/ridesharing programs, parking management and pricing, transit vouchers, pre-tax incentives, telecommuting, flextime, and/or other appropriate trip reduction strategies.

**Policy 20.16**

Proposed development within the Wekiva Parkway Interchange Vision Plan Area shall contribute to providing a safe, convenient, comfortable and aesthetically pleasing transportation environment that promotes walking, cycling, and transit use. Appropriate improvements or enhancements to the multimodal network to incorporate into the Wekiva Parkway Interchange Form-Based Code shall include, but not be limited, to the following:

- Accommodations for pedestrian access and movement, including sidewalks, benches and clearly marked crossings;
- Accommodations for bicycles, including lockers, showers, and racks;
- Shared use paths in accordance with the FDOT Bicycle Facilities Planning and Design Guidelines Handbook;
- Accommodations for transfer of passengers at designated transit facilities;
- Preferential parking for rideshare participants;
- Access for motor vehicle passenger drop-offs and pick-ups at designated transit facilities and at commercial and office development sites; and/or
- Accommodation for the mobility impaired, including parking spaces, sidewalks and ramps for handicapped access.

**Policy 20.17**

Street cross-sections, design standards, and operational measures to ensure streets are safe and convenient for transit, automobile, truck, bicycle and pedestrian travel shall be incorporated into the Wekiva Parkway Interchange Form-Based Code. Strategies will include, but not be limited, to marked crosswalks, wider sidewalks, on-street parking, bus turnouts, traffic calming, raised medians or other appropriate safety enhancements that reduce hazardous conflicts between modes and that are consistent with the planned functions of the roadway.

**Policy 20.18**

The Wekiva Parkway Interchange Form-Based Code shall include standards for street intersections to facilitate pedestrian crossings.

**Policy 20.19**

Developments within the Wekiva Parkway Interchange Plan Area shall provide direct bicycle and pedestrian connections within and between residential areas and supporting community facilities and services, such as shopping areas, employment centers, transit stops, neighborhood parks, and schools. Standards and design criteria shall be established within the Wekiva Parkway Interchange Form-Based Code.

**Policy 20.20**

The City will include in the Wekiva Parkway Interchange Form-Based Code standards for roadways to be built/improved within the Wekiva Parkway Interchange Overlay District. The regulations will create a hierarchy of streets that equitably serve the needs of the pedestrian, the bicycle, public transit, and the automobile based on a grid network system of roadways. The City will support a multi-modal transportation environment that allows for various transit options.

**Policy 20.21**

Properties assigned the Mixed-Use Interchange future land use designation shall be rezoned to the Wekiva Parkway Interchange Mixed-Use Zoning District to be established in the Wekiva Parkway Interchange Form-Based Code.



**Policy 20.22**

The Wekiva Parkway Interchange Mixed-Use Zoning District shall establish a range of allowable lot types to ensure a mix of uses. The District shall also provide the form-based building requirements and range of allowable uses for each lot type. The lot type ranges will establish the development framework and pattern within which uses can locate.

**Policy 20.23**

Permitted land uses within the Wekiva Parkway Interchange Mixed-Use Zoning District shall be outlined in the Wekiva Parkway Interchange Form-Based Code, consistent with the Mixed-Use Interchange future land use designation and **Policy 20.10**. The Community Development Director shall have the authority to approve uses not listed there if the proposed use is compatible with the listed permitted uses and/or will generate or support the development of employment opportunities and/or an increased tax base.

**Policy 20.24**

Where feasible, developments within the Wekiva Parkway Interchange Plan Area shall maximize the preservation of open space and promote the clustering of uses to both preserve and enhance the natural environment and to maintain the rural character of areas outside of the Wekiva Parkway Interchange Plan Area. The amount of required open space shall vary by district, with the more intensive districts requiring less than 20% for urban plazas/ parks and the less intensive districts requiring more than 20% for passive/active parks and open space for areas. **Policy 20.10** establishes the minimum required open space per district.

**Policy 20.25**

The Wekiva Parkway Interchange Area Form-Based Code shall include the following provisions to promote efficient access to and through the area, and to protect the traffic flow along the Wekiva Parkway.

- Prohibit the vacation of rights-of-way to maintain the current grid system and facilitate its expansion;
- Require, as part of development approval, a spacing of 300 to 600 feet for local streets to create walkable

"city" blocks and maintain connectivity in the area and avoid the use of the highway for local traffic;

- Prohibit the use of cul-de-sacs and gated neighborhoods;
- Coordinate with the Expressway Authority to encourage the extension of local roads under the highway to maintain connectivity between the east and west sides;
- Limit the number of driveways along Kelly Park Road, Golden Gem and Plymouth Sorrento Road within the Plan Area, and encourage the use of shared driveways instead;
- Require compliance with Section 6.02.10 of the LDC, which requires a minimum distance separation between driveways and intersections;
- Require internal connectivity between sites, through joint-use driveways or alleys, to keep traffic off main roads;
- The Form-Based Code shall include standards for right-of-way width and cross section design based on street typology; and
- Provide pedestrian/bicycle connections at a maximum separation of 350 feet, through the use of mid-block paths or pedestrian shortcuts.

**Policy 20.26**

Large developments with 50,000 gross square feet or more and are adjacent to a major street, which is or may be used as a transit route, shall provide access for on-site public transit. The public transit stop shall including a bus pullout and shelter.

**Policy 20.27**

The City shall coordinate with developers the design and construction of proposed new streets within the plan area in conformance with the design standards contained in the Form-Based code. The following standards shall be followed:

- Specific right-of-way location of streets other than those shown on Map 20 of the ILUP shall be determined through the development review process.
- Continue enforcing Section 6.02.05 of the City's LDC (rights-of-way), which contains measures for the protection and use of rights-of-way, and consider the incorporation of more pedestrian-friendly standards in the Wekiva area form-based code.

**Policy 20.28**

Sites within the Wekiva Parkway Interchange Plan Area, as well as right-of-way areas, shall be subject to the vegetation protection and water conservation landscaping policies contained in the City's comprehensive plan. The City will include more restrictive vegetation protection standards in the Wekiva Parkway Interchange Form-Based Code to:

- Encourage transplanting and re-vegetation.
- Coordinate, on an as needed basis, with Orange County to update regulations for the protection of unique vegetative communities in both jurisdictions.
- Select and locate plants based on their ultimate growth.

**Policy 20.29**

In order to ensure that development within the mixed-use district creates a sense of community, the placement and orientation of buildings should be carefully planned. The following standards should be included in the form-based regulations:

- Primary building entrances shall orient toward the street, not to interior blocks or parking lots
- Freestanding single-use buildings should be avoided in all but the neighborhood character district, while mixed and interconnected buildings should be encouraged.
- Green areas or plazas may be used to create a prominent civic component to mixed-use areas. These green areas should be centrally located or placed in between the higher intensity uses.
- Standards for the design of gas stations, and other vehicular service uses, to ensure they fit into the desired pedestrian character. The Code will specify standards for building location, site layout, driveway location, signage and other design elements that will ensure compatibility with other proposed uses in the area.
- Building height regulations shall be established not to exceed the parameters listed for each character district in **Policy 20.30**.

**Policy 20.30**

Building heights shall be arranged so that the tallest buildings are located in proximity to the Kelly Park Interchange and Kelly Park Road itself between the two Village Center nodes. Building heights shall be stepped down/ reduced as development approaches the periphery of the Interchange Study Area and as development nears the rural lands outside the study area. The form-based code shall establish appropriate building heights for each character district and shall address reduced building heights in proximity to the edges of character districts and the study area itself in order to promote compatibility between districts and protection of the rural character of lands outside the study area. In no case shall building height exceed ten occupied floors within the Interchange Study Area without a Comprehensive Plan amendment.

**Policy 20.31**

The Wekiva Parkway Interchange Form-Based Code shall include standards for signage within the Wekiva Parkway Interchange Plan Area and shall have the purpose to maintain a pedestrian character within the village centers, but at the same time, allow visibility from the highway. Standards shall at minimum:

- Continue to require a sign master plan for all Mixed Use Developments, per LDC Section 2.02.20
- Ground signs shall not be allowed in the Core Area if buildings are located within 15 feet from the street right of way.
- Ground signs shall not exceed a maximum height of 12 feet. This maximum height may be further reduced in certain character districts.
- No billboards shall be allowed within the Wekiva Parkway Interchange Plan Area
- Building signs shall be designed to complement the architecture rather than obscure it.

OCT 19 2010 NP/BS

Revised 9-7-10

**SECOND AMENDMENT TO  
JOINT PLANNING AREA AGREEMENT  
BETWEEN ORANGE COUNTY AND  
THE CITY OF APOPKA**

**THIS SECOND AMENDMENT TO JOINT PLANNING AREA AGREEMENT** (Amendment) is made and entered into as of the \_\_\_\_ day of OCT 19 2010, 2010, by and between **ORANGE COUNTY, FLORIDA**, a political subdivision of the State of Florida (the County), and the **CITY OF APOPKA**, a Florida municipal corporation (the City).

**RECITALS**

**WHEREAS**, the Wekiva Parkway and Protection Act was enacted by the Florida Legislature in 2004, was amended in 2005, and is currently found at Part III, Chapter 369, Florida Statutes (specifically sections 369.314 – 369.324, Florida Statutes); and

**WHEREAS**, the Act requires those local governments hosting an interchange on the Wekiva Parkway to adopt amendments to their comprehensive plans within one year after the establishment of an interchange location to address issues relating to appropriate land uses, compatible development, secondary road access, access management, right of way protection, vegetation protection, water conserving landscape, and height and appearance of structures and signage; and

**WHEREAS**, the County and the City entered into a certain Settlement Interlocal Agreement between the City of Apopka and Orange County Florida, approved October 26, 2004, amended August 2, 2005 and on (insert this date) (hereafter “JPA”); and

**WHEREAS**, in the JPA the parties agreed, among other things, on a joint planning area boundary, a joint land use map, and the framework for establishing standards and requirements for the Wekiva Parkway interchange area; and

**WHEREAS**, the County and the City will share jurisdictional authority over the area within the Wekiva Parkway interchange and wish to commit to certain goals and objectives for that area in a separate Interlocal Agreement; and

**WHEREAS**, lands depicted within a one mile radius from the approved Wekiva Parkway interchange are included in this area and constitute the Study Area Boundary; and

**WHEREAS**, in order to accomplish the objectives of the Act and the Interlocal Agreement for the Study Area Boundary, the County and the City have determined that certain provisions of

the JPA, including Exhibit F as it pertains to the Study Area Boundary, are outdated or will become outdated by the adoption the Interlocal Agreement; and

**WHEREAS**, both the County and the City desire to amend the existing JPA to ensure consistency between the JPA and the Interlocal Agreement for the area described as the Study Area Boundary; and

**WHEREAS**, pursuant to Section 163.3171(3), Florida Statutes, this Amendment has been approved by the Orange County Board of County Commissioners and the Apopka City Council at advertised public hearings.

**NOW THEREFORE**, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City hereby agree as follows:

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by reference.

**Section 2. Authority.** This Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes, (2) the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements, (3) the Charters of the County and City, and (4) the Joint Planning Area Agreement.

**Section 3. Map Amendment.**

“Exhibit F” to the JPA is hereby deleted and replaced with a new “Exhibit F”, which is attached hereto and incorporated herein by reference. For purposes of interpreting the JPA, the parties agree that the area described in “Exhibit F” is unaffected by this amendment except as to the Study Area Boundary, which is described in “Exhibit F1” hereto and the Interlocal Agreement.

“Exhibit F1”, is attached hereto and incorporated herein by reference, and describes the future land uses of those parcels located within the Study Area Boundary and agreed upon by the City and the County and is typified in Exhibit B to the Interlocal Agreement. The parties agree that, as to the parcels located in the Study Area Boundary, to the extent of any conflict between the JPA and the Interlocal Agreement, the Interlocal Agreement will control and shall supersede the JPA unless otherwise indicated in the Interlocal Agreement. (Exhibit “F1” hereto and Exhibit “B” to the Interlocal Agreement are identical exhibits.)

**Section 4. Text Amendment.** A new paragraph (4) is added to Subsection (c), "Small Area Study Areas" of Section 3, Joint Land Use Plan, to read as follows:

(4) Pursuant to the Interlocal Agreement approved by the parties the parties agree that, as to the parcels located in the Study Area Boundary and as described in "Exhibit F1" to the JPA, the terms of the Interlocal Agreement will control and that the Interlocal Agreement supersedes the JPA to the extent of any conflict between the Interlocal Agreement and the JPA, unless otherwise indicated in the Interlocal Agreement.

**Section 5.** Except as expressly set forth herein, all other provisions of the JPA, as amended, remain unchanged and in full force and effect.

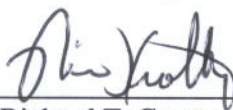
**Section 6. Severability.** Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment invalid or unconstitutional.

**Section 7. Effective Date.** This Second Amendment to the JPA shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

**IN WITNESS WHEREOF,** the County and City have executed this Second Amendment to the JPA on the dates inscribed below.



**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By:   
Richard T. Crotty  
Orange County Mayor

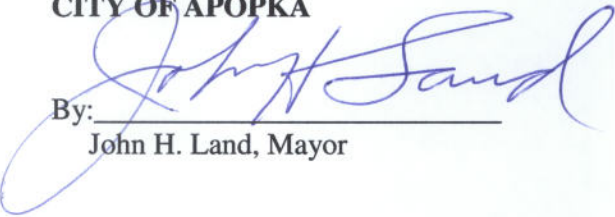
DATE: OCT 19 2010

ATTEST: Martha O. Haynie, County Comptroller  
as Clerk of Board of County Commissioners


By:   
Deputy Clerk

Revised 9-7-10

**CITY OF APOPKA**

  
By: \_\_\_\_\_  
John H. Land, Mayor

ATTEST: Janice G. Goebel  
City Clerk

By:   
Date: 9-17-10

S:\Dcrosby\AGRMNT\Apopka\2d amend Apopka JPA D4



# Exhibit 'F'

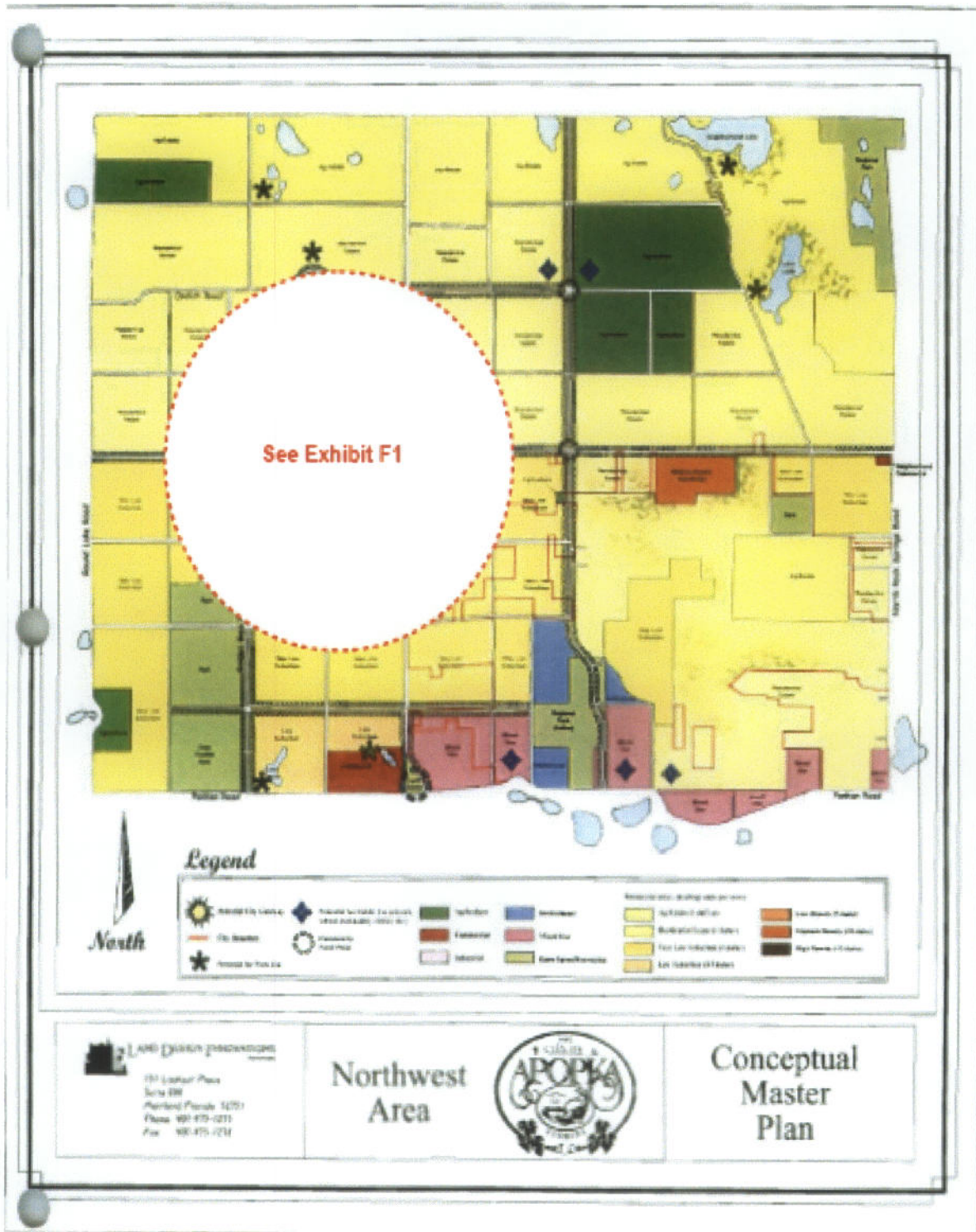
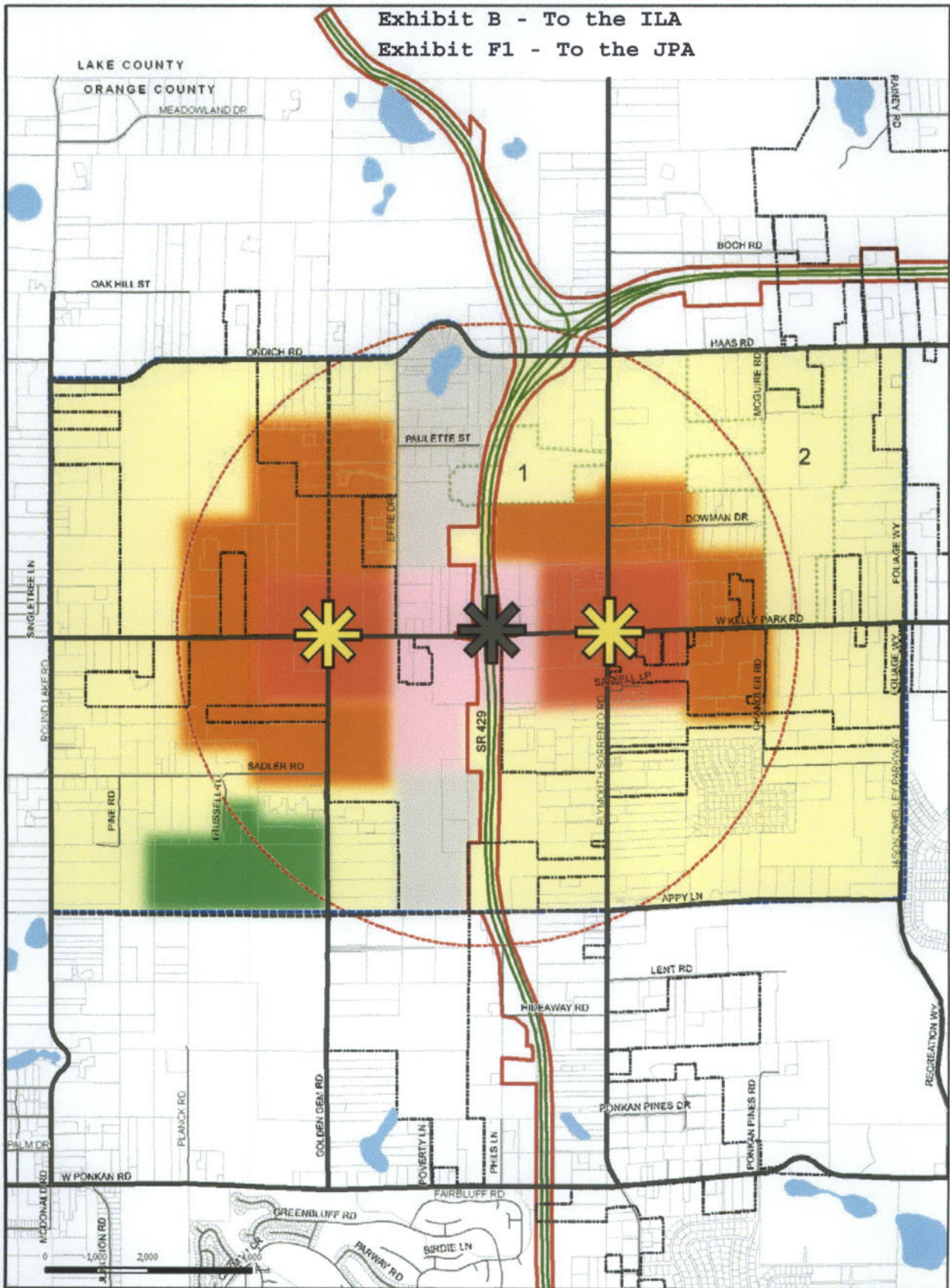


Exhibit B - To the ILA  
 Exhibit F1 - To the JPA



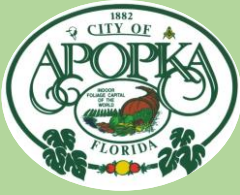
<p><b>Proposed Districts</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Village Center</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Employment</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Interchange</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Transition</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> Recreation</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 2px dashed black; width: 20px; margin-right: 5px;"></span> Interchange Study Area Boundary</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> City of Apopka Boundary</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> Existing Roads</li> <li><span style="display: inline-block; border: 1px solid red; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1 Mile Radius</li> <li><span style="display: inline-block; font-size: 2em; margin-right: 5px;">*</span> Interchange</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border: 1px dashed black; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1. Bridle Path Rural Settlement</li> <li><span style="display: inline-block; border: 1px dashed black; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 2. Rainbow Ridge Rural Settlement</li> </ul>
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**LAND DESIGN INNOVATIONS**  
INCORPORATED

1718 Fernald Street, Suite 100  
 Apopka, Florida 32711  
 Phone: 407-973-1213  
 Fax: 407-973-1218  
 www.landi.com

Note: Map is for graphical representation only  
 Actual data must be verified by City staff  
 September 2010



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Aerial Map  
Ordinance No. 2670  
Concept Plan

**SUBJECT: ORDINANCE NO. 2670 – COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – RADAM INVESTMENT, LLC**

**REQUEST: ORDINANCE NO. 2670 – FIRST READING - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – RADAM INVESTMENT, LLC, FROM RESIDENTIAL LOW (O-5 DU/AC) AND RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC) TO RESIDENTIAL MEDIUM LOW (0-7.5 DU/AC); AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**SUMMARY:**

OWNER: Radam Investment, LLC  
APPLICANT: Lowndes, Drosdick, Doster, Kantor & Reed, P.A., c/o Jonathan Huels  
LOCATION: North of Apopka Boulevard and West of S. Lake Pleasant Road  
PARCEL ID #(S): 23-21-28-0000-00-029, 23-21-28-0000-00-030, 23-21-28-0000-00-043  
EXISTING USE: 3 Single Family Homes  
DEVELOPMENT POTENTIAL: 235 Dwelling Units  
CURRENT ZONING: R-1AA (Single Family Residential) and ZIP (Zoning in Progress)  
PROPOSED ZONING: Planned Unit Development  
MAXIMUM ALLOWABLE DEVELOPMENT UNDER FLUM: EXISTING FLU: 88 Dwelling Units  
PROPOSED FLU: 153 Dwelling Units  
TRACT SIZE: 23.52 +/- acres

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** The applicant intends to use the subject properties for a multi-family residential community, and requests the City to assign a future land use designation of Residential Medium Low to the property.

The subject properties were annexed into the City on September 17, 2003 via Ordinance No. 1606 and on October 17, 1990 via Ordinance No. 634. The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Medium Low is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 23.52 acres.

Residential Medium Low Future Land Uses:

“The primary use shall be residential dwelling units up to 7.5 dwelling units per acre, elementary schools; middle schools; high schools; supporting infrastructure of less than five 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 proposed use of the property is consistent with the Residential Medium Low designation.

**SCHOOL CAPACITY REPORT:** An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment. At the present time, the subject property is located in the following attendance zone boundaries: Wekiva High School; Piedmont Lakes Middle School; Lakeville Elementary School.

**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 July 19, 2018.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission (5:30 pm)  
December 5, 2018 - City Council (7:00 pm) - 1st Reading & Transmittal

**DULY ADVERTISED:**

November 2, 2018 – Public Notice (Apopka Chief) and Notification (letters and posting)

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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 transmittal of the change in Future Land Use from Residential Low (0-5 du/ac) and Residential Low Suburban (0-3.5 du/ac) to Residential Medium Low (0-7.5 du/ac) for the properties owned by Radam Investment, LLC.

The **Planning Commission**, at its November 13, 2018 meeting, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended approval of the of the Future Land Use Map designation from Residential Low and Residential Low Suburban to Residential Medium Low and transmittal to the Florida Department of Economic Opportunity for the properties owned by Radam Investment, LLC.

**Recommended Motion:** Accept the first reading of Ordinance No. 2670 and authorize transmittal to the Florida Department of Economic Opportunity.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	“County” Low Density Residential	A-1	Grasslands
East (City and County)	“County” Low Density Residential	A-1	Single Family Home and Retention Pond; Piedmont Park community
South (County)	“City” Residential Medium Low	PUD	Chelsea Parc Subdivision
West (County)	“City” Residential Low and “County” Low Density Residential	A-1, R-1AA, R-2	Single Family Homes and Lake Pleasant Cove Subdivision

**II. LAND USE ANALYSIS**

The applicant intends to use this site for a multi-family residential complex.

- North: Abutting the subject property to the north is a vacant property.
- West: The properties to the west are single family homes and Lake Pleasant and Lake Pleasant Cove Residential Single Family Subdivision. The nearest home within the Lake Pleasant Cove community is over 400 feet from the eastern property line of the subject site.
- South: South Apopka Boulevard and Chelsea Parc Residential Subdivision. Chelsea Parc Community has typical residential lots with a width of 32 feet and a typical lot area of 3,300 sq.
- East: To the east is a single family house and Lake Pleasant Road. Piedmont Park residential community is located on the east side of Lake Pleasant Road. Distance between the subject property and the nearest home within Piedmont Park is at least 360 lineal feet. Typical lots in Piedmont Park have a 52 foot width and an area of 5460 sq. ft.

The proposed future land use designation of Residential Medium Low (0-7.5 du/ac) is consistent with the surrounding future land use designations to the west and south, considering the proposed use, and with current Chelsea Parc small lot community, and distance of at least 360 feet and 400 feet to Piedmont Park subdivision and to Lake Pleasant Cove subdivision, respectively.

Other Information:

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

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 (FLU

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 karst features are within the vicinity of this property.

Analysis of the character of the Property: The properties abut S. Apopka Boulevard. Across S. Apopka Boulevard is the Chelsea Parc subdivision where the typical lot width is 32', with Residential Medium Low Future Land Use. Commercial Future Land Use Designation and a Commercial Neighborhood zoning category are assigned to a 1.1 acre parcel at the corner of Lakeville Road and Apopka Blvd.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is Residential Medium Low (0 – 7.5 du/ac). A change to a residential land use of Medium Low Density will generate an estimated population increase up to 406 persons. Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population, but a housing supply is needed to meet the growing population.

#### **CALCULATIONS:**

EXISTING: Residential Low (0-5 DU/AC, 4.026 AC)  
Residential Low Suburban (0-3.5 DU/AC, 19.492 AC)  
88 D/U X 2.659 p/h = 233 persons

PROPOSED: Residential Medium Low (0-7.5 DU/AC, 20.52 AC: Developable Area):  
7.5 DU/AC x 20.52 = 153 max DU  
153 D/U x 2.659 p/h = 624 persons  
**Net Increase= 406 Persons**

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 ten (10) acres or more in size. This site is greater than ten acres. A habitat study will 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 City of Apopka service area for potable water, reclaimed water and sanitary service.

#### 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: 17,248 GPD
3. Projected total demand under proposed designation: 46,060 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 39,952 GPD
3. Projected total demand under proposed designation: 106,690 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD / Capita
6. Projected LOS under proposed designation: 177 GPD / Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 932 lbs/ day
4. Projected LOS under proposed designation: 2,496 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

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: Lake Pleasant
2. Projected LOS under existing designation: 25 year – 96 hour design storm
3. Projected LOS under proposed designation: 25 year – 96 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.699 acres
3. Projected facility under proposed designation: 1.872 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

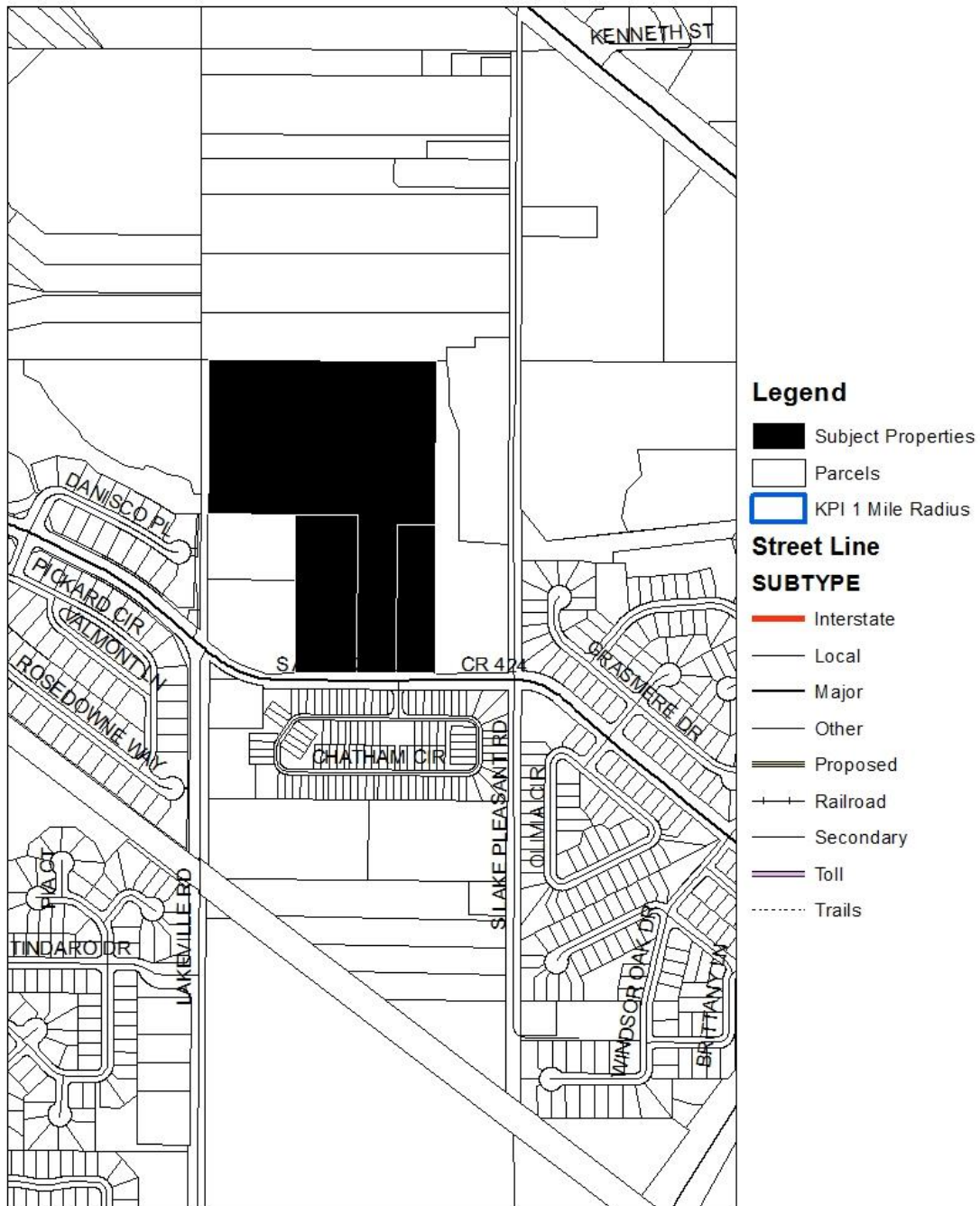
This initial review does not preclude conformance with concurrency requirements at the time of development approval.





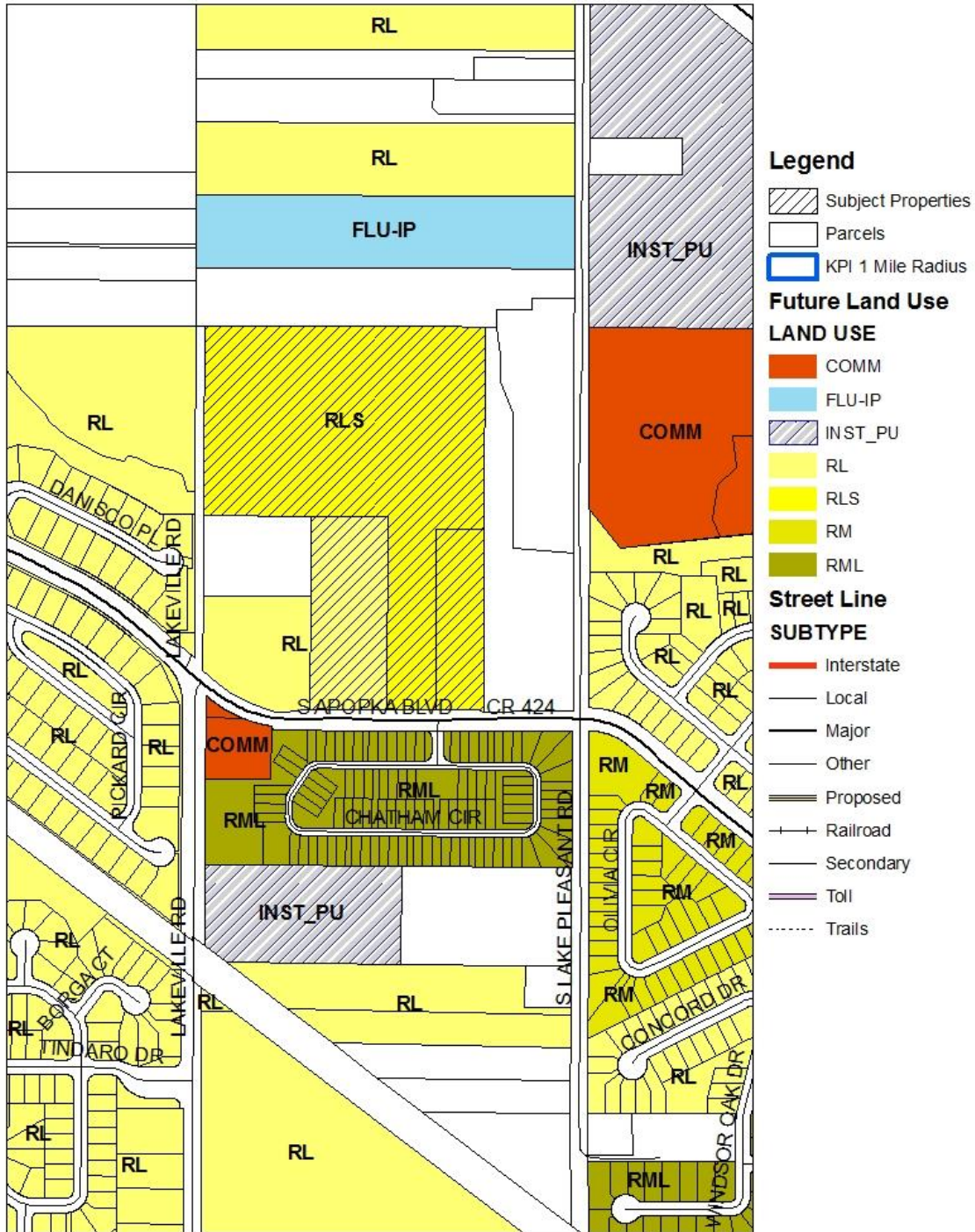
**Radam Investment LLC**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: Residential Low and Residential Low Suburban**  
**To: Residential Medium Low (0-7.5 DU/AC)**  
**Proposed Change of Zoning:**  
**From: R-1AA & A-1 (ZIP)**  
**To: Planned Unit Development (PUD)**  
**Parcel ID #s: 23-21-28-0000-00-029, -030, -043**

**VICINITY MAP**



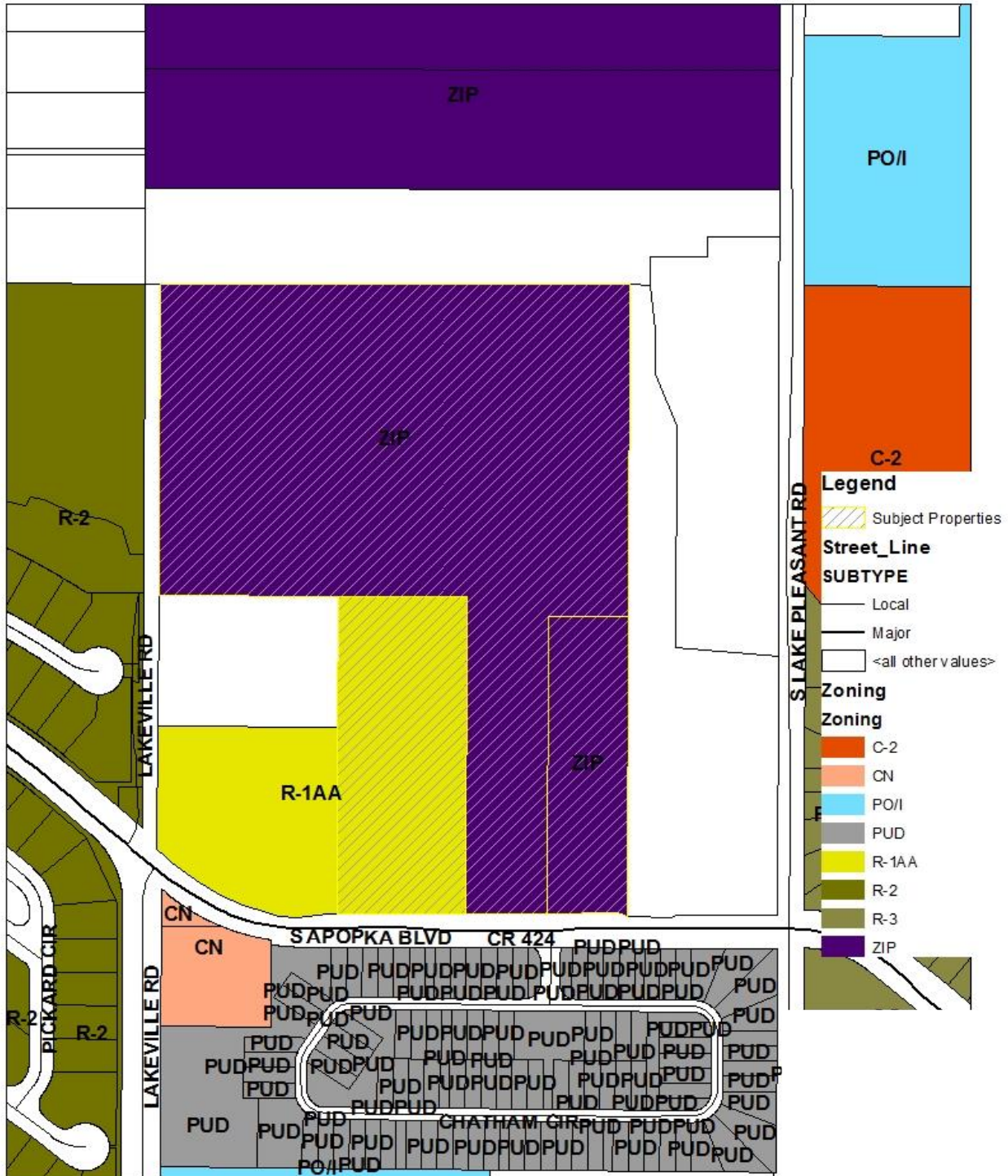


### FUTURE LAND USE MAP



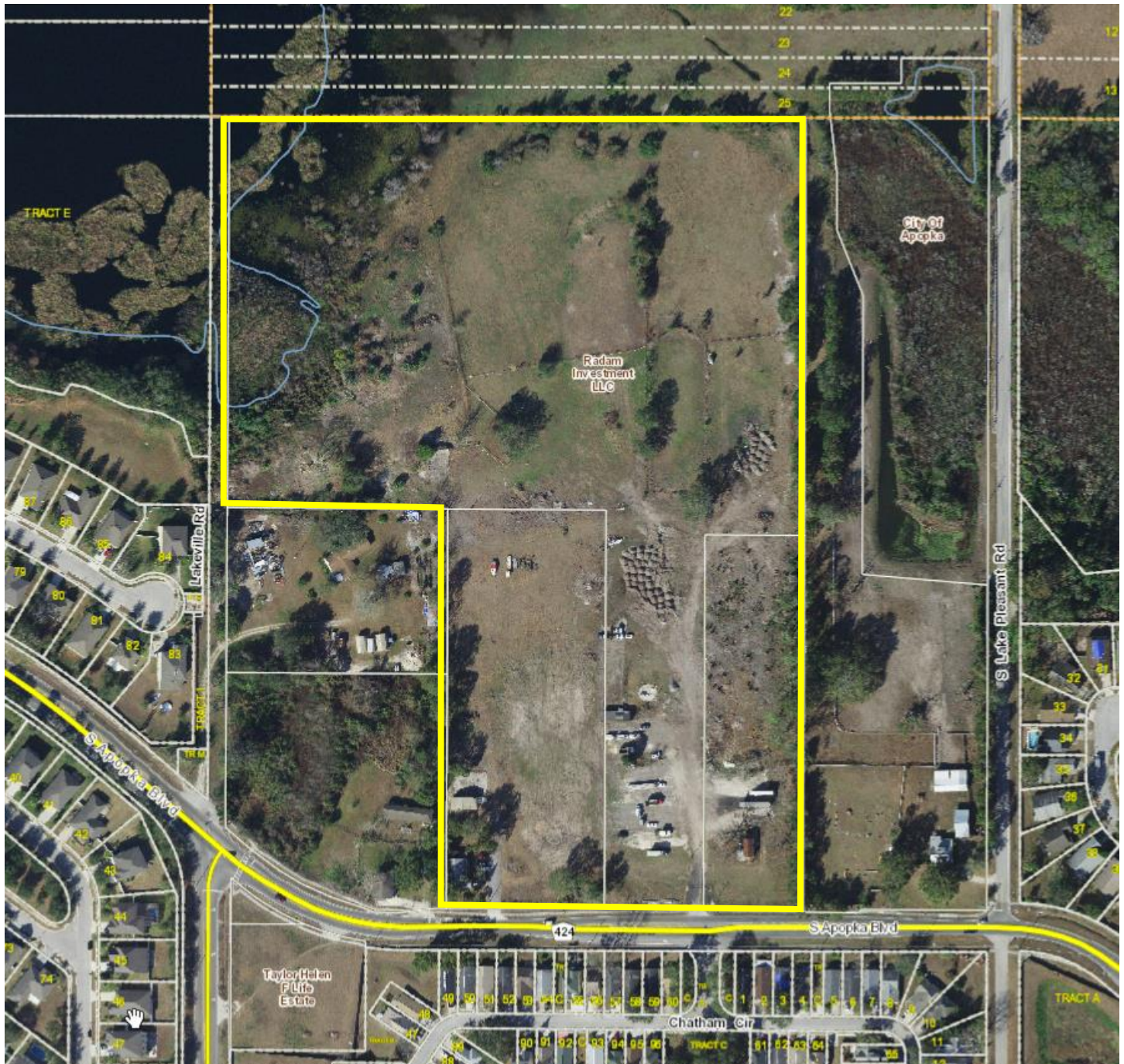


ADJACENT ZONING





### ADJACENT USES



**ORDINANCE NO. 2670**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW AND RESIDENTIAL LOW SUBURBAN TO RESIDENTIAL MEDIUM LOW FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S. APOPKA BOULEVARD AND WEST OF S. LAKE PLEASANT ROAD, OWNED BY RADAM INVESTMENT LLC; COMPRISING 23.67 ACRES, MORE OR LESS, 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. 2662; and

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

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

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

The Future Land Use Map is hereby amended for the property identified in Exhibit "A" of this Ordinance, and incorporated herein by reference.

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

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

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

**ORDINANCE NO. 2670**

**PAGE 2**

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2019.

READ FIRST TIME: December 5, 2018

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

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

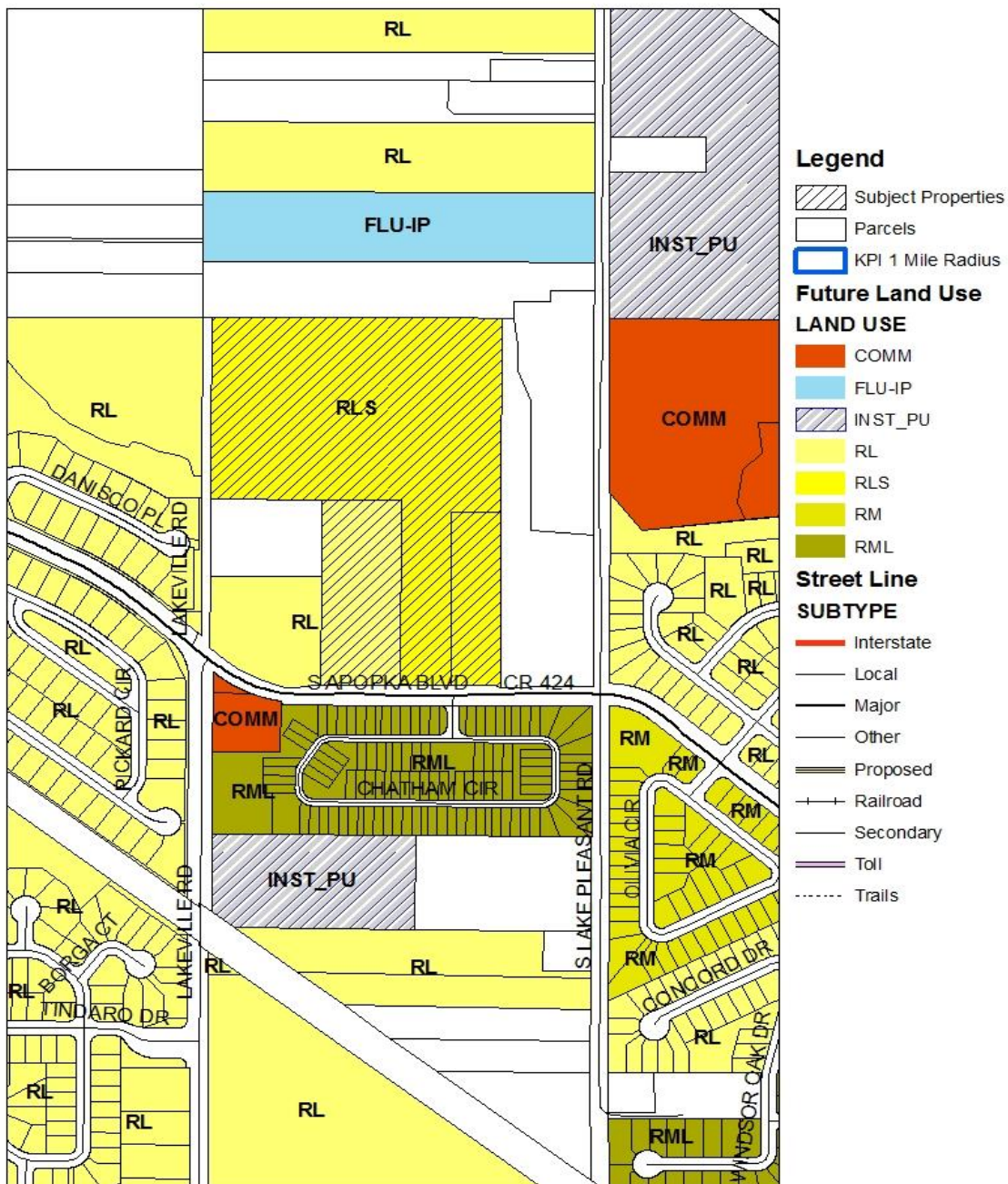
\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 2, 2018



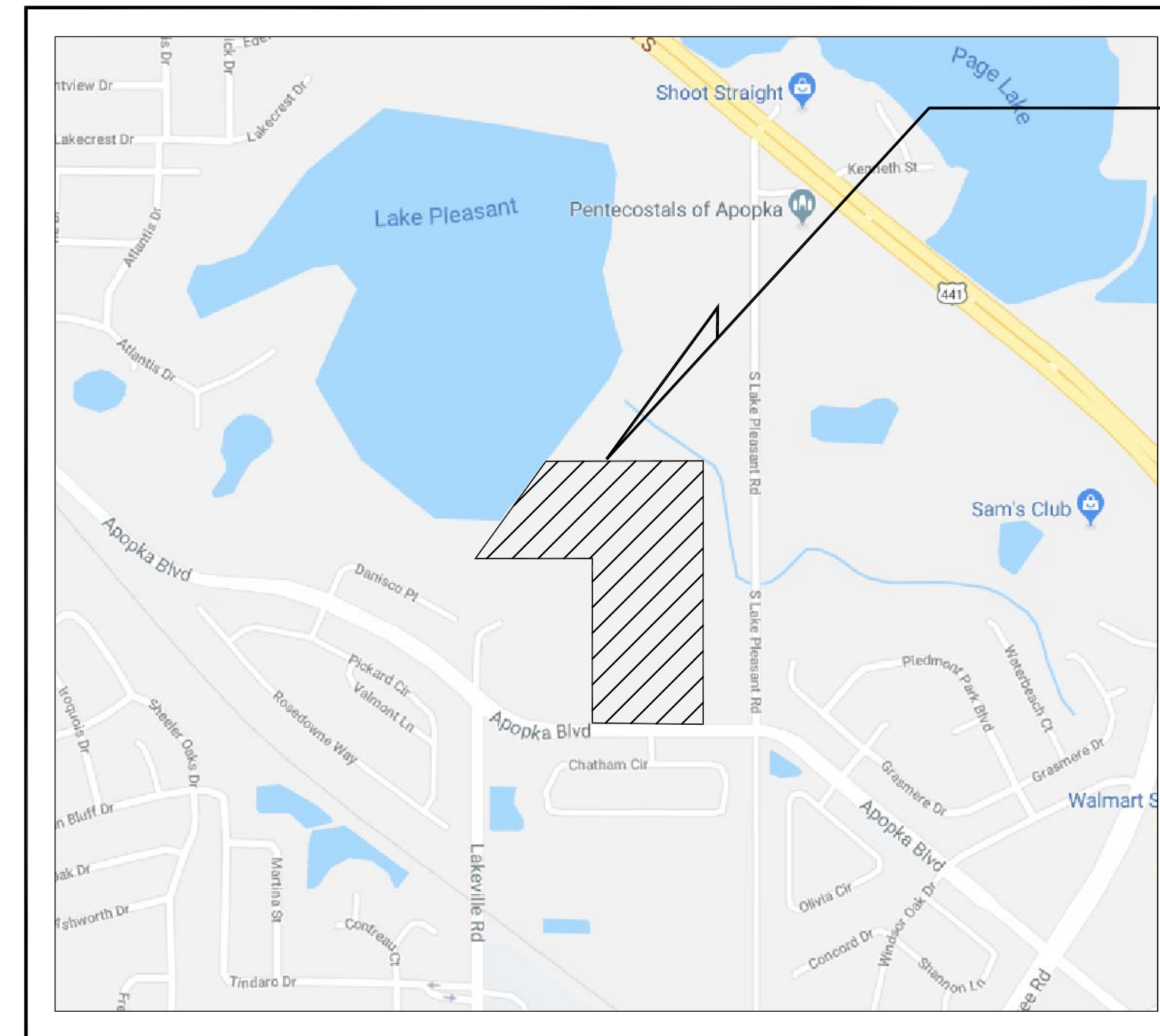
**Radam Investment LLC**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: Residential Low and Residential Low Suburban**  
**To: Residential Medium Low (0-7.5 DU/AC)**  
**Parcel ID #s: 23-21-28-0000-00-029, -030, -043**

**FUTURE LAND USE MAP**



# MASTER DEVELOPMENT PLAN FOR TOWER HOUSE RESIDENTIAL

PARCEL ID# 23-21-28-0000-00-028, 23-21-28-0000-00-029  
23-21-28-0000-00-043  
CITY OF APOPKA, FLORIDA  
MAY 2018



**LOCATION MAP**  
SECTION 26, TOWNSHIP 23 S, RANGE 30 E  
SCALE : NTS

## PROJECT LOCATION

### LEGAL DESCRIPTION:

Parcel 1: The East 1/2 of the West 1/2 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East in Orange County, Florida.

Parcel 2: The West 1/2 of the Northeast 1/4 of the Northeast 1/4 and the West 1/2 of the West 1/2 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 in Section 23, Township 21 South, Range 28 East, Less and Except: From the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, run North 00 degrees 13 minutes 40 seconds East 418.67 feet along the West line of the said Northeast 1/4 of the Northeast 1/4 for the Point of Beginning of this description: Continue thence North 00 degrees 13 minutes 40 seconds East 275.15 feet along the West line of the aforementioned Northeast 1/4 of the Northeast 1/4 thence run South 89 degrees 49 minutes 00 seconds East 388.98 feet, thence South 00 degrees 06 minutes 40 seconds West 275.15 feet, thence North 89 degrees 49 minutes 00 seconds West 389.53 feet to the Point of Beginning. Less and Except the West 30 feet thereof for road, all in Orange County, Florida, Less and Except, from the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, run North 00 degrees 13 minutes 40 seconds East 693.82 feet along the West line of the said Northeast 1/4 of the Northeast 1/4, thence run South 89 degrees 49 minutes 00 seconds East 388.98 feet for the Point of Beginning of this description: Continue thence South 89 degrees 49 minutes 00 seconds East 264.00 feet, thence run South 00 degrees 06 minutes 40 seconds West 639.85 feet to the South line of the aforementioned Northeast 1/4 of the Northeast 1/4, thence run North 89 degrees 48 minutes 50 seconds West 264.00 feet along the aforementioned South line of the Northeast 1/4 of the Northeast 1/4, thence run North 00 degrees 06 minutes 40 seconds East 693.84 feet to the Point of Beginning. (Less part line in State Road S-424), Orange County, Florida, Less and Except: Begin at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, run North 00 degrees 13 minutes 40 seconds East 418.67 feet along the West line of said Northeast 1/4 of the Northeast 1/4, thence run South 89 degrees 49 minutes 00 seconds East 389.53 feet thence South 00 degrees 06 minutes 40 seconds West 418.69 feet to the South line of the aforementioned Northeast 1/4 of the Northeast 1/4, thence run North 89 degrees 48 minutes 50 seconds West 390.10 feet to the Point of Beginning, Less and Except the West 30 feet thereof for road and Less and Except that in part in State Road S-424.

PARCEL 3: From the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, Orange County, Florida; run North 00 degrees 13 minutes 40 seconds East, 693.82 feet along the West line of the said Northeast 1/4 of the Northeast 1/4; thence run South 89 degrees 40 minutes 00 seconds East 388.98 feet for the point of beginning of this description. Continue thence South 89 degrees 49 minutes 00 seconds East 264.0 feet; thence run South 00 degrees 06 minutes 40 seconds West 693.85 feet to the South line of the aforementioned Northeast 1/4 of the Northeast 1/4; thence run North 89 degrees 48 minutes 50 seconds West 264.0 feet along the aforementioned South line of the Northeast 1/4 of the Northeast 1/4, thence run North 00 degrees 06 minutes 40 seconds East 693.84 feet to the point of beginning. (Less S-424, also known as Apopka Boulevard).

## DRAWING INDEX

- |         |                          |
|---------|--------------------------|
| C1      | COVER                    |
| C2      | EXISTING CONDITIONS PLAN |
| C3      | OVERALL SITE PLAN        |
| C4      | SITE PLAN                |
| S1 - S2 | SURVEY                   |

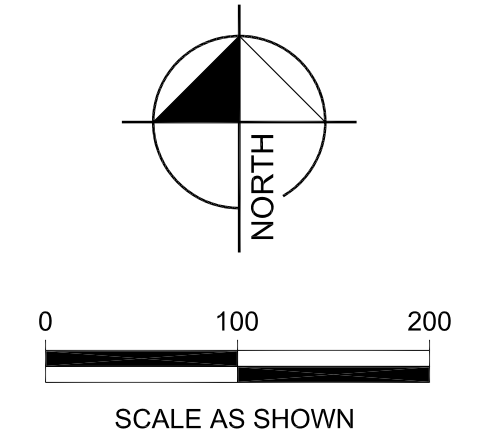
**OWNER**  
RADAM INVESTMENT LLC  
2220 KINGSCREST CIR  
APOPKA FL, 32712  
PHONE: 407-333-7787  
EMAIL: radaminvestment@gmail.com

**ENGINEER**  
CHAD S. LINN, P.E.  
P.O. BOX 140024  
ORLANDO, FL 32814  
PHONE: 407-252-6433  
EMAIL: clinn@linnengineering.com

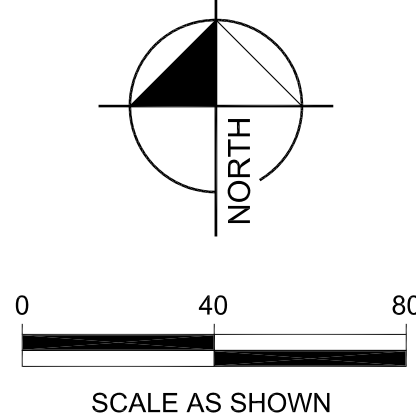
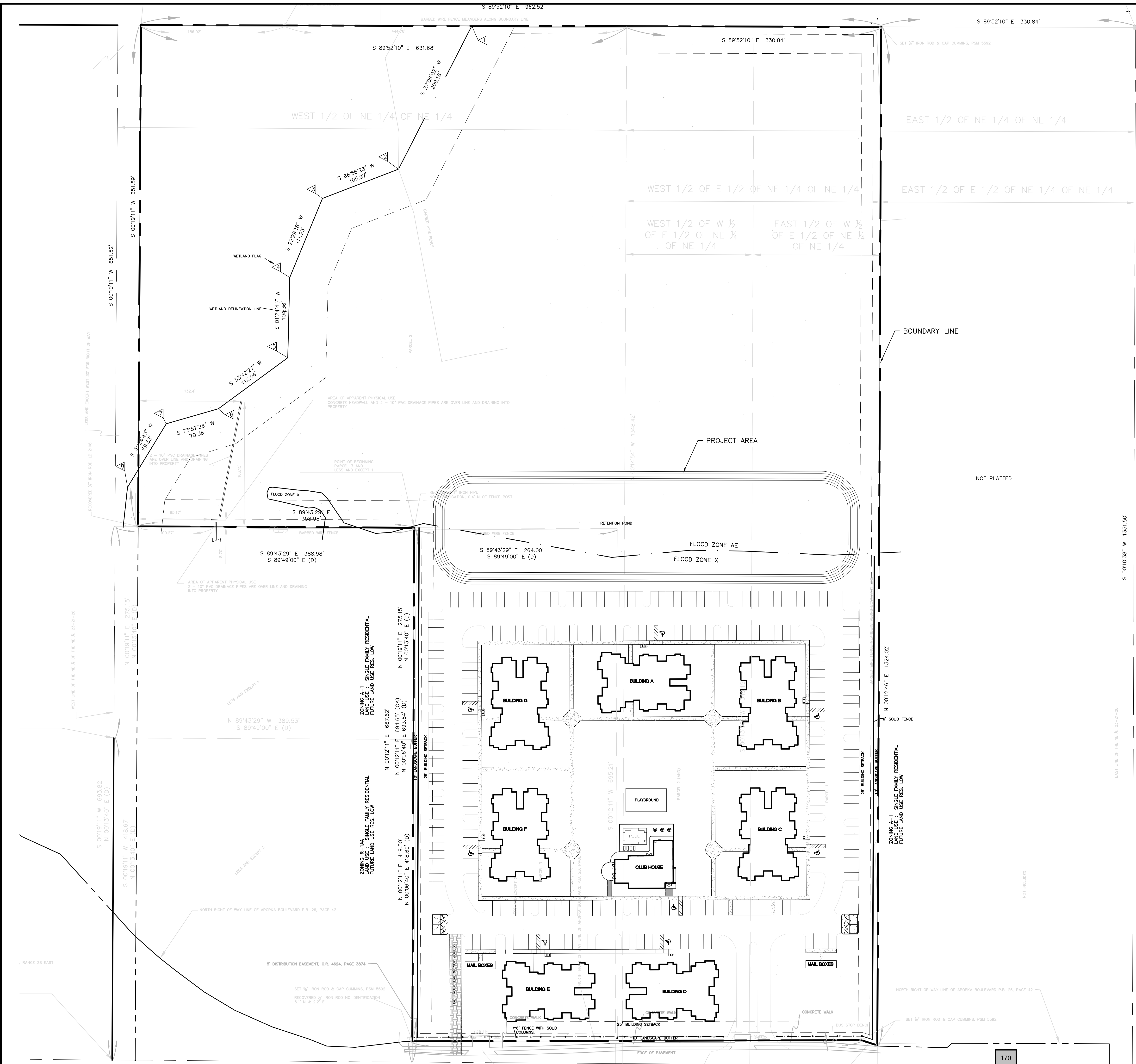
<b>LINN ENGINEERING &amp; DESIGN</b> P.O. BOX 140024 ORLANDO, FL 32814 PHONE: 407-252-6433 clinn@linnengineering.com CA LIC. NO. 31710	DESIGN ENGINEER: CHAD S. LINN, P.E. FLORIDA REGISTRATION NUMBER: 57524
SCALES NOTED DESIGNED BY CSL DRAWN BY CSL CHECKED BY CSL	SEAL
COVER SHEET	
TOWER HOUSE RESIDENTIAL 1711 APOPKA BLVD APOPKA FLORIDA	
DATE 05/16	
PROJECT NO. 8500-16-100	
SHEET NUMBER <b>C1</b>	



Drawing name: Z:\Projects\4700-Rodam Investment\17-100-Apopka\civil\concept plan #2\CO2 EXISTING COND.dwg Layout1 Aug 24, 2018 3:30pm by: Chad Linn



TOWER HOUSE RESIDENTIAL 1711 APOPKA BLVD APOPKA FLORIDA		EXISTING CONDITIONS		DESIGN ENGINEER: CHAD S. LINN, P.E. FLORIDA REGISTRATION NUMBER: 57524		LNN ENGINEERING & DESIGN P.O. BOX 140024 ORLANDO, FL 32814 PHONE: 407-252-6433 clinn@lnnengineering.com CA LIC. NO. 31710		NO.	REVISIONS	DATE	BY
APOPKA FLORIDA		FLORIDA		SCALE							
DATE 05/16		PROJECT NO. 8500-16-100		SHEET NUMBER C2							

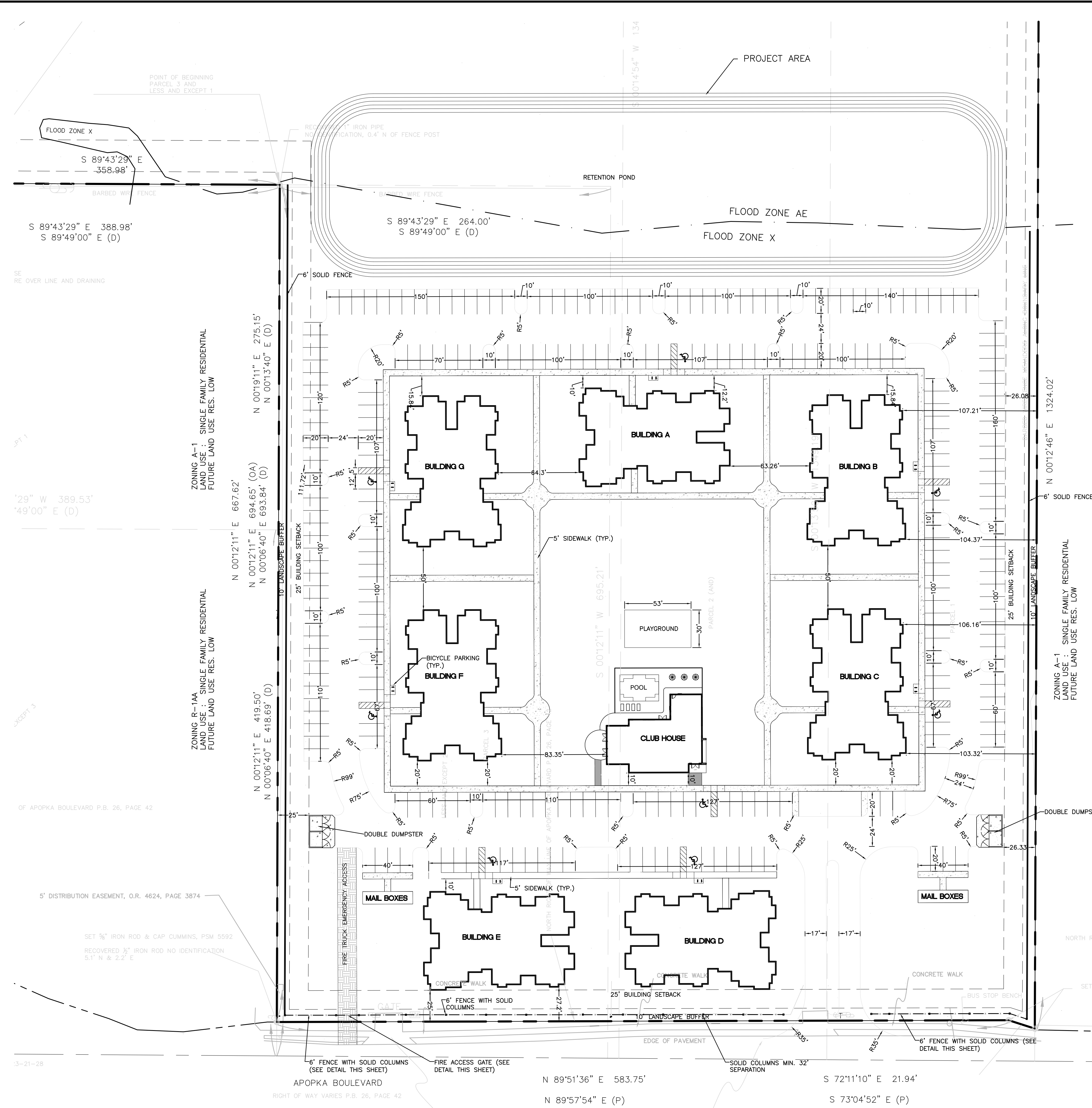


**SITE DATA**

PARCEL ID:	23-21-28-0000-00-028 23-21-28-0000-00-029 23-21-28-0000-00-043
TOTAL AREA:	23.67 ACRES (1,031,193 SF)
LAKE/WETLAND AREA:	3.15 ACRES (137,241 SF)
DEVELOPABLE AREA:	20.52 ACRES (893,952 SF)
DENSITY:	6.14 UNITS/ACRES
PROPOSED DENSITY:	126 UNITS

<p><b>OVER ALL CONCEPTUAL SITE PLAN</b></p>	
<p>TOWER HOUSE RESIDENTIAL 1711 APOPKA BLVD APOPKA FLORIDA</p>	<p>FLORIDA</p>
<p>DATE 05/16</p>	<p>PROJECT NO. 8500-16-100</p>
<p>SHEET NUMBER C3</p>	<p>NO. REVISIONS DATE BY</p>

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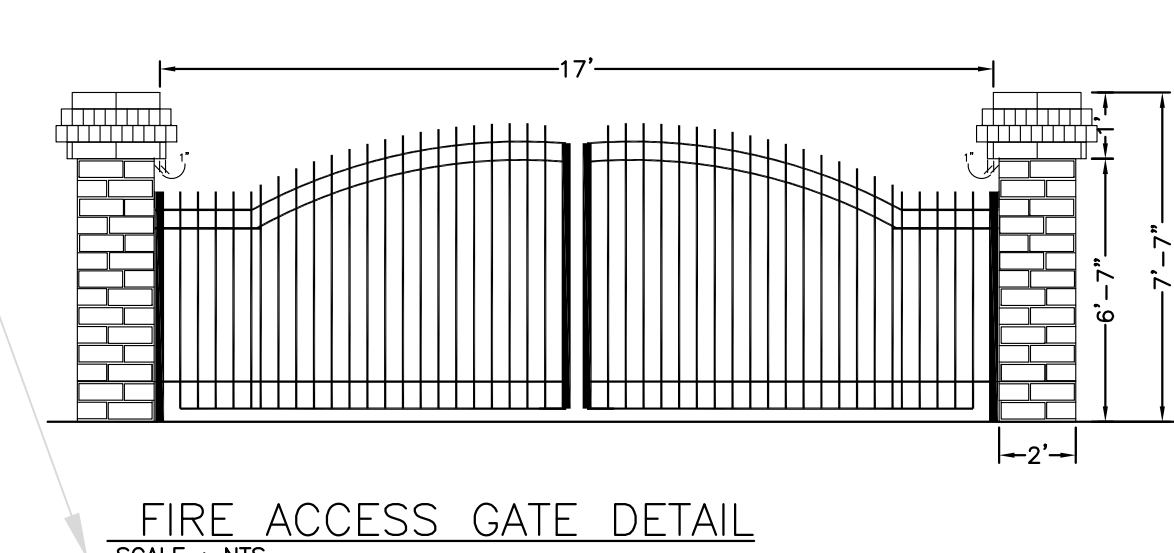
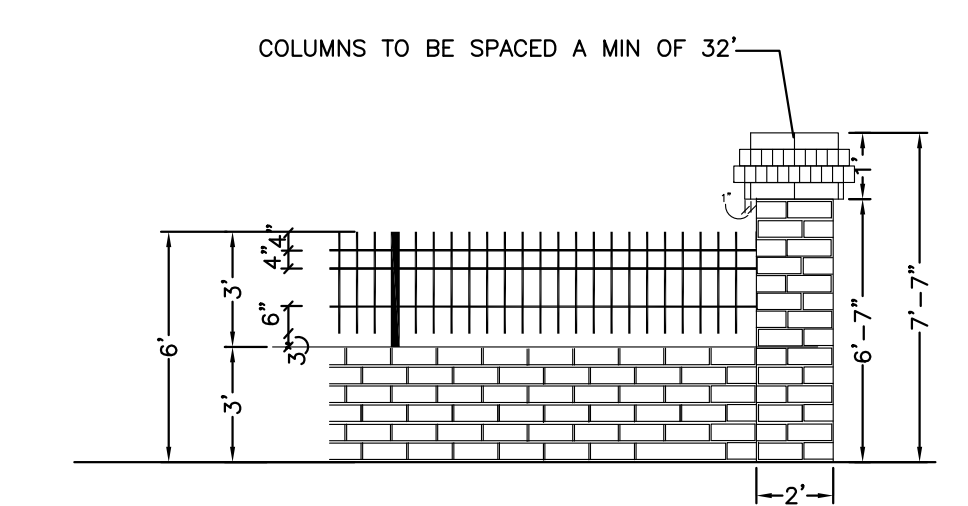
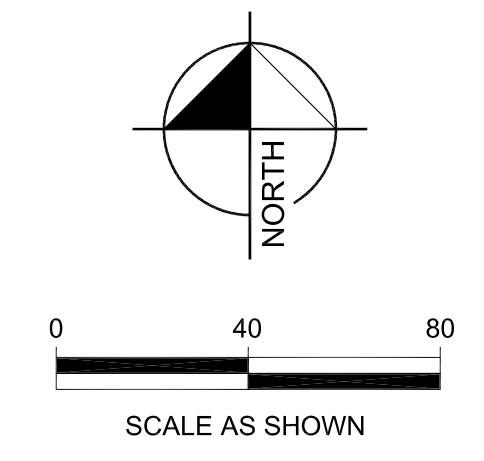
**SITE DATA** NOT PLATTED

PARCEL ID:	23-21-28-0000-00-028
	23-21-28-0000-00-029
	23-21-28-0000-00-043
TOTAL AREA:	23.67 ACRES (1,031,193 SF)
EXISTING USE:	SINGLE FAMILY
PROPOSED USE:	MULTI-FAMILY
PROPOSED ZONING:	PD PLANNED UNIT DEVELOPMENT
FUTURE LAND USE:	LOW DENSITY RESIDENTIAL
PROPOSED FUTURE LAND USE:	MEDIUM DENSITY RESIDENTIAL
ZONING:	R-1AA, A-1
PROPOSED UNITS:	126
REQUIRED OPEN SPACE	7.10 AC (30%)
PROVIDED OPEN SPACE	
UNDEVELOPED AREA	10.26 AC (446,967 S.F.)
WETLANDS	1.58 AC (68,621 S.F. 50% OF TOTAL WETLAND AREA 137,241 SF)
RETENTION POND	0.91 AC (39,424 S.F. 50% OF TOTAL RETENTION POND AREA 78,848 SF)
RECREATIONAL AREAS	0.01 AC (398 S.F. 25% OF TOTAL RECREATIONAL AREA AREA 1590 SF)
OPEN SPACE WITHIN DEVELOPED AREA	4.20 AC (182,862 SF)
TOTAL OPEN SPACE	16.96 AC (72%)

PROPOSED BUILDING HEIGHT	31'
FAR PER APARTMENT BUILDING	
1ST FLOOR	7,375 SQFT
2ND FLOOR	7,375 SQFT
3RD FLOOR	7,375 SQFT
TOTAL	22,125 SQFT
22,125 SQFT X 7 =	154,875 SQFT
CLUB HOUSE =	3,532 SQFT
PROPOSED FAR =	$\frac{154,875 + 3,532}{158,407} = .15$

<b>BUILDING SETBACKS</b>	<b>REQUIRED</b>
FRONT SETBACK	25'
SIDE SETBACK	25'
REAR SETBACK	25'
<b>LANDSCAPE BUFFERS</b>	
FRONT BUFFER	10'
SIDE BUFFER	10'
REAR BUFFER	10'
<b>PROPOSED IMPERVIOUS AREA:</b>	
BUILDINGS:	1.27AC (55,155 SF)
ASPHALT DRIVE AND PARKING AREA:	2.41 AC (105,152 SF)
CONCRETE (SIDEWALKS, ETC.):	0.53 AC (23,155 SF)
<b>TOTAL IMPERVIOUS AREA:</b>	<b>4.21 AC (183,462 SF)</b>

<b>PARKING</b>	
<b>APARTMENTS</b>	
2 SPACES PER DWELLING UNIT	
18 DWELLING UNITS PER BUILDING	
7 (APARTMENT BUILDINGS) x 18 (DWELLING UNITS PER BUILDING) =	126 DWELLING UNITS
REQUIRED SPACES	
126 X 2 =	252 SPACES
<b>CLUB HOUSE</b>	
1 SPACE PER 250 SQFT	
3,532 SQFT / 250 =	14
<b>TOTAL PARKING REQUIRED =</b>	<b>266 SPACES</b>
<b>BICYCLE PARKING</b>	
1 BICYCLE PARKING SPACE PER 50 PARKING SPACES	
266 / 50 =	6 BICYCLE PARKING SPACES REQUIRED
<b>PARKING PROVIDED:</b>	
STANDARD 90° PARKING:	258
HANDICAP SPACES:	8
<b>TOTAL SPACES PROVIDED:</b>	<b>266 SPACES</b>
<b>BICYCLE PARKING =</b>	<b>14</b>

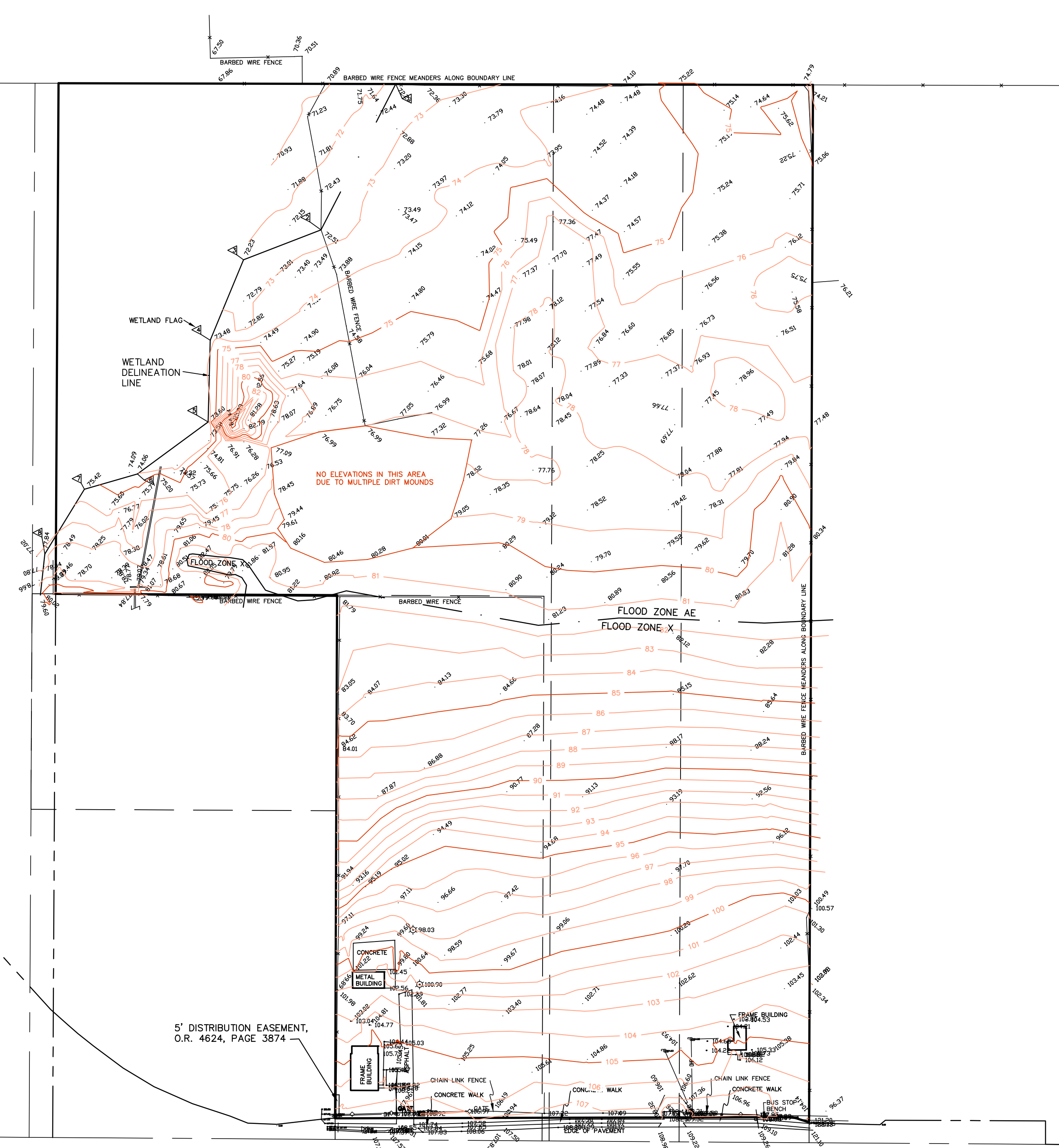
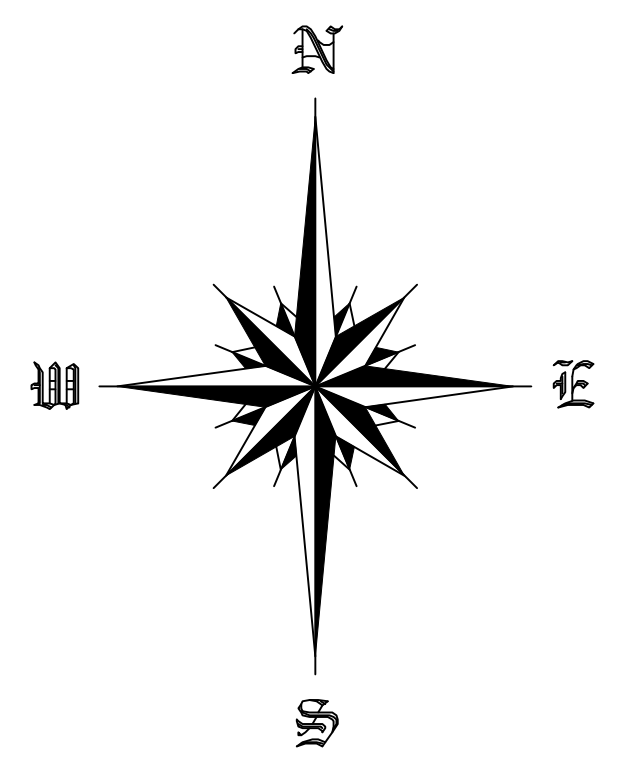
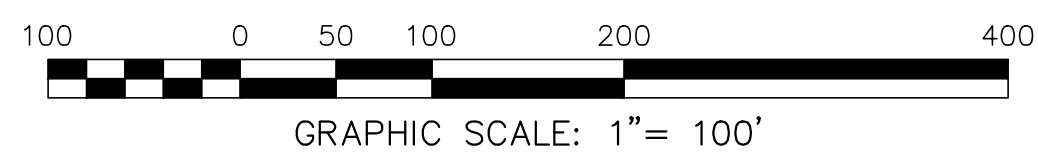


DATE	05/16
PROJECT NO.	8500-16-100
SHEET NUMBER	C4
DESIGN ENGINEER:	CHAD S. LINN, P.E.
DESIGNED BY:	CSL
FLORIDA REGISTRATION NUMBER:	57524
DRAWN BY:	CSL
CHECKED BY:	CSL
SCALE:	AS NOTED
SEAL:	
REVISIONS	
NO.	
DATE	

**CONCEPTUAL SITE PLAN**

TOWER HOUSE RESIDENTIAL  
1711 APOPKA BLVD  
APOPKA FLORIDA

APOPKA FLORIDA

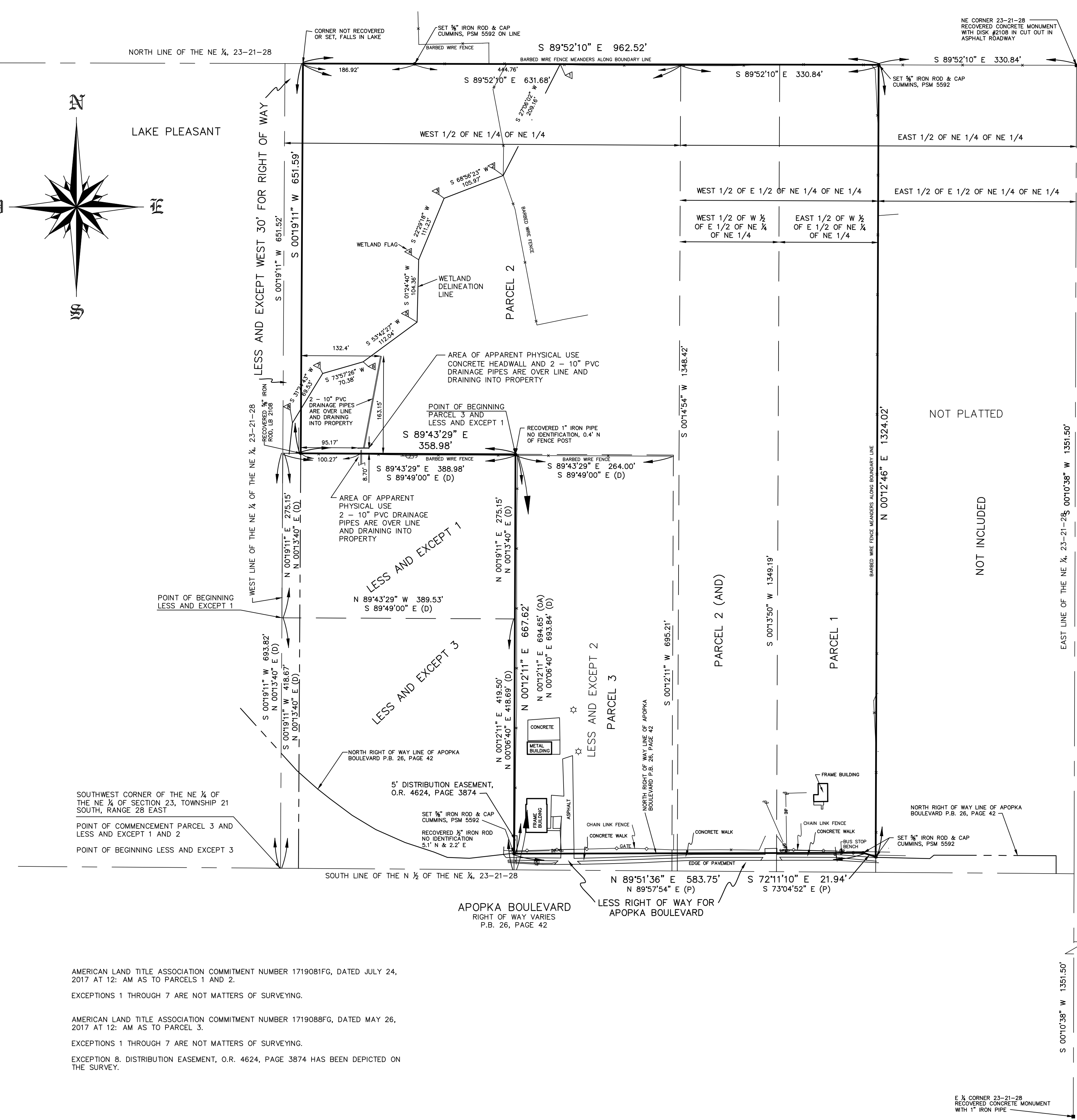
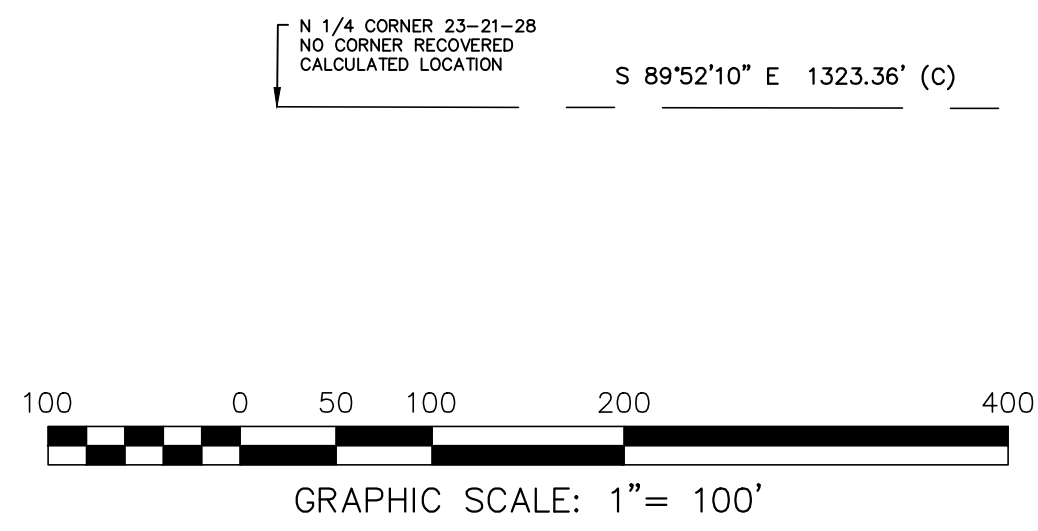


LEGEND			
	GAS VALVE		BURIED CABLE TELEVISION
	SEWER VALVE		OVERHEAD UTILITY LINES
	IRRIGATION CONTROL VALVE		BURIED TELEPHONE
	RECLAIMED WATER VALVE		WATER LINE
	SANITARY SEWER MANHOLE		FORCEMAIN
	DRAINAGE MANHOLE		BURIED POWER
	TELEPHONE MANHOLE		GUY WIRE
	FIRE HYDRANT		CONCRETE UTILITY POLE
	CLEANOUT		WOOD UTILITY POLE
	LIGHT POLE		ELECTRIC JUNCTION BOX
	SIGN		UTILITY RISER CABLE TELEVISION
	WELL		UTILITY RISER ELECTRIC
	BOLLARD		UTILITY RISER TELEPHONE
	DROP INLET		WATER METER
	TRAFFIC SIGNAL BOX		WATER VALVE
	(C) CALCULATED CENTRAL ANGLE		C.M.P. CORRUGATED METAL PIPE
	(D) DESCRIPTION		D.B. DEED BOOK
	ELEV. ELEVATION		(G) GOVERNMENT INVERT
	INV. INVERT		L ARC LENGTH
	LB LICENSED BUSINESS MEASURED		(N/D) NAIL & DISK
	O.R. OFFICIAL RECORDS		P.B. PLAT BOOK
	(P) PLAT		P.G. PAGE
	PCP PERMANENT CONTROL POINT		PRM PERMANENT CONTROL MONUMENT
	R RADIUS		T TANGENT
	R.C.P. REINFORCED CONCRETE PIPE SECTION		T.B.M. TEMPORARY BENCH MARK
	P.C. POINT OF CURVATURE		P.T. POINT OF TANGENCY
	P.T. POINT OF TANGENCY		P.R.C. POINT OF REVERSE CURVATURE

SURVEYOR & MAPPER IN RESPONSIBLE CHARGE #LS 5592  
 MICHAEL D. CUMMINS, JR.  
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BOUNDARY & TOPOGRAPHIC SURVEY	CUMMINS SURVEYING AND MAPPING, INC. 2758 Susanday Drive Orlando, Florida 32812 (407) 894-4254 E-mail: mc5592@bellsouth.net Certificate of Authorization LB 6983	SCALE: 1" = 100'	TECHNICIAN: MDC
		ISSUE DATE: 3-15-18	PROJECT NO. 17-26
PREPARED FOR: RADAM INVESTMENTS LLC		SURVEY DATE: 3-10-18	FIELD BOOK No. 31
			SHEET No. 2 OF 2

LOT 25  
F.B. LYNCHES SUBDIVISION  
P.B. H, PAGE 88



LEGEND	
	GAS VALVE
	SEWER VALVE
	IRRIGATION CONTROL VALVE
	RECLAIMED WATER VALVE
	SANITARY SEWER MANHOLE
	DRAINAGE MANHOLE
	TELEPHONE MANHOLE
	FIRE HYDRANT
	CLEANOUT
	LIGHT POLE
	WELL
	BOLLARD
	DROP INLET
	TRAFFIC SIGNAL BOX
	BURIED CABLE TELEVISION
	OVERHEAD UTILITY LINES
	BURIED TELEPHONE
	WATER LINE
	FORCEMAIN
	BURIED POWER
	GUY WIRE
	CONCRETE UTILITY POLE
	WOOD UTILITY POLE
	ELECTRIC JUNCTION BOX
	UTILITY RISER CABLE TELEVISION
	UTILITY RISER ELECTRIC
	UTILITY RISER TELEPHONE
	WATER METER
	WATER VALVE
	CALCULATED CENTRAL ANGLE
	CHORD BEARING
	CORRUGATED METAL PIPE
	DESCRIPTION
	DEED BOOK
	ELEVATION
	INVERT
	GOVERNMENT SURVEY
	INVERT
	ARC LENGTH
	LICENSED BUSINESS MEASURED
	NAIL & DISK
	OFFICIAL RECORDS
	PLAT BOOK
	PAGE
	PERMANENT CONTROL POINT
	PERMANENT CONTROL MONUMENT
	RADIUS
	TANGENT
	REINFORCED CONCRETE PIPE SECTION
	TEMPORARY BENCH MARK
	POINT OF CURVATURE
	POINT OF TANGENCY
	POINT OF REVERSE CURVATURE

LEGAL DESCRIPTION:

Parcel 1: The East 1/2 of the West 1/2 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East in Orange County, Florida.

Parcel 2: The West 1/2 of the Northeast 1/4 of the Northeast 1/4 and the West 1/2 of the West 1/2 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, run North 00 degrees 13 minutes 40 seconds East 418.67 feet along the West line of the said Northeast 1/4 of the Northeast 1/4 for the Point of Beginning of this description: Continue thence North 00 degrees 13 minutes 40 seconds East 275.15 feet along the West line of the aforementioned Northeast 1/4 of the Northeast 1/4 thence run South 89 degrees 49 minutes 00 seconds East 388.98 feet, thence South 00 degrees 06 minutes 40 seconds West 275.15 feet, thence North 89 degrees 49 minutes 00 seconds West 389.53 feet to the Point of Beginning. Less and Except the West 30 feet thereof for road, all in Orange County, Florida; Less and Except, from the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, run North 00 degrees 13 minutes 40 seconds East 693.82 feet along the West line of the said Northeast 1/4 of the Northeast 1/4, thence run South 89 degrees 49 minutes 00 seconds East 388.98 feet for the Point of Beginning of this description: Continue thence South 89 degrees 49 minutes 00 seconds East 264.00 feet, thence run South 00 degrees 06 minutes 40 seconds West 639.85 feet to the South line of the aforementioned Northeast 1/4 of the Northeast 1/4, thence run North 89 degrees 48 minutes 50 seconds West 264.00 feet along the aforementioned South line of the Northeast 1/4 of the Northeast 1/4, thence run North 00 degrees 06 minutes 40 seconds East 693.84 feet to the Point of Beginning. (Less part line in State Road S-424), Orange County, Florida, Less and Except: Begin at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, run North 00 degrees 13 minutes 40 seconds East 418.67 feet along the West line of said Northeast 1/4 of the Northeast 1/4, thence run South 89 degrees 49 minutes 00 seconds East 389.53 feet thence South 00 degrees 06 minutes 40 seconds West 264.0 feet along the aforementioned South line of the Northeast 1/4 of the Northeast 1/4, thence run North 89 degrees 48 minutes 50 seconds West 264.0 feet along the aforementioned South line of the Northeast 1/4 of the Northeast 1/4, thence run North 89 degrees 48 minutes 50 seconds West 330.10 feet to the Point of Beginning; Less and Except the West 30 feet thereof for road and Less and Except that in part in State Road S-424.

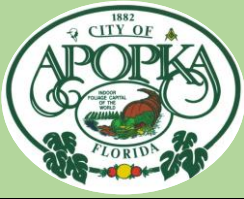
PARCEL 3: From the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 21 South, Range 28 East, Orange County, Florida; run North 00 degrees 13 minutes 40 seconds East, 693.82 feet along the West line of the said Northeast 1/4 of the Northeast 1/4; thence run South 89 degrees 49 minutes 00 seconds East 388.98 feet for the point of beginning of this description. Continue thence South 89 degrees 49 minutes 00 seconds East 264.0 feet; thence run South 00 degrees 06 minutes 40 seconds West 693.85 feet to the South line of the aforementioned Northeast 1/4 of the Northeast 1/4; thence run North 89 degrees 48 minutes 50 seconds West 264.0 feet along the aforementioned South line of the Northeast 1/4 of the Northeast 1/4; thence run North 00 degrees 06 minutes 40 seconds East 693.84 feet to the point of beginning. (Less S-424, also known as Apopka Boulevard).

- SURVEYOR'S NOTES:
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF AMERICAN LAND TITLE ASSOCIATION COMMITMENT NUMBER 1719081FG, DATED JULY 24, 2017 AT 12: AM AS TO PARCELS 1 AND 2.
  - THIS SURVEY WAS PREPARED WITH THE BENEFIT OF AMERICAN LAND TITLE ASSOCIATION COMMITMENT NUMBER 1719088FG, DATED MAY 26, 2017 AT 12: AM AS TO PARCEL 3.
  - BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 28 EAST, MEASURED AS SHOWN PER THE FLORIDA DEPARTMENT OF TRANSPORTATION GEODETIC PERMANENT REFERENCE NETWORK, NAD83 FLORIDA EAST PROJECTION.
  - THIS SURVEY WAS PREPARED FOR THE BENEFIT AND EXCLUSIVE USE OF THE PARTIES LISTED. USE BY OTHERS IS NOT PERMITTED WITH OUT THE EXPRESSED WRITTEN PERMISSION OF THE SIGNING SURVEYOR.
  - NO ADDITIONS OR DELETIONS CAN BE MADE TO THIS SURVEY EXCEPT BY THE SIGNING SURVEYOR. THERE ARE NO EXCEPTIONS.
  - THIS SURVEY WAS MADE FOR USE IN A RESIDENTIAL TRANSACTION. NO OTHER USES ARE PERMITTED.
  - SYMBOLS SHOWN HEREON ARE NOT DRAWN TO SCALE FOR CLARITY.
  - NO UNDERGROUND LOCATIONS WERE PERFORMED FOR THE PURPOSE OF THIS SURVEY.
  - NO RIPARIAN RIGHTS TO LAKE PLEASANT HAVE BEEN DETERMINED.
  - NO RESEARCH OF THE PUBLIC RECORDS FOR EASEMENTS WAS PERFORMED FOR THE PURPOSE OF THIS SURVEY.
  - THE SURVEYOR RESEARCHED THE PUBLIC RECORDS AND DISCOVERED THE RIGHT OF WAY PLAT FOR APOPKA BOULEVARD AS DEPICTED ON THE SURVEY. NO OTHER RIGHT OF WAYS WERE RESEARCHED FOR THE PURPOSE OF THIS SURVEY.
  - ELEVATIONS ARE BASED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION GEODETIC PERMANENT REFERENCE NETWORK HAVING A BASIS IN THE NORTH AMERICAN VERTICAL DATUM OF 1988.
  - THE WETLAND DELINEATION FLAGS ARE BASED ON REMNANT LOCATIONS BY OTHERS.
  - THE SURVEYED PROPERTY LIES IN FLOOD ZONE AE, AREAS DETERMINED TO HAVE A BASE FLOOD ELEVATION OF 81.7 FEET AND FLOOD ZONE X, AREA OF MINIMAL FLOOD HAZARD AS DEPICTED ON THE FLOOD INSURANCE RATE MAP NUMBER 12095C0140F, MAP REVISED SEPTEMBER 25, 2009.
  - THE FLOOD BOUNDARY LINE SHOWN ON THE SURVEY IS BASED ON GROUND ELEVATIONS AND IS APPROXIMATE.

AMERICAN LAND TITLE ASSOCIATION COMMITMENT NUMBER 1719081FG, DATED JULY 24, 2017 AT 12: AM AS TO PARCELS 1 AND 2.  
EXCEPTIONS 1 THROUGH 7 ARE NOT MATTERS OF SURVEYING.

AMERICAN LAND TITLE ASSOCIATION COMMITMENT NUMBER 1719088FG, DATED MAY 26, 2017 AT 12: AM AS TO PARCEL 3.  
EXCEPTIONS 1 THROUGH 7 ARE NOT MATTERS OF SURVEYING.  
EXCEPTION 8. DISTRIBUTION EASEMENT, O.R. 4624, PAGE 3874 HAS BEEN DEPICTED ON THE SURVEY.

BOUNDARY & TOPOGRAPHIC SURVEY	CUMMINS SURVEYING AND MAPPING, INC. 2758 Susandy Drive Orlando, Florida 32812 (407) 894-4254 E-mail: mc5592@bellsouth.net Certificate of Authorization LB 6983	SCALE: 1" = 100'	TECHNICIAN: MDC
		ISSUE DATE: 3-15-18	PROJECT NO. 17-26
PREPARED FOR: RADAM INVESTMENTS LLC		SURVEY DATE: 3-10-18	FIELD BOOK No. 31
			SHEET No. 1 OF 2



# CITY OF APOPKA CITY COUNCIL

     CONSENT AGENDA  
  X   PUBLIC HEARING  
     SPECIAL REPORTS  
  X   OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Aerial Map  
Ordinance No. 2676

**SUBJECT:           ORDINANCE NO. 2676 – ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – RENUKA PRASAD**

**REQUEST:        ORDINANCE NO. 2676 – FIRST READING - ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – RENUKA PRASAD, FROM MIXED USE TO COMMERCIAL; AND HOLD OVER SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER:                               Renuka Prasad  
APPLICANT:                         City of Apopka  
LOCATION:                             North of West Orange Blossom Trail and West of S.R. 429  
PARCEL ID NUMBER:               01-21-27-0000-00-037  
EXISTING USE:                       Tire and Automotive Services  
CURRENT ZONING:                 “County” C-2 (ZIP)  
PROPOSED DEVELOPMENT:         Tire and Automotive Services  
PROPOSED ZONING:                “City” C-2 (Note: this Future Land Use amendment request is being processed along with a request to change the zoning classification from “County” C-2 (ZIP) to “City” C-2 (General Commercial District).  
TRACT SIZE:                         3.17 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:   EXISTING: not applicable without City zoning designation  
  PROPOSED: 34,479 sq. ft. commercial space

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the city on October 7, 2009 by Ordinance Number 2124. Presently, the subject property has a “City” future land use designation of Mixed Use; however, no “City” zoning classification has been assigned. Based on a letter from the property owner’s attorney, the property owner supports and requests a Commercial Future Land Use Designation and C-2 Zoning. The property owner’s intent is to retain similar property rights/ permitted uses that were granted to the property when in unincorporated Orange County. Use of the subject property is an automobile repair business, and was used as such at the time of annexation.

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

*Future Land Use Element*

**1. Policy 3.1.i**

**Commercial**

Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acres; and public facilities or utilities of less than five acres.

Planned Unit Development uses may include: (Policy 3.1.i)

1. All primary uses
2. All Special Exception uses
3. Multifamily Development of up to fifteen dwelling units per acre, when located within a primary use structure
4. Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

**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 August 6, 2018.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission (5:30 pm)

December 5, 2018 - City Council (7:00 pm) - 1<sup>st</sup> Reading

December 19, 2018 – City Council (1:30 pm) – 2<sup>nd</sup> Reading and Adoption

**DULY ADVERTISED:**

November 2, 2018 – Public Notice and Notification (Apopka Chief and letter to property owner)

December 7, 2018 – Public Notice (Apopka Chief)

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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 areas, recommending approval of the proposed Future Land Use Designation of Commercial for the property owned by Renuka Prasad, and located at 3349 W. Orange Blossom Trail.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended approval of the change of Future Land Use Designation from Mixed Use to Commercial, subject to the findings of the Staff Report for the property owned by Renuka Prasad, and located at 3349 W. Orange Blossom Trail.

**Recommended Motion:** Accept the first reading of Ordinance No. 2676, and hold over for second reading and adoption on December 19, 2018.

**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)	“County” Rural	“County” A-1	Morrison’s Subdivision
East (County)	“County” Rural	“County” A-1	Woodlands and Single Family Homes
South (City)	“City” Industrial	“City” I-1	Copart Automotive
West (County)	“County” Rural	“County” A-1	Woodlands

**II. LAND USE ANALYSIS**

The subject property is located on a site that is ideal for commercial use, which makes the request for a Commercial future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties to the south are developed as industrial properties, with properties to the north developed as residential properties. The proposed Commercial Future Land Use will act as a transition between the residential and industrial properties. Furthermore, the property is accessed from the arterial road, West Orange Blossom Trail, with close access to the State Route 429 Interchange.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “West Area” of the JPA. The proposed FLUM Amendment request for a change from Mixed Use to Commercial (Max. 0.25 FAR) is consistent with the terms of the JPA (Second Amendment). Renuka Prasad is the property owner of the proposed future land use amendment and proposed change of zoning for the property, and has been notified of the hearing schedule.

Transportation: Road access to the site is from West Orange Blossom.

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

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

**CITY COUNCIL – SEPTEMBER 5, 2018**  
**PRASAD – FUTURE LAND USE AMENDMENT**  
**PAGE 5**

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

Analysis of the character of the Property: The current use of the Property is an Auto Repair Facility and an Auto Parts Vendor.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Commercial (max FAR 0.25). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population

**CALCULATIONS:**

ADOPTED: 1 Unit(s) x 2.659 p/h = 3 persons

PROPOSED: 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: A habitat study is required for developments greater than ten (10) acres in size. The subject site is less than 10 acres; thus, a habitat study is not required.

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 5,172 GPD
3. Projected total demand under proposed designation: 5,172 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

**CITY COUNCIL – SEPTEMBER 5, 2018**  
**PRASAD – FUTURE LAND USE AMENDMENT**  
**PAGE 6**

2. Projected total demand under existing designation: 6,896 GPD
3. Projected total demand under proposed designation: 6,896 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: 69 lbs/ day
4. Projected LOS under proposed designation: 69 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: None

2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: N/A acres
3. Projected facility under proposed designation: N/A acres

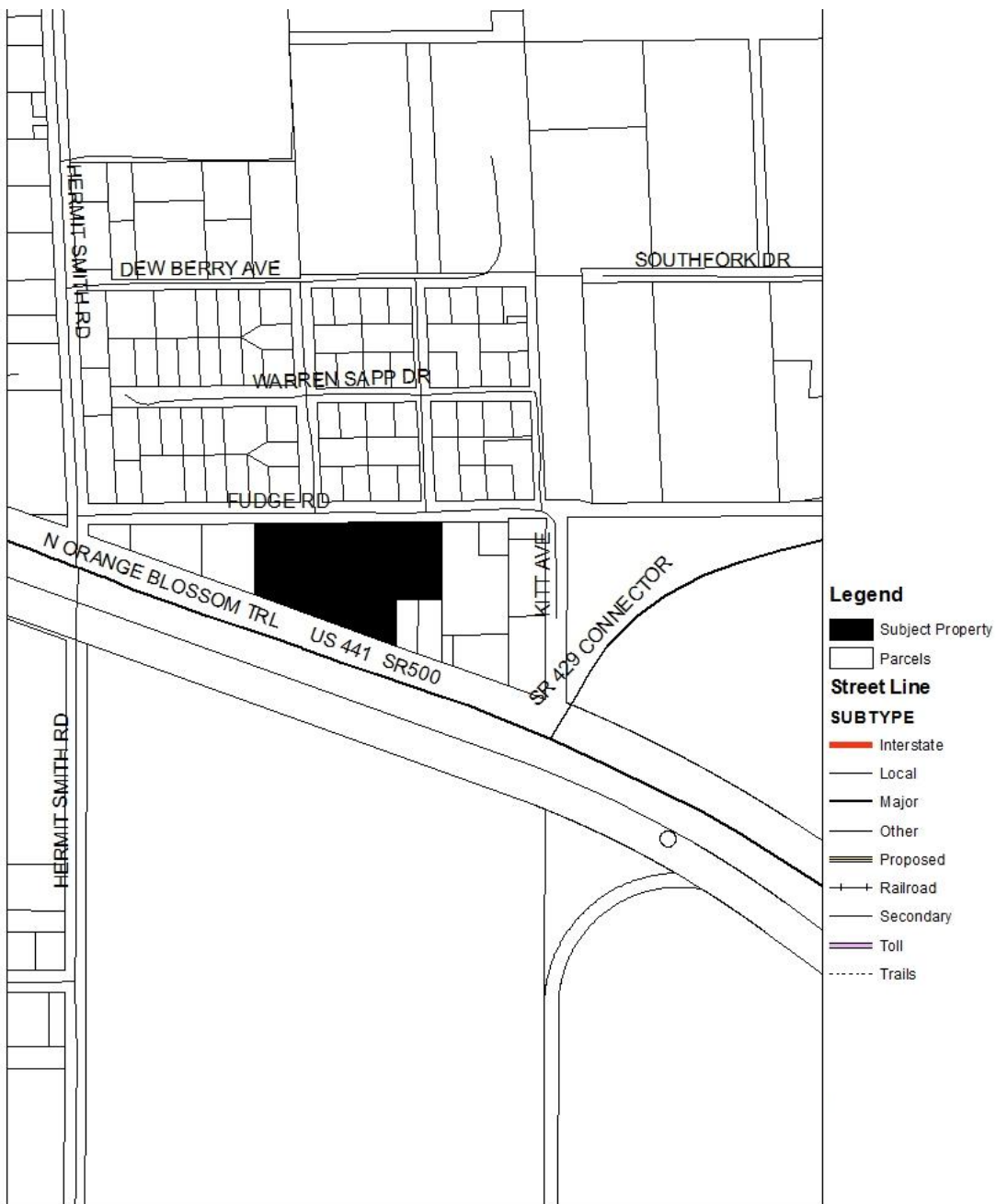
Improvement/expansions already programmed or needed as a result of the proposed amendment: None

Standards set forth in the City’s Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development. This initial review does not preclude conformance with concurrency requirements at the time of development approval.



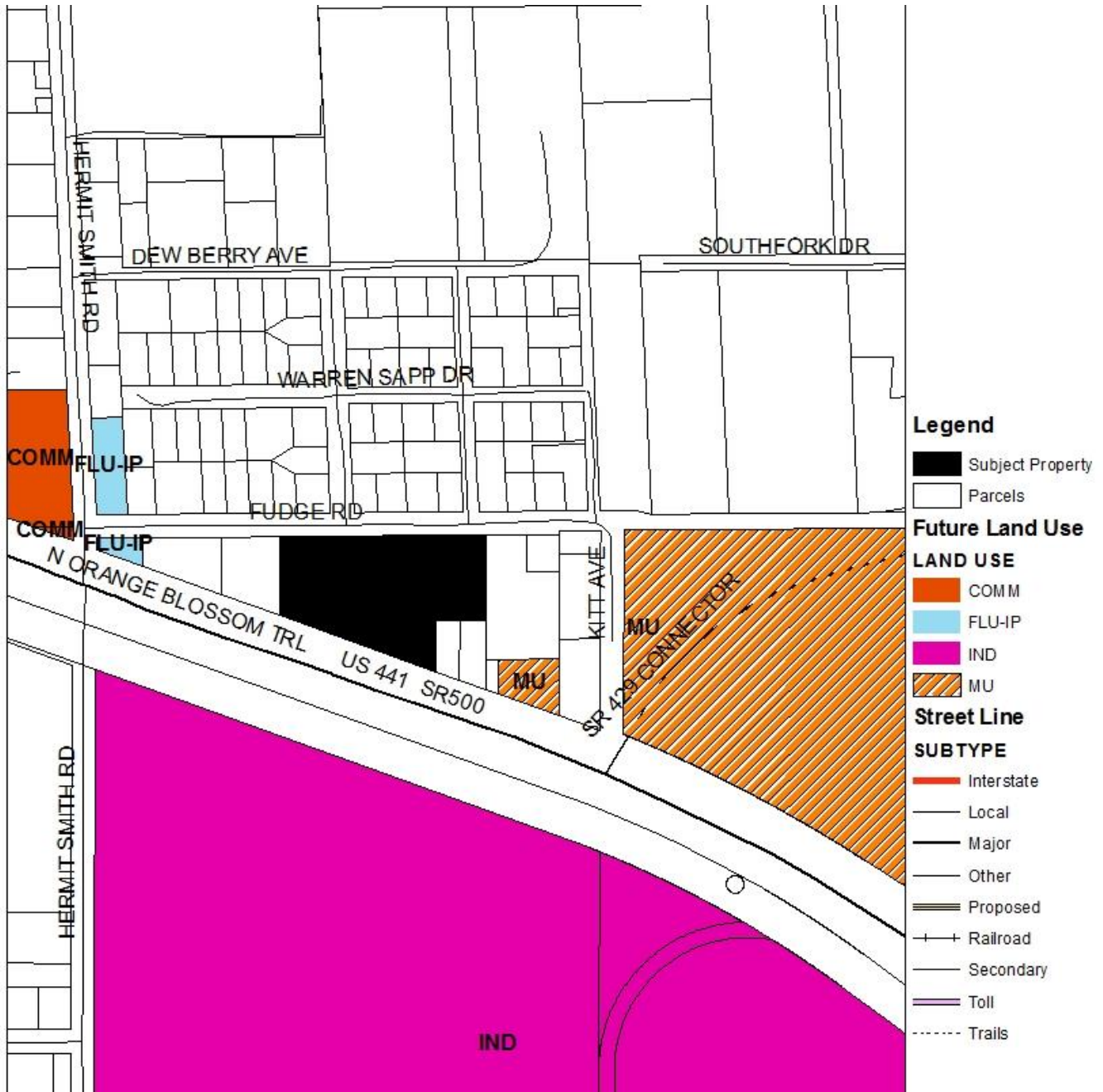
**Renuka Prasad**  
**3.17 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Mixed Use**  
**To: Commercial**  
**Proposed Change of Zoning:**  
**From: "County" C-2 (ZIP)**  
**To: "City" C-2**  
**Parcel ID #: 01-21-27-0000-00-037**

### VICINITY MAP





FUTURE LAND USE MAP



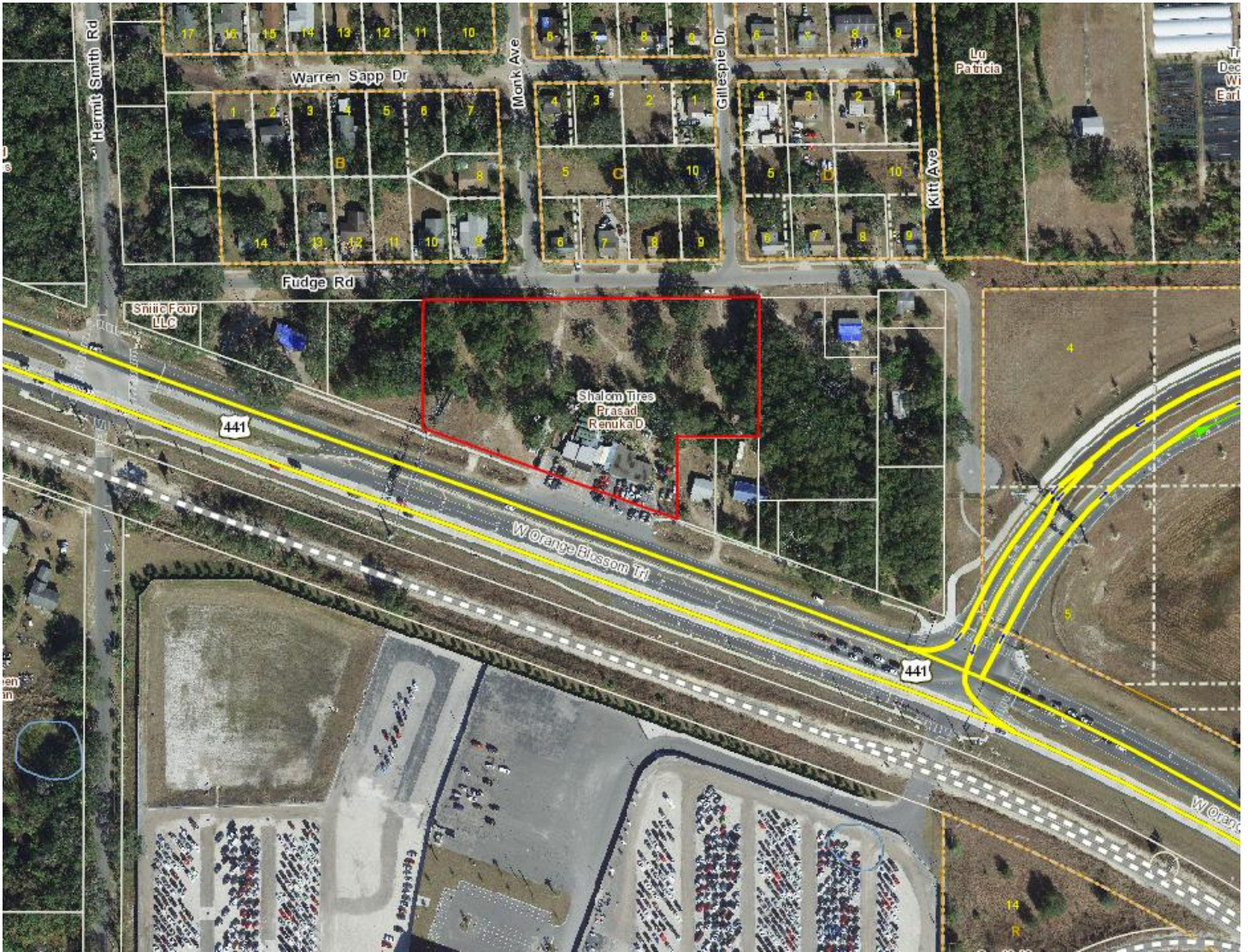


### ADJACENT ZONING





ADJACENT USES





**ORDINANCE NO. 2676**

**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 MIXED USE TO COMMERCIAL (MAX. 0.25 FAR) FOR CERTAIN REAL PROPERTY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL AND WEST OF STATE ROUTE 429, COMPRISING 3.17 ACRES MORE OR LESS, AND OWNED BY RENUKA PRASAD; 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. 2659 adopted on September 19, 2018; 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. 2659, is amended in its entirety to change the land use from Mixed Use to Commercial (Max. 0.25 FAR), for certain real property located North of West Orange Blossom Trail and West of State Route 429, comprising 3.17 acres more or less, (Parcel No. 01-21-27-0000-00-037); 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.

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

**Section VI. Effective Date.** This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

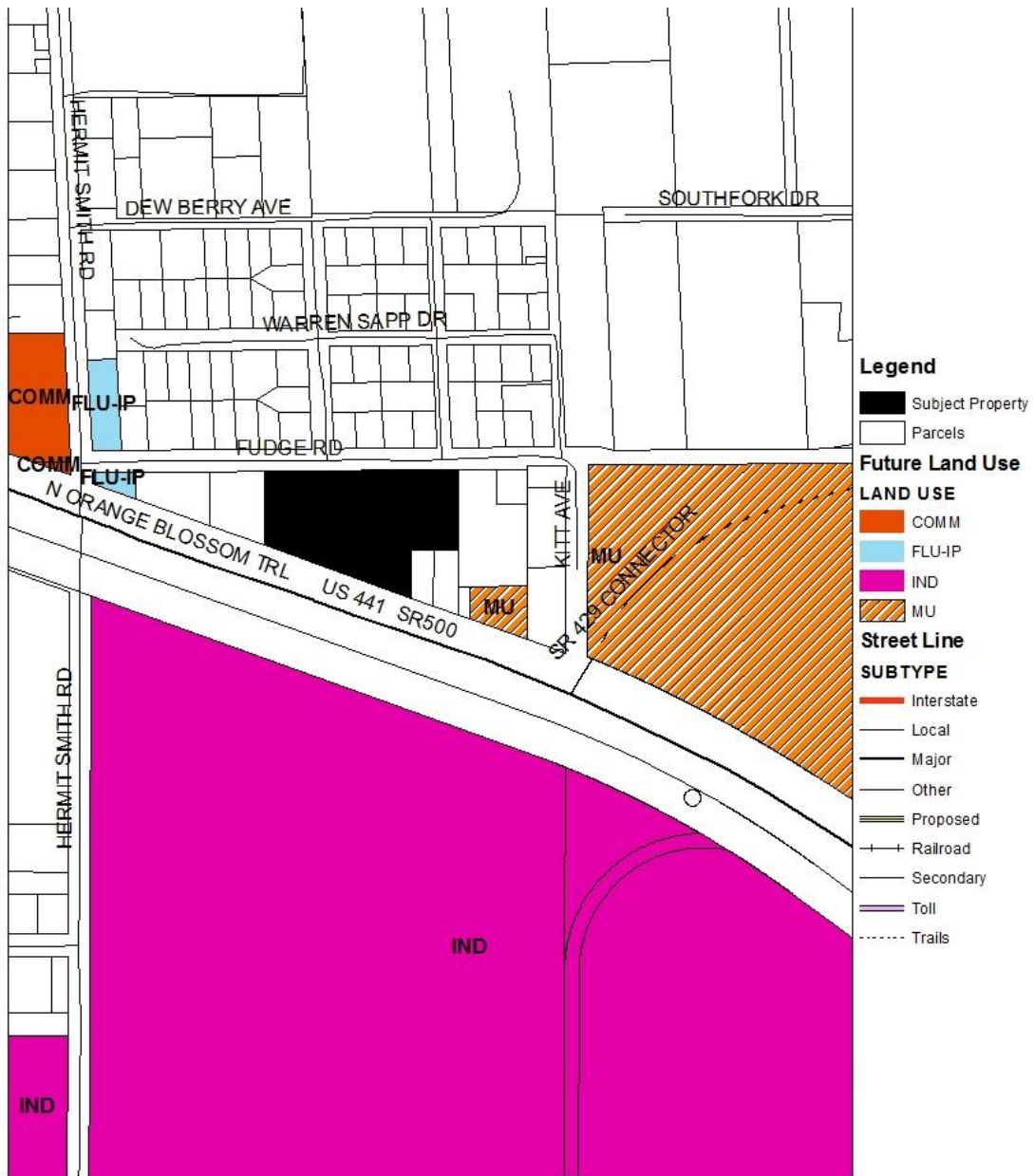
\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: November 2, 2018; December 7, 2018



# EXHIBIT "A"

**Renuka Prasad**  
**3.17 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Mixed Use**  
**To: Commercial**  
**Proposed Change of Zoning:**  
**From: "County" C-2 (Zoning in Progress)**  
**To: "City" C-2 (General Commercial District)**  
**Parcel ID #: 01-21-27-0000-00-037**





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Zoning Map  
Aerial Map  
Ordinance No. 2677

**SUBJECT: ORDINANCE NO. 2677 – ADMINISTRATIVE – CHANGE OF ZONING – RENUKA PRASAD**

**REQUEST: ORDINANCE NO. 2677 – FIRST READING - ADMINISTRATIVE – CHANGE OF ZONING – RENUKA PRASAD, FROM “COUNTY” C-2 TO “CITY” C-2; AND HOLD OVER SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER: Renuka Prasad  
APPLICANT: City of Apopka  
LOCATION: North of West Orange Blossom Trail and West of S.R. 429  
PARCEL ID NUMBER: 01-21-27-0000-00-037  
EXISTING USE: Tire and Automotive Services  
CURRENT ZONING: “County” C-2 (ZIP)  
PROPOSED DEVELOPMENT: Tire and Automotive Services  
PROPOSED ZONING: “City” C-2 (Note: this Change of Zoning request is being processed along with a request to change the Future Land Use from Mixed Use to Commercial (Max. 0.25 FAR)  
TRACT SIZE: 3.17 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING: 34,479 sq. ft. commercial space  
PROPOSED: 34,479 sq. ft. commercial space

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of C-2 (General Commercial District) to the property. Prior to annexing into the City, the subject property was assigned a “County” Commercial Future Land Use Designation and a “County” C-2 zoning category. The intent for requesting “City” C-2 zoning is to retain the permitted uses that were once granted to the property when in Orange County, with “County” C-2 zoning. At the time the property annexed into the City of Apopka, the property was used for an automobile repair business, which remains the current use of the property. Automobile repair is the present use.

The subject parcel was annexed into the city on October 7, 2009 by Ordinance Number 2124.

A request to assign a change of zoning to C-2 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The change of zoning request is being processed in conjunction with a future land use amendment from “City” Mixed Use to “City” Commercial.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the proposed Commercial (Max. 25% Floor Area Ratio) Future Land Use designation and the City’s C-2 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** School capacity enhancement and concurrency is not applicable as the property is zoned for and used as commercial.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

Planning Commission, November 13, 2018 (5:30 pm)  
City Council, December 5, 2018 (1:30 pm) - 1<sup>st</sup> Reading  
City Council, December 19, 2018 (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

November 2, 2018 - Public Notice and Notification- (Apopka Chief, letter to property owner)  
December 7, 2018 - Public Notice (Apopka Chief)

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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 areas and the current use of the property, recommending approval of the proposed Change of Zoning from “County” C-2 (ZIP) to “City” C-2 for the property owned by Renuka Prasad, and located at 3349 W. Orange Blossom Trail.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the proposed Change of Zoning from “County” C-2 to “City” C-2 for the property owned by Renuka Prasad, and located at 3349 W. Orange Blossom Trail.

**Recommended Motion:** Accept the first reading of Ordinance No. 2677, and hold it over for second reading and adoption on December 19, 2018.

**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)	“County” Rural	“County” A-1	Morrison’s Subdivision
East (County)	“County” Rural	“County” A-1	Woodlands and Single Family Homes
South (City)	“City” Industrial	“City” I-1	Copart Automotive
West (County)	“County” Rural	“County” A-1	Woodlands

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The property is currently accessed from the arterial road, West Orange Blossom Trail. In the vicinity is the S.R. 429 interchange. With the given infrastructure, C-2 zoning is an adequate zoning designation for the subject property.

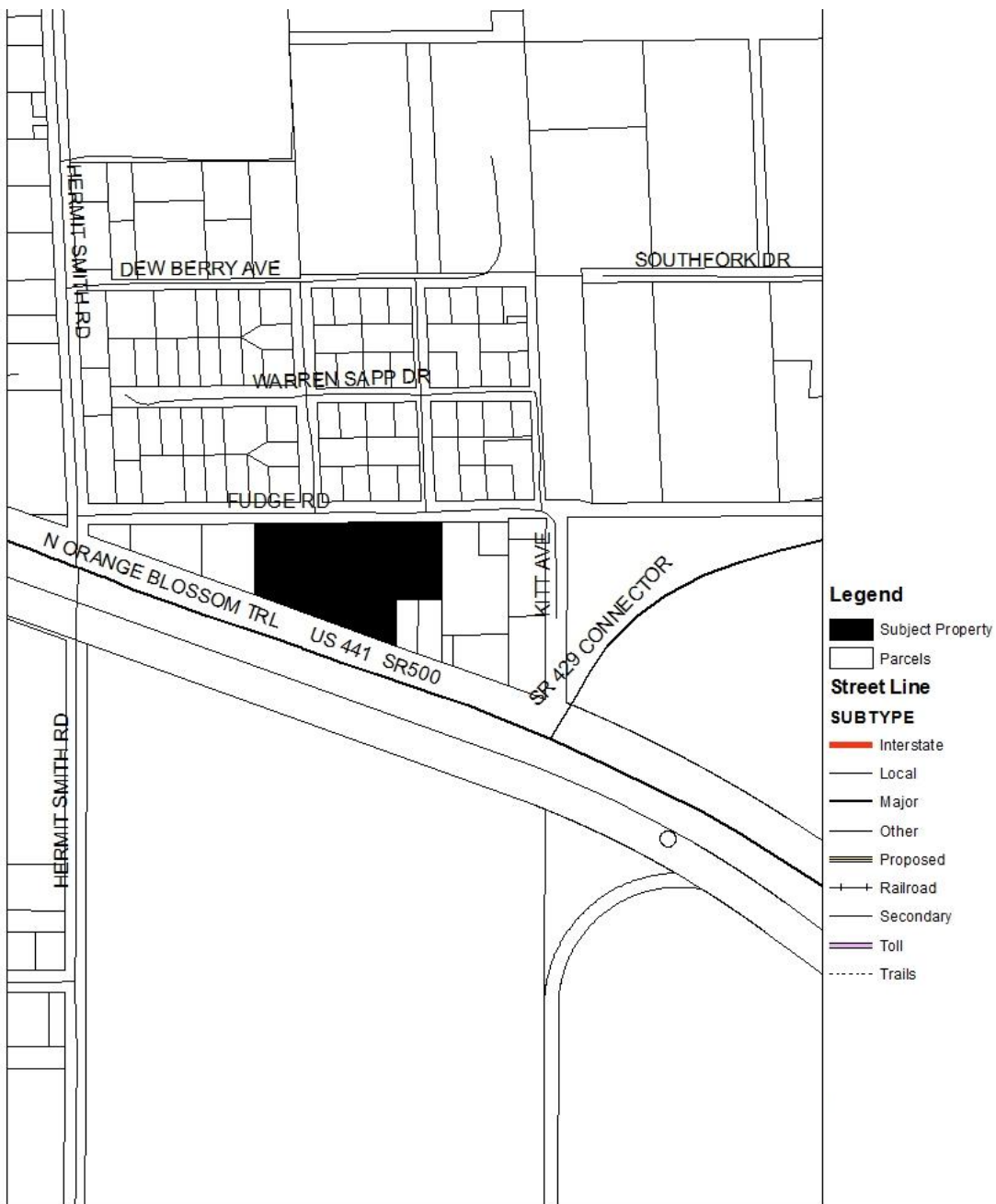
**COMPREHENSIVE PLAN  
 COMPLIANCE:**

The proposed C-2 zoning is consistent with the proposed Future Land Use designation, “Commercial” (Max. 25% FAR) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



**Renuka Prasad**  
**3.17 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Mixed Use**  
**To: Commercial**  
**Proposed Change of Zoning:**  
**From: “County” C-2 (ZIP)**  
**To: “City” C-2**  
**Parcel ID #: 01-21-27-0000-00-037**

### VICINITY MAP





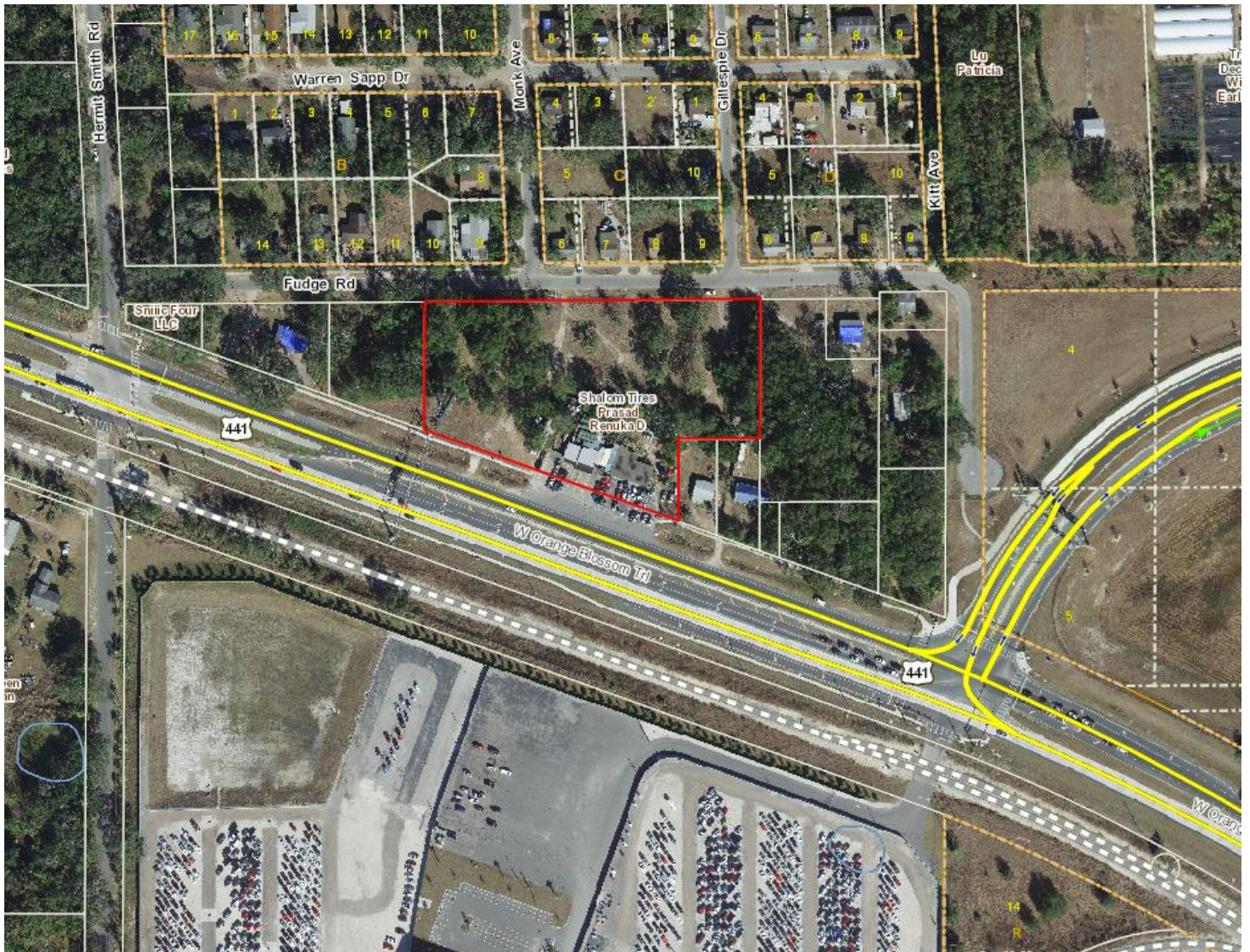
### ADJACENT ZONING







ADJACENT USES



**ORDINANCE NO. 2677**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” C-2 (ZIP) TO “CITY” C-2 (GENERAL COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL AND WEST OF S.R. 429, COMPRISING 3.17 ACRES MORE OR LESS, AND OWNED BY RENUKA PRASAD; 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 C-2 (General Commercial District) 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 C-2 (General Commercial District) as defined in the Apopka Land Development Code and as appearing in Exhibit “A”:

Property Description:

9924/7712 INCOMPLETE LEGAL DESC: W 528 FT OF E 820 FT OF NW1/4 OF NE1/4 N OF ST RD (LESS BEG 249 FT S & 292 FT W OF NE COR OF SAID NW1/4 OF NE1/4 RUN W 128 FT S TO ST RD SELY ALONG RD TO PT S OF POB TH N TO POB & LESS N 30 FT FOR RD R/W) IN SEC 01-21-27

Parcel ID #: 01-21-27-0000-00-037

**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.** This Ordinance shall take effect if and when the companion Comprehensive Plan Future Land Use Map amendment relative to the subject property (Ord. 2676) becomes effective pursuant to § 163.3187(5)(c), Fla. Stat. If the companion Comprehensive Plan Future Land Use Map amendment does not become effective, then this Ordinance shall become null and void.

READ FIRST TIME: December 5, 2018  
READ SECOND TIME  
AND ADOPTED: December 19, 2018

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Bryan Nelson, Mayor

ATTEST:

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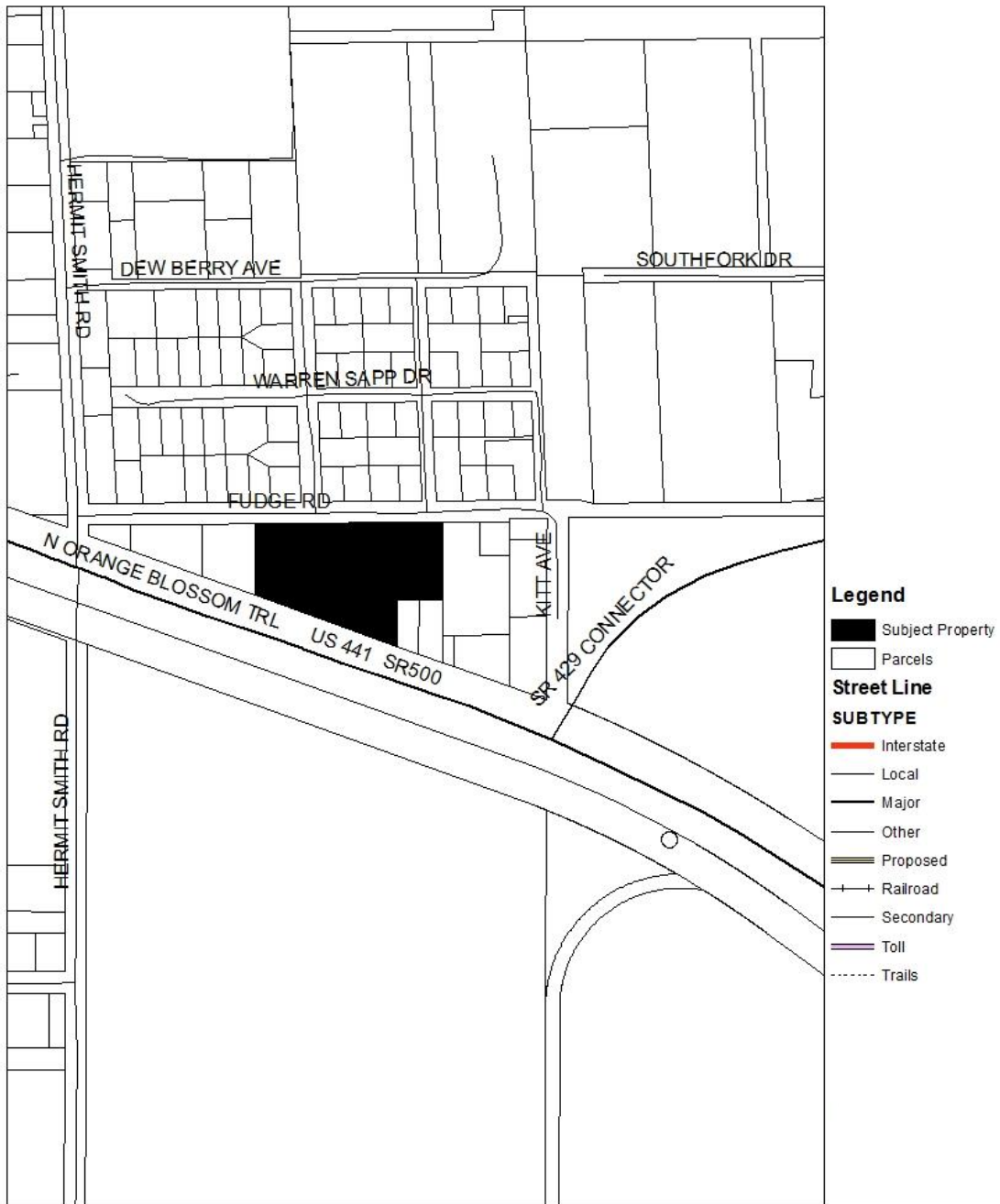
Linda Goff, City Clerk

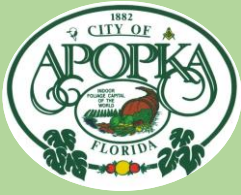
DULY ADVERTISED: November 2, 2018, December 7, 2018



**Renuka Prasad**  
3.17 +/- acres  
**Proposed Change of Zoning:**  
From: "County" C-2 (ZIP)  
To: "City" C-2 (General Commercial District)  
Parcel ID #: 01-21-27-0000-00-037

### VICINITY MAP





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER:

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2682

**SUBJECT: ORDINANCE NO. 2682 – ADMINISTRATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – DOUGLAS AND JERI BANKSON**

**REQUEST: ORDINANCE NO. 2682 – FIRST READING – ADMINISTRATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – DOUGLAS AND JERI BANKSON; FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC); AND HOLD IT OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNERS: Douglas and Jeri Bankson  
APPLICANT: City of Apopka  
LOCATION: 585 E. Sandpiper Street  
PARCEL ID NUMBER: 03-21-28-0000-00-068  
EXISTING USE: Single Family House  
CURRENT ZONING: “County” A-2 (ZIP-Zoning in Progress)  
PROPOSED DEVELOPMENT: Single Family House  
PROPOSED ZONING: “City” RCE-1 (Note: this Future Land Use amendment request is being processed along with a request to change the zoning classification from “County” A-2 (ZIP) to “City” RCE-1 (Residential Country Estates 1 District).  
TRACT SIZE: 1.92 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 7 Dwelling Units  
PROPOSED: 3 Dwelling Units

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**CITY COUNCIL – DECEMBER 5, 2018**  
**DOUGLAS AND JERI BANKSON – FUTURE LAND USE AMENDMENT**  
**PAGE 2**

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the city on October 16, 2013 by Ordinance Number 2333. Presently, the subject property is without a “city” future land use and zoning designation. The proposed Future Land Use, “Residential Very Low Suburban” is compatible with the property due to its size and existing uses. In addition, “Residential Very Low Suburban” can be found in the vicinity of the property, including the south-adjacent subdivision, Lakeshore at Wekiva.

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

*Future Land Use Element*

**Policy 3.1.c**

**Very Low Density Suburban Residential**

The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- 1) Institutional uses of five acres or less
- 2) High schools
- 3) Supporting infrastructure and public facilities of two acres or more
- 4) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

**SCHOOL CAPACITY REPORT:** The proposed future land use change will result no result in an increase in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission (5:30 pm)  
December 5, 2018 - City Council (1:30 pm) - 1<sup>st</sup> Reading  
December 19, 2018 – City Council (7:00 pm) – 2<sup>nd</sup> Reading and Adoption

**CITY COUNCIL – DECEMBER 5, 2018**  
**DOUGLAS AND JERI BANKSON – FUTURE LAND USE AMENDMENT**  
**PAGE 3**

**DULY ADVERTISED:**

November 2, 2018 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

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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 areas, recommending approval of the proposed Future Land Use Designation of Residential Very Low Suburban for the property owned by Douglas and Jeri Bankson, and located at 585 E. Sandpiper Street.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended approval of the change of Future Land Use Designation from “County” Low Density Residential to “City” Residential Very Low Suburban, subject to the findings of the Staff Report.

**City Council**: Accept the first reading of Ordinance No. 2682, and hold it over for second reading and adoption on December 19, 2018.

**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)	“County” Low Density Residential	“County” A-2	Single Family Home
East (County)	“County” Low Density Residential	“County” A-2	Single Family Home
South (City)	“City” Residential Very Low Suburban	“City” PUD	Lakeshore at Wekiva Subdivision
West (County)	“County” Low Density Residential	“County” A-2	Single Family Home

**II. LAND USE ANALYSIS**

The subject property currently contains one dwelling unit, which makes the request for a Residential Very Low Suburban future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC) is consistent with the terms of the JPA (Second Amendment). Douglas and Jeri Bankson are the property owners of the proposed future land use amendment and proposed change of zoning for the property, and have been notified of the hearing schedule.

Transportation: Road access to the site is from E. Sandpiper Street

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

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

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

Analysis of the character of the Property: The current use of the Property is a single family home. The surrounding area is predominantly single family residential.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Residential Very Low Suburban (0-2 DU/AC). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City’s future population.



**CITY COUNCIL – DECEMBER 5, 2018**  
**DOUGLAS AND JERI BANKSON – FUTURE LAND USE AMENDMENT**  
**PAGE 5**

**CALCULATIONS:**

ADOPTED: 7 Unit(s) x 2.659 p/h = 18 persons

PROPOSED: 3 Unit(s) x 2.659 p/h = 7 persons

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

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 1,372 GPD/Capita
6. Projected LOS under proposed designation: 588 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 3,178 GPD
3. Projected total demand under proposed designation: 1,362 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD / Capita
6. Projected LOS under proposed designation: 177 GPD / Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

**CITY COUNCIL – DECEMBER 5, 2018**  
**DOUGLAS AND JERI BANKSON – FUTURE LAND USE AMENDMENT**  
**PAGE 6**

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: 72 lbs/ day
4. Projected LOS under proposed designation: 28 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

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: Lake Prevatt
2. Projected LOS under existing designation: 25 year – 96 hour design storm
3. Projected LOS under proposed designation: 25 year – 96 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation

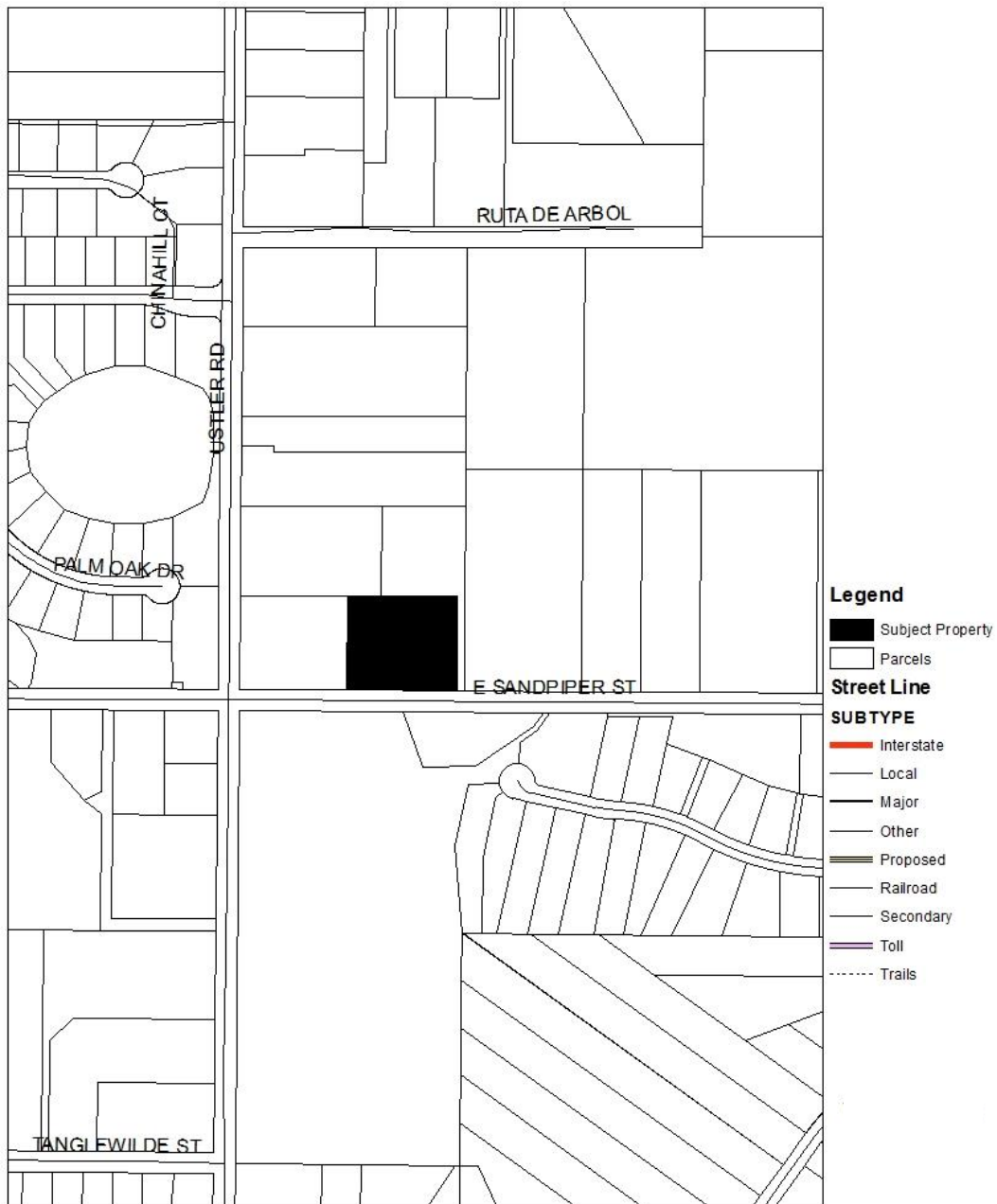
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.054 acres
3. Projected facility under proposed designation: 0.021 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development. This initial review does not preclude conformance with concurrency requirements at the time of development approval.



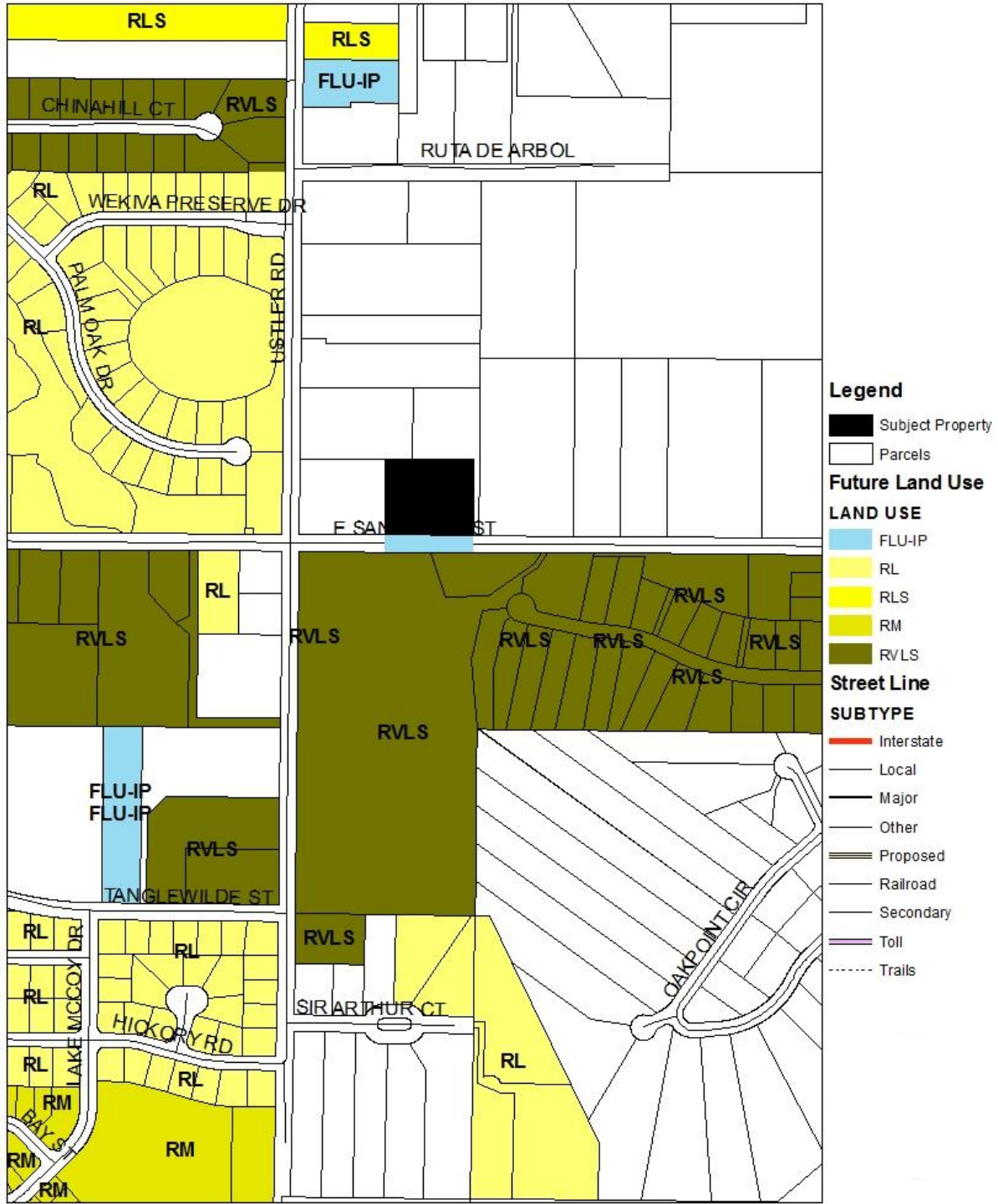
**Douglas and Jeri Bankson**  
1.92 +/- acres  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" A-2 (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 03-21-28-0000-00-068**

**VICINITY MAP**



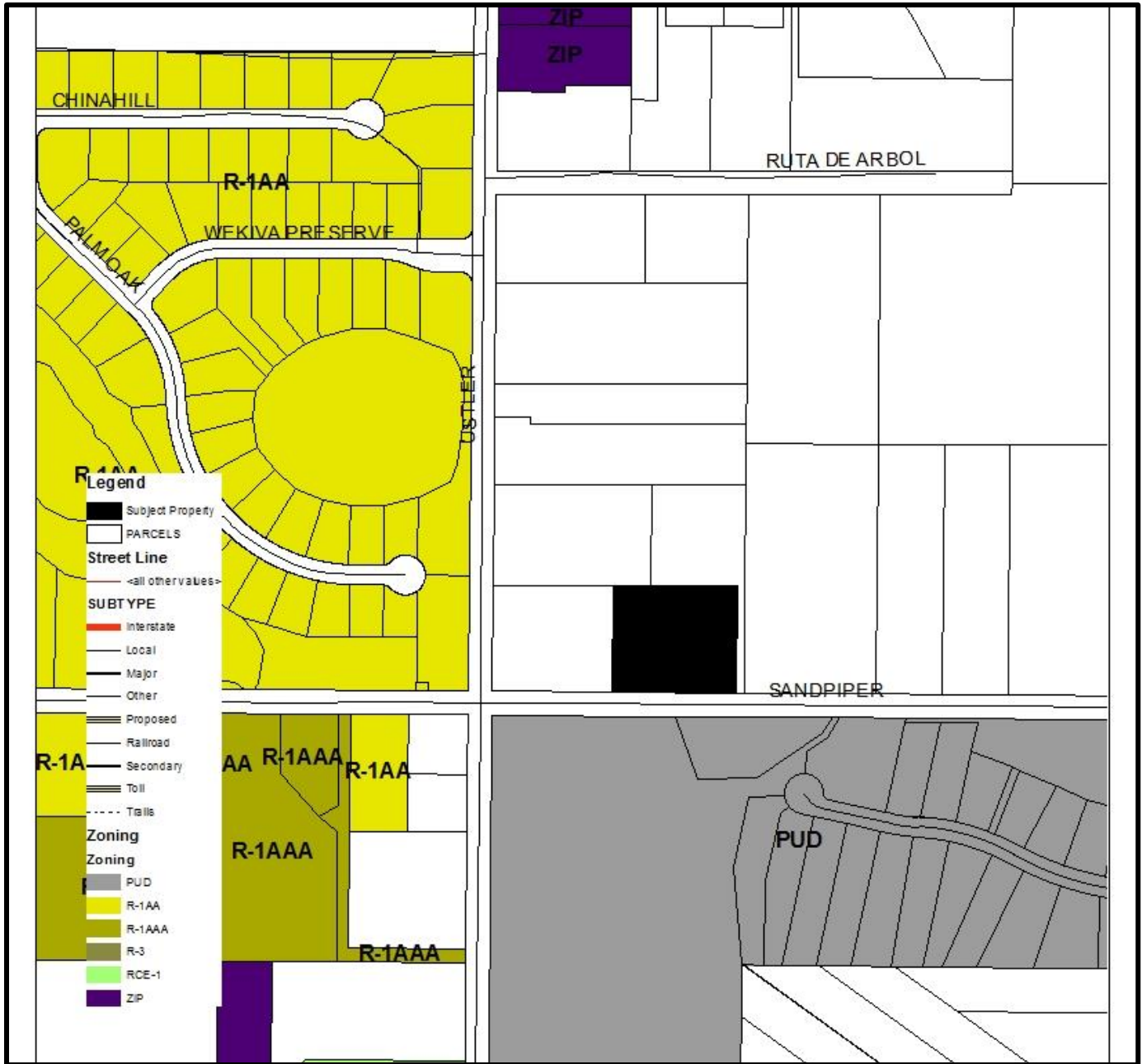


# FUTURE LAND USE MAP



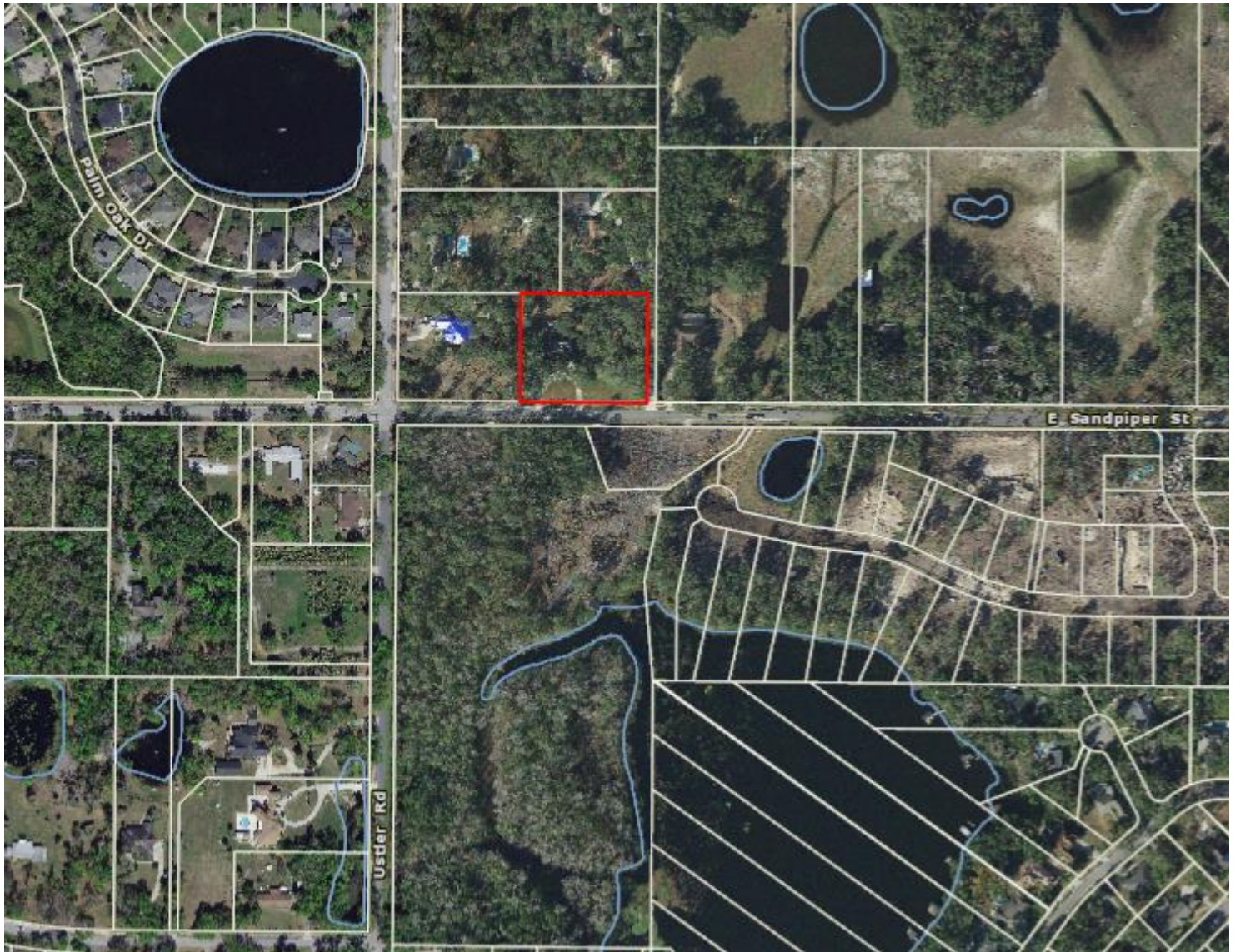


ADJACENT ZONING





### ADJACENT USES



**ORDINANCE NO. 2682**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 585 E. SANDPIPER STREET, COMPRISING 1.92 ACRES MORE OR LESS, AND OWNED BY DOUGLAS AND JERI BANKSON; 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. 2659 adopted on September 19, 2018; 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. 2659, is amended in its entirety to change the land use from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC), for certain real property located at 585 E. Sandpiper Street, comprising 1.92 acres more or less, (Parcel No. 03-21-28-0000-00-068); 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.

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

**Section VI. Effective Date.** This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

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

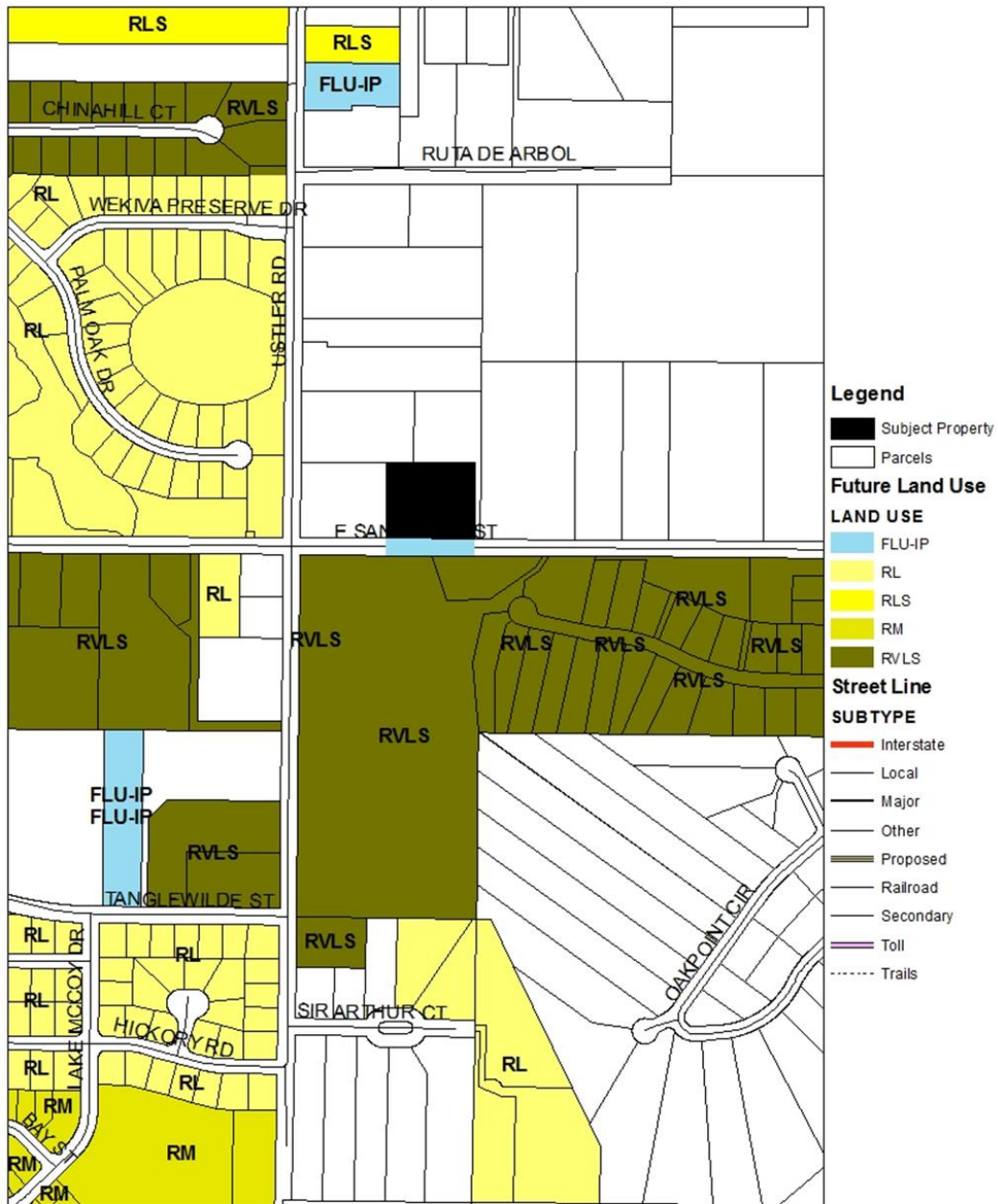
DULY ADVERTISED FOR HEARING: November 2, 2018; December 7, 2018





# EXHIBIT "A"

Douglas and Jeri Bankson  
1.92 +/- acres  
Proposed Small Scale Future Land Use Amendment:  
From: "County" Low Density Residential  
To: "City" Residential Very Low Suburban  
Proposed Change of Zoning:  
From: "County" A-2 (ZIP)  
To: "City" RCE-1  
Parcel ID #: 03-21-28-0000-00-068





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2683

**SUBJECT: ORDINANCE NO. 2683 – ADMINISTRATIVE - CHANGE OF ZONING – DOUGLAS AND JERI BANKSON**

**REQUEST: ORDINANCE NO. 2683 – FIRST READING – ADMINISTRATIVE - CHANGE OF ZONING – DOUGLAS AND JERI BANKSON – FROM “COUNTY” A-2 TO “CITY” RCE-1; AND HOLD OVER FOR SECOND READING AND ADOPTION ON DECEMBER 19, 2018**

**SUMMARY:**

OWNERS: Douglas and Jeri Bankson  
APPLICANT: City of Apopka  
PARCEL ID NUMBER: 03-21-28-0000-00-068  
LOCATION: North of E. Sandpiper St. and East of Ustler Rd.  
EXISTING USE: Single Family House  
CURRENT ZONING: “County” A-2 (ZIP)  
PROPOSED ZONING: “City” RCE-1 (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from “County” Low Density Residential to “City” Residential Very Low Suburban.  
TRACT SIZE: 1.92 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: 3 Dwelling Units  
PROPOSED: 1 Dwelling Unit

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**CITY COUNCIL – DECEMBER 5, 2018**  
**CHANGE OF ZONING – DOUGLAS & JERI BANKSON**  
**PAGE 2**

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The subject parcel was annexed into the city on October 16, 2013 by Ordinance Number 2333.

A request to assign a change of zoning to RCE-1 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The RCE-1 zoning is compatible with the property due to the size and uses. The change of zoning request is being processed in conjunction with a future land use amendment from “County” Low Density Residential to “City” Residential Very Low Suburban.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the proposed Residential Very Low Suburban (0-2 DU/Acre) Future Land Use designation and the City’s RCE-1 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**  
Planning Commission, November 13, 2018 (5:30 pm)  
City Council, December 5, 2018 (1:30 pm) - 1<sup>st</sup> Reading  
City Council, December 19, 2018 (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**  
November 2, 2018 -- Public Notice and Notification- (Apopka Chief, letter to property owner)  
December 7, 2018 – Public Notice (Apopka Chief)

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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 areas, recommending approval of the proposed Change of Zoning from “County” A-2 (ZIP) to “City” RCE-1 for the property owned by Douglas and Jeri Bankson, and located at 585 E. Sandpiper Road.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the proposed Change of Zoning from “County” A-2 to “City” RCE-1 for the property owned by Douglas and Jeri Bankson, and located at 585 E. Sandpiper Road.

**Recommended Motion:** Accept the first reading of Ordinance No. 2683, and hold it over for second reading and adoption on December 19, 2018.

**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)	“County” Low Density Residential	“County” A-2	Single Family Home
East (County)	“County” Low Density Residential	“County” A-2	Single Family Home
South (City)	“City” Residential Very Low Suburban	“City” PUD	Lakeshore at Wekiva Subdivision
West (County)	“County” Low Density Residential	“County” A-2	Single Family Home

**LAND USE & TRAFFIC  
COMPATIBILITY:**

The property is currently accessed from E. Sandpiper Road. The subject property, along with other properties in the vicinity, are of a large-lot, residential nature. The requirements found in RCE-1 zoning, along with the Residential Very Low Suburban Future Land Use can assist in maintaining a large-lot character.

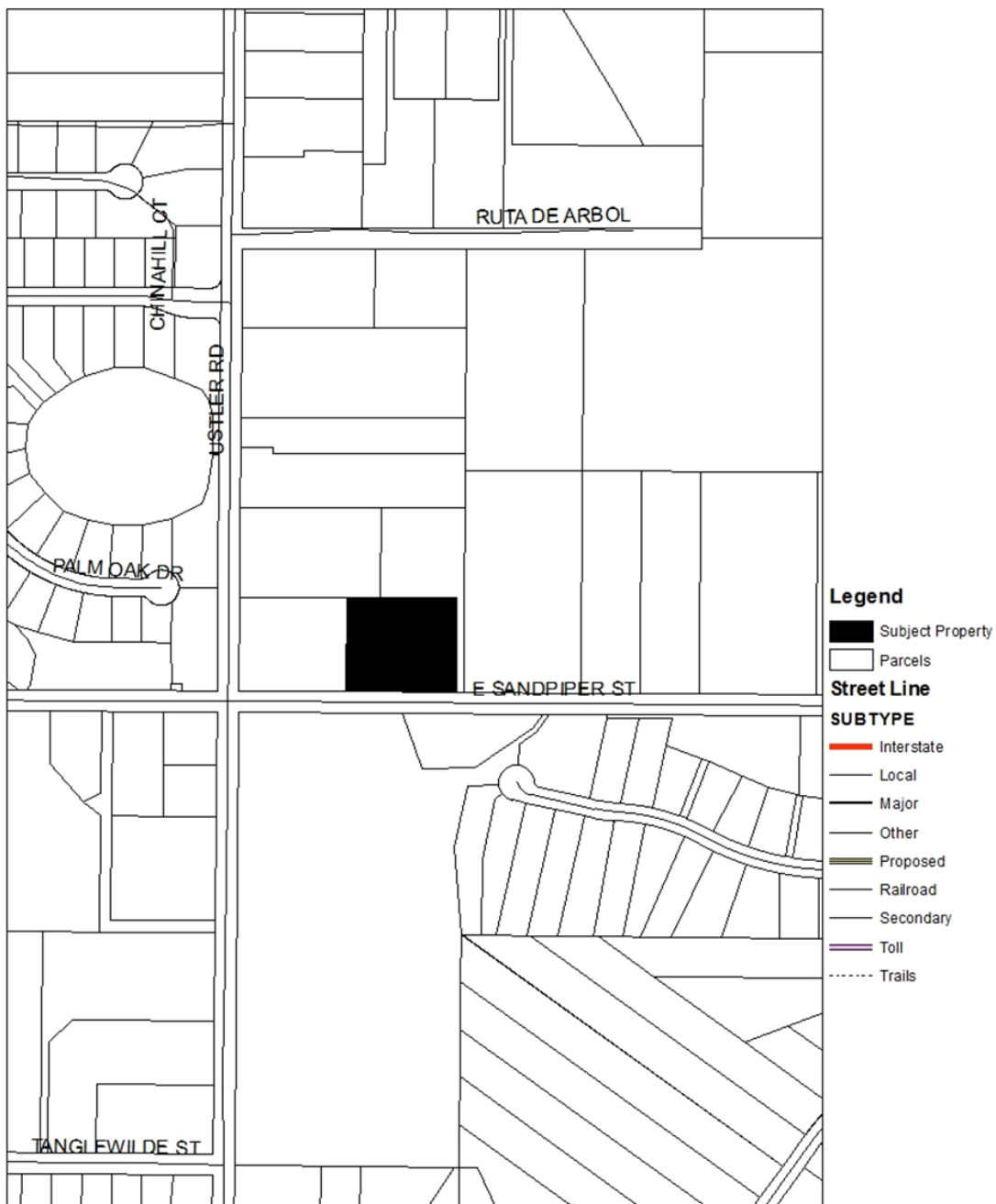
**COMPREHENSIVE PLAN  
COMPLIANCE:**

The proposed RCE-1 zoning is consistent with the proposed Future Land Use designation, “Residential Very Low Suburban” (0-2 DU/AC) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



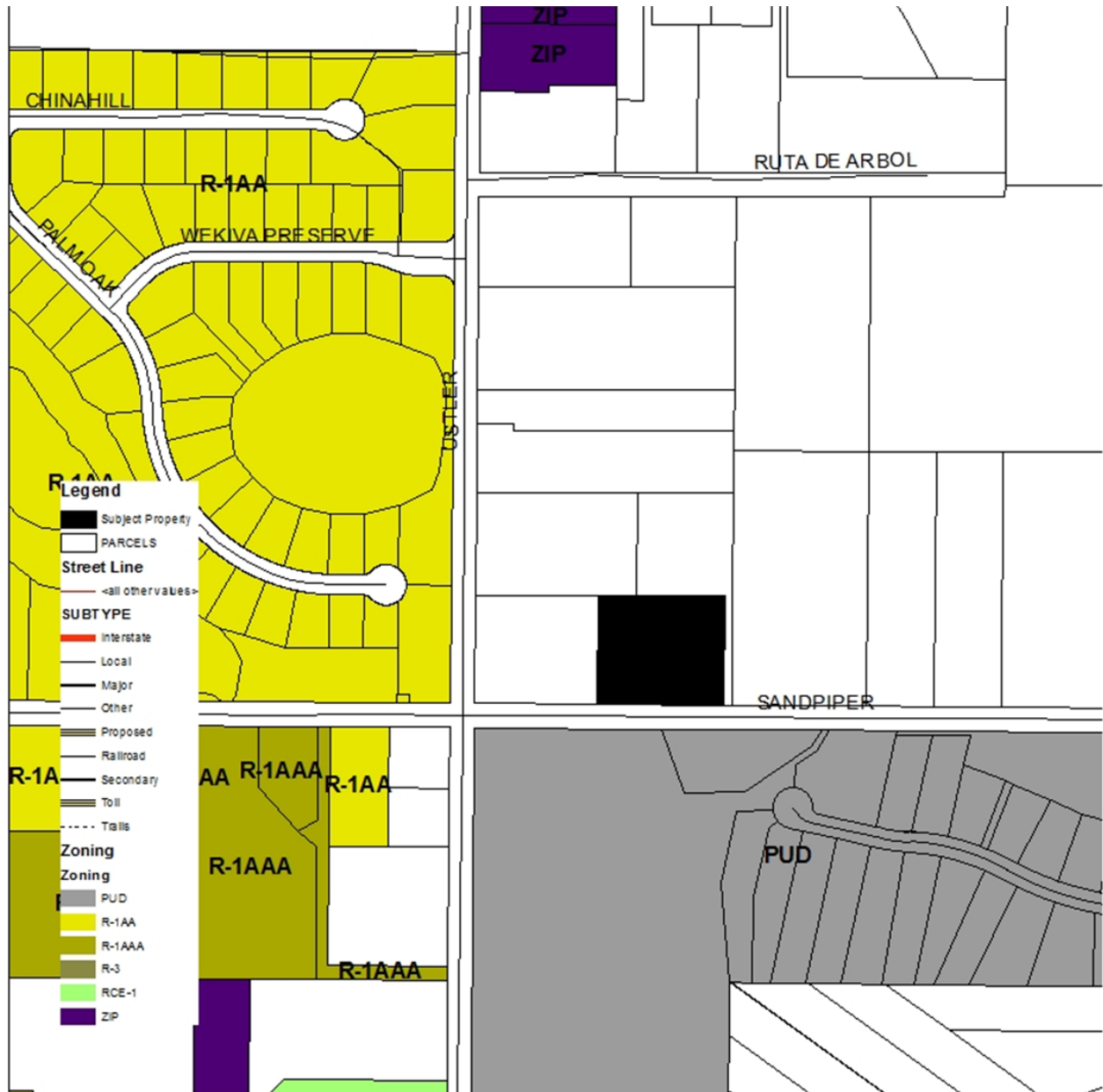
Douglas and Jeri Bankson  
1.92 +/- acres  
Proposed Small Scale Future Land Use Amendment:  
From: "County" Low Density Residential  
To: "City" Residential Very Low Suburban  
Proposed Change of Zoning:  
From: "County" A-2 (ZIP)  
To: "City" RCE-1  
Parcel ID #: 03-21-28-0000-00-068

### VICINITY MAP



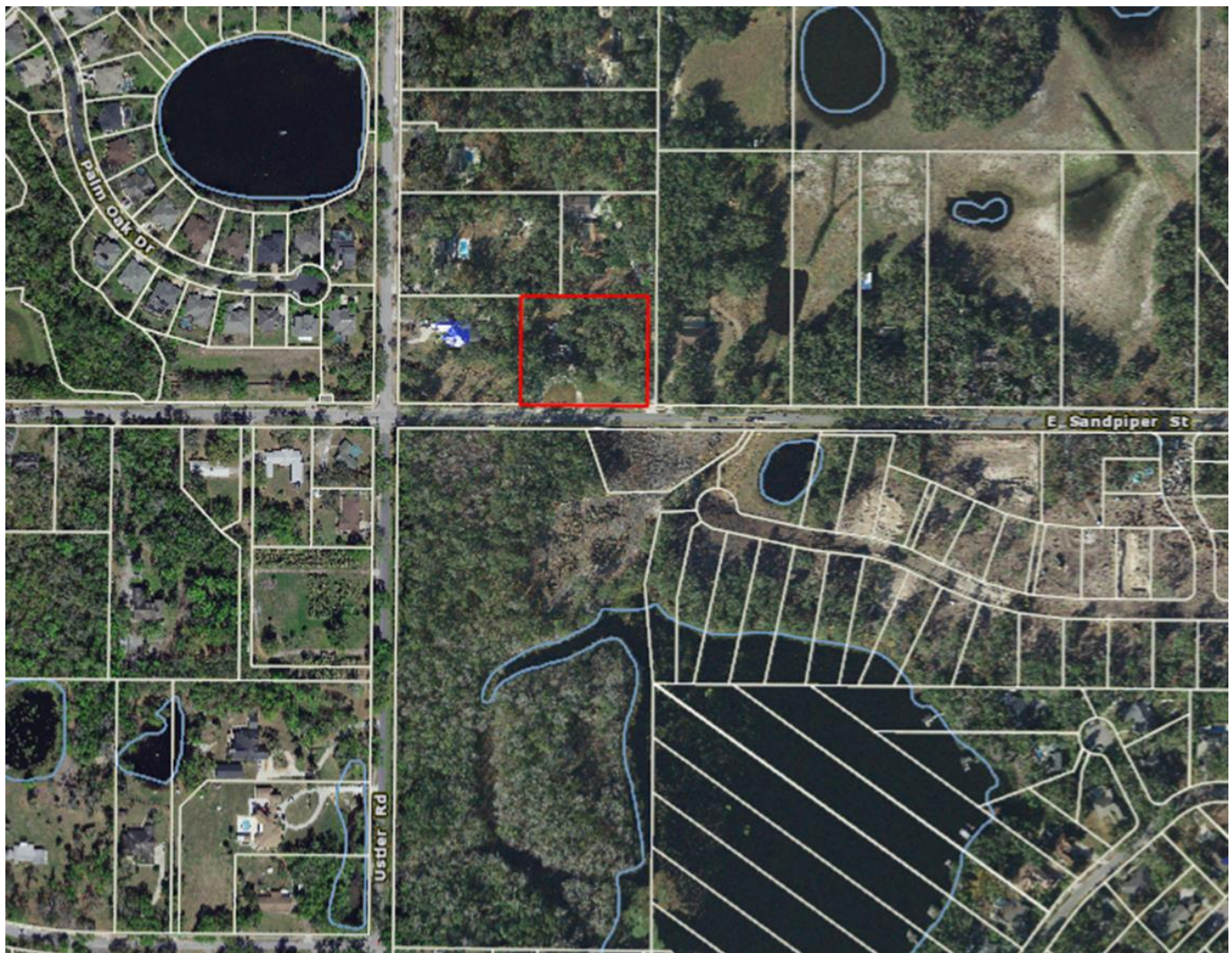


ADJACENT ZONING





### ADJACENT USES



**ORDINANCE NO. 2683**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 585 E SANDPIPER STREET, COMPRISING 1.92 ACRES MORE OR LESS, AND OWNED BY DOUGLAS AND JERI BANKSON 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 RCE-1 (Residential Country Estate 1 District) 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 RCE-1 (Residential Country Estate 1 District) as defined in the Apopka Land Development Code for the following described property and as depicted in Exhibit “A:

Property Description:

E1/2 OF W1/2 OF NW1/4 OF NE1/4 (LESS N 1012 FT THEREOF & LESS R/W FOR SANDPIPER RD & LESS E 20 FT THEREOF) OF SEC 03-21-28

Parcel ID #: 03-21-28-0000-00-068

**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.** This Ordinance shall take effect if and when the companion Comprehensive Plan Future Land Use Map amendment relative to the subject property (Ord. 2682) becomes effective pursuant to § 163.3187(5)(c), Fla. Stat. If the companion Comprehensive Plan Future Land Use Map amendment does not become effective, then this Ordinance shall become null and void.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

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Bryan Nelson, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED: November 2, 2018; December 7, 2018



Douglas and Jeri Bankson

1.92 +/- acres

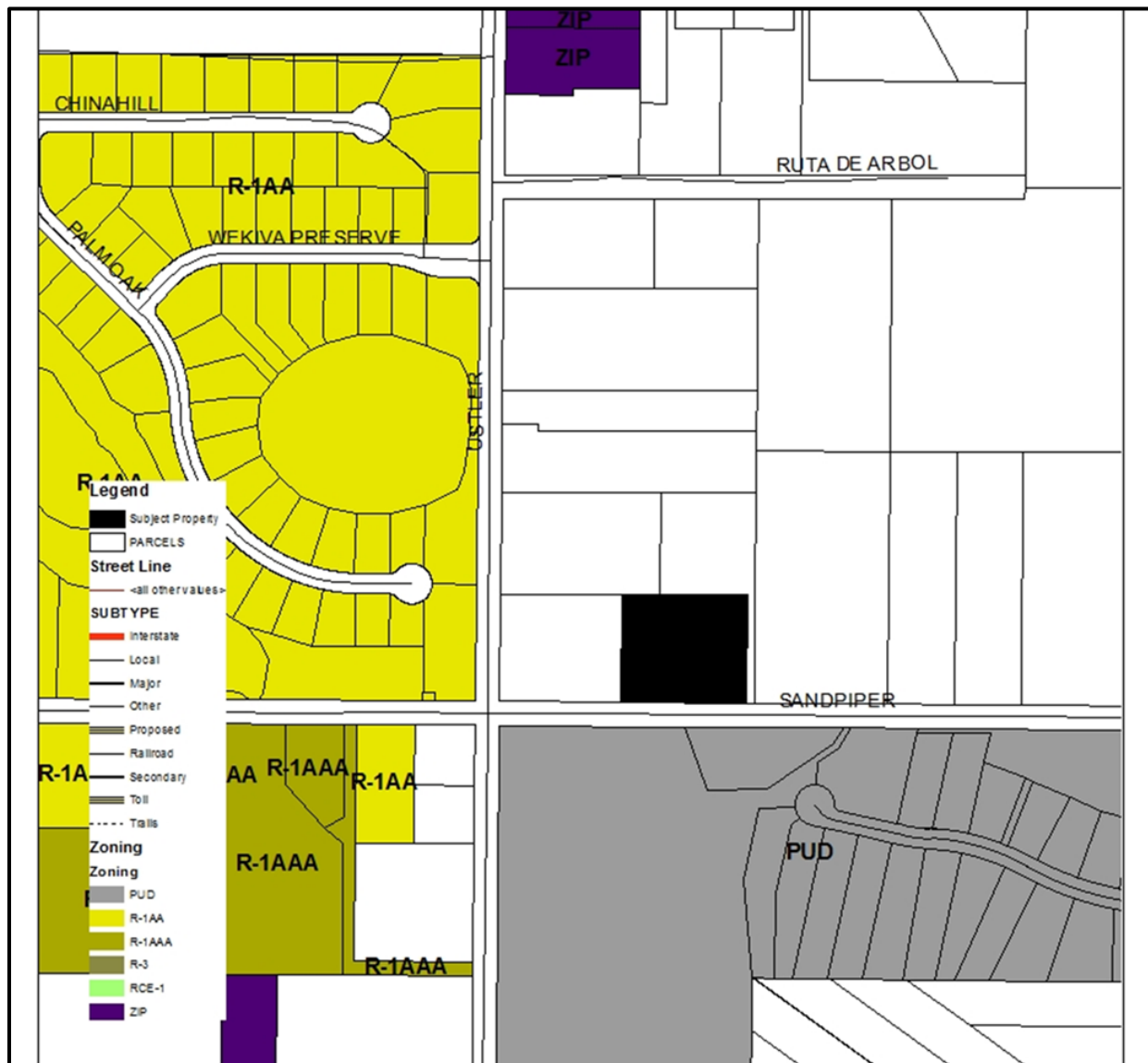
Proposed Change of Zoning:

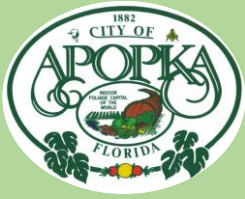
From: "County" A-2 (ZIP)

To: "City" RCE-1 (Residential Country Estate 1 District)

Parcel ID #: 03-21-28-0000-00-068

## ZONING MAP





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2684

**SUBJECT: ORDINANCE NO. 2684 – ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - BRYAN AND DEBBIE NELSON**

**REQUEST: ORDINANCE NO. 2684 – FIRST READING - ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - BRYAN AND DEBBIE NELSON, FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC); AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNERS: Bryan and Debbie Nelson  
APPLICANT: City of Apopka  
PARCEL ID NUMBER: 02-21-28-9090-00-020  
LOCATION: 1157 Oakpoint Circle  
EXISTING USE: Single Family House  
CURRENT ZONING: “County” R-CE (ZIP)  
PROPOSED ZONING: “City” RCE-1 (Note: this Future Land Use request is being processed along with a request to Change the Zoning from “County” R-CE (ZIP) to “City” RCE-1.  
TRACT SIZE: 1.27 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: 5 Dwelling Units  
PROPOSED: 2 Dwelling Unit

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the city on September 21, 2016 by Ordinance Number 2515. Presently, the subject property is without a “City” future land use and zoning designation. The proposed Future Land Use, “Residential Very Low Suburban” is compatible with the property due to its size and existing uses. In addition, “Residential Very Low Suburban” can be found in the vicinity of the property, including the north-adjacent subdivision, Lakeshore at Wekiva.

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

*Future Land Use Element*

**Policy 3.1.c**

**Very Low Density Suburban Residential**

The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- (1) Institutional uses of five acres or less
- (2) High schools
- (3) Supporting infrastructure and public facilities of two acres or more
- (4) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

**SCHOOL CAPACITY REPORT:** The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission (5:30 pm)  
December 5, 2018 - City Council (1:30 pm) - 1<sup>st</sup> Reading  
December 19, 2018 – City Council (7:00 pm) – 2<sup>nd</sup> Reading and Adoption

**DULY ADVERTISED:**

November 2, 2018 – Public Notice and Notification (Apopka Chief and letter to property owner)  
December 7, 2018 – Public Notice (Apopka Chief)

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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 areas, recommending approval of the proposed Future Land Use Designation of Residential Very Low Suburban for the property owned by Bryan and Debbie Nelson, and located at 1157 Oakpoint Circle.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended approval of the change of Future Land Use Designation from “County” Low Density Residential to “City” Residential Very Low Suburban, subject to the findings of the Staff Report for the property owned by Bryan and Debbie Nelson, and located at 1157 Oakpoint Circle.

**Recommended Motion:** Accept the first reading of Ordinance No. 2684, and hold it over for second reading and adoption on December 19, 2018.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North	“City” Residential Very Low Suburban	“City” PUD	Vacant Subdivision Lot (Lakeshore at Wekiva)
East	“County” Low Density Residential (FLU-IP)	“County” RCE (ZIP)	Single Family Home
South	“County” Low Density Residential	“County” RCE	Single Family Home
West	“County” Low Density Residential	“County” RCE	Single Family Home

**II. LAND USE ANALYSIS**

The subject property currently contains one dwelling unit, which makes the request for a Residential Very Low Suburban future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties in all four cardinal directions are single-family residential in character. The Future Land Use designation, “Residential Very Low Suburban” preserves a sparse residential nature.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC) is consistent with the terms of the JPA (Second Amendment). Bryan and Debbie Nelson are the property owners of the proposed future land use amendment and proposed change of zoning for the property, and have been notified of the hearing schedule.

Transportation: Road access to the site is from Oakpoint Circle.

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

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

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

Analysis of the character of the Property: The current use of the Property is a single family home. The character of the surrounding area is single family residential.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Residential Very Low Suburban (0-2 DU/AC). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

**CALCULATIONS:**

ADOPTED: 5 Unit(s) x 2.659 p/h = 13 persons

PROPOSED: 2 Units(s) x 2.659 p/h = 5 persons

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: A habitat study is required for developments greater than ten (10) acres in size. The subject property is less than 10 acres. A habitat study is not required.

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 980 GPD/Capita
6. Projected LOS under proposed designation: 392 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 2,270 GPD
3. Projected total demand under proposed designation: 908 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD / Capita
6. Projected LOS under proposed designation: 177 GPD / Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 52 lbs/ day
4. Projected LOS under proposed designation: 20 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

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



Drainage Analysis

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

Recreation

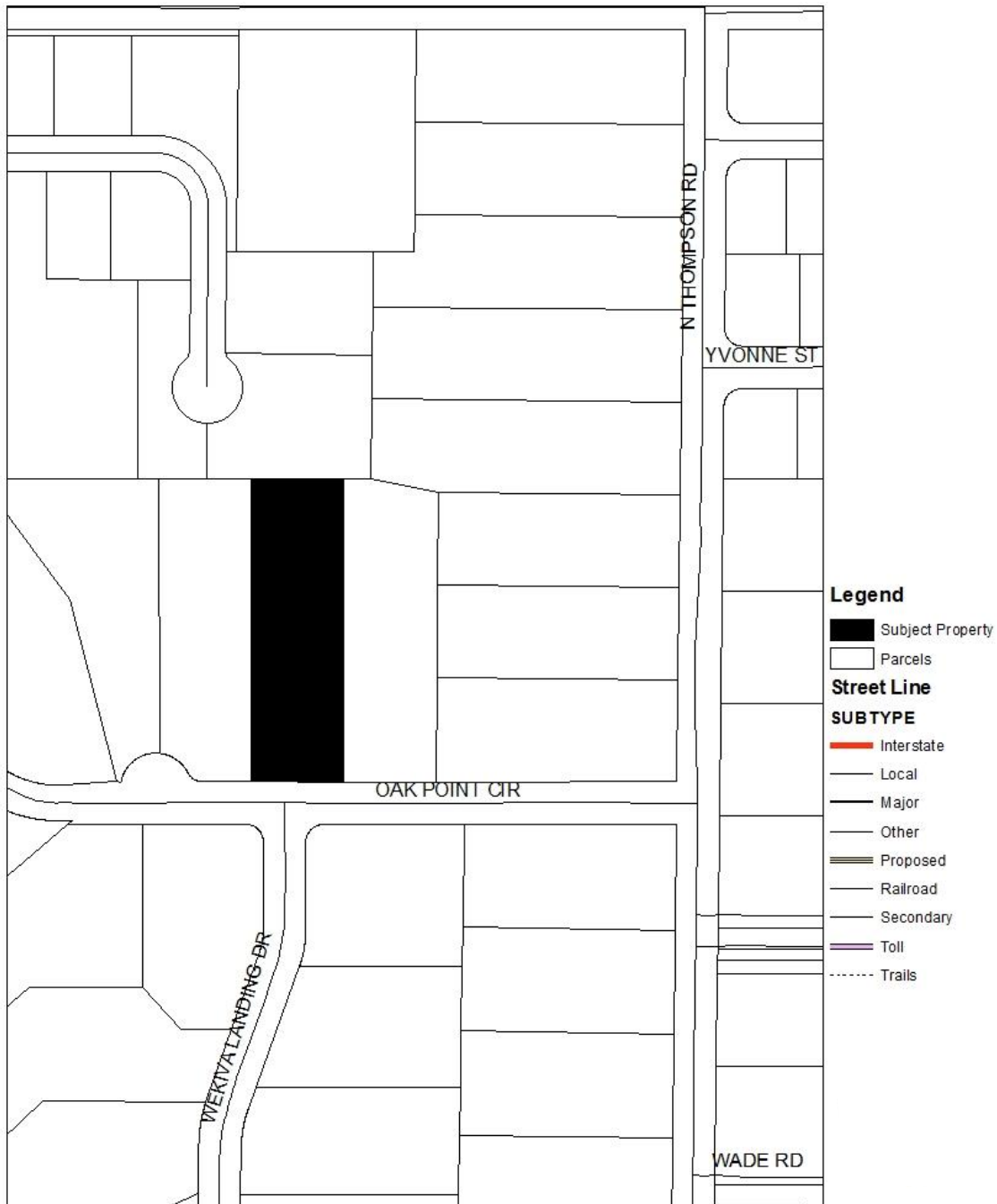
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.039 acres
3. Projected facility under proposed designation: 0.015 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

Standards set forth in the City’s Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development. This initial review does not preclude conformance with concurrency requirements at the time of development approval.



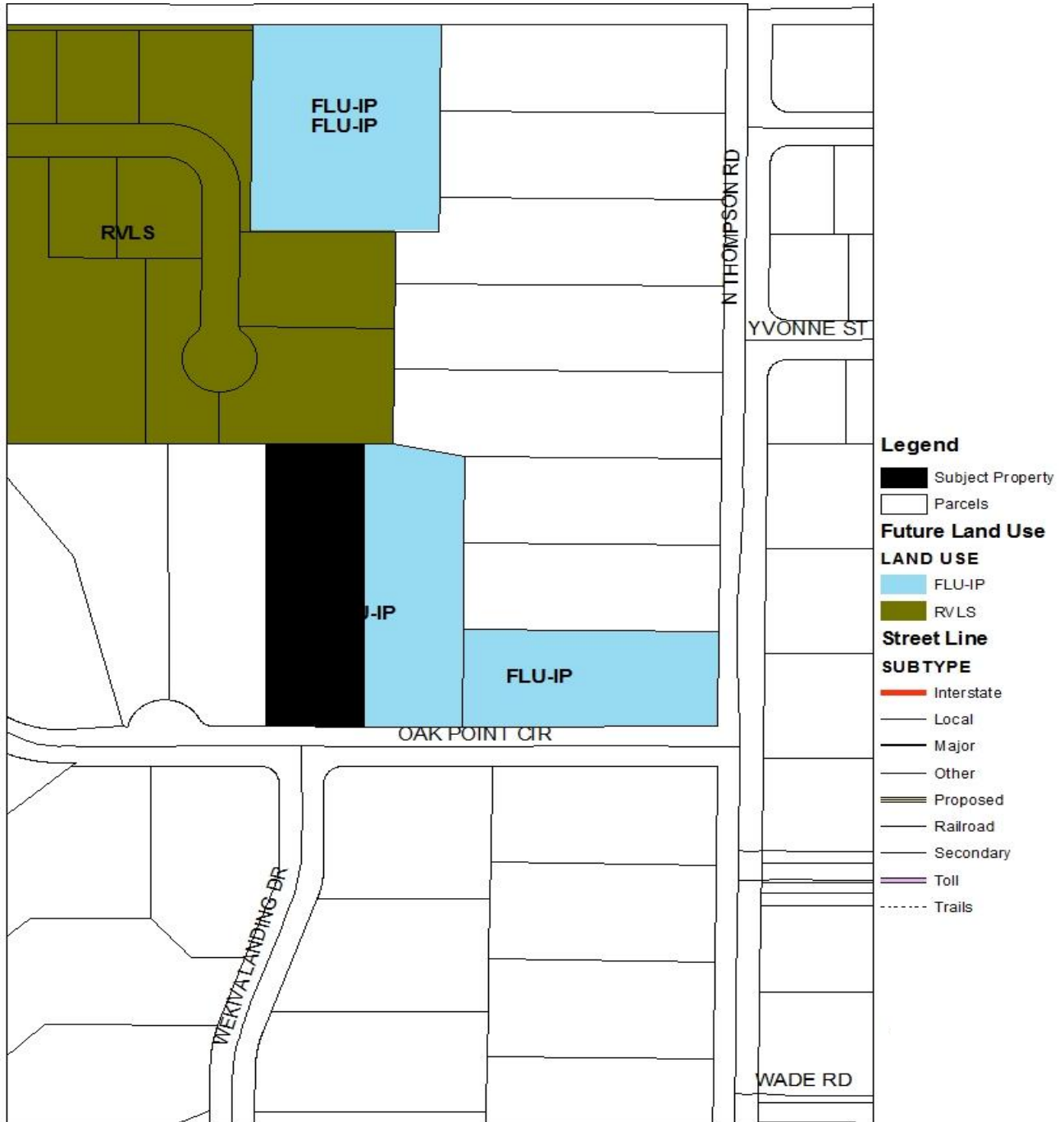
**Bryan and Debbie Nelson**  
**1.27 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-9090-00-020**

### VICINITY MAP



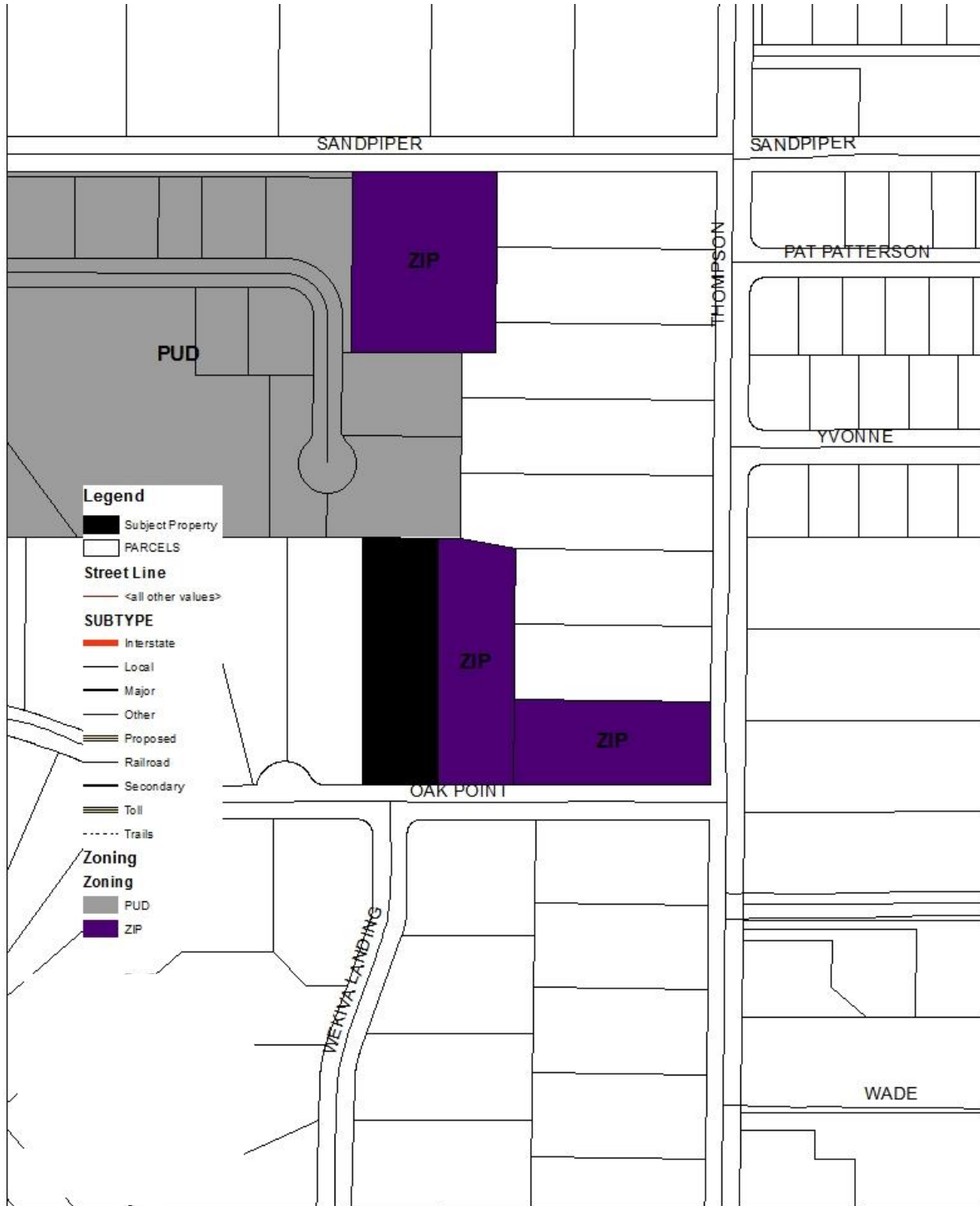


## FUTURE LAND USE MAP



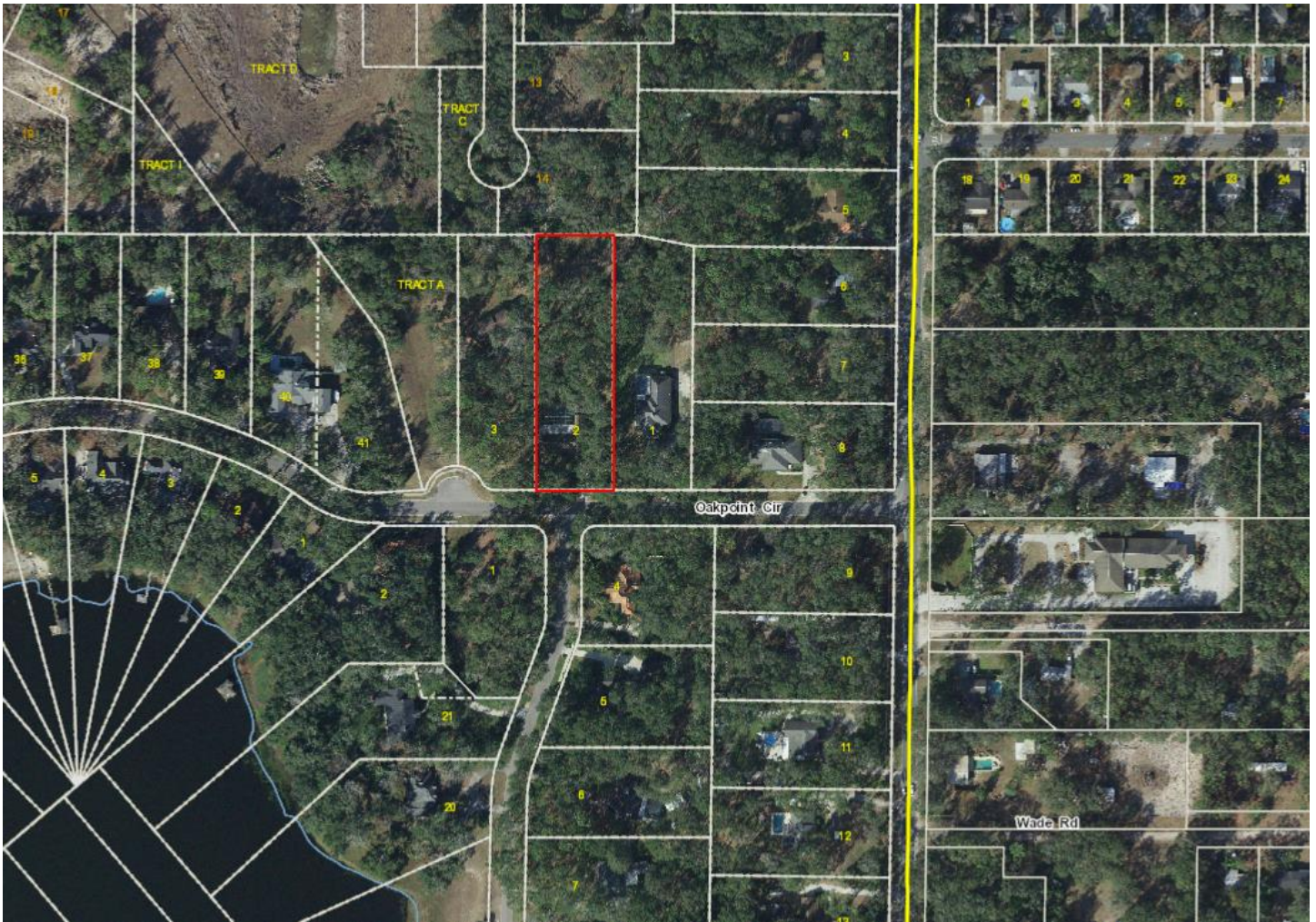


### ADJACENT ZONING





## ADJACENT USES



**ORDINANCE NO. 2684**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU\AC) TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1157 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY BRYAN AND DEBBIE NELSON; 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. 2659 adopted on September 19, 2018; 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. 2659, is amended in its entirety to change the land use from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC), for certain real property located at 1157 Oakpoint Circle, comprising 1.27 acres more or less, (Parcel No. 02-21-28-9090-00-020); 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.

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

**Section VI. Effective Date.** This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

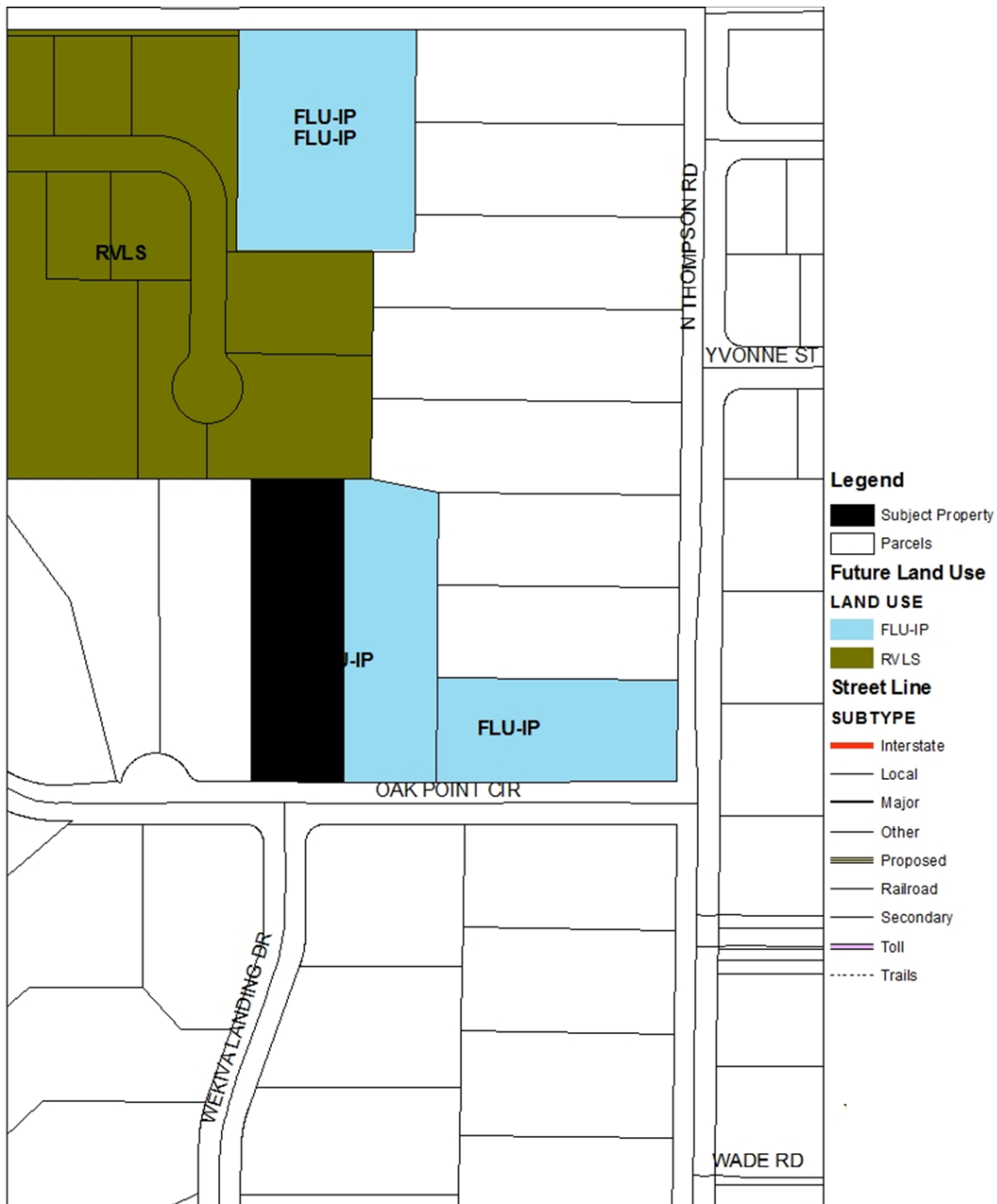
\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: November 2, 2018; December 7, 2018



**EXHIBIT "A"**

**Bryan and Debbie Nelson**  
**1.27 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-9090-00-020**







# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2685

**SUBJECT: ORDINANCE NO. 2685 – ADMINISTRATIVE – CHANGE OF ZONING – BRYAN AND DEBBIE NELSON**

**REQUEST: ORDINANCE NO. 2685 – FIRST READING - ADMINISTRATIVE – CHANGE OF ZONING – BRYAN AND DEBBIE NELSON, FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNERS:	Bryan and Debbie Nelson
APPLICANT:	City of Apopka
PARCEL ID NUMBER:	02-21-28-9090-00-020
LOCATION:	1157 Oakpoint Circle
EXISTING USE:	Single Family House
CURRENT ZONING:	“County” R-CE (ZIP)
PROPOSED ZONING:	“City” RCE-1 (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from “County” Low Density Residential to “City” Residential Very Low Suburban.
TRACT SIZE:	1.27 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT:	EXISTING: 2 Dwelling Units PROPOSED: 1 Dwelling Unit

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The subject parcel was annexed into the city on September 21, 2016 by Ordinance Number 2515.

A request to assign a change of zoning to RCE-1 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The RCE-1 zoning is compatible with the property due to the size and uses. The change of zoning request is being processed in conjunction with a future land use amendment from “County” Low Density Residential to “City” Residential Very Low Suburban.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the proposed Residential Very Low Suburban (0-2 DU/Acre) Future Land Use designation and the City’s RCE-1 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed future land use change will not result in an increase in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

Planning Commission, November 13, 2018 (5:30 pm)  
City Council, December 5, 2018 (1:30 pm) - 1<sup>st</sup> Reading  
City Council, December 19, 2018 (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

November 2, 2018 - Public Notice and Notification (Apopka Chief, letter to property owner)  
December 7, 2018 - Public Notice (Apopka Chief)

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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 areas, recommending approval of the proposed Change of Zoning from “County” R-CE (ZIP) to “City” RCE-1 for the property owned by Bryan and Debbie Nelson, and located at 1157 Oakpoint Circle.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the proposed Change of Zoning from “County” R-CE (ZIP) to “City” RCE-1 for the property owned by Bryan and Debbie Nelson, and located at 1157 Oakpoint Circle.

**Recommended Action:** Accept the First Reading of Ordinance No. 2685 and Hold it Over for Second Reading and Adoption on December 19, 2018.

**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” Residential Very Low Suburban	“City” PUD	Vacant Subdivision Lot (Lakeshore at Wekiva)
East	“County” Low Density Residential (FLU-IP)	“County” RCE (ZIP)	Single Family Home
South	“County” Low Density Residential	“County” RCE	Single Family Home
West	“County” Low Density Residential	“County” RCE	Single Family Home

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The property is currently accessed from Oakpoint Circle. The subject property, along with other properties in the vicinity, are of a large-lot, residential nature. The requirements found in RCE-1 zoning, along with the Residential Very Low Suburban Future Land Use can assist in maintaining a large-lot nature.

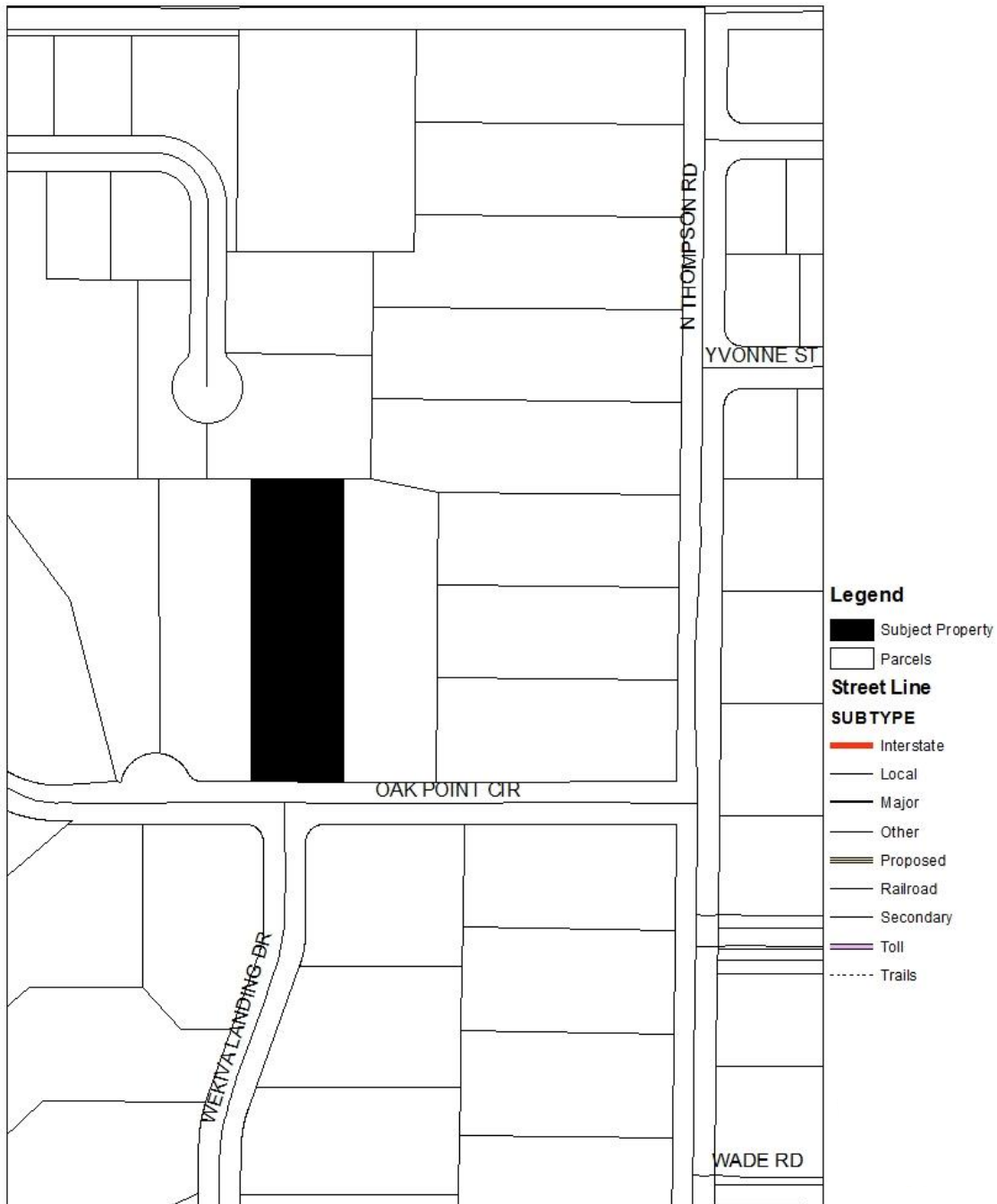
**COMPREHENSIVE PLAN  
 COMPLIANCE:**

The proposed RCE-1 zoning is consistent with the proposed Future Land Use designation, “Residential Very Low Suburban” (0-2 DU/AC) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



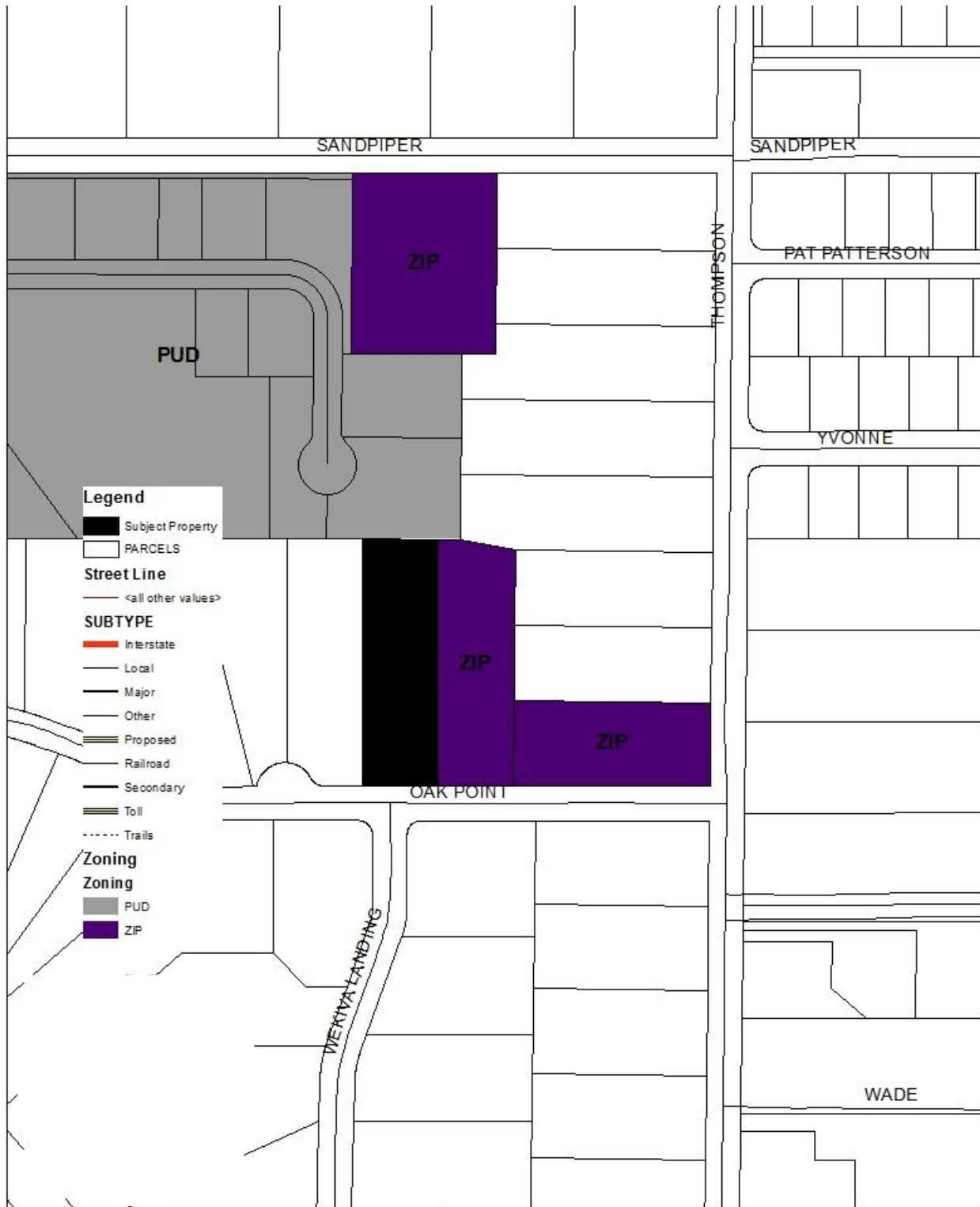
**Bryan and Debbie Nelson**  
**1.27 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-9090-00-020**

### VICINITY MAP



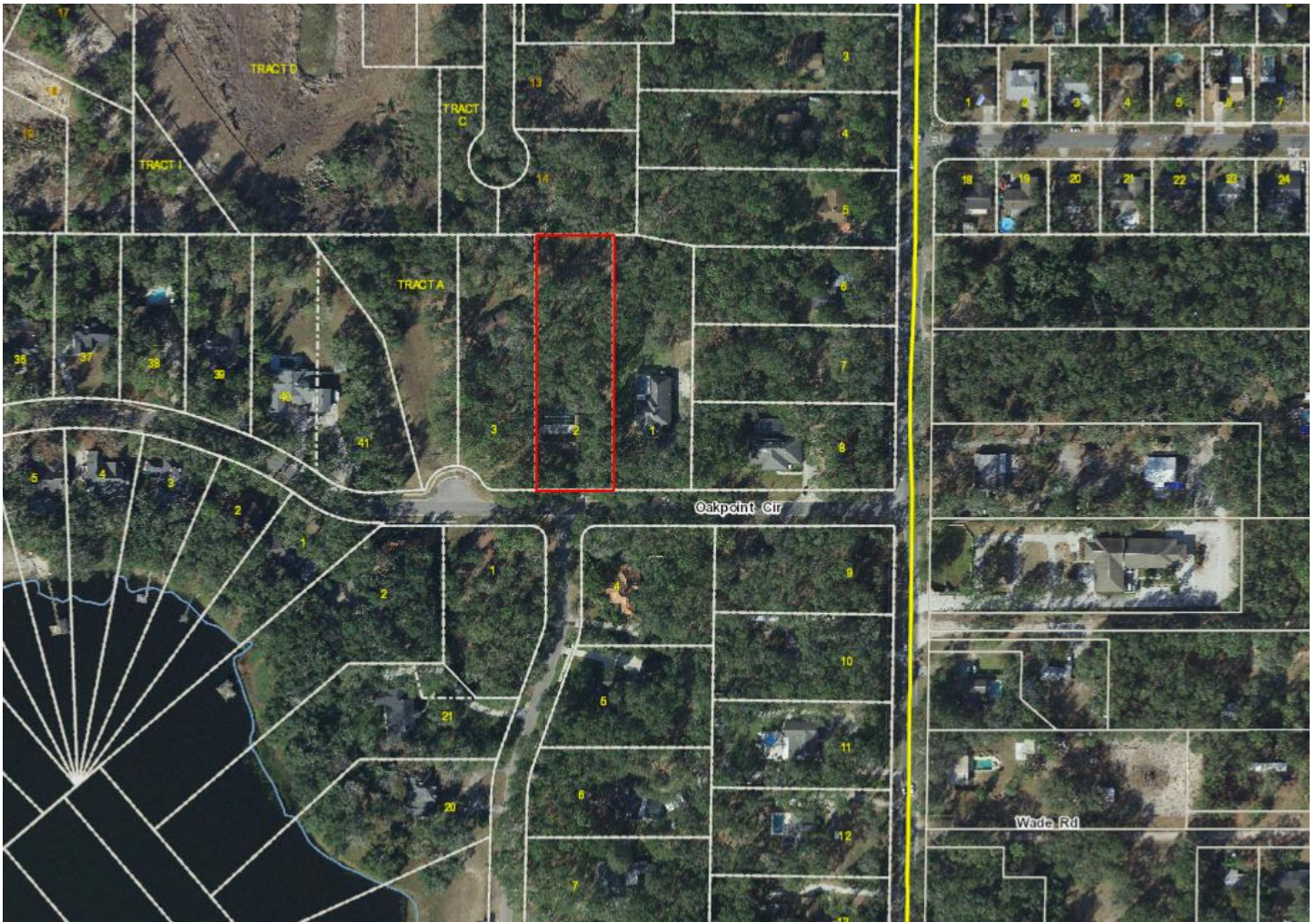


### ADJACENT ZONING





## ADJACENT USES



**ORDINANCE NO. 2685**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1157 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY BRYAN AND DEBBIE NELSON 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 RCE-1 (Residential Country Estate 1 District) 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 RCE-1 (Residential Country Estate 1 District) as defined in the Apopka Land Development Code and as appearing in Exhibit “A”:

Property Description:  
Wekiva Landing Plat, Platbook 14, Page 43; Lot 2

Parcel ID #: 02-21-28-9090-00-020

**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.** This Ordinance shall take effect if and when the companion Comprehensive Plan Future Land Use Map amendment relative to the subject property (Ord. 2684) becomes effective pursuant to § 163.3187(5)(c), Fla. Stat. If the companion Comprehensive Plan Future Land Use Map amendment does not become effective, then this Ordinance shall become null and void.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

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Bryan Nelson, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED: November 2, 2018; December 7, 2018





**Bryan and Debbie Nelson**  
**1.27 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-9090-00-020**





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2686

**SUBJECT: ORDINANCE NO. 2686 – ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – WILLIAM D. AND ROBYN D. COOK REVOCABLE TRUST**

**REQUEST: ORDINANCE NO. 2686 – FIRST READING - ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – WILLIAM D. AND ROBYN D. COOK REVOCABLE TRUST; FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC); AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNERS: William D. Cook and Robyn D. Cook Revocable Trust  
APPLICANT: City of Apopka  
LOCATION: 1163 Oakpoint Circle  
PARCEL ID NUMBER: 02-21-28-9090-00-010  
EXISTING USE: Single Family House  
CURRENT ZONING: “County” R-CE (ZIP-Zoning in Progress)  
PROPOSED DEVELOPMENT: Single Family House  
PROPOSED ZONING: “City” RCE-1 (Note: this Future Land Use amendment request is being processed along with a request to change the zoning classification from “County” R-CE (ZIP) to “City” RCE-1 (Residential Single Family District).  
TRACT SIZE: 1.27 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 5 Dwelling Units  
PROPOSED: 2 Dwelling Units

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the city on September 21, 2016 by Ordinance Number 2516. Presently, the subject property is without a “City” future land use and zoning designation. The proposed Future Land Use, “Residential Very Low Suburban” is compatible with the property due to its size and existing uses. In addition, “Residential Very Low Suburban” can be found in the vicinity of the property, including the north-adjacent subdivision, Lakeshore at Wekiva.

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

*Future Land Use Element*

**Policy 3.1.c**

**Very Low Density Suburban Residential**

The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- 1) Institutional uses of five acres or less
- 2) High schools
- 3) Supporting infrastructure and public facilities of two acres or more
- 4) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

**SCHOOL CAPACITY REPORT:** The proposed future land use change will not increase the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission (5:30 pm)  
December 5, 2018 - City Council (1:30 pm) - 1<sup>st</sup> Reading  
December 19, 2018 – City Council (7:00 pm) – 2<sup>nd</sup> Reading and Adoption

**DULY ADVERTISED:**

November 2, 2018 – Public Notice and Notification (Apopka Chief and letter to property owner)  
December 7, 2018 – Public Notice (Apopka Chief)

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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 areas, recommending approval of the proposed Future Land Use Designation of Residential Very Low Suburban for the property owned by William D. Cook and Robyn D. Cook Revocable Trust, and located at 1163 Oakpoint Circle.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended approval of the change of Future Land Use Designation from “County” Low Density Residential to “City” Residential Very Low Suburban, subject to the findings of the Staff Report.

**Recommended Motion:** Accept the first reading of Ordinance No. 2686 and hold it over for second reading and adoption on December 19, 2018.

**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” RVLS and “County” LDR	“City” PUD and “County” RCE	Vacant Subdivision Lot (Lakeshore at Wekiva) and Single Family Home
East	“County” Low Density Residential (FLU-IP)	“County” RCE (ZIP)	Single Family Home
South	“County” Low Density Residential	“County” RCE	Single Family Home
West	“County” Low Density Residential	“County” RCE	Single Family Home

**II. LAND USE ANALYSIS**

The subject property currently contains one dwelling unit, which makes the request for a Residential Very Low Suburban future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties in all four cardinal directions are of a sparse residential nature. The Future Land Use designation, “Residential Very Low Suburban” preserves a sparse residential nature.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC) is consistent with the terms of the JPA (Second Amendment). William D. Cook and Robyn D. Cook Revocable Trust are the property owners of the proposed future land use amendment and proposed change of zoning for the property, and have been notified of the hearing schedule.

Transportation: Road access to the site is from Oakpoint Circle.

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

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

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

Analysis of the character of the Property: The current use of the Property is a single family home. The character of the surrounding area is single family residential.

**CITY COUNCIL – DECEMBER 5, 2018**  
**COOK – FUTURE LAND USE AMENDMENT**  
**PAGE 5**

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Residential Very Low Suburban (0-2 DU/AC). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

**CALCULATIONS:**

ADOPTED: 5 Unit(s) x 2.659 p/h = 13 persons

PROPOSED: 2 Unit(s) x 2.659 p/h = 5 persons

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: A habitat study is required for developments greater than ten (10) acres in size. The site is less than ten acres and is already developed. A habitat management plan is not required.

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 980 GPD/Capita
6. Projected LOS under proposed designation: 392 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 2,270 GPD
3. Projected total demand under proposed designation: 908 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD / Capita
6. Projected LOS under proposed designation: 177 GPD / Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

**CITY COUNCIL – DECEMBER 5, 2018**  
**COOK – FUTURE LAND USE AMENDMENT**  
**PAGE 6**

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: 52 lbs/ day
4. Projected LOS under proposed designation: 20 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

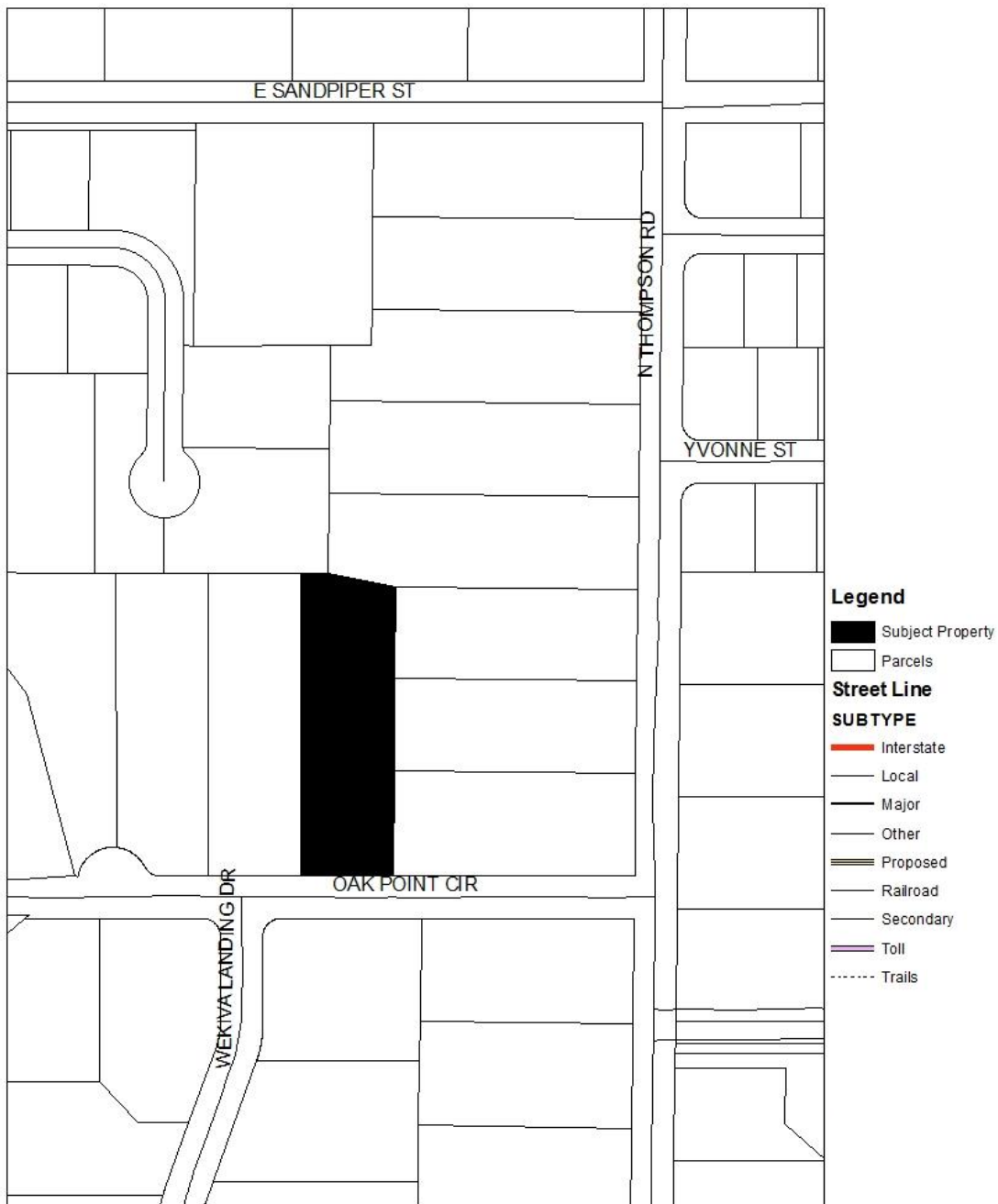
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.039 acres
3. Projected facility under proposed designation: 0.015 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development. This initial review does not preclude conformance with concurrency requirements at the time of development approval.



**William D. Cook and Robyn D. Cook Revocable Trust**  
**1.27 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-9090-00-010**

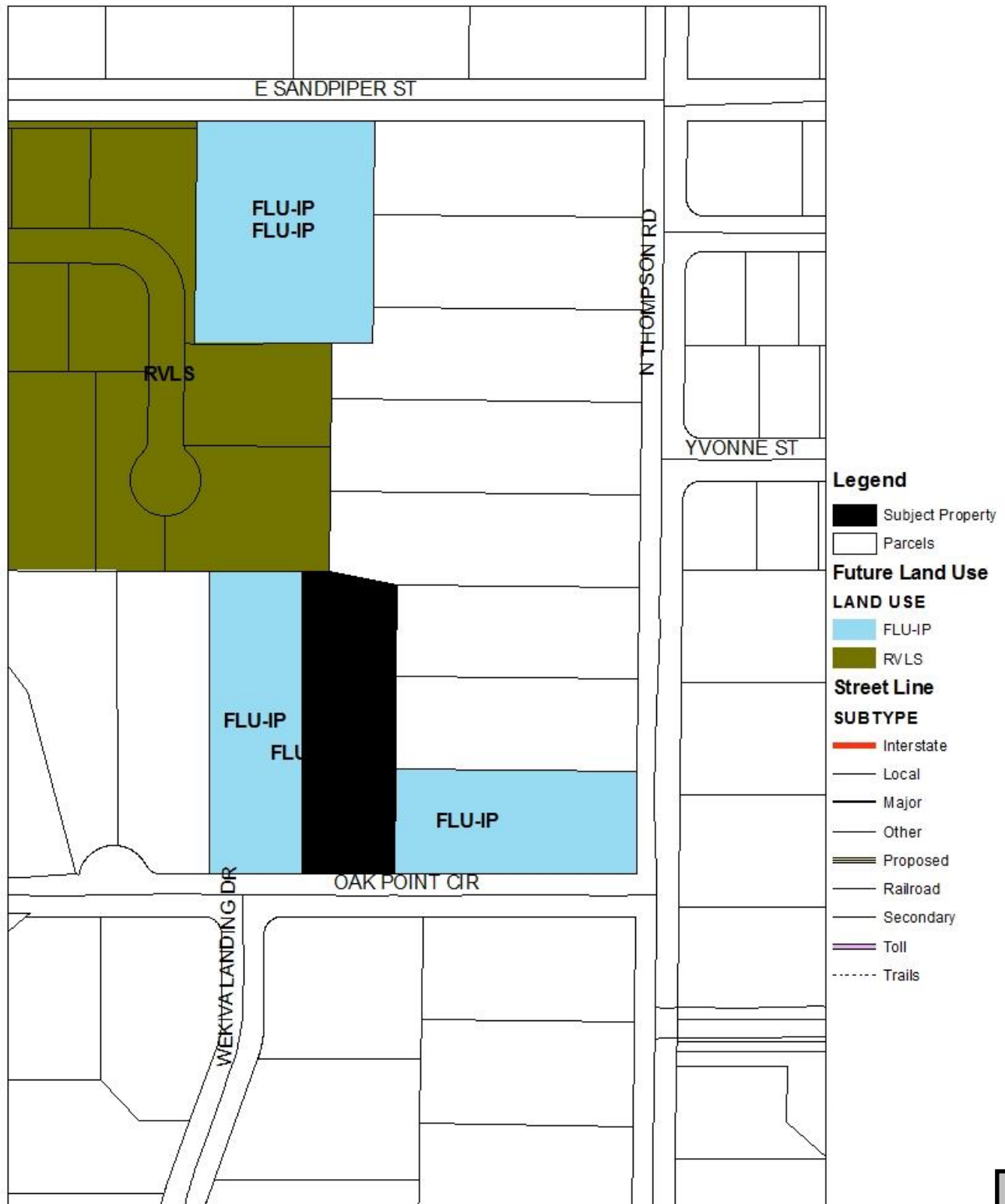
### VICINITY MAP







FUTURE LAND USE MAP



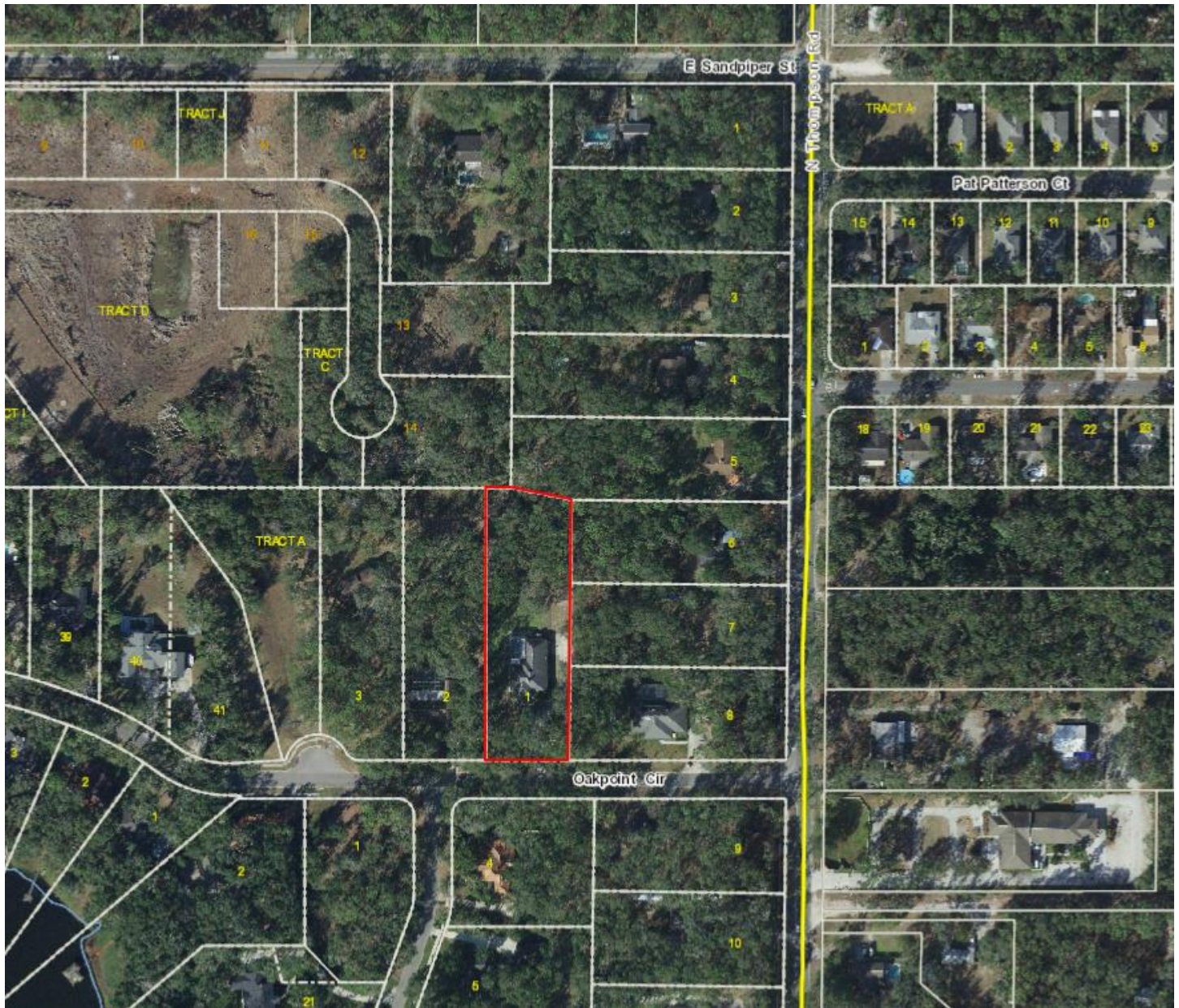


ADJACENT ZONING





### ADJACENT USES



**ORDINANCE NO. 2686**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1163 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY WILLIAM D COOK AND ROBYN D COOK REVOCABLE TRUST; 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. 2659 adopted on September 19, 2018; 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. 2659, is amended in its entirety to change the land use from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC), for certain real property located at 1163 Oakpoint Circle, comprising 1.27 acres more or less, (Parcel No. 02-21-28-9090-00-010); 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.

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

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

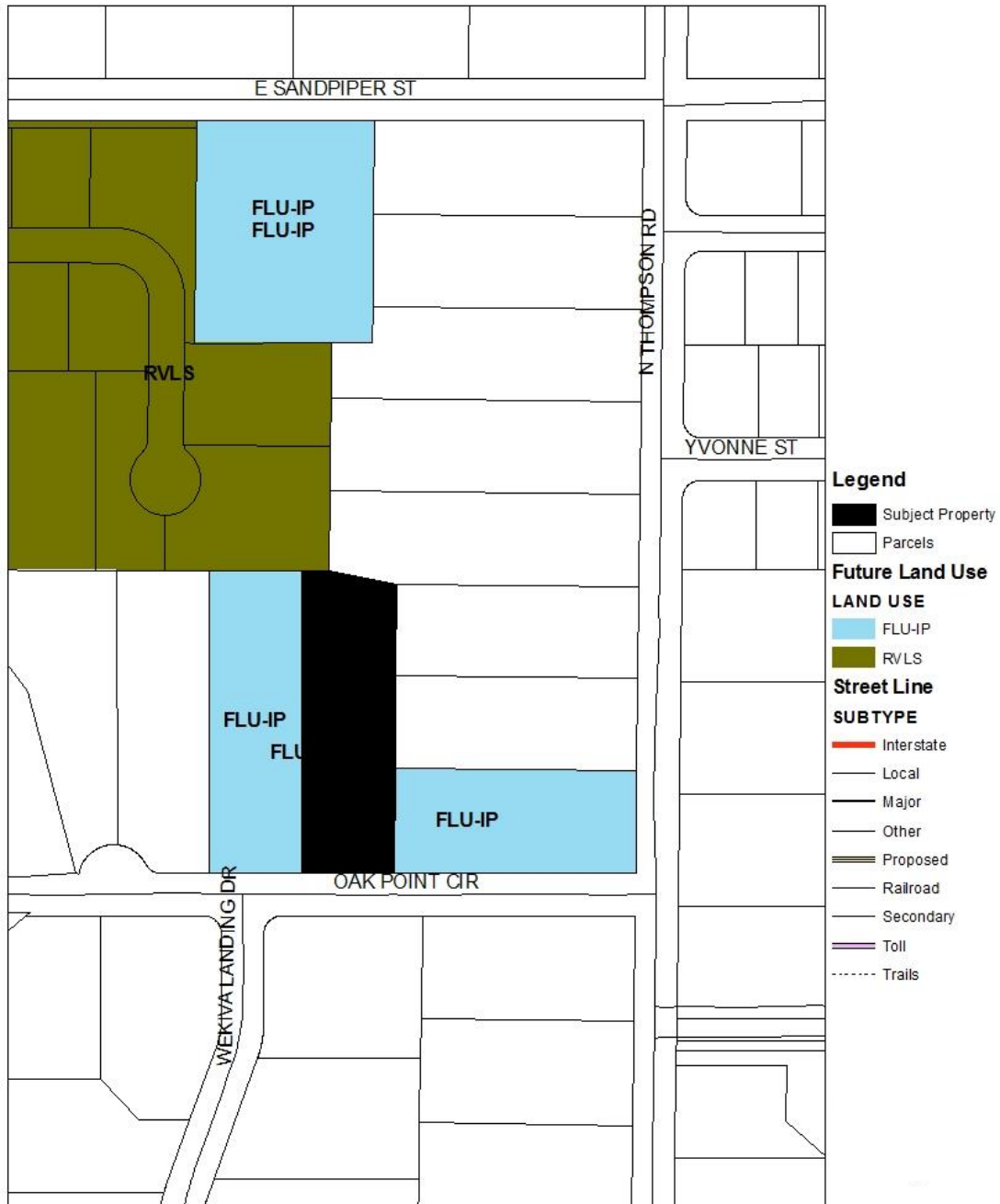
\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: November 2, 2018; December 7, 2018.



# EXHIBIT "A"

**William D. Cook and Robyn D. Cook Revocable Trust**  
**1.27 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-9090-00-010**





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2687

**SUBJECT: ORDINANCE NO. 2687 – ADMINISTRATIVE – CHANGE OF ZONING – WILLIAM D. COOK AND ROBYN D. COOK REVOCABLE TRUST**

**REQUEST: ORDINANCE NO. 2687 – FIRST READING - ADMINISTRATIVE – CHANGE OF ZONING – WILLIAM D. COOK AND ROBYN D. COOK REVOCABLE TRUST FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNERS: William D. Cook and Robyn D. Cook Revocable Trust  
APPLICANT: City of Apopka  
PARCEL ID NUMBER: 02-21-28-9090-00-010  
LOCATION: 1163 Oakpoint Circle  
EXISTING USE: Single Family House  
CURRENT ZONING: “County” R-CE (ZIP)  
PROPOSED ZONING: “City” RCE-1 (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from “County” Low Density Residential to “City” Residential Very Low Suburban.  
TRACT SIZE: 1.27 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: 2 Dwelling Units  
PROPOSED: 1 Dwelling Units

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The subject parcel was annexed into the city on September 21, 2016 by Ordinance Number 2516.

A request to assign a change of zoning to RCE-1 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The RCE-1 zoning is compatible with the property due to the size and uses. The change of zoning request is being processed in conjunction with a future land use amendment from “County” Low Density Residential to “City” Residential Very Low Suburban.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the proposed Residential Very Low Suburban (0-2 DU/Acre) Future Land Use designation and the City’s RCE-1 Zoning classification. Site development cannot exceed the density allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

Planning Commission, November 13, 2018 (5:30 pm)  
City Council, December 5, 2018 (1:30 pm) - 1<sup>st</sup> Reading  
City Council, December 19, 2018 (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

November 2, 2018 - Public Notice and Notification- (Apopka Chief, letter to property owner)  
December 7, 2018 - Public Notice – (Apopka Chief)

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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 areas, recommending approval of the proposed Change of Zoning from “County” R-CE (ZIP) to “City” RCE-1 for the property owned by William D. Cook and Robyn D. Cook Revocable Trust, and located at 1163 Oakpoint Circle.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the proposed Change of Zoning from “County” R-CE (ZIP) to “City” RCE-1 for the property owned by William D. Cook and Robyn D. Cook Revocable Trust, and located at 1163 Oakpoint Circle.

**Recommended Motion:** Accept the first reading of Ordinance No. 2687, and hold it over for second reading and adoption on December 19, 2018.

**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” RVLS and “County” LDR	“City” PUD and “County” RCE	Vacant Subdivision Lot (Lakeshore at Wekiva) and Single Family Home
East	“County” Low Density Residential (FLU-IP)	“County” RCE (ZIP)	Single Family Home
South	“County” Low Density Residential	“County” RCE	Single Family Home
West	“County” Low Density Residential	“County” RCE	Single Family Home

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The property is currently accessed from Oakpoint Circle. The subject property, along with other properties in the vicinity, are of a large-lot, residential nature. The requirements found in RCE-1 zoning, along with the Residential Very Low Suburban Future Land Use can assist in maintaining a large-lot nature.

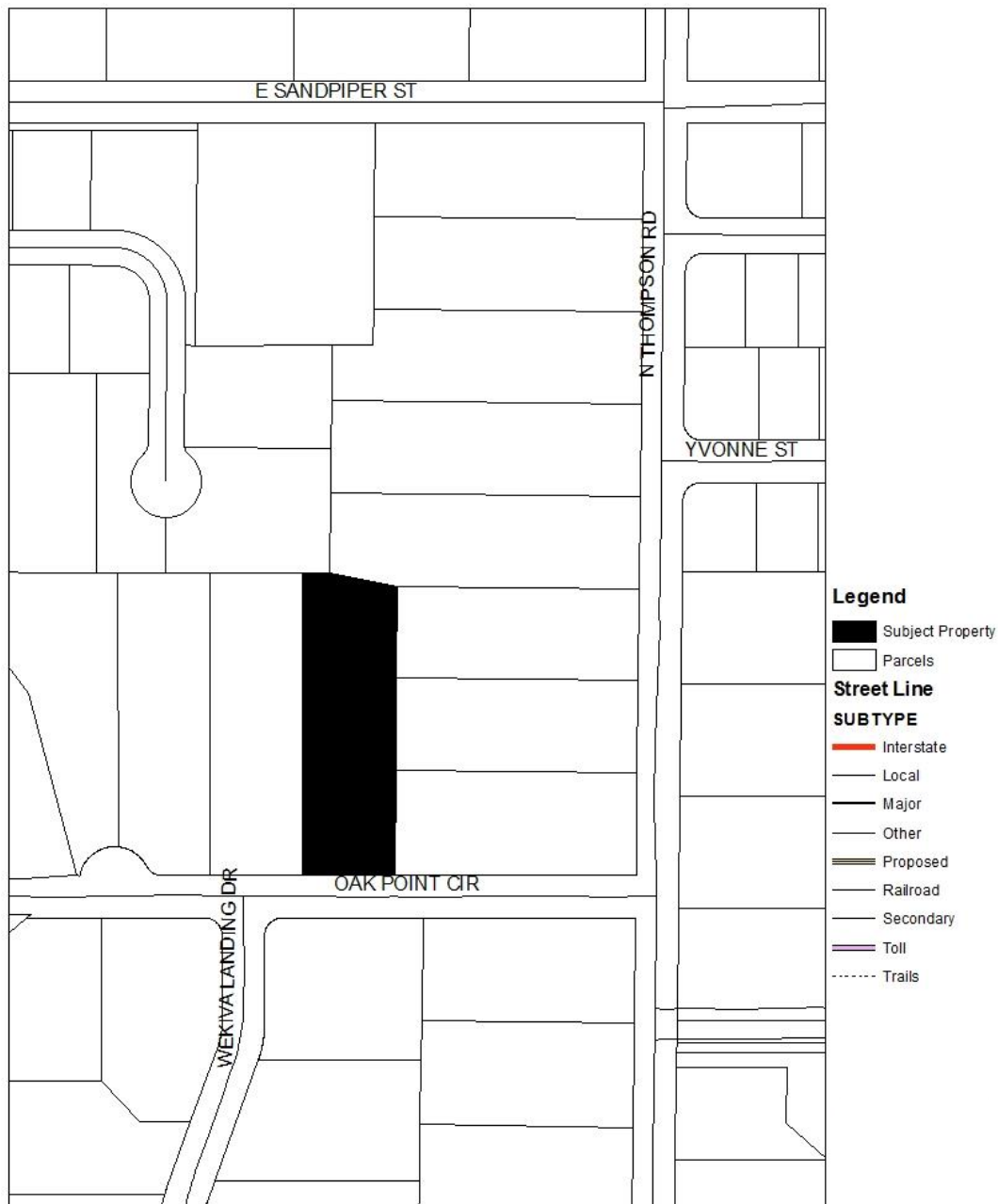
**COMPREHENSIVE PLAN  
 COMPLIANCE:**

The proposed RCE-1 zoning is consistent with the proposed Future Land Use designation, “Residential Very Low Suburban” (0-2 DU/AC) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



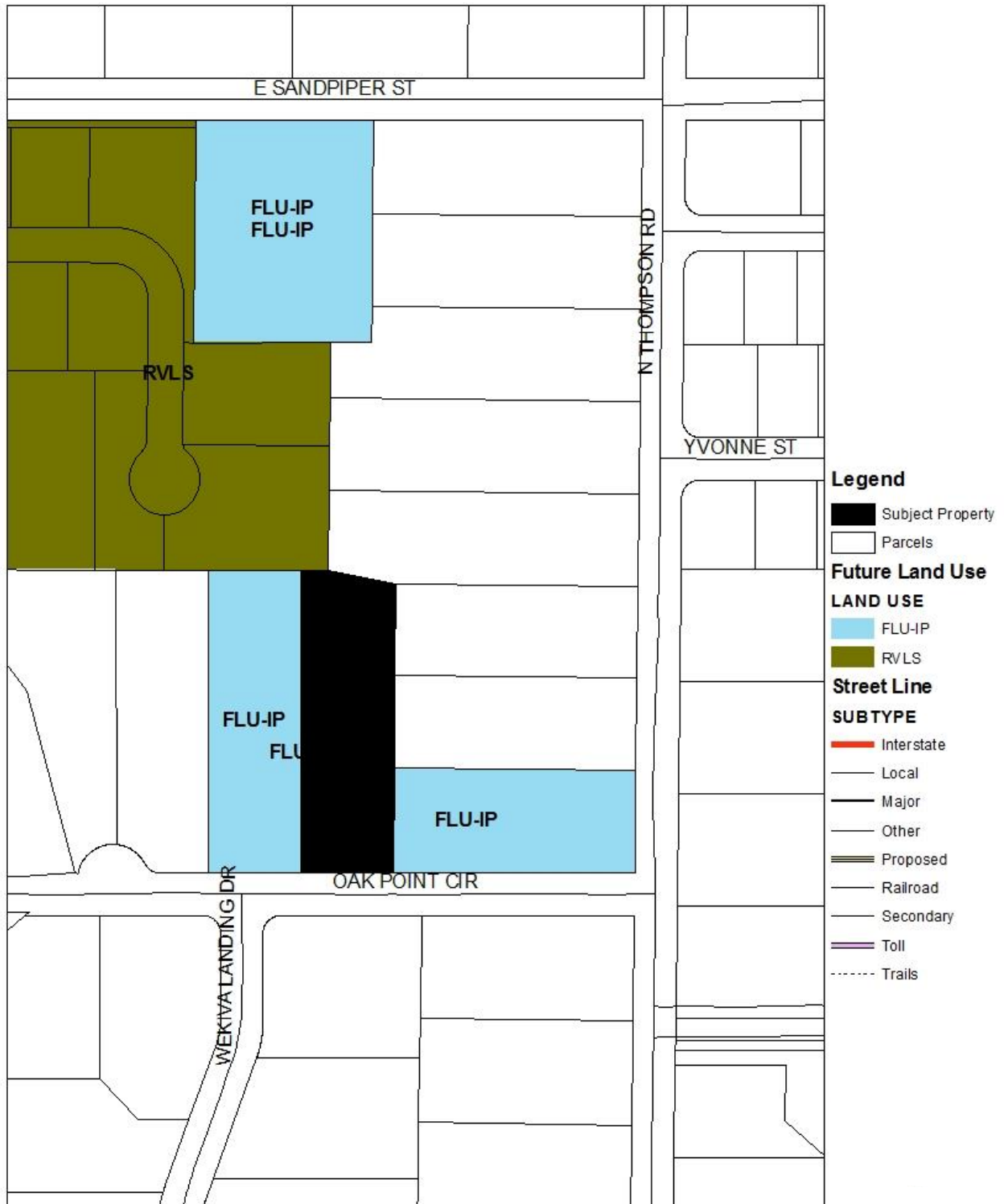
**William D. Cook and Robyn D. Cook Revocable Trust**  
**1.27 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: “County” Low Density Residential**  
**To: “City” Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: “County” RCE (ZIP)**  
**To: “City” RCE-1**  
**Parcel ID #: 02-21-28-9090-00-010**

### VICINITY MAP





### FUTURE LAND USE MAP



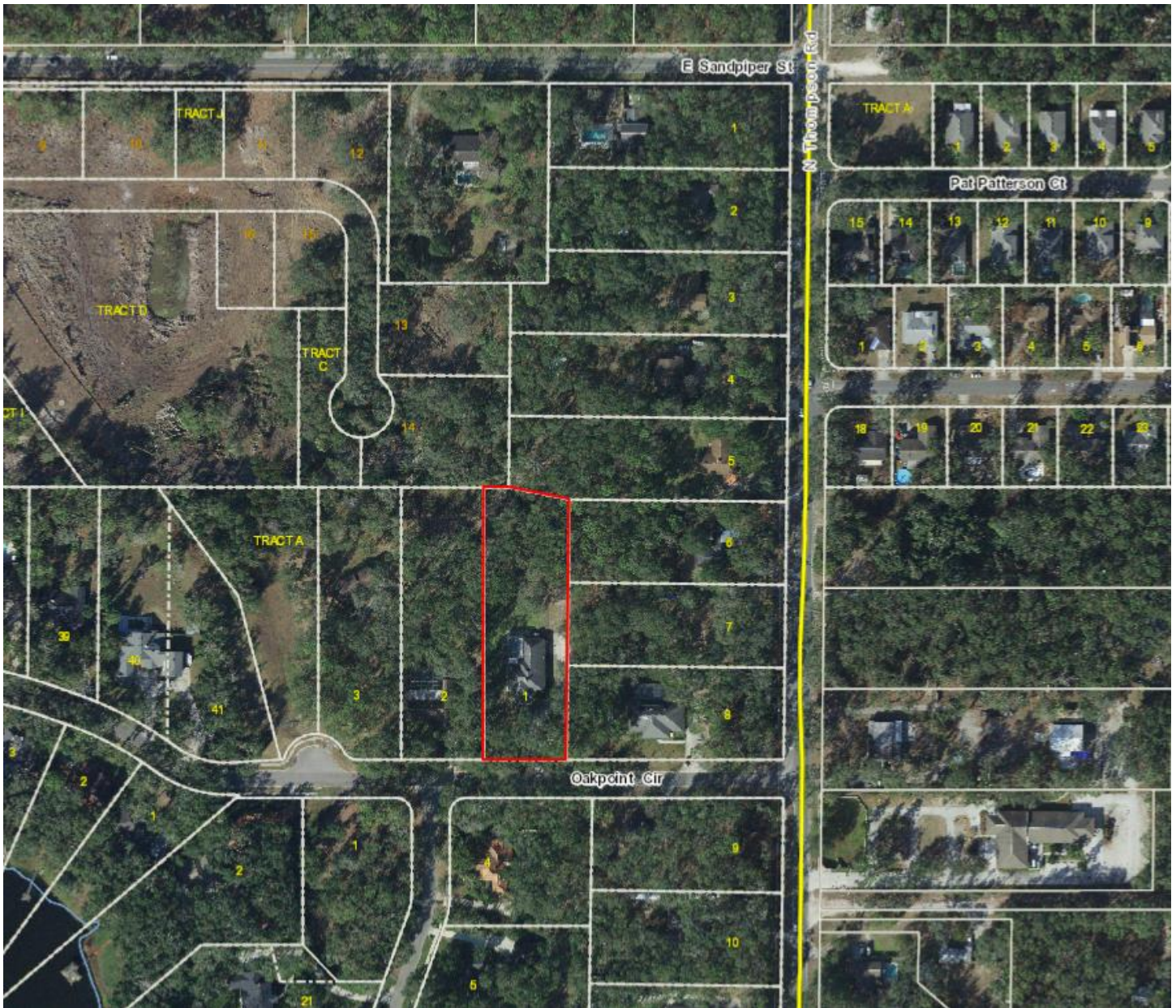


# ADJACENT ZONING





## ADJACENT USES



**ORDINANCE NO. 2687**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1163 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY WILLIAM D. COOK AND ROBYN D. COOK REVOCABLE 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 RCE-1 (Residential Country Estate 1 District) 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 RCE-1 (Residential Country Estate 1 District) as defined in the Apopka Land Development Code and as appearing in Exhibit “A”:

Property Description:

Wekiva Landing Plat; Platbook 14, Page; Lot 1

Parcel ID #: 02-21-28-9090-00-010

**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.** This Ordinance shall take effect if and when the companion Comprehensive Plan Future Land Use Map amendment relative to the subject property (Ord. 2686) becomes effective pursuant to § 163.3187(5)(c), Fla. Stat. If the companion Comprehensive Plan Future Land Use Map amendment does not become effective, then this Ordinance shall become null and void.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

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Bryan Nelson, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED: November 2, 2018; December 7, 2018



**William D. Cook and Robyn D. Cook Revocable Trust**  
**1.27 +/- acres**

**Proposed Small Scale Future Land Use Amendment:**

**From: "County" Low Density Residential**

**To: "City" Residential Very Low Suburban**

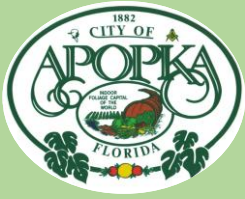
**Proposed Change of Zoning:**

**From: "County" RCE (ZIP)**

**To: "City" RCE-1 Parcel ID #: 02-21-28-9090-00-010**







# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2688

**SUBJECT: ORDINANCE NO. 2688 – ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – CARLOS VERDUZCO**

**REQUEST: ORDINANCE NO. 2688 – FIRST READING - ADMINISTRATIVE – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - CARLOS VERDUZCO, FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC); AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER: Carlos Verduzco  
APPLICANT: City of Apopka  
PARCEL ID NUMBER: 02-21-28-9090-00-080  
LOCATION: 1175 Oakpoint Circle  
EXISTING USE: Single Family House  
CURRENT ZONING: “County” R-CE (ZIP)  
PROPOSED ZONING: “City” RCE-1 (Note: this Future Land Use request is being processed along with a request to Change the Zoning from “County” R-CE (ZIP) to “City” RCE-1.  
TRACT SIZE: 1.14 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: 4 Dwelling Units  
PROPOSED: 2 Dwelling Unit

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the city on September 21, 2016 by Ordinance Number 2517. Presently, the subject property is without a “City” future land use and zoning designation. The proposed Future Land Use, “Residential Very Low Suburban” is compatible with the property due to its size and existing uses. In addition, “Residential Very Low Suburban” can be found in the vicinity of the property, including the Lakeshore at Wekiva Subdivision.

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

*Future Land Use Element*

**Policy 3.1.c**

**Very Low Density Suburban Residential**

The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- (1) Institutional uses of five acres or less
- (2) High schools
- (3) Supporting infrastructure and public facilities of two acres or more
- (4) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

**SCHOOL CAPACITY REPORT:** The proposed future land use change will not result in an increase in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission (5:30 pm)  
December 5, 2018 - City Council (1:30 pm) - 1<sup>st</sup> Reading  
December 19, 2018 – City Council (7:00 pm) – 2<sup>nd</sup> Reading and Adoption

**DULY ADVERTISED:**

November 2, 2018 – Public Notice and Notification (Apopka Chief and letter to property owner)  
December 7, 2018 – Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

The **Development Review Committee** found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of Residential Very Low Suburban for the property owned by Carlos Verduzco, and located at 1175 Oakpoint Circle.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended approval of the change of Future Land Use Designation from “County” Low Density Residential to “City” Residential Very Low Suburban, subject to the findings of the Staff Report for the property owned by for the property owned by Carlos Verduzco, and located at 1175 Oakpoint Circle.

**Recommended Motion:** Accept the first reading of Ordinance No. 2688, and hold it over for second reading and adoption on December 19, 2018.

**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” Low Density Residential	“County” RCE	Single Family Home
East	“County” Low Density Residential	“County” A-1	Single Family Home
South	“County” Low Density Residential	“County” RCE	Single Family Home
West	“County” Low Density Residential (FLU-IP)	“County” RCE (ZIP)	Single Family Home

**II. LAND USE ANALYSIS**

The subject property currently contains one dwelling unit, which makes the request for a Residential Very Low Suburban future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties in all four cardinal directions are of a sparse residential nature. The Future Land Use designation, “Residential Very Low Suburban” preserves a sparse residential nature.

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

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Core Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC) is consistent with the terms of the JPA (Second Amendment). Carlos Verduzco is the property owner of the proposed future land use amendment and proposed change of zoning for the property, and has been notified of the hearing schedule.

Transportation: Road access to the site is from Oakpoint Circle.

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

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

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

Analysis of the character of the Property: The current use of the Property is a single family home. The character of the surrounding area is single family residential.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Residential Very Low Suburban (0-2 DU/AC). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

**CALCULATIONS:**

ADOPTED: 4 Unit(s) x 2.659 p/h = 10 persons

PROPOSED: 2 Unit(s) x 2.659 p/h = 5 persons

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: A habitat study is required for developments greater than ten (10) acres in size.

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 784 GPD/Capita
6. Projected LOS under proposed designation: 392 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 1,816 GPD
3. Projected total demand under proposed designation: 908 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD / Capita
6. Projected LOS under proposed designation: 177 GPD / Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 40 lbs/ day
4. Projected LOS under proposed designation: 20 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

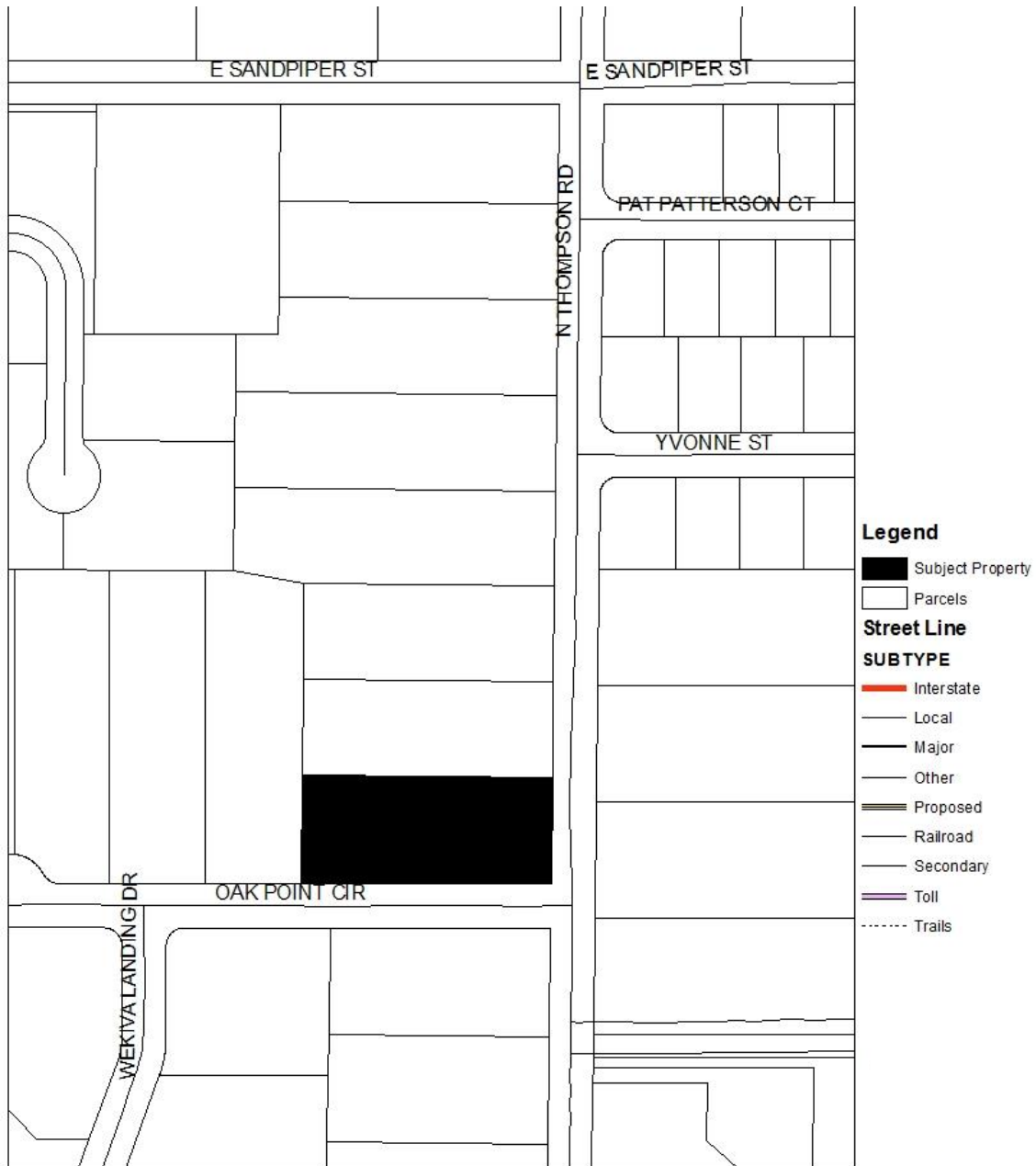
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.030 acres
3. Projected facility under proposed designation: 0.015 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

Standards set forth in the City’s Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development. This initial review does not preclude conformance with concurrency requirements at the time of development approval.



**Carlos Verduzco**  
**1.14 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: “County” Low Density Residential**  
**To: “City” Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: “County” RCE (ZIP)**  
**To: “City” RCE-1**  
**Parcel ID #: 02-21-28-7328-00-080**

### VICINITY MAP







### FUTURE LAND USE MAP



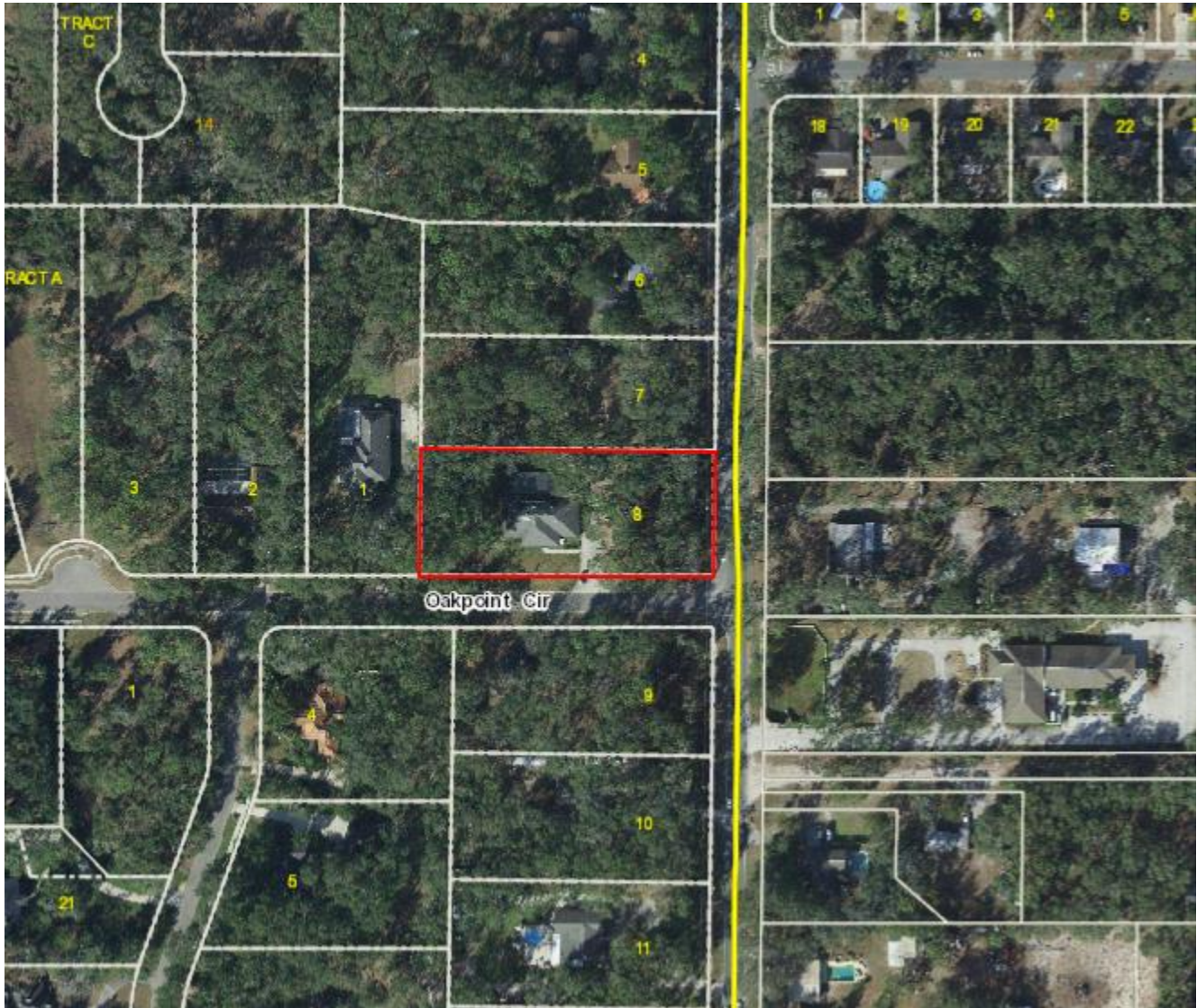


ADJACENT ZONING





ADJACENT USES



**ORDINANCE NO. 2688**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1175 OAKPOINT CIRCLE, COMPRISING 1.14 ACRES MORE OR LESS, AND OWNED BY CARLOS VERDUZCO; 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. 2659 adopted on September 19, 2018; 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. 2659, is amended in its entirety to change the land use from “County” Low Density Residential to “City” Residential Very Low Suburban (0-2 DU/AC), for certain real property located at 1175 Oakpoint Circle, comprising 1.14 acres more or less, (Parcel No. 02-21-28-7328-00-080); as further described in Exhibit “A” attached hereto.

**Section III. Applicability and Effect.**

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

**Section IV. Severability.**

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

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

**Section VI. Effective Date.** This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

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

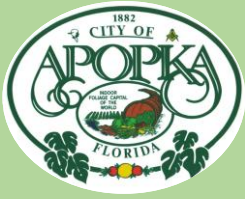
DULY ADVERTISED FOR HEARING: November 2, 2018; December 7, 2018



**EXHIBIT "A"**

**Carlos Verduzco**  
**1.14 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-7328-00-080**





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Zoning Map  
Adjacent Uses Map  
Ordinance No. 2689

**SUBJECT: ORDINANCE NO. 2689 – ADMINISTRATIVE – CHANGE OF ZONING – CARLOS VERDUZCO**

**REQUEST: ORDINANCE NO. 2689 – FIRST READING - ADMINISTRATIVE – CHANGE OF ZONING - CARLOS VERDUZCO, FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER:	Carlos Verduzco
APPLICANT:	City of Apopka
PARCEL ID NUMBER:	02-21-28-9090-00-080
LOCATION:	1175 Oakpoint Circle
EXISTING USE:	Single Family House
CURRENT ZONING:	“County” R-CE (ZIP)
PROPOSED ZONING:	“City” RCE-1 (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from “County” Low Density Residential to “City” Residential Very Low Suburban.
TRACT SIZE:	1.14 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT:	EXISTING: 2 Dwelling Units PROPOSED: 1 Dwelling Unit

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The subject parcel was annexed into the city on September 21, 2016 by Ordinance Number 2517.

A request to assign a change of zoning to RCE-1 is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The RCE-1 zoning is compatible with the property due to the size and use. The change of zoning request is being processed in conjunction with a future land use amendment from “County” Low Density Residential to “City” Residential Very Low Suburban.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the proposed Residential Very Low Suburban (0-2 DU/Acre) Future Land Use designation and the City’s RCE-1 Zoning classification. Site development cannot exceed the density allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed future land use change will not result in an increase in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018.

**PUBLIC HEARING SCHEDULE:**

Planning Commission, November 13, 2018 (5:30 pm)  
City Council, December 5, 2018 (1:30 pm) - 1<sup>st</sup> Reading  
City Council, December 19, 2018 (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

November 2, 2018 -- Public Notice and Notification- (Apopka Chief, letter to property owner)  
December 7, 2018 – Public Notice (Apopka Chief)

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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 areas, recommending approval of the proposed Change of Zoning from “County” R-CE (ZIP) to “City” RCE-1 for the property owned by Carlos Verduzco, and located at 1175 Oakpoint Circle.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the proposed Change of Zoning from “County” R-CE (ZIP) to “City” RCE-1 for the property owned by Carlos Verduzco, and located at 1175 Oakpoint Circle.

**Recommended Motion:** Accept the first reading of Ordinance No. 2689, and hold it over for second reading and adoption on December 19, 2018.

**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” Low Density Residential	“County” RCE	Single Family Home
East	“County” Low Density Residential	“County” A-1	Single Family Home
South	“County” Low Density Residential	“County” RCE	Single Family Home
West	“County” Low Density Residential (FLU-IP)	“County” RCE (ZIP)	Single Family Home

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The property is currently accessed from Oakpoint Circle. The subject property, along with other properties in the vicinity, are of a large-lot, residential nature. The requirements found in RCE-1 zoning, along with the Residential Very Low Suburban Future Land Use can assist in maintaining a large-lot nature.

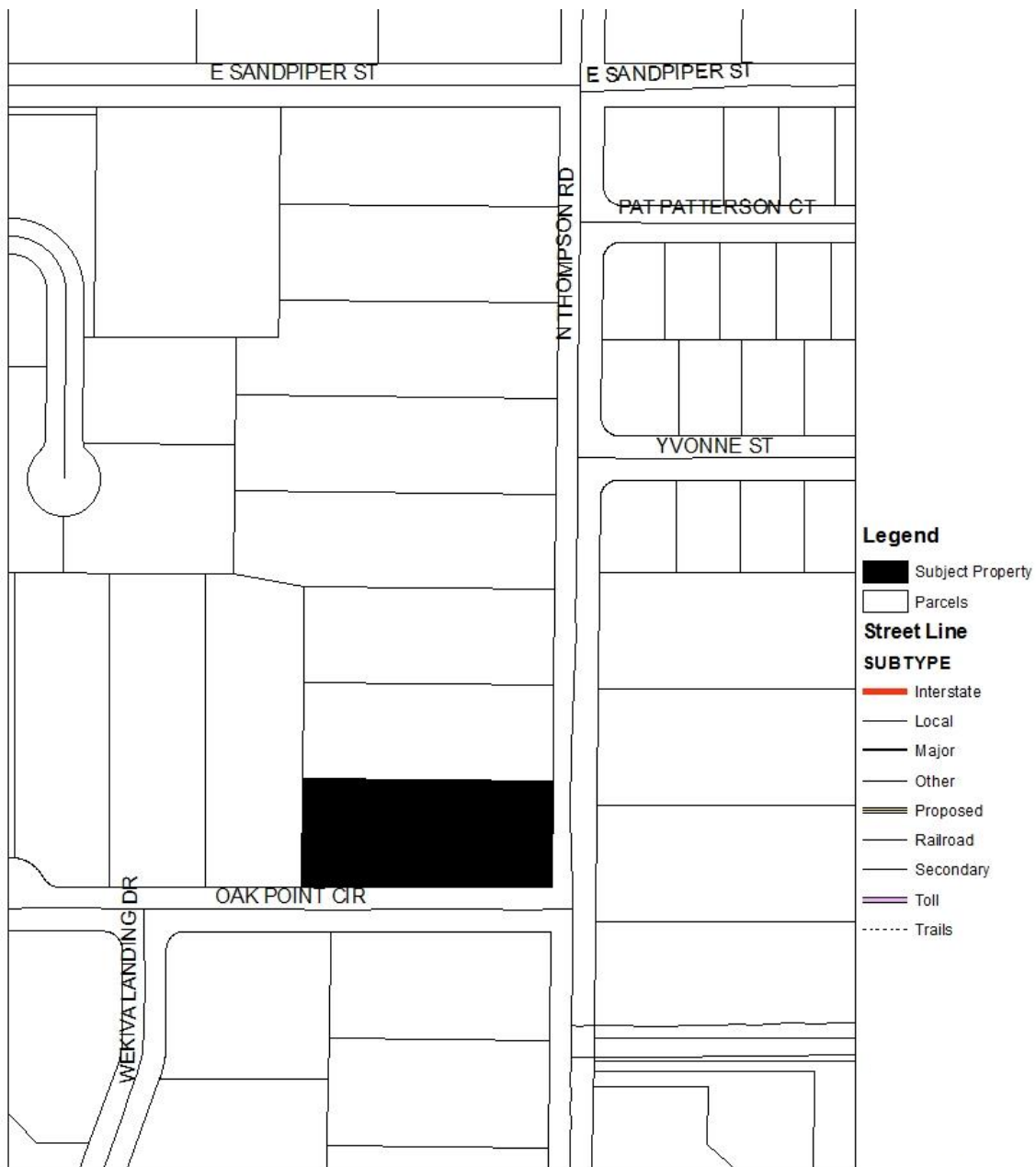
**COMPREHENSIVE PLAN  
 COMPLIANCE:**

The proposed RCE-1 zoning is consistent with the proposed Future Land Use designation, “Residential Very Low Suburban” (0-2 DU/AC) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



**Carlos Verduzco**  
**1.14 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: “County” Low Density Residential**  
**To: “City” Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: “County” RCE (ZIP)**  
**To: “City” RCE-1**  
**Parcel ID #: 02-21-28-7328-00-080**

### VICINITY MAP



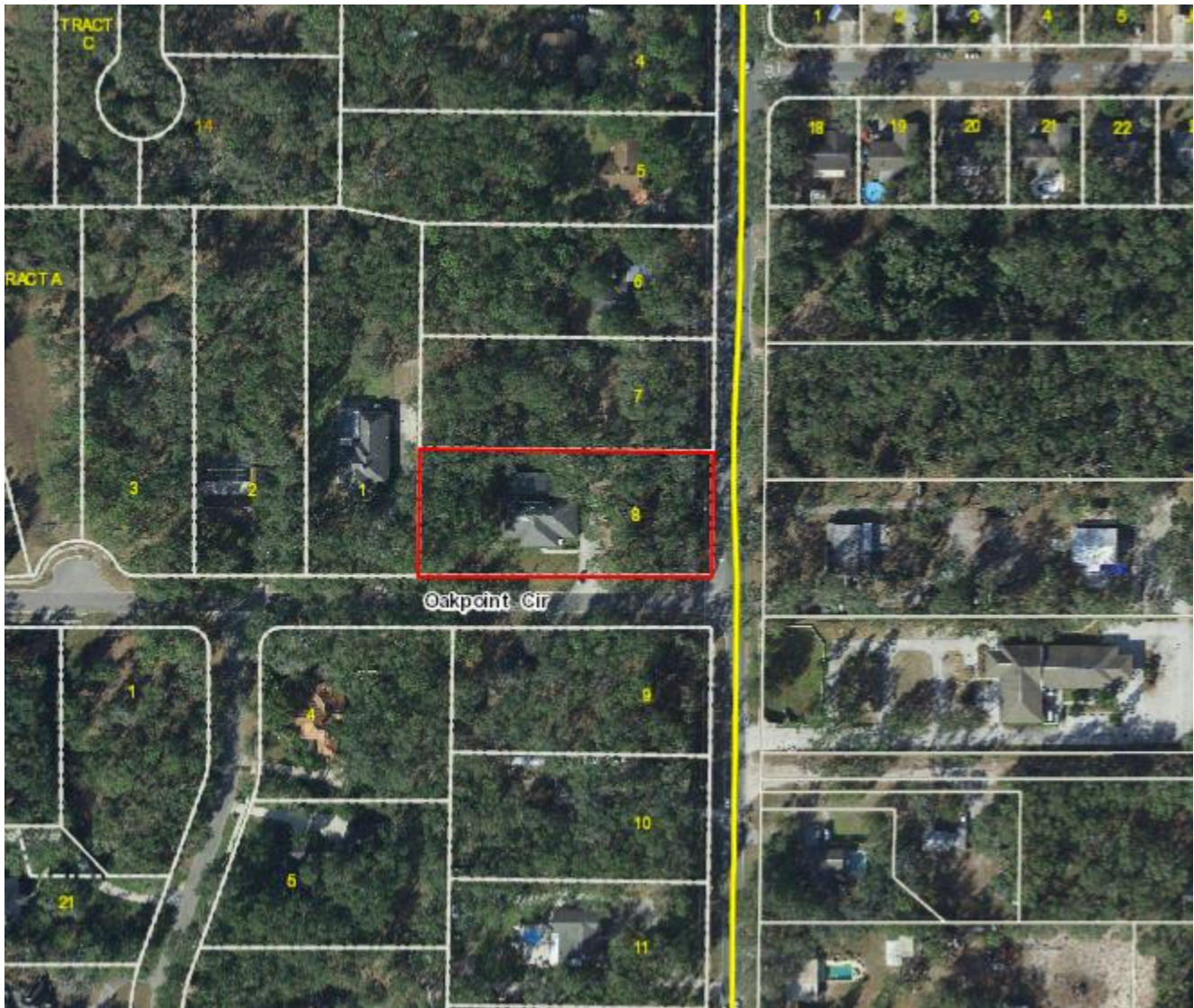


### ADJACENT ZONING





### ADJACENT USES



**ORDINANCE NO. 2689**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1175 OAKPOINT CIRCLE, COMPRISING 1.14 ACRES MORE OR LESS, AND OWNED BY CARLOS VERDUZCO 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 RCE-1 (Residential Country Estate 1 District) 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 RCE-1 (Residential Country Estate 1 District) as defined in the Apopka Land Development Code and as appearing in Exhibit “A”:

Property Description:

Raven’s Haven Plat; Platbook 7, Page 12; Lot 8  
Parcel ID #: 02-21-28-9090-00-010

**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.

**ORDINANCE 2689**

**Page 2**

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

**Section VI.** This Ordinance shall take effect if and when the companion Comprehensive Plan Future Land Use Map amendment relative to the subject property (Ord. 2688) becomes effective pursuant to § 163.3187(5)(c), Fla. Stat. If the companion Comprehensive Plan Future Land Use Map amendment does not become effective, then this Ordinance shall become null and void.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

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Bryan Nelson, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED: November 2, 2018; December 7, 2018



**Carlos Verduzco**  
**1.14 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: "County" Low Density Residential**  
**To: "City" Residential Very Low Suburban**  
**Proposed Change of Zoning:**  
**From: "County" RCE (ZIP)**  
**To: "City" RCE-1**  
**Parcel ID #: 02-21-28-7328-00-080**





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Aerial Map  
Ordinance No. 2690

**SUBJECT: ORDINANCE NO. 2690 – COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – CARROL M. HAMRICK**

**REQUEST: ORDINANCE NO. 2690 – FIRST READING - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – CARROL M. HAMRICK; AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**SUMMARY:**

OWNER: Carrol M. Hamrick  
APPLICANT: PMDW Ventures, LLC  
LOCATION: North of W. Ponkan Rd. & West of Mt. Stirling Ave.  
PARCEL ID #(S): 21-20-28-0000-00-019 & 21-20-28-0000-00-022  
EXISTING USE: Vacant  
DEVELOPMENT POTENTIAL: 35 Single Family Houses  
CURRENT ZONING: R-1AA (Single Family Residential)  
PROPOSED ZONING: R-1AA (Single Family Residential)  
MAXIMUM ALLOWABLE DEVELOPMENT UNDER FLUM: EXISTING FLU: 35 Dwelling Units  
PROPOSED FLU: 70 Dwelling Units  
TRACT SIZE: 35.21 +/- acres

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



**CITY COUNCIL – DECEMBER 5, 2018**  
**HAMRICK – LARGE SCALE FUTURE LAND USE AMENEMENT**  
**PAGE 2**

**ADDITIONAL COMMENTS:** The applicant intends to use the subject properties for a single family subdivision, and requests the City to assign a future land use designation of Residential Very Low Suburban to the property.

The subject properties were annexed into the City on July 18, 1990 via Ordinance No. 624. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Very Low Suburban is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 35.21 acres.

Residential Very Low Suburban Future Land Uses:

“The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.”

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 proposed use of the property is consistent with the Residential Very Low Suburban designation.

**SCHOOL CAPACITY REPORT:** An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 - Planning Commission (5:30 pm)

December 5, 2018 - City Council (7:00 pm) - 1st Reading & Transmittal

**DULY ADVERTISED:**

November 2, 2018 – Public Notice (Apopka Chief) and Notification (letters and posting)

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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 transmittal of the change in Future Land Use from Residential Estates (0-1 du/ac) to Residential Very Low Suburban (0-2 du/ac) for the properties owned by Carrol M Hamrick.

The **Planning Commission**, at its meeting on November 13, 2018, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended approval of the Future Land Use Map designation from Residential Estates (0-1 du/ac) to Residential Very Low Suburban (0-2 du/ac) and transmittal to the Florida Department of Economic Opportunity.

**Recommended Motion:** Accept the first reading of Ordinance No. 2690 and authorize transmittal to the Florida Department of Economic Opportunity.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Estates (0-1 DU/AC)	PUD	Rock Springs Ridge Subdivision
East (City)	Residential Estates (0-1 DU/AC)	PUD	Rock Springs Ridge Subdivision
South (City)	Mixed Use	Mixed-CC	Vacant
West (County)	Rural	A-1	Single Family House

**II. LAND USE ANALYSIS**

The applicant intends to use this site for a single family subdivision.

- North: Abutting the subject property to the north is Rock Springs Ridge Phase 2, a single family subdivision.
- West: The property to the west is moderately wooded and comprises of a single family house.
- South: The adjacent property is vacant..
- East: To the east is the aforementioned Rock Springs Ridge Phase 2, a single-family residential community.

The proposed future land use designation of Residential Very Low Suburban (0-2 du/ac) is consistent with the surrounding future land use designations and Policy 3.5 in the City’s Comprehensive Plan, Future Land use Element: “Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.”

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

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 karst features are within the vicinity of this property.

Analysis of the character of the Property: The properties abut Mt. Stirling Avenue and Rock Springs Ridge Ph. 2 to the east. City parcels to the north and east have a maximum allowable residential density of one dwelling unit per acre. Due to the previously mentioned, Comprehensive Plan, Policy 3.5, the maximum allowable residential density of the south-adjacent Mixed Use parcels is 2 dwelling units per acre. Subsequently, the proposed Residential Very Low Suburban, also allows a maximum density of 2 dwelling units per acre. Thus, staff finds the proposed Residential Very Low Suburban Future Land Use to be compatible with the property, and within the vicinity.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is Residential Very Low Suburban (0 – 2 du/ac). An amendment to the Future Land Use of Residential Very Low Suburban Density will generate an estimated population increase of up to 93 persons. Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population, but a housing supply is needed to meet the growing population.

**CALCULATIONS:**

EXISTING: Residential Estates (0-1 DU/AC, 35.21 AC)  
35 D/U X 2.659 p/h = 93 persons

PROPOSED: Residential Very Low Suburban (0-2 DU/AC)  
70 D/U x 2.659 p/h = 186 persons  
**Net Increase= 93 Persons**

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 ten (10) acres or more in size. This site is greater than ten acres. A habitat study will 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 City of Apopka service area for potable water, reclaimed water and sanitary service.

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: 6,860 GPD
3. Projected total demand under proposed designation: 13,720 GPD

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

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 7,350 GPD
3. Projected total demand under proposed designation: 14,700 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: 372 lbs/ day
4. Projected LOS under proposed designation: 744 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

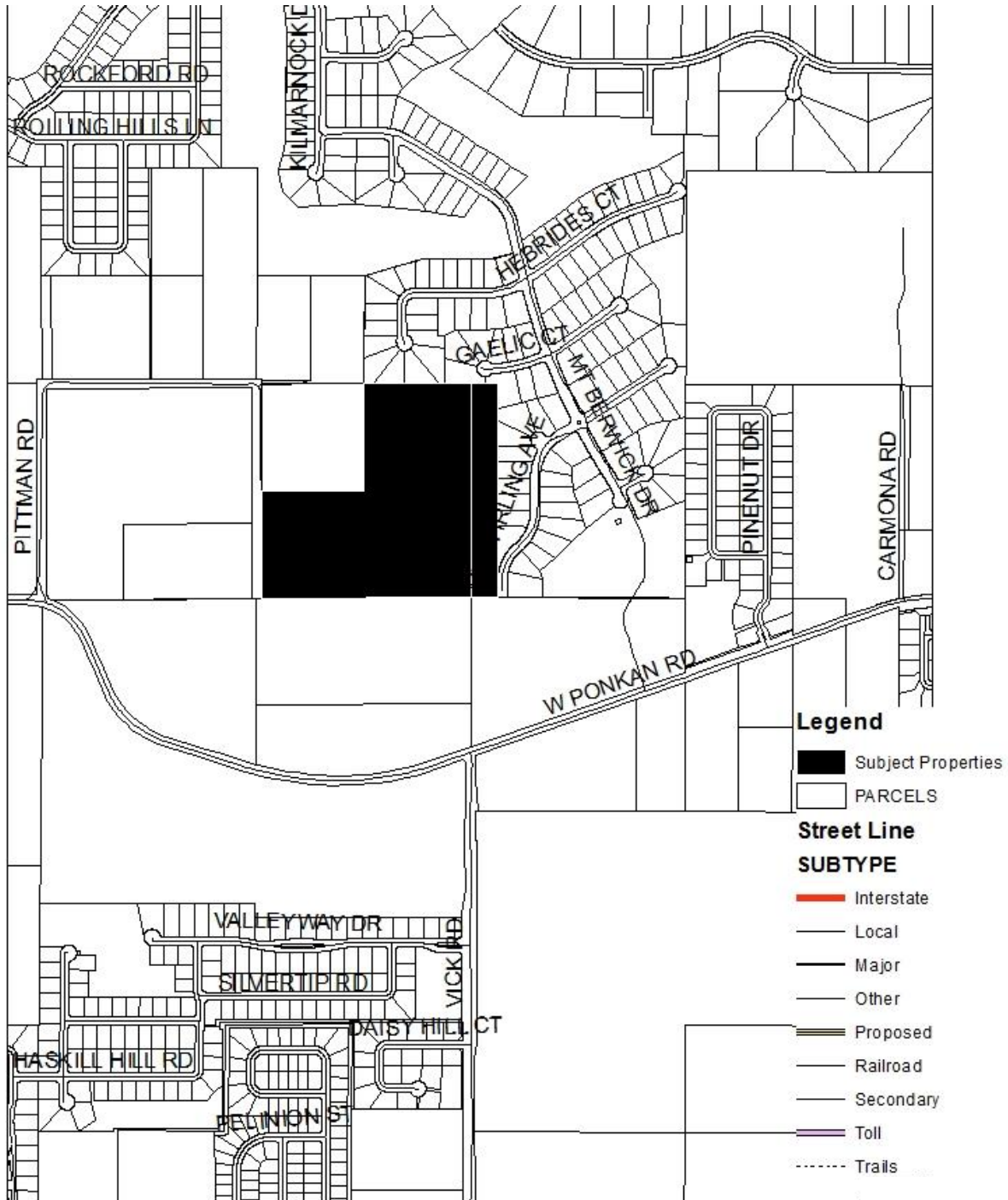
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.279 acres
3. Projected facility under proposed designation: 0.558 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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



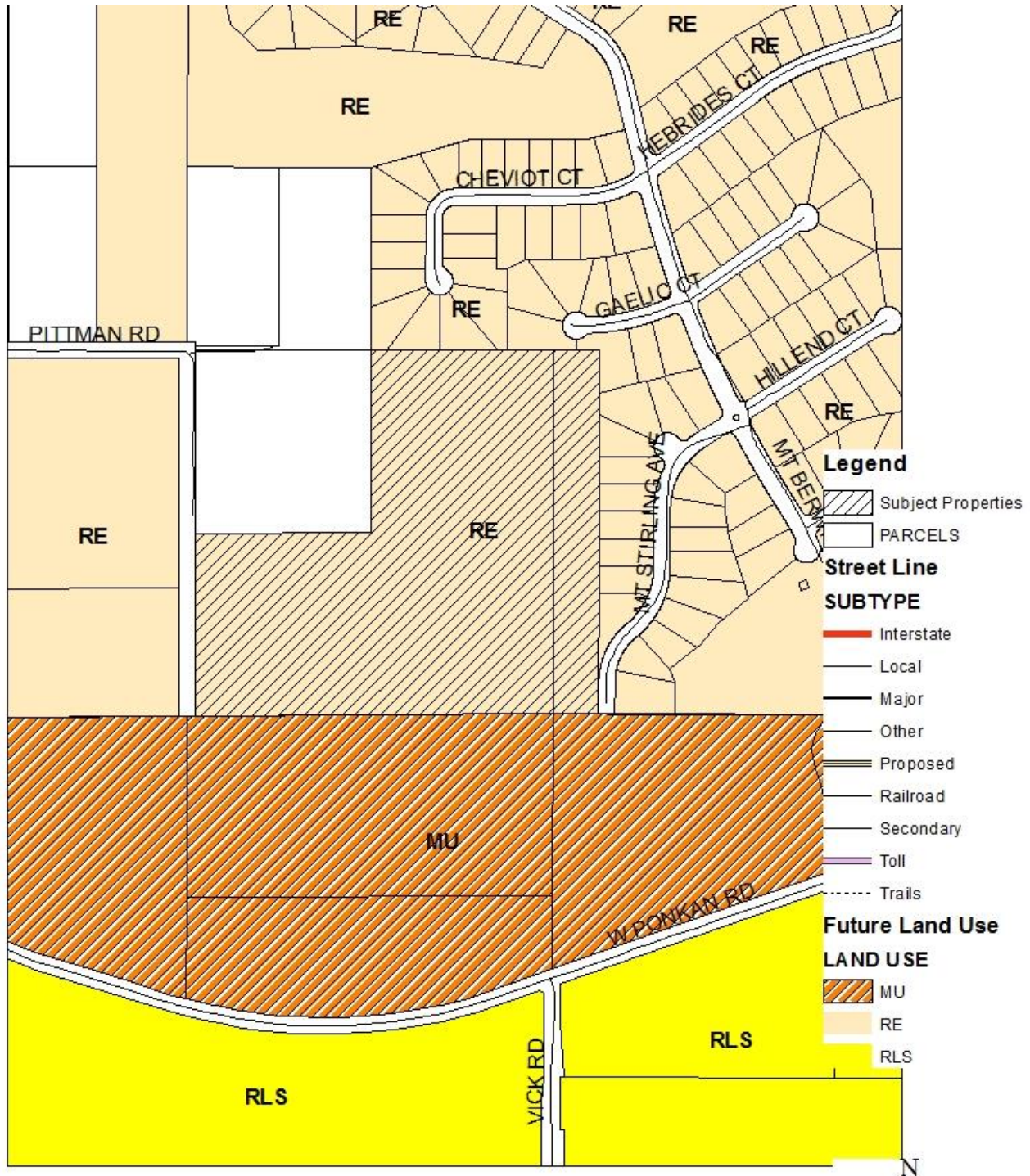
Carrol M. Hamrick  
Proposed Large Scale Future Land Use Amendment:  
From: Residential Estates  
To: Residential Very Low Suburban (0-2 DU/AC)  
Parcel ID #s: 20-20-28-0000-00-022 & 21-20-28-0000-00-019

VICINITY MAP



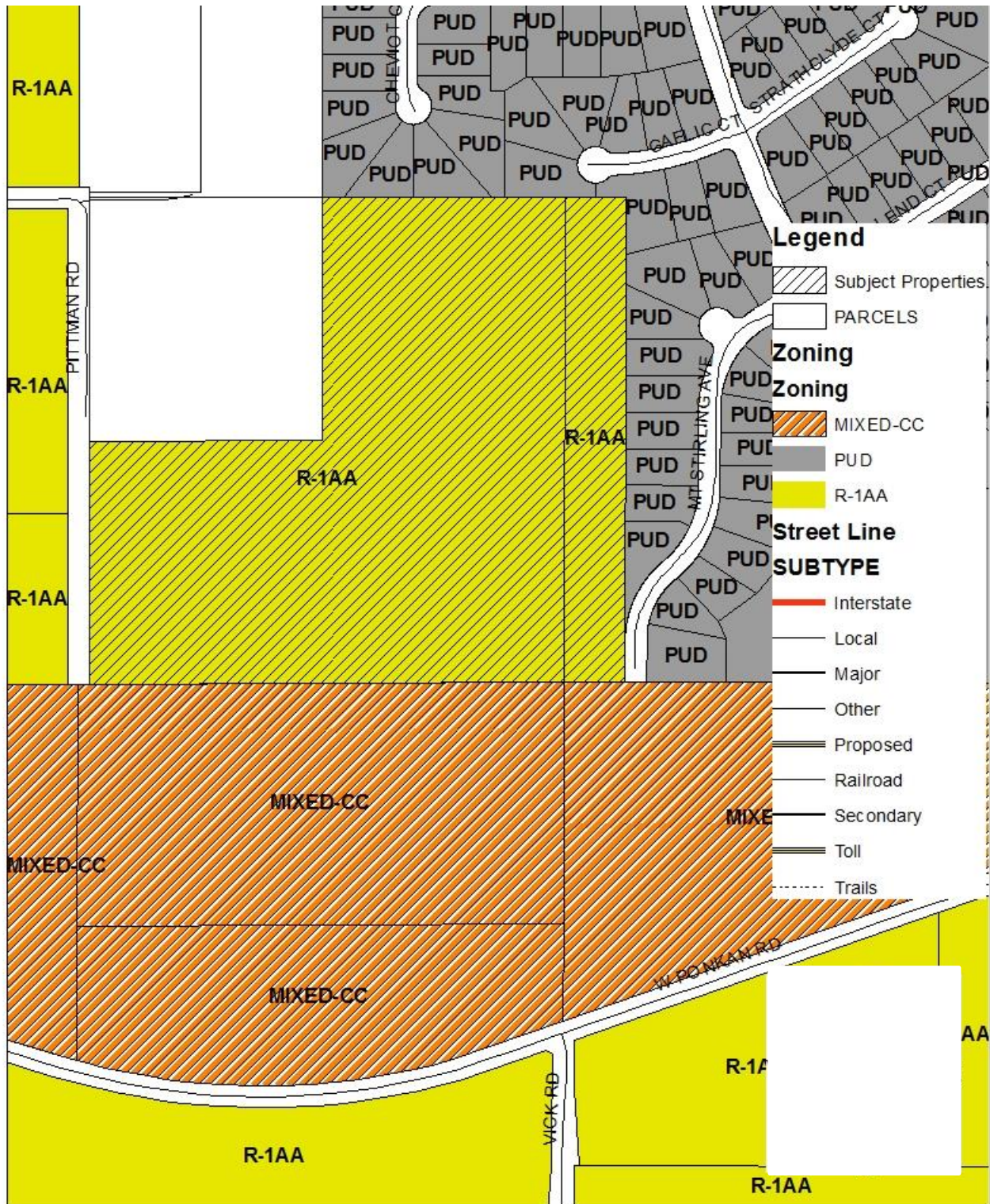


### FUTURE LAND USE MAP





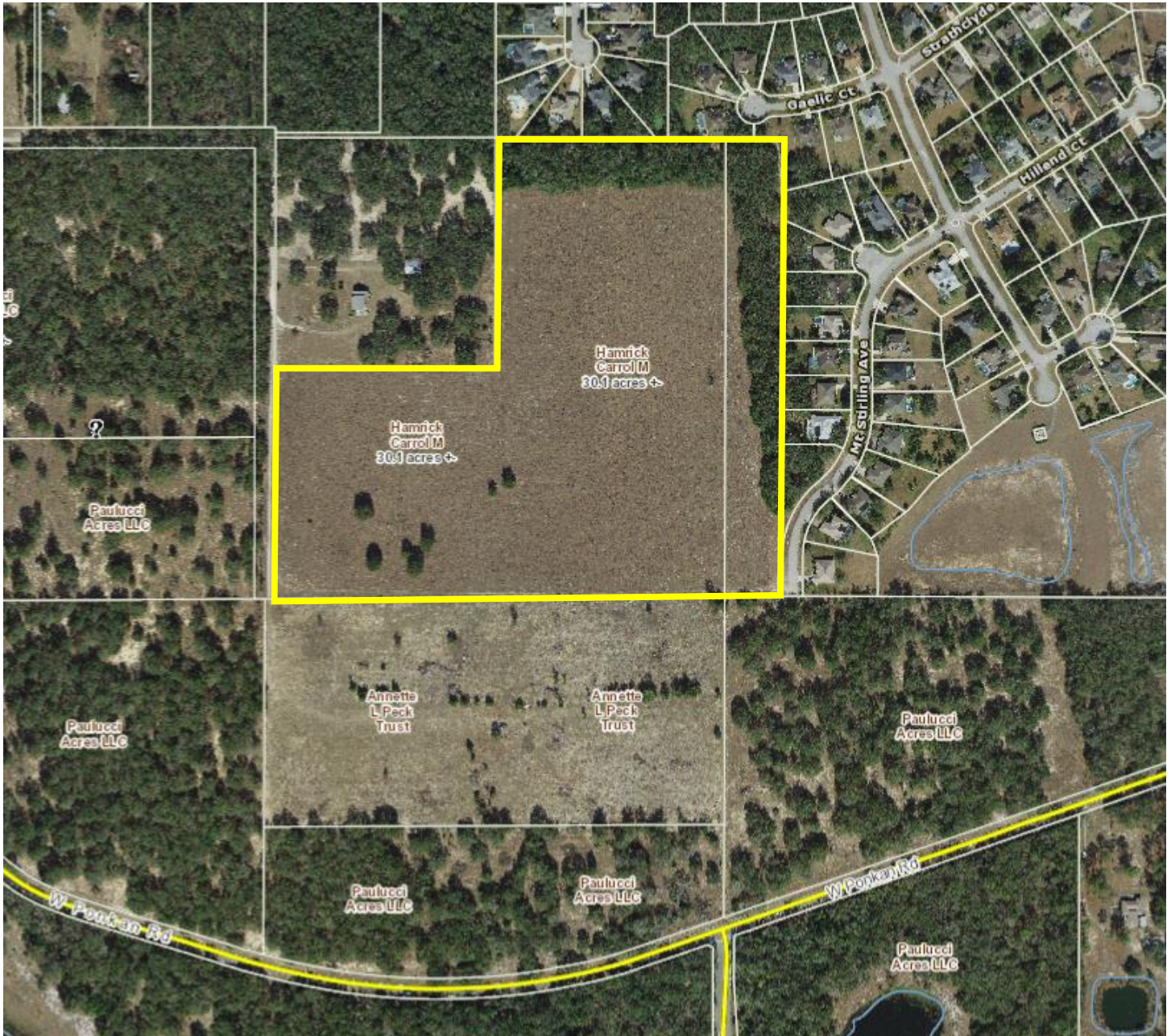
ADJACENT ZONING







### ADJACENT USES



**ORDINANCE NO. 2690**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL ESTATES TO RESIDENTIAL VERY LOW SUBURBAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST PONKAN ROAD AND WEST OF MOUNT STERLING AVENUE, OWNED BY CARROL M HAMRICK; COMPRISING 35.21 ACRES, MORE OR LESS, 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. 2659; and

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

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

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

The Future Land Use Map is hereby amended for the property identified in Exhibit "A" of this Ordinance to Residential Very Low Suburban, and incorporated herein by reference.

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

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

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

**ORDINANCE NO. 2690**

**PAGE 2**

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2019.

READ FIRST TIME: December 5, 2018

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

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

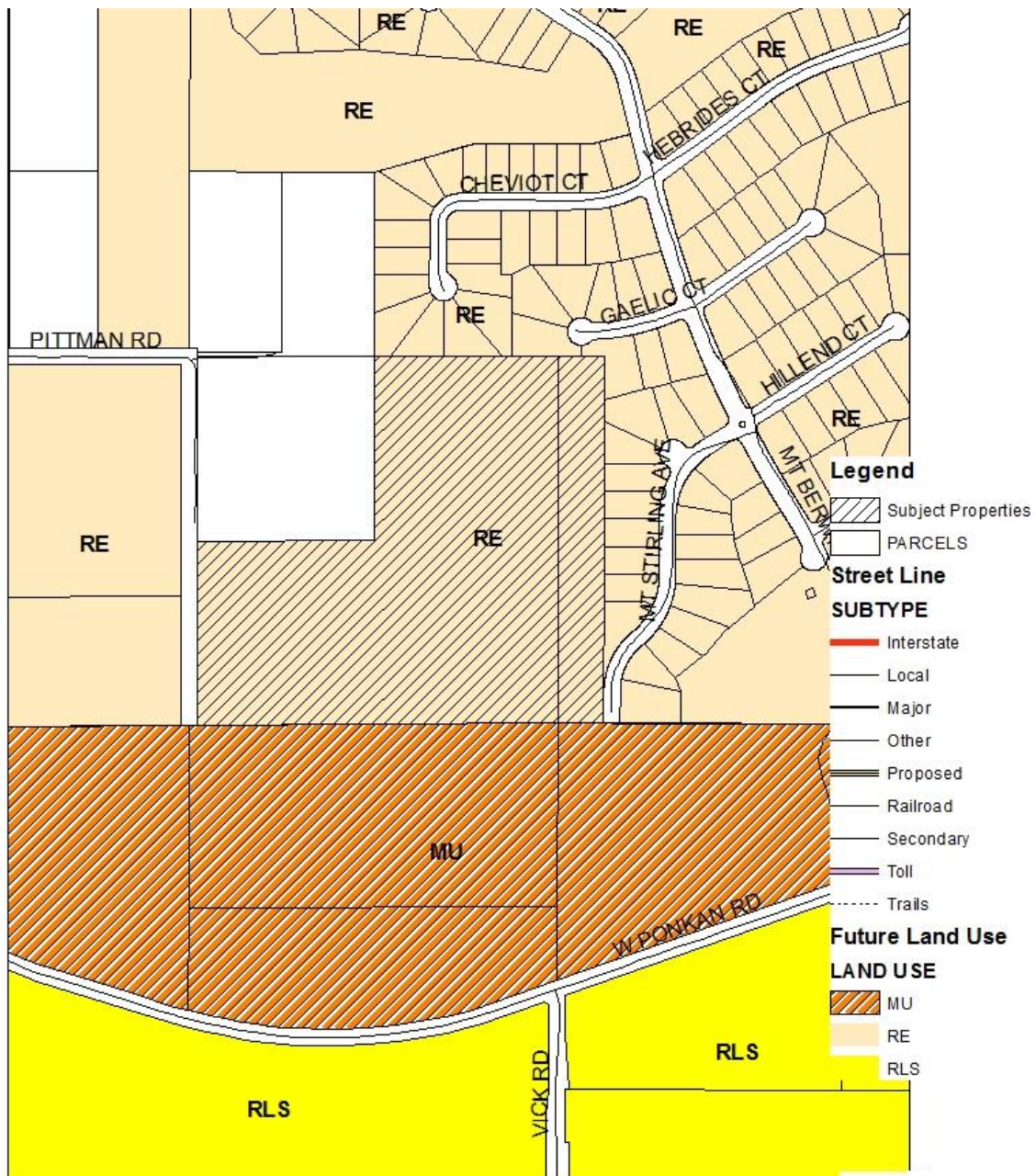
\_\_\_\_\_  
Linda Goff, City Clerk

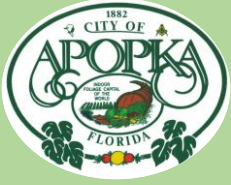
DULY ADVERTISED FOR PUBLIC HEARING: November 2, 2018



**CARROL M HAMRICK**  
Property Owner  
35.21 +/- Acres  
Proposed Large Scale Future Land Use Amendment:  
From: Residential Estates (0-1 DU/AC)  
To: Residential Very Low Suburban (0-2 DU/AC)  
Parcel ID #: 21-20-28-0000-00-019 & 21-20-28-0000-00-022

**FUTURE LAND USE MAP**





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENA  
X PUBLIC HEARING  
SPECIAL REPORTS  
X OTHER: Ordinance

MEETING OF: December 5, 2018  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Future Land Use Map  
Zoning Map  
Aerial Map  
Kelly Park Interchange Map  
WPIVP<sup>1</sup> Character Districts  
Comp Plan Objectives  
JPA Amendment No. 2  
Ordinance No. 2691

**SUBJECT: ORDINANCE NO. 2691 – COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – CANTERO HOLDINGS, LLC**

**REQUEST: ORDINANCE NO. 2691 – FIRST READING - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – CANTERO HOLDINGS, LLC; FROM “COUNTY” RURAL AND “CITY” RURAL SETTLEMENT TO “CITY” MIXED USE INTERCHANGE; AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**SUMMARY:**

OWNER: Cantero Holdings, LLC  
APPLICANT: Jimmy D. Crawford, Esq.  
LOCATION: 3845 & 4011 Golden Gem Road  
PARCEL ID NUMBERS: Parcel 1: 13-20-27-0000-00-054  
Parcel 2: 24-20-27-0000-00-097  
EXISTING USE: Vacant  
CURRENT ZONING: “City” Agriculture Estates (81 ac +/-) and  
“County” A-1 (Zoning in Progress) (10.5 ac +/-)  
PROPOSED ZONING: Mixed Use - Interchange Zoning District with Neighborhood Overlay Zone (0-5 du/ac)  
TRACT SIZES: 91.57 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING: Parcel 1 - One residential home  
Parcel 2 – Golden Gem Estates (12 five-acre lots) (Approved)  
PROPOSED: Max. 457 residential units

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

<sup>1</sup> WPIVP – Wekiva Parkway Interchange Vision Plan

**ADDITIONAL COMMENTS:** The applicant requests a future land use designation of “City” Mixed Use Interchange for two parcels along the east side of Golden Gem Road. Parcel 1 (10.5 ac +/-) annexed into the City on August 5, 2015 but has not had a “city” future land use designation or zoning assigned to it. Parcel 2 annexed into the City on December 1, 2004.

Parcel 1 (10.5 ac +/-) has planted pine on the western third of the parcel and vacant land on the eastern two-thirds of the parcel. The eastern portion of the parcel is a former horticultural nursery operation. Parcel 1 is not included within the boundaries of the Golden Gem Estates Preliminary Development Plan., which is described below for Parcel 2.

Parcel 2 (81 ac +/-) was approved with a Preliminary Development Plan (called Golden Gem Estates) for a 12-lot residential subdivision in August 2015. Typical lot size in Golden Gem Estates is five acres. A Mass Grading Plan was approved by the City Council on August 5, 2015<sup>16</sup> as a phased portion of the Final Development Plan application. Clearing and grading occurred to allow the transfer of excess fill off site.

The parcel straddles the boundaries of the Wekiva Parkway Interchange Vision Plan Area, as depicted in the Future Land Use Element of the City’s Comprehensive Plan, and the Kelly Park Interchange Form-Based Code

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use-Interchange future a land use designation must be assigned to the property.

The subject parcels are located within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore is required to adhere to the Kelly Park Crossing Form Based Code. The properties are located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation and the Overlay District covering the property within the Vision Plan.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is compatible with the character of the surrounding area, is within one mile of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed Use Interchange Land Use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the Wekiva Parkway Interchange Vision Plan a (see Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

*Future Land Use Element*

1. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels ...

The designation of a mixed use category may occur only in certain areas of the city, including “land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan...” These properties are within the 1-mile radius of the Wekiva Parkway Interchange depicted on the Wekiva Parkway Interchange Vision Plan Map located within the Future Land Use Element of the Apopka Comprehensive Plan.

2. **Policy 18.1** The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

The proposed Mixed Use Future Land Use Designation allows for residential densities and non-residential uses and intensities to implement the Wekiva Parkway Interchange Vision Plan, consistent with Objective 18 and related policies.

3. **Policy 18.2** Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan.

This future land use amendment does not include a corresponding proposed zoning category because the City has yet to adopt development standards or form-based code consistent with this policy. Future densities/intensities and design character for the subject properties will be regulated at the time of rezoning once Wekiva Parkway Interchange Vision Plan design standards and form-based code are adopted.

4. **Policy 20.4** Prior to approving the first development plan with the Wekiva Parkway Interchange vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Cod establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area.

The subject properties will be required to comply with the above policy should the development submit a development plan to ensure consistency with the Comprehensive Plan and Wekiva Parkway Interchange Vision Plan.

5. **Policy 20.9** Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outline in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan.

The applicant's request for a Mixed Use future land use designation is consistent with this policy, as well as the intent of the Wekiva Parkway Interchange Vision Plan area, which intends to concentrate a mixture of land uses with varying densities and intensities within one mile of the Wekiva Parkway Interchange.

6. **Policy 20.3.** The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land Use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.
7. **Objective 19 and 20, and their associated policies.** See objectives and policies within the supporting information.

*Transportation Element*

1. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, short trip lengths balanced trip demand.

The Mixed Use future land use designation allows for a mixture of land use types such as residential and non-residential, which promotes shorter trip lengths, concentrated development to reduce travel demand.

2. **Policy 3.1.r** The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses...This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses.
3. **Policy 4.2** The City of Apopka shall promote, through the implementation of programs such as mixed-use land development, projects that support reduced travel demand, shorter trip lengths and balanced trip demand.
4. **Objective 20 and associated Policies, Future Land Use Element.** Provided with the Supporting Information.

*Kelly Park Interchange Form-Based Code.*

1. Page 1 – “Therefore, if a site, or any portion of a site, is within the 1-mile radius [of the Kelly Park Interchange], the entire site is included within the vision plan and is subject to the standards.” And Page 2, “Where a property straddles the line, the subject property owner may select to bring the portion outside the property into the Form-Base Code area.”

**VISIONING AND SPECIAL STUDIES:** The properties are located within the boundaries of the Wekiva Parkway Interchange Vision Plan Area, making it subject to the Kelly Park Crossing Form-Based Code, Mixed- Use Interchange Zoning District and Neighborhood Overlay District. A copy of the Wekiva Parkway Interchange Vision Plan is provided with the support material.

**SCHOOL CAPACITY REPORT:** An executed capacity enhancement agreement with Orange County Public Schools will be required prior to rezoning hearings, as density occurring on a property located within the Wekiva Parkway Interchange Vision Plan Area (aka Kelly Park Interchange Area) is not determined until the zoning and master plan, per Policy 20.12 of the Future Land Use Element, Comprehensive Plan. For the Wekiva Parkway Interchange Vision Plan Area (aka Kelly Park Form-Based Code Area), Policy 20.11 of the Future land Use Element limits the maximum residential development within the Interchange Plan Area to 7,500 single family homes and 8,500 multi-family units. The subject property presently is located in the following school attendance zones: Apopka High, Wolf Lake Middle, Zellwood Elementary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 9, 2018. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

**PUBLIC HEARING SCHEDULE:**

November 13, 2018 – Planning Commission (5:30 pm)  
December 5 – City Council (1:30 pm) - 1<sup>st</sup> Reading & Transmittal

**DULY ADVERTISED:**

November 2, 2018 – Public Notice and Notification (Apopka Chief, posting, letters)



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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by Cantero Holdings, LLC, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on November 13, 2018, found the Future Land Use Designation consistent with the Comprehensive Plan; and unanimously recommended a change in Future Land Use Designation to Mixed Use Interchange subject to the information and findings in the staff report, for the properties owned by Cantero Holdings, LLC.

**Recommended Motion:** Accept the first reading of Ordinance No. 2691 and authorize transmittal to the Florida Department of Economic Opportunity.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North	“City” Mixed Use Interchange and “County” Rural	“County” A-1 (ZIP)	Greenhouse, pine forests, and grasslands
East	“City” Rural Settlement and Mixed Use Interchange	“City” Agriculture	Mobile Home and Vacant
South	“City” Rural Settlement	“City” Agriculture and “County” A-1 (ZIP)	Pine forests and City of Apopka stormwater retention pond
West	“County” Rural	“County” A-1	Private Landfill

**II. LAND USE ANALYSIS**

Analysis for the Future Land Use Designation was performed as part of the adopted Wekiva Parkway Interchange Vision Plan. This Vision Plan has been incorporated into the Comprehensive Plan. The subject property straddles the one-mile radius from the interchange, and the property owner has selected to pull the entire property into the Kelly Park Crossing Form-Based Code Area (aka Wekiva Parkway Interchange Vision Plan Area).

Therefore, the proposed Mixed Use Interchange future land use designation is consistent with the general future land use character and long-range planning goals of the surrounding area.

- Wekiva Parkway Interchange Vision Plan Area: Yes
- 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 and amended the JPA in October 19, 2010 to address the Wekiva Parkway Interchange Vision Plan. The subject property is consistent with the Vision Plan incorporated into Amendment 2 of the Wekiva Parkway Interchange Vision Plan.

Transportation: Road access to the site is from Golden Gem Road. Future access to northern abutting parcels, which are located in the Kelly Park Interchange Form-Based Code Area, will be identified with the Form-Based Code Master Plan at the time of the zoning application review.

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

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2; Objective 19, 20.
- 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 the parcels appear to occur within an area having a potential for karst features.

Analysis of the character of the Property: The current use of the property is vacant. The property straddles the Wekiva Parkway Interchange Vision Plan Area, and the property is eligible to be part of the Kelly Park

Interchange Form-Based Code. As such, a master plan must be provided with the zoning application, and road and pedestrian systems must be connected to an integrated with other lands within the Form-Based Code area. Property to the south is a retention pond owned by the City of Apopka and a single family home parcel. Lands to the north and northeast are located within the Kelly Park Crossing Development of Regional Impact and the Kelly Park Interchange Form-Base Code.

Analysis of the relationship of the amendment to the population projections: Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population by as many as 994 residents. The applicant proposes to develop the property as single family residential subdivision. Land use analysis was conducted as part of the Wekiva Parkway Interchange Vision Plan.

**CALCULATIONS:**

ADOPTED: 83 Unit(s) x 2.659 p/h = 220 persons  
PROPOSED: 457 Unit(s) x 2.659 p/h = 1,215 persons

Housing Needs: The housing need is demonstrated through the Wekiva Parkway Interchange Vision Plan Area Study.

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

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan. The road system shall be consistent with the intent of the Kelly Park Crossing Form-Based Code.

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: 16,268 GPD

3. Projected total demand under proposed designation: 89,572 GPD

4. Capacity available: Yes

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

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

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

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 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: 17,430 GPD
3. Projected total demand under proposed designation: 95,970 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: 880 lbs/ day
4. Projected LOS under proposed designation: 4,860 lbs / 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): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm

4. Improvement/expansion: On site retention / detention ponds

Recreation

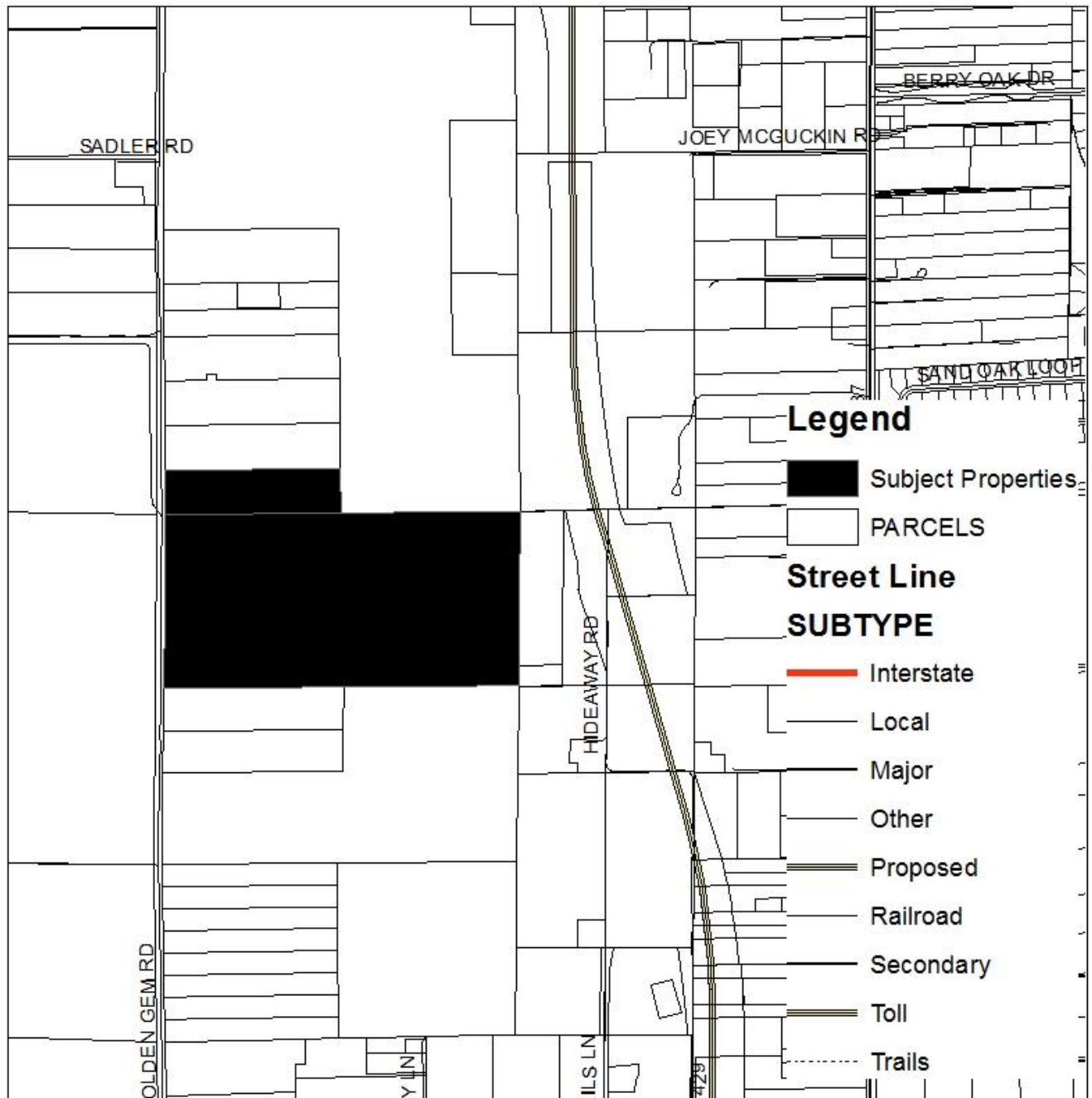
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.660 acres
3. Projected facility under proposed designation: 3.645 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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



**Cantero Holdings, LLC**  
**91.57 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: Rural Settlement and Rural**  
**To: Mixed Use Interchange**  
**Parcel ID #: 13-20-27-0000-00-054 & 24-20-27-0000-00-097**

### VICINITY MAP





### FUTURE LAND USE MAP

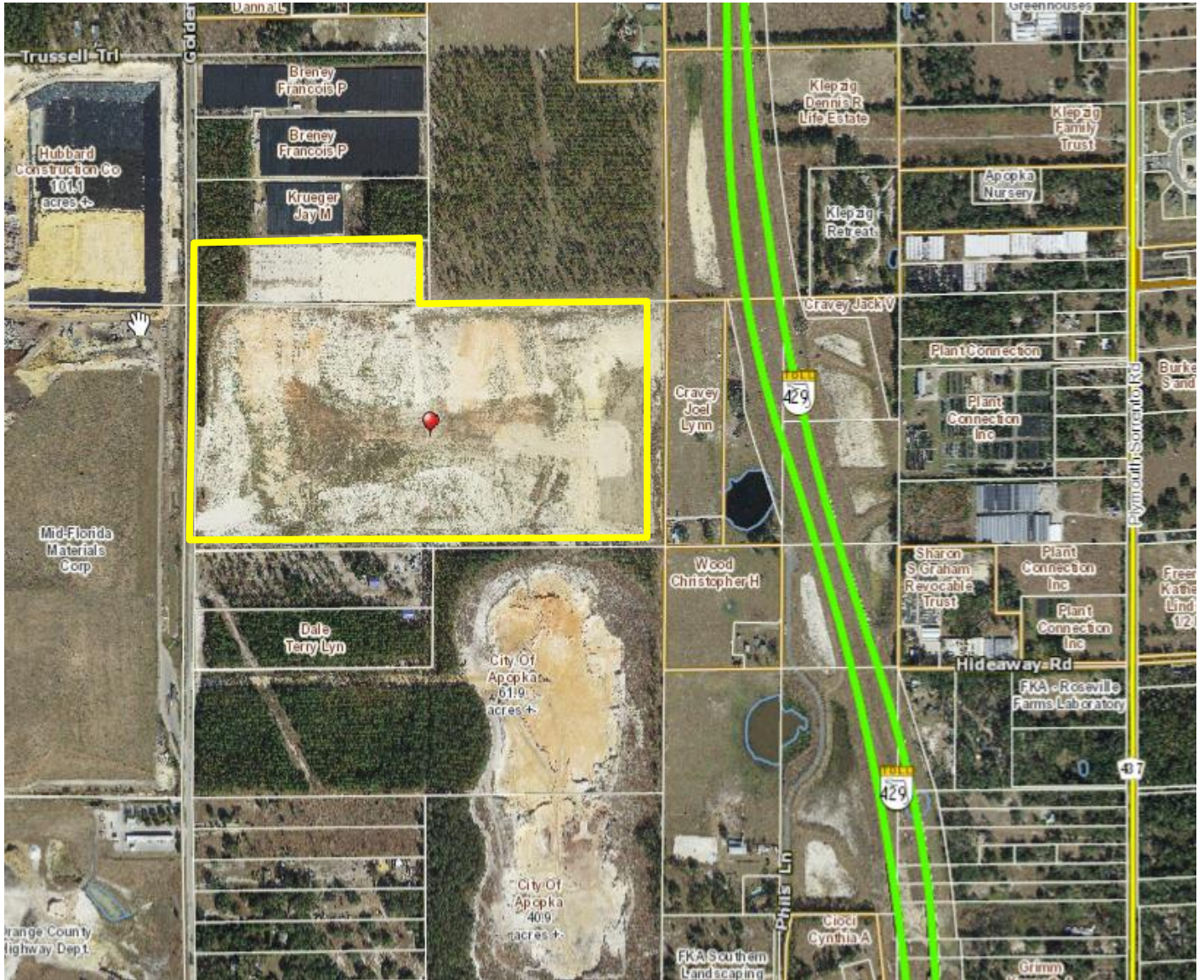








### AERIAL MAP





**ORDINANCE NO. 2691**

**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 AND “CITY” RURAL SETTLEMENT TO “CITY” MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST KELLY PARK ROAD AND EAST OF GOLDEN GEM ROAD, OWNED BY CANTERO HOLDINGS, LLC; COMPRISING 91.57 ACRES, MORE OR LESS, 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. 2659; and

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

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

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

The Future Land Use Map is hereby amended for the property identified in Exhibit “A” of this Ordinance to Mixed-Use Interchange, and incorporated herein by reference.

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

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

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

**ORDINANCE NO. 2691**

**PAGE 2**

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2019.

READ FIRST TIME: December 5, 2018

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

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

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

DULY ADVERTISED FOR PUBLIC HEARING: November 2, 2018

Cantero Holdings, LLC  
Property Owners  
91.57 +/- Acres  
Proposed Large Scale Future Land Use Amendment:  
From: "City" Rural Settlement and "County" Rural  
To: "City" Mixed Use Interchange  
Parcel ID #: 13-20-27-0000-00-054 & 24-20-27-0000-00-097



FUTURE LAND USE MAP



factors are taken into account, that there is no increase in nitrate/nitrogen loading to groundwater and surface water.

### **Objective 18**

The City shall implement the Wekiva Parkway Interchange Land Use Plan adopted on September 15, 2010, which addresses the requirements of Section 369.321(1) F.S. as it relates to coordinated planning within the Wekiva area.

#### **Policy 18.1**

The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

#### **Policy 18.2**

Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan. These standards shall address creative planning solutions to protect environmentally sensitive lands, such as:

##### Open Space

Standards will be developed for appropriate percentages of open space for single parcels and/or for the entire Interchange Study Area.

##### Clustering:

Standards will be developed to allow multiple land owners to aggregate parcels for the purpose of calculating density/intensity and developing cohesive clusters of higher density/intensity in the area closest to the interchange and major intersections in the study area.

##### Transfer of Development Rights (TDR):

A TDR system shall be developed to allow land owners that have sensitive lands or lands farthest from the interchange, to sell density/intensity rights to owners of lands closest to the interchange. The vision plan will analyze the potential sending and receiving areas.

##### Form-Based Regulations:

Develop form-based regulations for the study area to ensure the Vision Plan is implemented.

**Policy 18.3**

The development standards within the Interchange Study Area shall be applied through a zoning overlay, or similar method, that encompasses the study area. Developer agreements may be required.

**Policy 18.4**

If a parcel is severed by the one-mile radius or is under common ownership, either the entire parcel will be included or excluded from the study area based upon the Vision Plan.

**Policy 18.5**

In the event that the Wekiva Parkway is not constructed, it is anticipated that the Wekiva Parkway Interchange Plan will be reevaluated and appropriate comprehensive plan amendments adopted to address then-existing development and future land use designations within the Wekiva Parkway Interchange Plan Area.

**Policy 18.6**

Before any development can occur within the Project Orlando LLC site (further identified as parcels 11-20-27-0000-00-003, 11-20-27-0000-00-013, 11-20-27-0000-00-036, 11-20-27-0000-00-042, 11-20-27-0000-00-057, 12-20-27-0000-00-060, 11-20-27-0000-00-030, 13-20-27-0000-00-023, 13-20-27-0000-00-005, 13-20-27-0000-00-061, 13-20-27-0000-00-026, 13-20-27-0000-00-032), the proposed development must be processed and approved as a Development of Regional Impact (DRI) as defined in Chapter 380.06, Florida Statutes and Chapter 28-24, Florida Administrative Code.

**Policy 18.7**

Public school capacities and facilities serving the Project Orlando site shall be addressed with the rezoning and DRI processes. No increase in density above the vested 67 dwelling units shall be permitted by the City until it is demonstrated that adequate public school facilities are available to meet the increased demand.

**Policy 18.8**

Prior to the completion of the interchange, but following the official designation of the interchange location by the Expressway Authority, a development program may be permitted by the City which shall not exceed 17,907 average daily vehicle trips external to the Project Orlando project, subject to rezoning and a traffic study.

*(Revised - Ord. No. 2317, 10-02-2013)*

**Policy 18.9**

A parcel assigned a land use designation during the 2010-1 or 2010-2 large-scale comprehensive plan amendment cycles, shall not be assigned a city residential zoning category or obtain a rezoning for residential uses until Orange County Public Schools has either issued a finding of school capacity or a school capacity enhancement agreement to the applicable property owner, excepting those parcels having a diminimus impact on public schools as defined in the Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

**Objective 19**

New development in the City shall comply with "Smart Growth" principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl. The following policies shall be incorporated into the City's LDC prior to the next required Evaluation and Appraisal Report.

**Policy 19.1**

Development in the mixed-use categories, and where appropriate in other land use categories, shall provide pedestrian-friendly street design.

**Policy 19.2**

New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.



### **Policy 19.3**

New infill development in the mixed-use categories shall provide shops, offices and homes within neighborhoods, including mixed uses in one structure, to offer opportunities to encourage walking and/or live and work environments.

### **Objective 20**

Ensure development within the City of Apopka surrounding the Wekiva Parkway interchange will occur in a predictable, yet flexible manner consistent with the intent of the Wekiva Parkway and Protection Act, the community vision, and the City's economic development goals, and which will provide a balanced land use scenario that can accommodate economic and residential growth in the context of the environmental concerns identified within the Wekiva Parkway and Protection Act, and that can serve as the primary targeted area for greenfield development within the Wekiva Study Area.

### **Policy 20.1**

The Wekiva Parkway Interchange Plan is composed of three elements: the *Wekiva Parkway Interchange Vision Plan*, the *Wekiva Parkway Interchange Land Use Plan*, and the *Wekiva Parkway Interchange Goal, Objectives, and Policies*. The *Wekiva Parkway Interchange Vision Plan*, adopted as part of the Future Land Use Overlay Series found in Appendix 1-2 of the Future Land Use Element, represents a conceptual scenario that demonstrates the intent of the Wekiva Parkway Interchange Plan and will guide the development of lands located within the Wekiva Parkway Interchange Vision Plan Area. The *Wekiva Parkway Interchange Land Use Plan* and the *Wekiva Parkway Interchange Goal, Objectives, and Policies* shall represent the regulatory elements of the Wekiva Parkway Interchange Plan. The land use configuration and distribution demonstrated on the *Wekiva Parkway Interchange Vision Plan* are intended to illustrate the potential application of the adopted *Wekiva Parkway Interchange Vision Plan* policies; however, the specific details for each development phase will be established through the approval of development plans consistent with the *Wekiva Parkway Interchange Goal, Objectives & Policies*, the *Wekiva Parkway Interchange Land Use Plan*, and the regulations established in the *Wekiva Parkway Interchange Form-Based Code*.

**Policy 20.2**

The Wekiva Parkway Interchange Vision Plan shall be applicable within Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Vision Plan Area is generally comprised of a one-mile radius emanating from the anticipated Wekiva Parkway Interchange. The exact configuration is based upon a logical, parcel-specific boundary consistent with the intent of capturing a one-mile radius.

**Policy 20.3**

The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.

**Policy 20.4**

Prior to approving the first development plan within the Wekiva Parkway Interchange Vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Code establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Form-Based Code shall be based on the criteria contained within the Wekiva Parkway Interchange Goal, Objectives, and Policies.

**Policy 20.5**

The Wekiva Parkway Interchange Vision Plan identifies the approximate location of the character districts necessary to support the anticipated development program within the Wekiva Parkway Interchange Vision Plan Area. The location and/or boundaries of the character districts shown on the Vision Plan are illustrative only, and it is the intent of the City that locations and boundaries can be refined through an administrative review, except where other review and approval procedures are specified, in either the Comprehensive Plan or the Wekiva Parkway Interchange Form-Based Code. The specific boundaries and locations of character districts will be established through the approval of development plans, as established through the Wekiva Parkway Interchange Form-Based Code procedures.

**Policy 20.6**

Deviations in the area-wide densities and/or intensities established in the Wekiva Parkway Interchange Land Use Plan, or proposed design elements that are not consistent with the Wekiva Parkway Interchange Goal, Objectives, and Policies shall require a comprehensive plan amendment.

**Policy 20.7**

The Wekiva Parkway Interchange Form-Based Code shall include regulations governing the following community design elements for the Wekiva Parkway Interchange Plan area:

- An interconnected network of streets and paths designed to encourage pedestrian and bicycle travel, with traffic calming where appropriate;
- A complementary mix of land uses, including residential, employment, recreational, and civic;
- Appropriate densities and intensities of land uses within walking distance of transit stops; and
- Daily activities within walking distance of residences, public uses, streets and open spaces that are safe, comfortable and attractive for the pedestrian, with adjoining buildings open to the street and parking designed so as not to interfere with pedestrian and bicycle travel.

**Policy 20.8**

The Wekiva Parkway Interchange Form-Based Code shall include provisions requiring that the land uses incorporated into the Wekiva Interchange Vision and Land Use Plans are physically and functionally integrated, including a connected and continuous system of pedestrian facilities.

**Policy 20.9**

Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outlined in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan. This policy shall not be construed to remove any existing entitlements upon property within the Wekiva Parkway Interchange Plan Area, nor shall it prevent

development consistent with the existing future land use designations. Development occurring under the existing future land use designations shall comply with the design criteria included in the Wekiva Parkway Interchange Plan to the extent that the criteria does not conflict with the existing future land use designation.

**Policy 20.10**

The City shall ensure that areas of greatest density and intensity within the Wekiva Parkway Interchange Plan Area are located at and between the two major intersection nodes at Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth-Sorrento Road, but not upon areas of Karst formations. The Wekiva Interchange Form-Based Code shall require a mix of uses consistent with Wekiva Interchange Plan and shall establish a system of transfer of development rights to encourage increased density and intensity within Wekiva Parkway Interchange Plan Area. Development at the outer edges of the mixed-use area shall maintain compatibility with the lands adjacent to the Wekiva Interchange Plan Area by reducing density and intensity or by providing substantial buffers, landscaping, height, and lighting controls. The City shall also allow transfer of development rights to maintain 20% open space in the overall Study Area. Densities and intensities allowed within the Wekiva Parkway Interchange Plan Area character districts shall be as shown on **Table 20.10**:

Table 20.10: Wekiva Parkway Interchange Character District Standards

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min. )
<b>Village Center (VC)</b> Safe, vibrant and pedestrian-oriented mixed-use area. Each Village Center may include a Core of up to 40 acres each.	Residential, retail, commercial, office and entertainment uses. Horizontal mixed-uses shall be allowed, but vertically mixed-uses are preferred.	Min: 200 Max: 380 (40 acres max. of VC Core in each village)	Min: 7.5 Max: 25 District Average: 12	VC Core: Min: 0.3 Max: 1.0 Average: 0.5 Balance of VC: Min: 0.25 Max: 0.7 Average: 0.35	10% minimum in the form of public plazas and small park spaces that are urban in character.
<b>Interchange</b> Accommodate highway-oriented vehicular service uses and provide a transition between the fast traffic exiting the highway and the pedestrian Village Center.	Highway-oriented uses, such as automobile service & repair, retail, office, and limited high density residential.	Min: 175 Max: 380	Min: 7.5 Max: 15	Min: 0.1 Max: 1.0	15% minimum in the form of neighborhood parks and common areas
<b>Employment (formerly Edge District)</b> Accommodate corporate office development and foster the development of a campus-like corporate park.	Office, hospitality, clean industry, large institutional uses (hospitals, educational facilities), and large scale residential,	Min: 190 Max: 380	Min: 4 Max: 7.5	Min: 0.1 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min. )
<b>Transition</b> Provide a transition between the high-density/intensity Village Core and the low-density/ intensity areas at the edge of the study area.	Single family home and single or multi-use office/medium-density residential	Min: 380 Max: 770	Min: 5 Max: 15	Min: 0.5 Max: 1.0	15% minimum in the form of neighborhood parks and larger common areas.
<b>Neighborhood</b> Preserve the existing low-density single-family residential neighborhoods and transition to the less intense uses just outside the study area.	Single-family homes and small scale support uses (schools, churches, day care facilities)	Min: 2,360 Max: 3,060	Min: 1 Max: 5	Min: .05 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.

\* Calculated based on the entire vision plan area acreage.

**Policy 20.11**

Maximum allowable development within the Wekiva Parkway Interchange Plan Area shall be allocated among land uses as follows:

Single Family: 7,500 units  
Multi Family: 8,500 units  
Commercial/Services: 22 million square feet

**Policy 20.12**

The character district regulations included in the Form-Based Code will ensure densities and intensities are allocated as noted in **Table 20.10** (see **Policy 20.10**). The TDR system will allow increased densities in the Core area (noted as bonus density on the table). The average density/intensity for individual districts and the entire mixed-use area shall not exceed the average allowed. The City shall establish a tracking system to ensure the densities/intensities are kept within the established limits. The tracker will also ensure the acreages of the character districts remain within the parameters set in **Policy 20.10**.

**Policy 20.13**

Development within the Wekiva Parkway Interchange Vision Plan Area shall be planned in a manner that maximizes internal circulation and does not cause the Florida Strategic Intermodal System (SIS) to exceed its adopted Level of Service Standard without appropriate mitigation.

**Policy 20.14**

The Wekiva Parkway Interchange Vision Plan Area shall include the following performance targets for transit, bicycle and pedestrian facilities as follows:

- 80% of all the bicycle and pedestrian facilities within the Plan Area shall function at LOS C or better;
- All parcels within ¼ mile of a transit stop should be serviced by pedestrian facilities operating at LOS C or better.

LOS standards shall be measured in accordance with the methodology established in the FDOT Multimodal

Transportation Districts and Area wide Quality of Service Handbook (Nov. 2003 or as revised). The City shall coordinate with LYNX and METROPLAN ORLANDO to apply the transit quality of service framework as found in the most recent edition of the Transit Capacity and Quality of Service Manual (TCQSM) and required as part of METROPLAN ORLANDO'S long-range transportation plan where feasible.

**Policy 20.15**

The City and applicants for development within the Wekiva Parkway Interchange Vision Plan Area shall incorporate transportation demand management strategies into the transportation planning process to alleviate congestion. A range of techniques will be considered, such as vanpool/ridesharing programs, parking management and pricing, transit vouchers, pre-tax incentives, telecommuting, flextime, and/or other appropriate trip reduction strategies.

**Policy 20.16**

Proposed development within the Wekiva Parkway Interchange Vision Plan Area shall contribute to providing a safe, convenient, comfortable and aesthetically pleasing transportation environment that promotes walking, cycling, and transit use. Appropriate improvements or enhancements to the multimodal network to incorporate into the Wekiva Parkway Interchange Form-Based Code shall include, but not be limited, to the following:

- Accommodations for pedestrian access and movement, including sidewalks, benches and clearly marked crossings;
- Accommodations for bicycles, including lockers, showers, and racks;
- Shared use paths in accordance with the FDOT Bicycle Facilities Planning and Design Guidelines Handbook;
- Accommodations for transfer of passengers at designated transit facilities;
- Preferential parking for rideshare participants;
- Access for motor vehicle passenger drop-offs and pick-ups at designated transit facilities and at commercial and office development sites; and/or
- Accommodation for the mobility impaired, including parking spaces, sidewalks and ramps for handicapped access.



**Policy 20.17**

Street cross-sections, design standards, and operational measures to ensure streets are safe and convenient for transit, automobile, truck, bicycle and pedestrian travel shall be incorporated into the Wekiva Parkway Interchange Form-Based Code. Strategies will include, but not be limited, to marked crosswalks, wider sidewalks, on-street parking, bus turnouts, traffic calming, raised medians or other appropriate safety enhancements that reduce hazardous conflicts between modes and that are consistent with the planned functions of the roadway.

**Policy 20.18**

The Wekiva Parkway Interchange Form-Based Code shall include standards for street intersections to facilitate pedestrian crossings.

**Policy 20.19**

Developments within the Wekiva Parkway Interchange Plan Area shall provide direct bicycle and pedestrian connections within and between residential areas and supporting community facilities and services, such as shopping areas, employment centers, transit stops, neighborhood parks, and schools. Standards and design criteria shall be established within the Wekiva Parkway Interchange Form-Based Code.

**Policy 20.20**

The City will include in the Wekiva Parkway Interchange Form-Based Code standards for roadways to be built/improved within the Wekiva Parkway Interchange Overlay District. The regulations will create a hierarchy of streets that equitably serve the needs of the pedestrian, the bicycle, public transit, and the automobile based on a grid network system of roadways. The City will support a multi-modal transportation environment that allows for various transit options.

**Policy 20.21**

Properties assigned the Mixed-Use Interchange future land use designation shall be rezoned to the Wekiva Parkway Interchange Mixed-Use Zoning District to be established in the Wekiva Parkway Interchange Form-Based Code.

**Policy 20.22**

The Wekiva Parkway Interchange Mixed-Use Zoning District shall establish a range of allowable lot types to ensure a mix of uses. The District shall also provide the form-based building requirements and range of allowable uses for each lot type. The lot type ranges will establish the development framework and pattern within which uses can locate.

**Policy 20.23**

Permitted land uses within the Wekiva Parkway Interchange Mixed-Use Zoning District shall be outlined in the Wekiva Parkway Interchange Form-Based Code, consistent with the Mixed-Use Interchange future land use designation and **Policy 20.10**. The Community Development Director shall have the authority to approve uses not listed there if the proposed use is compatible with the listed permitted uses and/or will generate or support the development of employment opportunities and/or an increased tax base.

**Policy 20.24**

Where feasible, developments within the Wekiva Parkway Interchange Plan Area shall maximize the preservation of open space and promote the clustering of uses to both preserve and enhance the natural environment and to maintain the rural character of areas outside of the Wekiva Parkway Interchange Plan Area. The amount of required open space shall vary by district, with the more intensive districts requiring less than 20% for urban plazas/ parks and the less intensive districts requiring more than 20% for passive/active parks and open space for areas. **Policy 20.10** establishes the minimum required open space per district.

**Policy 20.25**

The Wekiva Parkway Interchange Area Form-Based Code shall include the following provisions to promote efficient access to and through the area, and to protect the traffic flow along the Wekiva Parkway.

- Prohibit the vacation of rights-of-way to maintain the current grid system and facilitate its expansion;
- Require, as part of development approval, a spacing of 300 to 600 feet for local streets to create walkable

"city" blocks and maintain connectivity in the area and avoid the use of the highway for local traffic;

- Prohibit the use of cul-de-sacs and gated neighborhoods;
- Coordinate with the Expressway Authority to encourage the extension of local roads under the highway to maintain connectivity between the east and west sides;
- Limit the number of driveways along Kelly Park Road, Golden Gem and Plymouth Sorrento Road within the Plan Area, and encourage the use of shared driveways instead;
- Require compliance with Section 6.02.10 of the LDC, which requires a minimum distance separation between driveways and intersections;
- Require internal connectivity between sites, through joint-use driveways or alleys, to keep traffic off main roads;
- The Form-Based Code shall include standards for right-of-way width and cross section design based on street typology; and
- Provide pedestrian/bicycle connections at a maximum separation of 350 feet, through the use of mid-block paths or pedestrian shortcuts.

**Policy 20.26**

Large developments with 50,000 gross square feet or more and are adjacent to a major street, which is or may be used as a transit route, shall provide access for on-site public transit. The public transit stop shall including a bus pullout and shelter.

**Policy 20.27**

The City shall coordinate with developers the design and construction of proposed new streets within the plan area in conformance with the design standards contained in the Form-Based code. The following standards shall be followed:

- Specific right-of-way location of streets other than those shown on Map 20 of the ILUP shall be determined through the development review process.
- Continue enforcing Section 6.02.05 of the City's LDC (rights-of-way), which contains measures for the protection and use of rights-of-way, and consider the incorporation of more pedestrian-friendly standards in the Wekiva area form-based code.

**Policy 20.28**

Sites within the Wekiva Parkway Interchange Plan Area, as well as right-of-way areas, shall be subject to the vegetation protection and water conservation landscaping policies contained in the City's comprehensive plan. The City will include more restrictive vegetation protection standards in the Wekiva Parkway Interchange Form-Based Code to:

- Encourage transplanting and re-vegetation.
- Coordinate, on an as needed basis, with Orange County to update regulations for the protection of unique vegetative communities in both jurisdictions.
- Select and locate plants based on their ultimate growth.

**Policy 20.29**

In order to ensure that development within the mixed-use district creates a sense of community, the placement and orientation of buildings should be carefully planned. The following standards should be included in the form-based regulations:

- Primary building entrances shall orient toward the street, not to interior blocks or parking lots
- Freestanding single-use buildings should be avoided in all but the neighborhood character district, while mixed and interconnected buildings should be encouraged.
- Green areas or plazas may be used to create a prominent civic component to mixed-use areas. These green areas should be centrally located or placed in between the higher intensity uses.
- Standards for the design of gas stations, and other vehicular service uses, to ensure they fit into the desired pedestrian character. The Code will specify standards for building location, site layout, driveway location, signage and other design elements that will ensure compatibility with other proposed uses in the area.
- Building height regulations shall be established not to exceed the parameters listed for each character district in **Policy 20.30**.

**Policy 20.30**

Building heights shall be arranged so that the tallest buildings are located in proximity to the Kelly Park Interchange and Kelly Park Road itself between the two Village Center nodes. Building heights shall be stepped down/ reduced as development approaches the periphery of the Interchange Study Area and as development nears the rural lands outside the study area. The form-based code shall establish appropriate building heights for each character district and shall address reduced building heights in proximity to the edges of character districts and the study area itself in order to promote compatibility between districts and protection of the rural character of lands outside the study area. In no case shall building height exceed ten occupied floors within the Interchange Study Area without a Comprehensive Plan amendment.

**Policy 20.31**

The Wekiva Parkway Interchange Form-Based Code shall include standards for signage within the Wekiva Parkway Interchange Plan Area and shall have the purpose to maintain a pedestrian character within the village centers, but at the same time, allow visibility from the highway. Standards shall at minimum:

- Continue to require a sign master plan for all Mixed Use Developments, per LDC Section 2.02.20
- Ground signs shall not be allowed in the Core Area if buildings are located within 15 feet from the street right of way.
- Ground signs shall not exceed a maximum height of 12 feet. This maximum height may be further reduced in certain character districts.
- No billboards shall be allowed within the Wekiva Parkway Interchange Plan Area
- Building signs shall be designed to complement the architecture rather than obscure it.

construction, whereas larger pipes are constructed from ductile iron. Improvements to the distribution/transmission system have generally followed the recommendations outlined in the most recent master plan, with the timing of specific projects dependent on development patterns. **Map 10** shows the extent of the system within the interchange study area.

#### E. Public Schools

The area is currently served by Wolf Lake and Zellwood elementary schools, Wolf Lake Middle School and Apopka High School. According to the Orange County Public Schools (OCPS), all four schools are projected to be deficient by FY 2011-12. The OCPS current 10-year plan includes a relief elementary school for Wolf Lake and Zellwood, and a relief middle school for Wolf Lake. **Maps 11 to 13** show the attendance zones for these schools.

### IV. Community Involvement

In conjunction with the County, the City conducted two public workshops to discuss the future growth around the proposed Wekiva Parkway Interchange. The first public workshop was conducted on February 25, 2010, and the second workshop was conducted on March 25, 2010. **Appendices B and C** contain the workshop summaries and the list of attendees. It should be noted that for the purpose of the Community Workshops an enlarged study area was reviewed, which included the area north of West Ponkan Road.

Additionally, the City held a public hearing before the City of Apopka Planning Commission on April 27, 2010 and the City Council on May 19, 2010.

### V. Wekiva Parkway Interchange Vision Plan

The Wekiva Parkway will complete the outer beltway around Metro Orlando area. The completion of this outer ring, along with the proposed interchange, will result in added growth and development pressure within the Wekiva Study Area.

The Interchange Vision Plan was developed with a goal to accommodate new development that: (1) supports regional markets that depend on the Wekiva Parkway's function to move people and goods (light industry and warehousing, hotels/motels, restaurants, gas stations, truck stops, and convenience stores)<sup>1</sup>; (2) is designed to complement the surrounding areas; and (3) manages and protects water and wildlife resources.

#### A. Land Use Vision

Even though the area is currently rural in character and the adopted land use categories for the area reinforce that character, the introduction of a highway interchange at Kelly Park Road will create development pressure in the area. The City, County and most area residents realize a need and have a desire for a plan for that future growth. The main goal of planning for growth is to situate it within an appropriate area around the interchange, and to allow sufficient density

<sup>1</sup> Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area

and intensity to maximize sustainability and minimize environmental impacts on the Wekiva Study Area. The City also wants to take advantage of the opportunity this location provides to create a setting that will attract new quality employment to the area. The higher densities and intensities expected to accompany the interchange should transition into lower densities/intensities to ensure compatibility with the surrounding areas. Well thought-out, coordinated development is, therefore, a driving element of the interchange land use plan. Coordinated, transitional development at the interchange will protect meaningful tracts of connected open space, and preserve rural land outside of the interchange study area while allowing for carefully planned growth.

As shown on **Map 8**, potential Karst features are indicated proximate to the proposed interchange. For that reason, the vision plan proposes a measured approach to intensive development in the area immediately adjacent to the interchange, and instead create two nodes of development at the closest intersections to the parkway: Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth Sorrento Road (see **Map 14**). The most dense and intense uses will be located within a 1/3-mile radius of the two proposed nodes. Between these nodes and the one-mile study area boundary, land uses will provide a transition to the existing lower densities, and less intense development character will be respected beyond the one-mile radius.

**Map 15** shows the proposed interchange vision plan, which includes both City and unincorporated land. As shown on the map, the area within a 1-mile radius of the proposed interchange is proposed to be urban in character, with uses such as industrial, commercial, office, institutional/public, and medium and high-density residential uses. The highest intensity of use will be clustered around the two nodes as village centers. The area between the nodes and the one-mile radius will contain uses that will ensure the smooth transition to the less intense areas outside the one-mile radius.

The following is a description of the proposed character districts for the vision plan area.

**1. Village Center (residential and commercial mix)**

As noted above, the vision plan intends to concentrate the most intensive development within the two major intersection nodes. The type of development envisioned for these two nodes includes mixed-use buildings with retail uses on the ground floor and offices or residential spaces above. The Village Center character district will comprise approximately 5 to 15% of the area.

**2. Edge Employment(employment uses)**

Office uses may appear within the village center nodes as part of mixed-use buildings, or as stand-alone uses in the Edge Employment character district along the Wekiva Parkway. Other uses that would be appropriate for the Edge Employment area include industrial developments (clean industry), or large institutional uses (hospitals, educational facilities), which would provide much needed jobs in the area. Limited residential

will also be allowed. Both office and industrial uses will benefit from the visibility and access from the highway. Within the [EdgeEmployment](#) character district, greater attention will be applied to ensure protection of the potential Karst features and to allow for adequate setbacks from the highway. This area will not focus on the pedestrian environment as the village center, but would adopt a campus-like environment. Approximately 5 to 10% of the area is shown as [EdgeEmployment](#) on the vision plan map.

**3. Interchange (highway-dependent uses)**

The area between the proposed village centers and the parkway will be the most accessible to traffic exiting the highway. Therefore, the intended character for those areas will be a mix between Village Center and a more “suburban” type setting. It is expected that this is the area where gas stations would be located. There will be form-based standards adopted to ensure the transition from the fast-moving traffic in the highway to the more walkable environment expected to develop in the village centers. The Interchange character district will contain predominantly stand-alone uses (as opposed to mixed-use buildings) with less intensity of development than in the Village Center. [EdgeEmployment](#) character district type uses, including limited high density residential, may also occur in this character district. The area to be dedicated to Interchange uses comprises approximately 5 to 10% of the entire vision plan area.

**4. Transitional (office, medium density residential uses)**

Uses within the transitional areas will be regulated to minimize the impact of the most intensive areas (Village Center, [EdgeEmployment](#) and Interchange) on the existing lower density neighborhoods surrounding the study area. Medium densities in the form of town houses, apartments and condominiums, and office uses will be allowed within the Transitional district. The vision plan shows that approximately 10 to 20% of the total area will be dedicated to the Transitional character district. The expected density in the Transitional character district would accommodate between 5 to 15 dwelling units per acre depending on their location respective to neighborhood areas.

**5. Neighborhood (residential)**

The Neighborhood character district is intended to be primarily a single-family residential area. This district will have lower density residential than the Transitional district, allowing for a smooth transition into the existing lower density neighborhoods outside the 1-mile radius. The character of the area will be regulated through form-based standards to ensure that single-family homes are designed with front porches and that garages are located in the back with access from alleyways. The neighborhood area comprises over 50% of the vision plan area.



6. Recreation and Institutional

The Vision Plan shows an area as Recreation, consistent with the adopted Northwest Small Area Plan. This, however, does not mean that there will only be one area designated for recreation/open space. As properties develop (especially large tracts), the City will consider dedication of land for open space. Institutional uses (schools, churches, etc.) will also be defined as the area develops. It is anticipated that a minimum of 15% of the land within the area will eventually be used for open space/recreation purposes.

B. Vision Plan Holding Capacity

Based on the land uses and densities proposed in the vision plan, holding capacities were calculated to identify the amount of development that could potentially occur in the area. **Table 3** demonstrates that the vision plan area could accommodate approximately 15,873 residential units and 22,587,535 square feet of non-residential development.

Table 3: Vision Plan Holding Capacity

Proposed Land Use	Total Acres	% of Total	Max. Intensity (FAR)	Max. Density (UPA)	Density/ Intensity Factor	Total Dwelling Units	Non-Residential Square Feet
Village Center Core (assumes 1st floor non-resid. + resid above)	80	2.1	0.5	12	0.75	720	1,306,800
Village Center balance (assumes 1st floor non-resid. + resid above)	248	6.4	0.35	12	0.75	2,232	2,835,756
Interchange (assumes 10% residential)	175	4.5	1.0	15	0.70	184	4,811,875
Edge Employment (assumes 10% residential)	260	6.7	0.5	7.5	0.60	117	3,052,231
Transitional (assumes 70% resid.; 30% non)	581	14.9	1.0	15	0.85	5,185	6,453,276
Neighborhood (assumes 90% residential)	2,360	60.7	0.5	5	0.70	7,435	3,598,699
Parks/Recreation	121	3.1	0.2		0.50	0	528,897
Wekiva Parkway ROW	63	1.6					
<b>TOTAL</b>	<b>3,889</b>	<b>100.0</b>				<b>15,873</b>	<b>22,587,535</b>

Note: Acreages and yields are approximations only.

Based on the total acres of the area and the potential for residential and non-residential development noted above, an overall density of 4 du/ac and an overall FAR of 0.14 could be achieved.

Revised 9-7-10

**SECOND AMENDMENT TO  
JOINT PLANNING AREA AGREEMENT  
BETWEEN ORANGE COUNTY AND  
THE CITY OF APOPKA**

**THIS SECOND AMENDMENT TO JOINT PLANNING AREA AGREEMENT** (Amendment) is made and entered into as of the \_\_\_\_ day of OCT 19 2010, 2010, by and between **ORANGE COUNTY, FLORIDA**, a political subdivision of the State of Florida (the County), and the **CITY OF APOPKA**, a Florida municipal corporation (the City).

**RECITALS**

**WHEREAS**, the Wekiva Parkway and Protection Act was enacted by the Florida Legislature in 2004, was amended in 2005, and is currently found at Part III, Chapter 369, Florida Statutes (specifically sections 369.314 – 369.324, Florida Statutes); and

**WHEREAS**, the Act requires those local governments hosting an interchange on the Wekiva Parkway to adopt amendments to their comprehensive plans within one year after the establishment of an interchange location to address issues relating to appropriate land uses, compatible development, secondary road access, access management, right of way protection, vegetation protection, water conserving landscape, and height and appearance of structures and signage; and

**WHEREAS**, the County and the City entered into a certain Settlement Interlocal Agreement between the City of Apopka and Orange County Florida, approved October 26, 2004, amended August 2, 2005 and on (insert this date) (hereafter "JPA"); and

**WHEREAS**, in the JPA the parties agreed, among other things, on a joint planning area boundary, a joint land use map, and the framework for establishing standards and requirements for the Wekiva Parkway interchange area; and

**WHEREAS**, the County and the City will share jurisdictional authority over the area within the Wekiva Parkway interchange and wish to commit to certain goals and objectives for that area in a separate Interlocal Agreement; and

**WHEREAS**, lands depicted within a one mile radius from the approved Wekiva Parkway interchange are included in this area and constitute the Study Area Boundary; and

**WHEREAS**, in order to accomplish the objectives of the Act and the Interlocal Agreement for the Study Area Boundary, the County and the City have determined that certain provisions of

the JPA, including Exhibit F as it pertains to the Study Area Boundary, are outdated or will become outdated by the adoption the Interlocal Agreement; and

**WHEREAS**, both the County and the City desire to amend the existing JPA to ensure consistency between the JPA and the Interlocal Agreement for the area described as the Study Area Boundary; and

**WHEREAS**, pursuant to Section 163.3171(3), Florida Statutes, this Amendment has been approved by the Orange County Board of County Commissioners and the Apopka City Council at advertised public hearings.

**NOW THEREFORE**, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City hereby agree as follows:

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by reference.

**Section 2. Authority.** This Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes, (2) the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements, (3) the Charters of the County and City, and (4) the Joint Planning Area Agreement.

**Section 3. Map Amendment.**

“Exhibit F” to the JPA is hereby deleted and replaced with a new “Exhibit F”, which is attached hereto and incorporated herein by reference. For purposes of interpreting the JPA, the parties agree that the area described in “Exhibit F” is unaffected by this amendment except as to the Study Area Boundary, which is described in “Exhibit F1” hereto and the Interlocal Agreement.

“Exhibit F1”, is attached hereto and incorporated herein by reference, and describes the future land uses of those parcels located within the Study Area Boundary and agreed upon by the City and the County and is typified in Exhibit B to the Interlocal Agreement. The parties agree that, as to the parcels located in the Study Area Boundary, to the extent of any conflict between the JPA and the Interlocal Agreement, the Interlocal Agreement will control and shall supersede the JPA unless otherwise indicated in the Interlocal Agreement. (Exhibit “F1” hereto and Exhibit “B” to the Interlocal Agreement are identical exhibits.)

**Section 4. Text Amendment.** A new paragraph (4) is added to Subsection (c), "Small Area Study Areas" of Section 3, Joint Land Use Plan, to read as follows:

(4) Pursuant to the Interlocal Agreement approved by the parties the parties agree that, as to the parcels located in the Study Area Boundary and as described in "Exhibit F1" to the JPA, the terms of the Interlocal Agreement will control and that the Interlocal Agreement supersedes the JPA to the extent of any conflict between the Interlocal Agreement and the JPA, unless otherwise indicated in the Interlocal Agreement.

**Section 5.** Except as expressly set forth herein, all other provisions of the JPA, as amended, remain unchanged and in full force and effect.

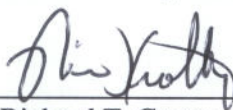
**Section 6. Severability.** Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment invalid or unconstitutional.

**Section 7. Effective Date.** This Second Amendment to the JPA shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

**IN WITNESS WHEREOF,** the County and City have executed this Second Amendment to the JPA on the dates inscribed below.



**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By:   
Richard T. Crotty  
Orange County Mayor

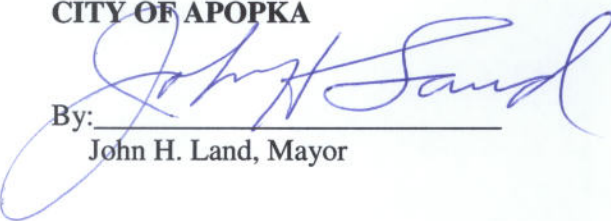
DATE: OCT 19 2010

ATTEST: Martha O. Haynie, County Comptroller  
as Clerk of Board of County Commissioners


By:   
Deputy Clerk

Revised 9-7-10

**CITY OF APOPKA**

  
By: \_\_\_\_\_  
John H. Land, Mayor

ATTEST: Janice G. Goebel  
City Clerk

By:   
Date: 9-17-10

S:\Dcrosby\AGRMNT\Apopka\2d amend Apopka JPA D4

# Exhibit 'F'

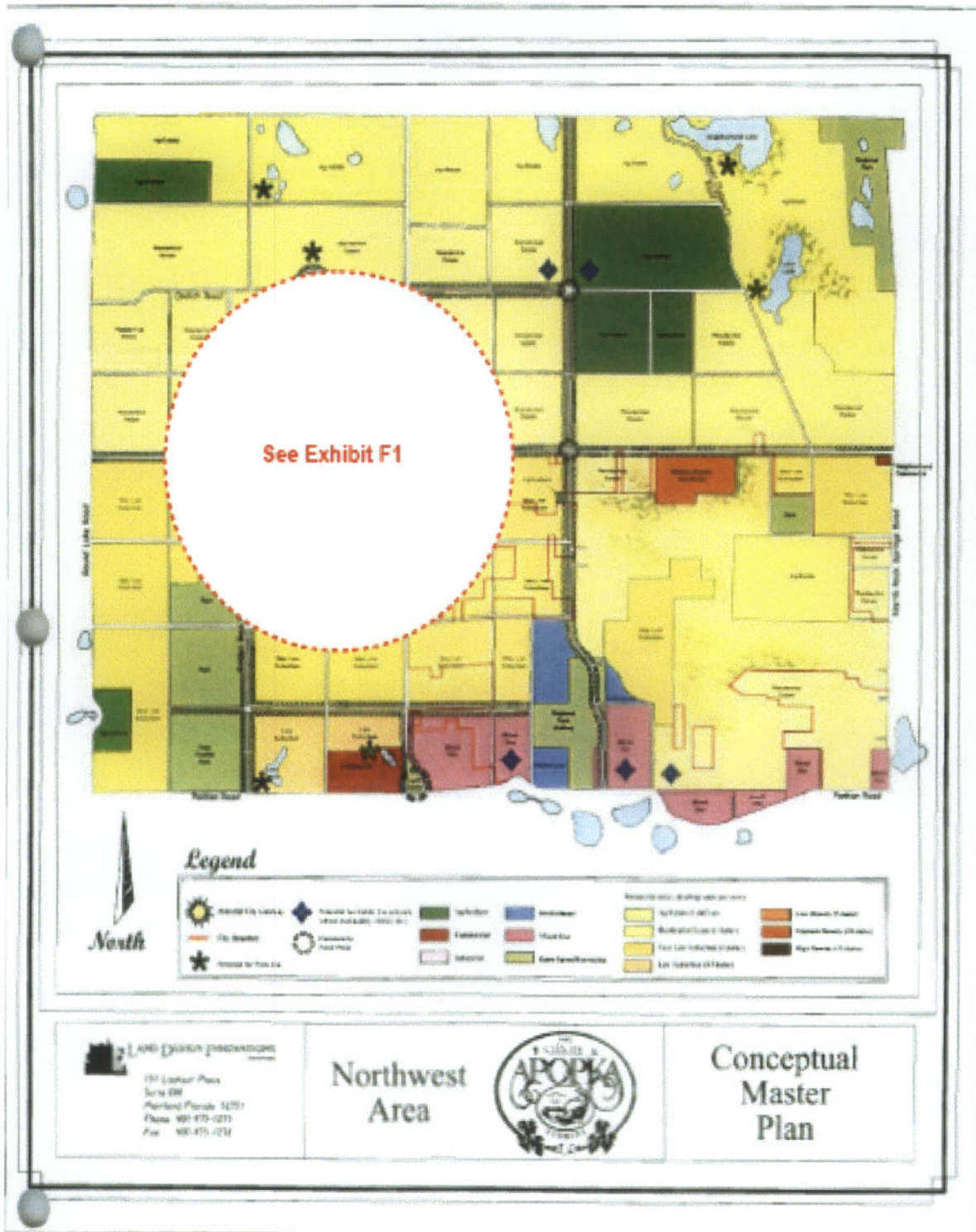
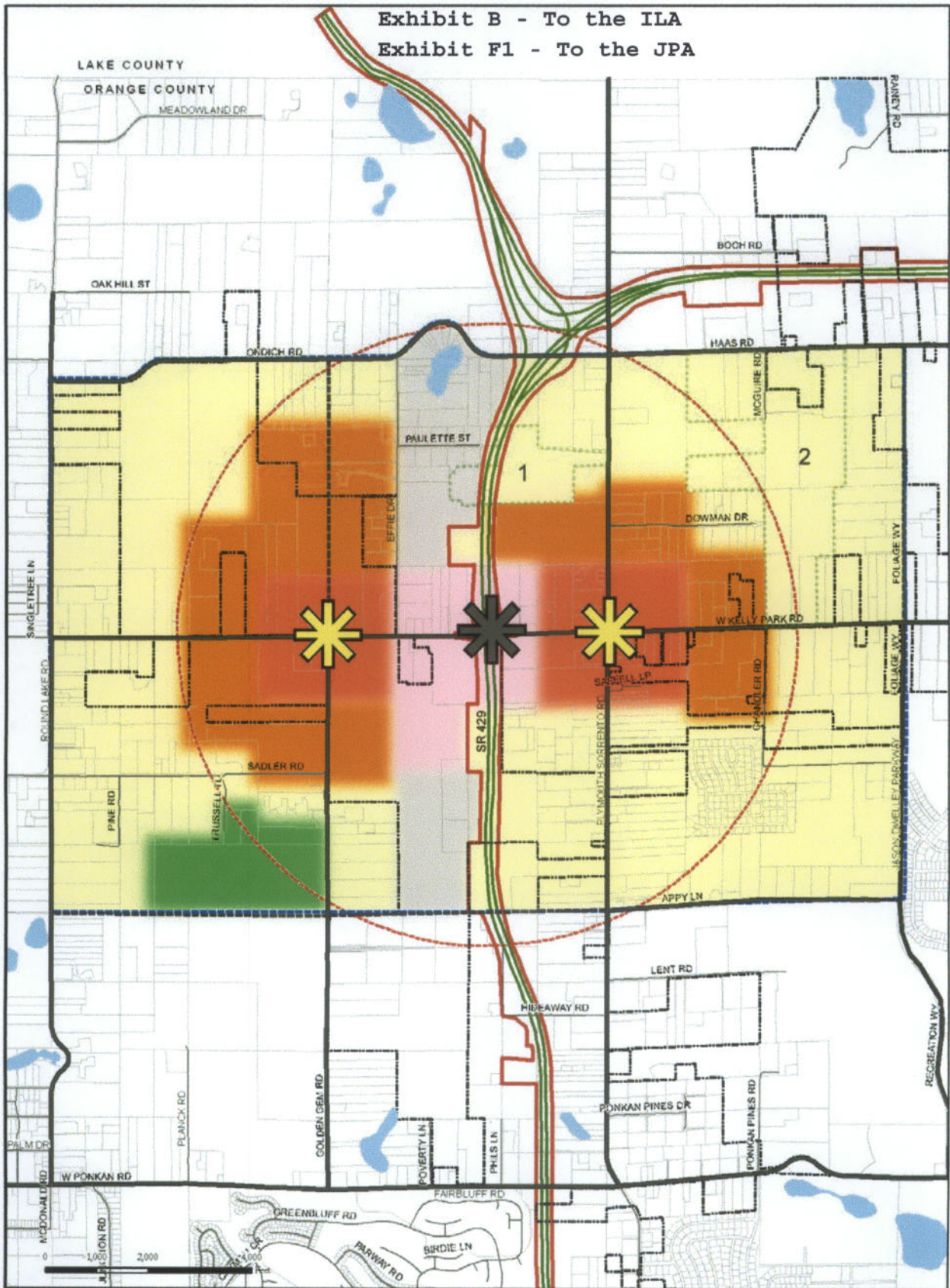


Exhibit B - To the ILA  
 Exhibit F1 - To the JPA



<p><b>Proposed Districts</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Village Center</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Employment</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Interchange</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Transition</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> Recreation</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 2px dashed black; width: 20px; margin-right: 5px;"></span> Interchange Study Area Boundary</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> City of Apopka Boundary</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> Existing Roads</li> <li><span style="display: inline-block; border: 1px solid red; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1 Mile Radius</li> <li><span style="display: inline-block; font-size: 2em; margin-right: 5px;">*</span> Interchange</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border: 1px dashed black; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1. Bridle Path Rural Settlement</li> <li><span style="display: inline-block; border: 1px dashed black; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 2. Rainbow Ridge Rural Settlement</li> </ul>
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**LAND DESIGN INNOVATIONS**  
INCORPORATED

1718 Fernald Street, Suite 100  
 Apopka, Florida 32711  
 Phone: 407-923-1213  
 Fax: 407-923-1218  
 www.landi.com

Note: Map is for graphical representation only  
 Actual data must be verified by City staff  
 September 2010



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Annexation

MEETING OF: December 5, 2018  
 FROM: Community Development  
 EXHIBITS: "A" – Properties  
 "B" – Location Map  
 Ordinance No. 2692  
 Ordinance No. 2693  
 Ordinance No. 2694  
 Ordinance No. 2695

**SUBJECT: 2018 ANNEXATION – SR 429 WEST PROPERTIES**

**REQUEST: ORDINANCE NOS. 2692, 2693, 2694, AND 2695 – FIRST READINGS – 2018 ANNEXATION – SR 429 WEST PROPERTIES; AND HOLD OVER FOR SECOND READING & ADOPTION.**

**SUMMARY:**

OWNERS: MULTIPLE OWNERS – LISTED IN EXHIBIT "A"

APPLICANT: Property Owners (Exhibit "A") and Collier Bengel Land Joint Venture, LLC

LOCATIONS: Various locations – Listed in Exhibit "A", generally north of U.S. 441 and west and east of S.R. 429

LAND USE: Various Future Land Use designations – Listed in Exhibit "A"

EXISTING USE: The existing uses of the subject properties vary – Listed in Exhibit "A"

TRACT SIZE: 77.29 +/- acres representing twenty-one (21) parcels

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



**CITY COUNCIL – DECEMBER 5, 2018**  
**2018 ANNEXATION – SR 429 WEST PROPERTIES**  
**PAGE 2**

**ADDITIONAL COMMENTS:** The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through additional action by the City Council. Applicant proposes a mixed-use development with retail commercial, office, and multi-family residential. Land use mix to be determined at the time of the future land use and zoning amendment applications.

The proposed annexations meet the intent of the annexation criteria set forth in Chapter 171, Florida Statutes. Annexation of the parcels west of S.R. 429 are located in a large pocket of unincorporated parcels that are nearly encircled by the boundaries of the City of Apopka.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 2, 2018.

**DULY ADVERTISED:**

November 21, 2018 - 1/4 Page Public Hearing Advertisement  
November 28, 2018 - 1/4 Page Public Hearing Advertisement

**PUBLIC HEARING SCHEDULE:**

December 5, 2018 (1:30 pm) - City Council 1<sup>st</sup> Reading  
December 19, 2018 (7:00 pm) - City Council 2<sup>nd</sup> Reading and Adoption

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed annexation applications consistent with the intent of Florida Statute Chapter 177, and recommends approval of the 2018 Annexation Ordinance Nos. 2692, 2693, 2694, and 2695.

**Recommended Motions:** Accept the First Readings of Ordinance Nos. 2692 through 2695; and Hold them Over for Second Reading and Adoption on December 19, 2018.

**CITY COUNCIL – DECEMBER 5, 2018**  
**2018 ANNEXATION – SR 429 WEST PROPERTIES**  
**PAGE 3**

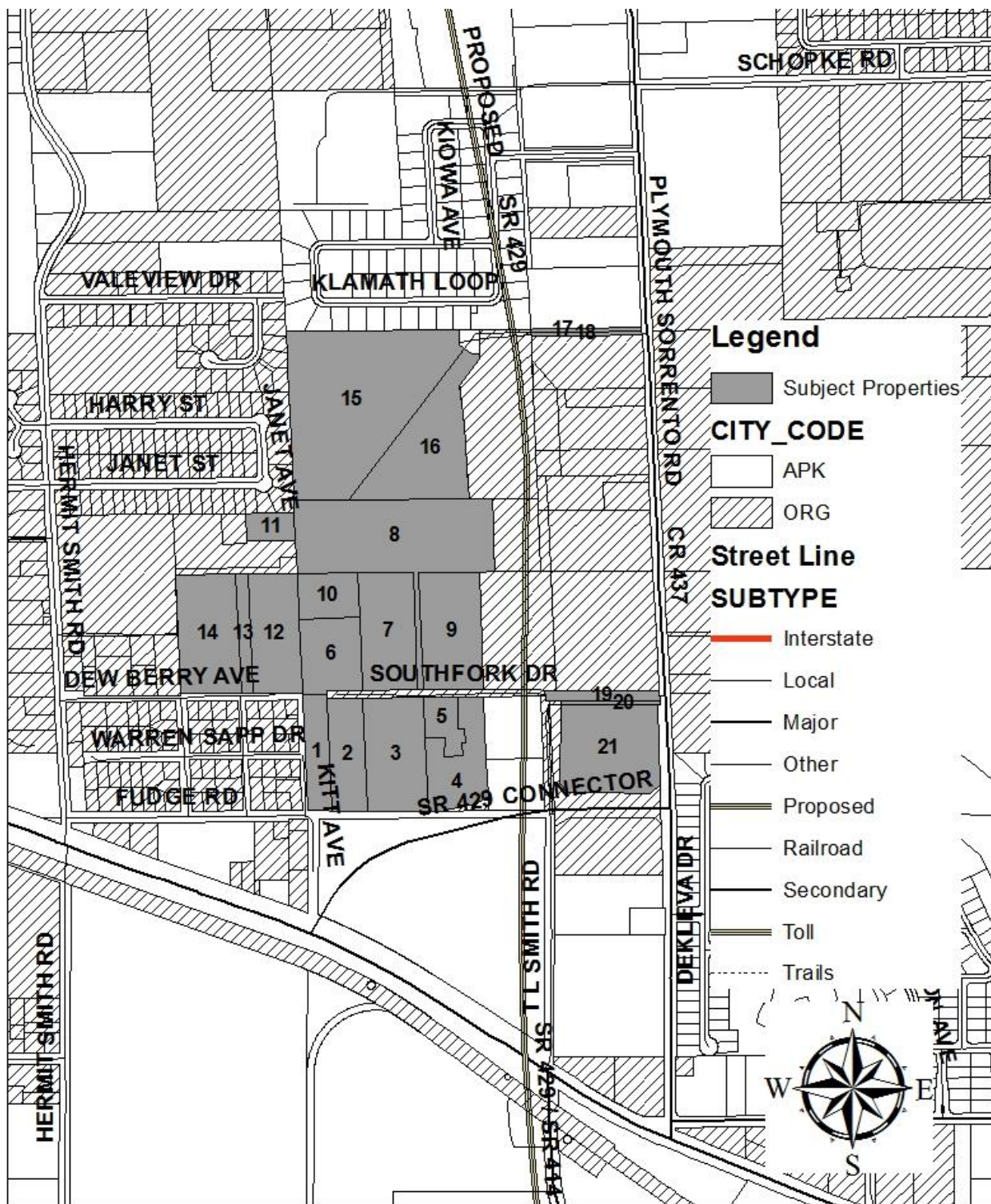
**Exhibit A**

**Total Acres: 77.29 +/- acres**

<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>	<b>EXISTING USE</b>	<b>FUTURE LAND USE (COUNTY)</b>
2692 Group "A"	1	Patricia & Maxine Lu	3189 Fudge Rd.	06-21-28-7172-16-051	1.9	Woodlands	Rural
	2	Roger & Randall Welker	3200 Southfork Dr.	06-21-28-7172-16-050	2.84	Single Family House	Rural
	3	Earl & Adelaida Wilson	3162 Southfork Dr.	06-21-28-7172-16-060	4.7	Single Family House & Greenhouse	Rural
	4	Earl & Adelaida Wilson	Southfork Dr.	06-21-28-7172-16-071	3.32	Single Family House & Greenhouse	Rural
	5	Earl & Adelaida Wilson	3076 Southfork Dr.	06-21-28-7172-16-070	1.22	Single Family House	Rural
	6	Poul & Sharon Jensen	Southfork Dr.	06-21-28-7172-16-041	3.06	Greenhouse	Rural
	7	Guy Itay	3173 Southfork Dr.	06-21-28-7172-16-030	4.43	Single Family House	Rural
	8	Jame Howard Holt	3161 Southfork Dr.	36-20-27-0000-00-052	10.37	Single Family House	Rural
	9	Freddie & Sandra Jones	3075 Southfork Dr.	06-21-28-7172-16-020	4.87	Single Family House	Rural
	10	Poul & Sharon Jensen	3201 Southfork Dr.	06-21-28-7172-16-040	1.87	Single Family House	Rural
	11	Sallie Jackson	Hermit Smith Rd.	36-20-27-0000-00-068	0.9	Woodlands	Rural
2693 Group "B"	12	Williams Family Trust	3205 Dew Berry Ave.	36-20-27-0000-00-047	3.99	Place of Worship	Rural
	13	Judy Bain & Williams Family Trust	3225 Dew Berry Ave.	36-20-27-0000-00-085	0.99	Mobile Home	Rural
	14	Judy Bain & Williams Family Trust	3321 Dew Berry Ave.	36-20-27-0000-00-083	4.94	Mobile Homes	Rural
2694 Group "C"	15	Bruce & Jeannie Hatcher	1430 Plymouth Sorrento Rd.	36-20-27-0000-00-093	14.18	Single Family House	Rural
	16	Robert & Cynthia Henderson	1374 Plymouth Sorrento Rd.	36-20-27-0000-00-075	6.15	Single Family House	Rural
	17	Bruce & Jeannie Hatcher	1430 Plymouth Sorrento Rd.	36-20-27-0000-00-093	0.28	Single Family House	Rural
	18	Robert & Cynthia Henderson	1374 Plymouth Sorrento Rd.	36-20-27-0000-00-075	0.28	Single Family House	Rural
2695 Group "D"	19	Earl & Adelaida Wilson	1118 Plymouth Sorrento Rd.	06-21-28-7172-04-062	0.86	Vacant	Rural
	20	Patrick Connelly	1102 Plymouth Sorrento Rd.	06-21-28-7172-04-061	0.23	Vacant	Rural
	21	Yong Sun & Byung Sook Pak	1058 Plymouth Sorrento Rd.	06-21-28-7172-04-060	5.92	Woodlands	Rural

## EXHIBIT “B”

### Vicinity Map



**ORDINANCE NO. 2692**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY PATRICIA AND MAXINE LU, ROGER AND RANDALL WELKER, EARL AND ADELAIDA WILSON, POUL AND SHARON JENSEN, GUY ITAY, JAMES HOWARD HOLT JUNIOR, FREDDIE AND SANDRA JONES, AND SALLIE JACKSON AND LOCATED AS DEPICTED WITHIN EXHIBIT "A" OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex the property located North of North Orange Blossom Trail and West of State Route 429; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **39.48 +/- acres**, and depicted in Exhibit "A" and further graphically depicted by Exhibit "B", are hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a section or subsection or part of this ordinance.

**ORDINANCE NO. 2695**

**PAGE 2**

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

Bryan Nelson, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 21 and 28, 2018

**EXHIBIT "A"**

<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>
2692	1	Patricia & Maxine Lu	3189 Fudge Rd.	06-21-28-7172-16-051	1.9
	2	Roger & Randall Welker	3200 Southfork Dr.	06-21-28-7172-16-050	2.84
	3	Earl & Adelaida Wilson	3162 Southfork Dr.	06-21-28-7172-16-060	4.7
	4	Earl & Adelaida Wilson	Southfork Dr.	06-21-28-7172-16-071	3.32
	5	Earl & Adelaida Wilson	3076 Southfork Dr.	06-21-28-7172-16-070	1.22
	6	Poul & Sharon Jensen	Southfork Dr.	06-21-28-7172-16-041	3.06
	7	Guy Itay	3173 Southfork Dr.	06-21-28-7172-16-030	4.43
	8	James Howard Holt, Jr.	3161 Southfork Dr.	36-20-27-0000-00-052	10.37
	9	Freddie & Sandra Jones	3075 Southfork Dr.	06-21-28-7172-16-020	4.87
	10	Poul & Sharon Jensen	3201 Southfork Dr.	06-21-28-7172-16-040	1.87
	11	Sallie Jackson	Hermit Smith Rd.	36-20-27-0000-00-068	0.9

**Property Descriptions**

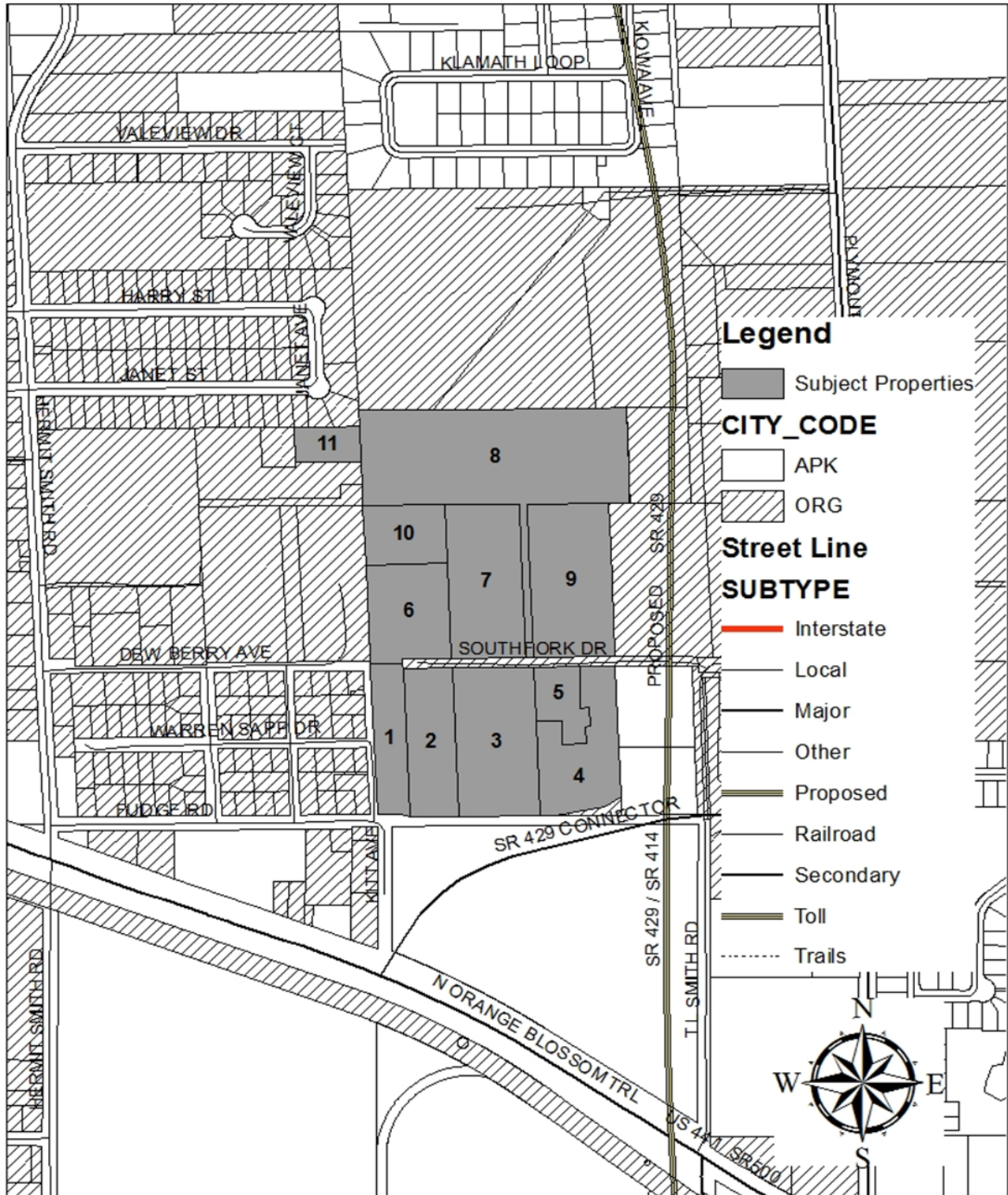
**Item No.**

1. MAP OF PLYMOUTH B/17 THE W 2/5 OF LOT 5 BLK P (LESS R/W FOR FUDGE RD ON S & LESS W 60 FT OF S 10 FT THEREOF FOR R/W) & (LESS PT TAKEN FOR R/W ON S PER 9852/5231) & S1/2 OF W 132 FT OF VAC ST RUNNING E & W THRU CTR BLK P 2897/83 SEE 2972/1671
2. MAP OF PLYMOUTH B/17 THE E 3/5 OF LOT 5 BLK P & AN INT PER 3157/702 IN VAC ST RUNNING E & W THROUGH CENTER OF BLK P DESC AS FROM SE COR 36-20-27 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.86 FT S 40 FT E 1193.08 FT TO POB PER 3157/0702
3. MAP OF PLYMOUTH B/17 LOT 6 BLK P & AN INT PER 3157/702 IN VAC ST RUNNING E & W THROUGH CENTER OF BLK P DESC AS FROM SE COR SEC 36- 20-27 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.86 FT S 40 FT E 1193.08 FT TO POB PER 3157/0702
4. (NOTE: AG PORTION OF THE FOLLOWING DESCRIBED PROPERTY) MAP OF PLYMOUTH B/17 LOT 7 BLK P & AN INT PER 3157/702 IN VAC ST RUNNING E & W THROUGH CENTER OF BLK P DESC AS FROM SE COR SEC 36- 20-27 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.86 FT S 40 FT E 1193.08 FT TO POB (LESS COMM SW COR OF SE1/4 OF SEC 36-20-27 TH N89-33-19E 1320.40 FT TH N89-32-59E 723.67 FT TH N00-27-01W 20 FT TO POB TH N79-37-53E 200.65 FT TH N56-40-36E 78.30 FT TH S02-19-26E 77.10 FT TH S89-32-59W 265.94FT TO POB) SEE 5118/3417
5. (NOTE: HOMESTEAD PORTION OF THE FOLLOWING DESCRIBED PROPERTY) MAP OF PLYMOUTH B/17 LOT 7 BLK P & AN INT PER 3157/702 IN VAC ST RUNNING E & W THROUGH CENTER OF BLK P DESC AS FROM SE COR SEC 36- 20-27 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.86 FT S 40 FT E 1193.08 FT TO POB SEE 5118/3417
6. (NOTE: AG PORTION OF THE FOLLOWING DESCRIBED PROPERTY) MAP OF PLYMOUTH B/17 LOT 4 BLK P & S 20 FT OF N 661.97 FT OF W 132 FT OF SE1/4 OF SE1/4 OF SEC 36-20-27 & AN INT PER 3157/702 IN VAC ST RUNNING E & W THRU CENTER OF BLK P DESC AS FROM SE COR OF SEC 36- 20-27 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.86 FT S 40 FT E 1193.08 FT TO POB SEE 3934/3359

**EXHIBIT "A" (Continued):**

7. MAP OF PLYMOUTH B/17 LOT 3 BLK P (LESS E 30 FT) & AN INT PER 3157/702 IN VAC ST RUNNING E & W THROUGH CENTER OF BLK P DESC AS FROM SE COR SEC 36-20-27 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.86 FT S 40 FT E 1193.08 FT TO POB PER 3157/0702
8. 9400/0226 RECORDED WITH OUT LEGAL-- S 400 FT OF NE1/4 OF SE1/4 (LESS COMM AT NE COR OF SE1/4 TH S02-14-21E 924.06 FT TO PT ON N LINE OF S 400 FT OF NE1/4 OF SE1/4 BEING POB TH CONT S02-14-21E 400.18 FT TO PT ON S LINE OF NE1/4 OF SE1/4 TH S89-29-17W 249.96 FT ALONG S LINE TO PT ON A CURV CONCV WLY HAVING A RAD OF 11,294.16 FT A CHORD BEARING OF N02-02-26W A CENTRAL ANGLE OF 02-01-48 & AN ARC DIST OF 40.16 FT TH N89-29-17E 248.57 FT TO POB PER 10764/0480) & E 30 FT OF LOT 3 BLK P MAP OF PLYMOUTH B/17 IN SEC 36-20-27
9. MAP OF PLYMOUTH B/17 LOT 2 BLK P & AN INT PER 3157/702 IN VAC ST RUNNING E & W THRU CENTER OF BLK P DESC AS FROM SE COR SEC 362027 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.36 FT S 40 FT E 1193.08 FT TO POB PER 3157/0702
10. (NOTE: HOMESTEAD PORTION OF THE FOLLOWING DESCRIBED PROPERTY) MAP OF PLYMOUTH B/17 LOT 4 BLK P & S 20 FT OF N 661.97 FT OF W 132 FT OF SE1/4 OF SE1/4 OF SEC 36-20-27 & AN INT PER 3157/702 IN VAC ST RUNNING E & W THRU CENTER OF BLK P DESC AS FROM SE COR OF SEC 36- 20-27 RUN N 642.77 FT FOR POB TH RUN N 32.78 FT W 20 FT N 7.11 FT W 1173.86 FT S 40 FT E 1193.08 FT TO POB SEE 3934/3359
11. N 148.5 FT OF E 264 FT OF S1/2 OF SE1/4 OF NW1/4 OF SE1/4 SEC 36-20-27 SEE 3069/701

### EXHIBIT "B"





**ORDINANCE NO. 2693**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY WILLIAMS FAMILY TRUST, AND BY JUDY BAIN AND WILLIAMS FAMILY TRUST AND LOCATED AS DEPICTED WITHIN EXHIBIT "A" OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex the property located North of North Orange Blossom Trail and West of State Route 429; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **9.92 +/- acres**, and depicted in Exhibit "A" and further graphically depicted by Exhibit "B", are hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a 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 passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

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Bryan Nelson, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 21 and 28, 2018

**EXHIBIT "A"**

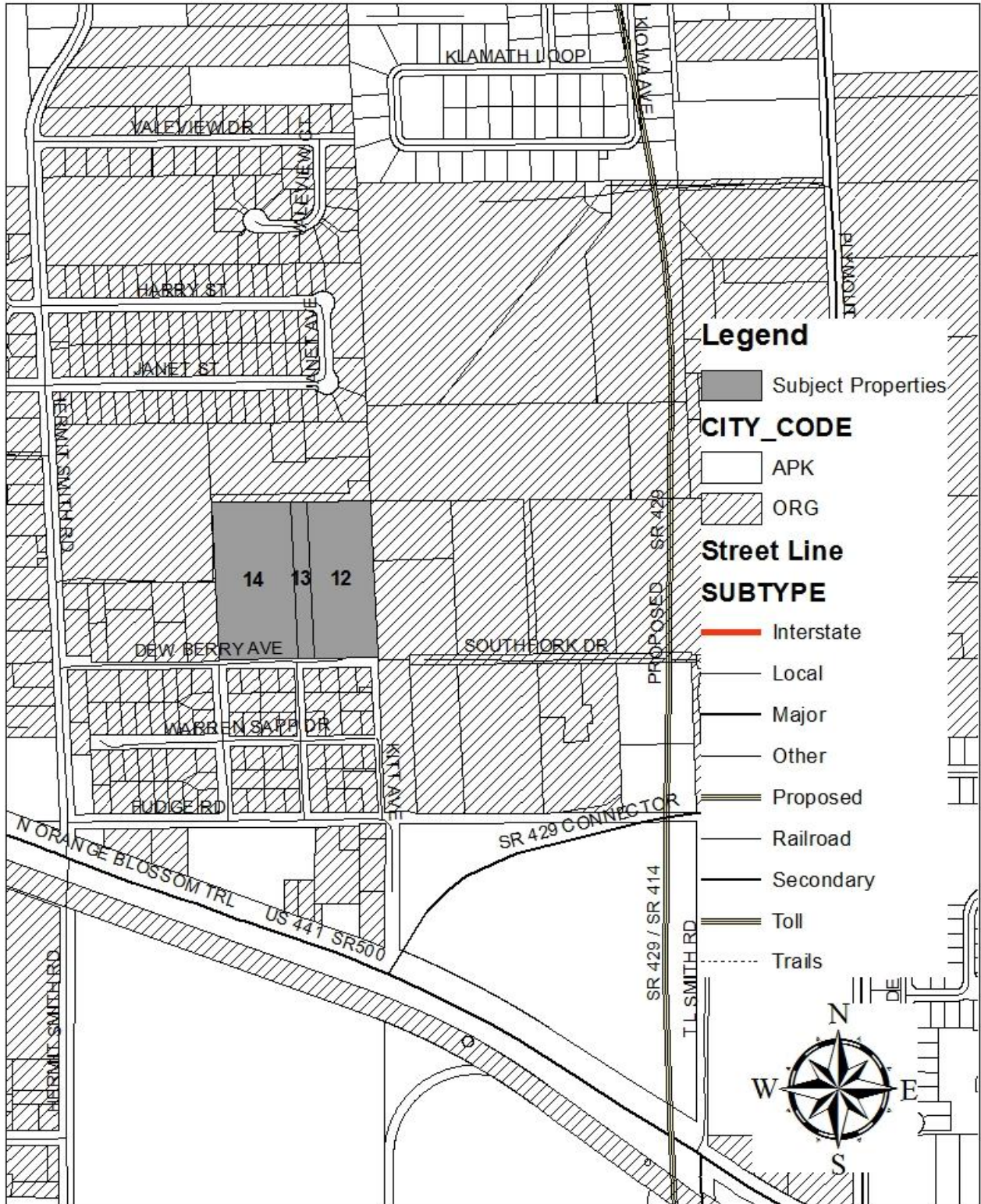
<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>
2693	12	Williams Family Trust	3205 Dew Berry Ave.	36-20-27-0000-00-047	3.99
	13	Judy Bain & Williams Family Trust	3225 Dew Berry Ave.	36-20-27-0000-00-085	0.99
	14	Judy Bain & Williams Family Trust	3321 Dew Berry Ave.	36-20-27-0000-00-083	4.94

**Property Descriptions**

**Item No.**

- 12. NE1/4 OF SW1/4 OF SE1/4 (LESS W 396 FT THEREOF) & (LESS S 10.01 FT FOR R/W PER OR 4184/3110) SEC 36-20-27
- 13. BEG 330 FT E OF SW COR OF NE1/4 OF SW1/4 OF SE1/4 RUN E 66 FT N 660 FT W 66 FT S 660 FT TO POB (LESS S 10.01 FT FOR RD R/W PER OR 4175/4995) IN SEC 36-20-27
- 14. W1/2 OF NE1/4 OF SW1/4 OF SE1/4 (LESS S 10.01 FT FOR RD R/W PER OR 4175/4995) OF SEC 36-20-27

# EXHIBIT "B"



**ORDINANCE NO. 2694**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY BRUCE AND JEANNIE HATCHER; AND ROBERT AND CYNTHIA HENDERSON AND LOCATED AS DEPICTED WITHIN EXHIBIT "A" OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex the property located North of North Orange Blossom Trail and West of Plymouth Sorrento Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling 20.89 +/- acres, and depicted by Exhibit "A" and further graphically depicted by the attached Exhibit "B", are hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a section or subsection or part of this ordinance.

**ORDINANCE NO. 2694**  
**PAGE 2**

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

---

Bryan Nelson, Mayor

ATTEST:

---

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 21 and 28, 2018

**EXHIBIT "A"**

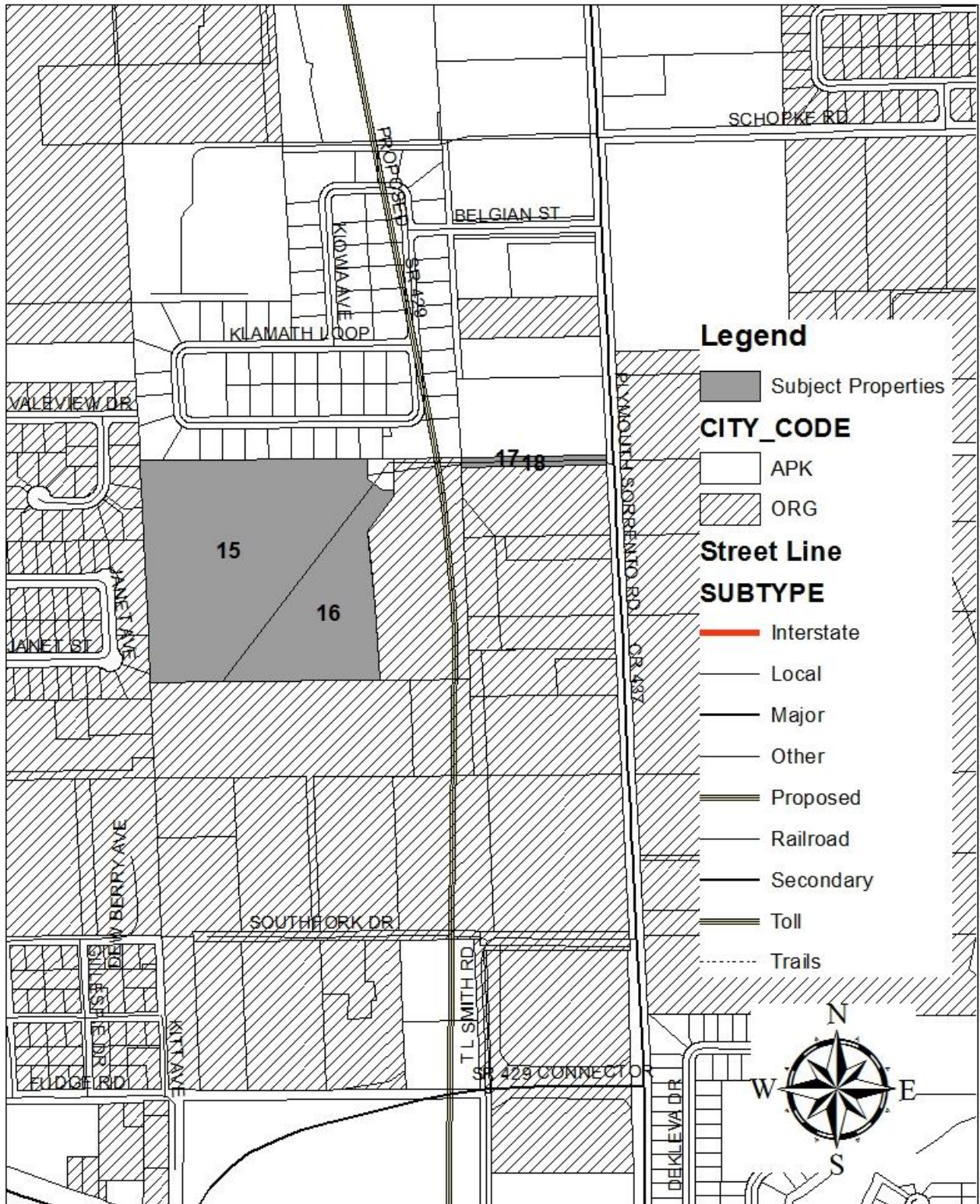
<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>
2694	15	Bruce & Jeannie Hatcher	1430 Plymouth Sorrento Rd.	36-20-27-0000-00-093	14.18
	16	Robert & Cynthia Henderson	1374 Plymouth Sorrento Rd.	36-20-27-0000-00-075	6.15
	17	Bruce & Jeannie Hatcher	1430 Plymouth Sorrento Rd.	36-20-27-0000-00-093	0.28
	18	Robert & Cynthia Henderson	1374 Plymouth Sorrento Rd.	36-20-27-0000-00-075	0.28

**Property Descriptions**

**Item No.**

15. BEG 400 FT N OF SW COR OF NE1/4 OF SE1/4 RUN N TO N LINE OF SE1/4 TH E TO NE COR OF SE1/4 TH S 20 FT TH W 300 FT TH SWLY TO A POINT 300 FT E OF POB TH W 300 FT TO POB (LESS BEG AT NE COR OF SE1/4 RUN S02-14-21E 20.01 FT TO PT ON S LINE OF N 20 FT OF E 300 FT OF NE1/4 OF SE1/4 TH S89-27-24W 279.34 FT TH CONT S89-27-24W 20.58 FT TH S37-23-29W 106.13 FT TH N52-36-26W 29.99 FT TH N00-31-19W 85.41 FT TO PT ON N LINE OF SEC TH N89-28-38E 388.19 FT TO POB PER 10760/7046) IN SEC 36-20-27 & N 20 FT OF NW1/4 OF SW1/4 OF SEC 31-20-28 LYING W PLYMOUTH SORRENTO RD - BEING VAC R/W PER DB 596/467
  
16. BEG 400 FT N & 300 FT E OF SW COR OF NE 1/4 OF SE1/4 RUN E 1032.9 FT N 905.7 FT W 300 FT SWLY TO POB IN SEC 36-20-27 (LESS COMM AT NE COR OF SE1/4 PF SEC TH RUN S02-14-21E 20.01 FT TO PT ON S LINE OF N 20 FT OF E 300 FT OF NE1/4 OF SE1/4 AND POB TH CONT S 02-14-21E 904.05 FT TO PT ON N LINE OF S 400 FT OF NE1/4 OF SE1/4 TH S89-29-17W ALONG N LINE 373.7 FT TO PT ON CURV CONCV WLY HAVING A RAD OF 11,169.16 A CHORD BEARING OF N04-40-48W A CENTRAL ANGLE OF 03-11-30 & AN ARC DIST OF 622.17 FT TH N37-22-01E 182.75 FT TH N00-27-45W 24.57 FT TH S89-31-59W 46.6 FT TH N52-36-26W 49.54 FT TO PT ON WLY LINE OF LANDS DESC IN OR 8943/2342 TH N37-23-29E 106.13 FT TH N89-27-24E 300 FT TO POB PER 10705/6080) & N 20 FT LOT 2 BLK E PLYMOUTH PB B/17 & VAC R/W LYING W OF SAID N 20 FT OF LOT 2 PER DB 596/467
  
17. BEG 400 FT N OF SW COR OF NE1/4 OF SE1/4 RUN N TO N LINE OF SE1/4 TH E TO NE COR OF SE1/4 TH S 20 FT TH W 300 FT TH SWLY TO A POINT 300 FT E OF POB TH W 300 FT TO POB (LESS BEG AT NE COR OF SE1/4 RUN S02-14-21E 20.01 FT TO PT ON S LINE OF N 20 FT OF E 300 FT OF NE1/4 OF SE1/4 TH S89-27-24W 279.34 FT TH CONT S89-27-24W 20.58 FT TH S37-23-29W 106.13 FT TH N52-36-26W 29.99 FT TH N00-31-19W 85.41 FT TO PT ON N LINE OF SEC TH N89-28-38E 388.19 FT TO POB PER 10760/7046) IN SEC 36-20-27 & N 20 FT OF NW1/4 OF SW1/4 OF SEC 31-20-28 LYING W PLYMOUTH SORRENTO RD - BEING VAC R/W PER DB 596/467
  
18. BEG 400 FT N & 300 FT E OF SW COR OF NE 1/4 OF SE1/4 RUN E 1032.9 FT N 905.7 FT W 300 FT SWLY TO POB IN SEC 36-20-27 (LESS COMM AT NE COR OF SE1/4 PF SEC TH RUN S02-14-21E 20.01 FT TO PT ON S LINE OF N 20 FT OF E 300 FT OF NE1/4 OF SE1/4 AND POB TH CONT S 02-14-21E 904.05 FT TO PT ON N LINE OF S 400 FT OF NE1/4 OF SE1/4 TH S89-29-17W ALONG N LINE 373.7 FT TO PT ON CURV CONCV WLY HAVING A RAD OF 11,169.16 A CHORD BEARING OF N04-40-48W A CENTRAL ANGLE OF 03-11-30 & AN ARC DIST OF 622.17 FT TH N37-22-01E 182.75 FT TH N00-27-45W 24.57 FT TH S89-31-59W 46.6 FT TH N52-36-26W 49.54 FT TO PT ON WLY LINE OF LANDS DESC IN OR 8943/2342 TH N37-23-29E 106.13 FT TH N89-27-24E 300 FT TO POB PER 10705/6080) & N 20 FT LOT 2 BLK E PLYMOUTH PB B/17 & VAC R/W LYING W OF SAID N 20 FT OF LOT 2 PER DB 596/467

### Exhibit "B"





**ORDINANCE NO. 2695**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY EARL AND ADELAIDA WILSON, PATRICK CONNELLY, AND YONG SUN & BYUNG SOOK PAK; AND LOCATED AS DEPICTED WITHIN EXHIBIT “A” OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex the property located North of North Orange Blossom Trail and West of Plymouth Sorrento Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling 7.01 +/- acres, and depicted by Exhibit “A” and graphically depicted by Exhibit “B”, are hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a section or subsection or part of this ordinance.

**ORDINANCE NO. 2695**

**PAGE 2**

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

Bryan Nelson, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 21 and 28, 2018

**EXHIBIT “A”**

<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER’S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>
2695	19	Earl & Adelaida Wilson	1118 Plymouth Sorrento Rd.	06-21-28-7172-04-062	0.86
	20	Patrick Connelly	1102 Plymouth Sorrento Rd.	06-21-28-7172-04-061	0.23
	21	Yong Sun & Byung Sook Pak	1058 Plymouth Sorrento Rd.	06-21-28-7172-04-060	5.92

**Property Descriptions**

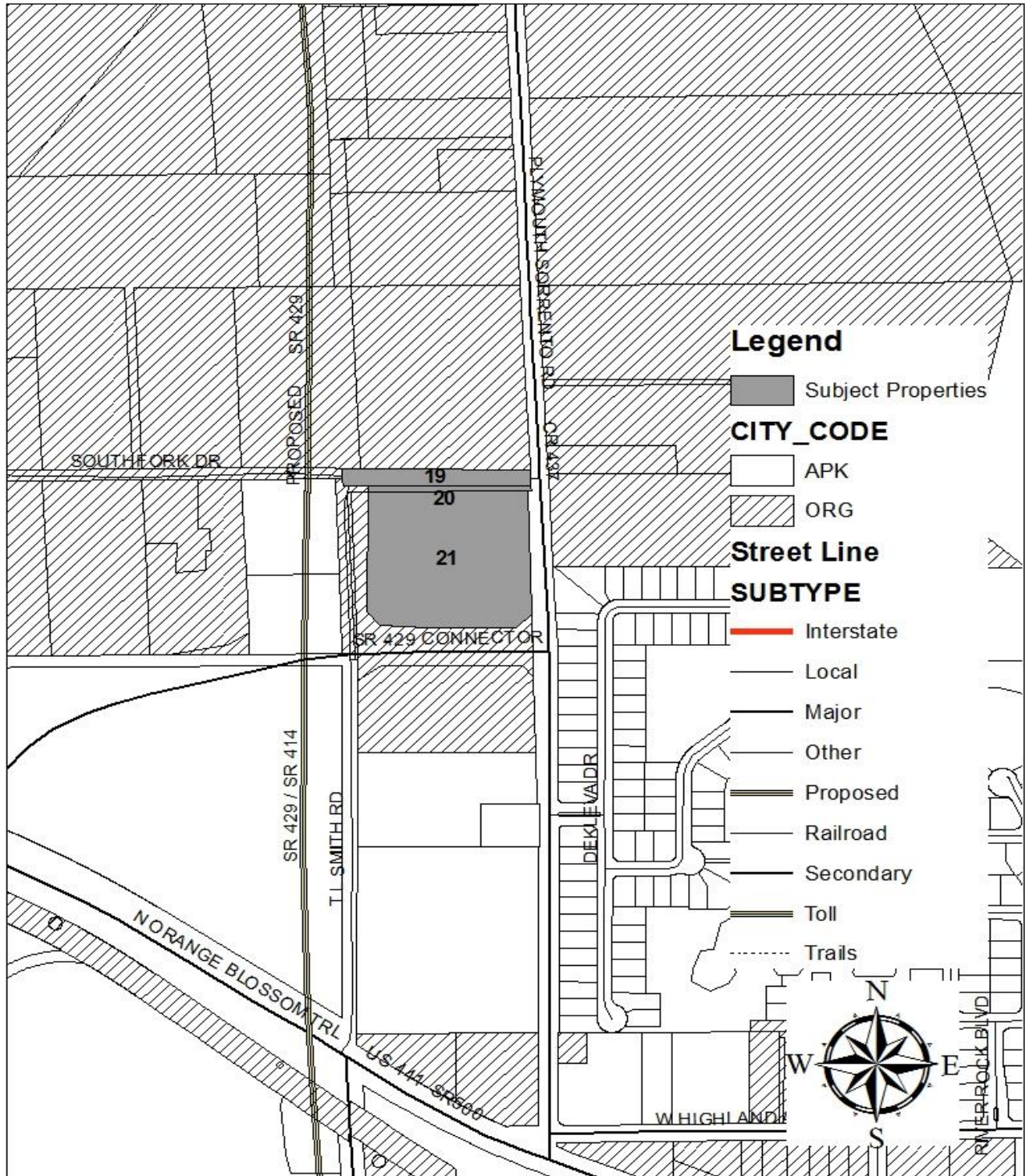
**Item No.**

19. MAP OF PLYMOUTH B/17 THE N 60 FT OF S 675.45 FT OF SW1/4 OF SEC 31-20-28 LYING W OF PLYMOUTH- SORRENTO RD (DB 385/509) BEING A PT OF LOTS 3 & 6 BLK D & VAC R/W ON W THEREOF PER DEED BOOK 596/467 SEE 3157/702, 3173/769, 5796/3509

20. MAP OF PLYMOUTH B/17 PT OF LOT 6 BLK D DESC AS: THE S 80 FT OF THE N 730 FT OF SW 1/4 OF THE SW 1/4 OF 31-20-28 LYING WEST OF RD LESS THE NORTH 60 FEET OF THE S 675.45 FEET OF THE SW 1/4 OF THE SW 1/4 OF 31-20-28 (LESS R/W ON E PER DB 385/509) & ALL THE VACATED 40 FOOT ROAD ON THE EAST SIDE OF BLOCK P PER DB 596/467 (LESS THE NORTH 650 FEET THEREOF) & (LESS THE ROAD RUNNING EAST AND WEST THROUGH THE CENTER OF BLOCK P) SEE 2972/1671-1674 & 3157/702 & (LESS BEG SECOR OF SE1/4 OF 36-20-27 TH N 20 FT S89-32-59W 25.01 FT TH N02-14-24W 642.43 FT TH N89-31-39E 25.01 FT TH S02-14-24E 26.46 FT TH S89-52.33E 82.02 FT TH 00-07-27W 20.73 FT TH S89-36-50W 66.13 FT TH S02-14-24E 594.64 FT TH N89-52-33W 15.01 TO POB) & (LESS COMM AT THE SW CORNER OF SEC 31-20-28 TH S89-54-05E 15.01 FT TO THE POB TH N02-14-21W 594.64 FT TH N89-36-47E 10.01 FT TH S02-14-21E 594.72 FT TH N89-54-05W 10.01 FT TO THE POB SEE 10813/1954)

21. MAP OF PLYMOUTH B/17 LOTS 2, 3, 6 & 7 (LESS N 730 FT) BLK D & PT OF VAC ST LYING S OF LOT 7 & VAC R/W ON W THEREOF PER DB 596/467 (LESS R/W ON E PER DB 385/509) & (LESS COMM AT SW COR OF SE1/4 OF 36-20-27 TH N89-33-19E 1320.40 FT TH N89-32-59E 1320.36 FT TH S89-52-33E 25.02 FT FOR POB TH N02-14-24W 594.73 FT N89-36-50E 56.13 FT TH S00-07-27W 427.02 FT S40-23-58E 63.85 FT TH S88-09-56E 162.60 FT TH S89-24-23E 287.78 FT TH N47-15-59E 71.94 FT TH S01-18-38E 160.94 FT N89-52-33W 580.13 FT TO POB)

EXHIBIT "B"





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: Community Development  
 EXHIBITS: Ordinance No. 2696  
 Annexation Case Table  
 Vicinity Map  
 Aerial Map

**SUBJECT:           ORDINANCE NO. 2696 - 2018 ANNEXATION – CYCLE 6**

**REQUEST:           ORDINANCE NO. 2696 – FIRST READING – ANNEXATION OF  
 PROPERTY OWNED BY CHS MANAGEMENT CORP, LOCATED AT  
 PLYMOUTH SORRENTO ROAD, PARCEL IDENTIFICATION  
 NUMBERS 19-20-28-0000-00-005 AND 19-20-28-0000-00-031.**

**SUMMARY:**

OWNER:                CHS Management Corp.  
 APPLICANT;         Jonathan Huels  
 LOCATION:           3443 Plymouth Sorrento Road and Plymouth Sorrento Road  
 PARCEL ID NOS.:   19-20-28-0000-00-005 and 19-20-28-0000-00-031  
 EXISTING USE:       Vacant  
 TRACT SIZE:         6.97 +/- acres (combined acreage of two parcels)

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** Abutting current boundaries of the City of Apopka, the subject site is consistent with Florida Statutes addressing annexation of unincorporated lands into a municipality. The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. Assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify Orange County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 9, 2018.

**DULY ADVERTISED:**

November 16, 2018

November 23, 2018

**PUBLIC HEARING SCHEDULE:**

December 5, 2018 (1:30 PM) - City Council 1<sup>st</sup> Reading

December 19, 2018 (7:00 PM) - City Council 2<sup>nd</sup> Reading and Adoption

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the annexation for property owned by CHS Management Corp.

Accept the First Reading of Ordinance No. 2696, and Hold it Over for Second Reading and Adoption on December 19, 2018.

**CITY OF APOPKA**  
**2018 ANNEXATION CYCLE # 6**

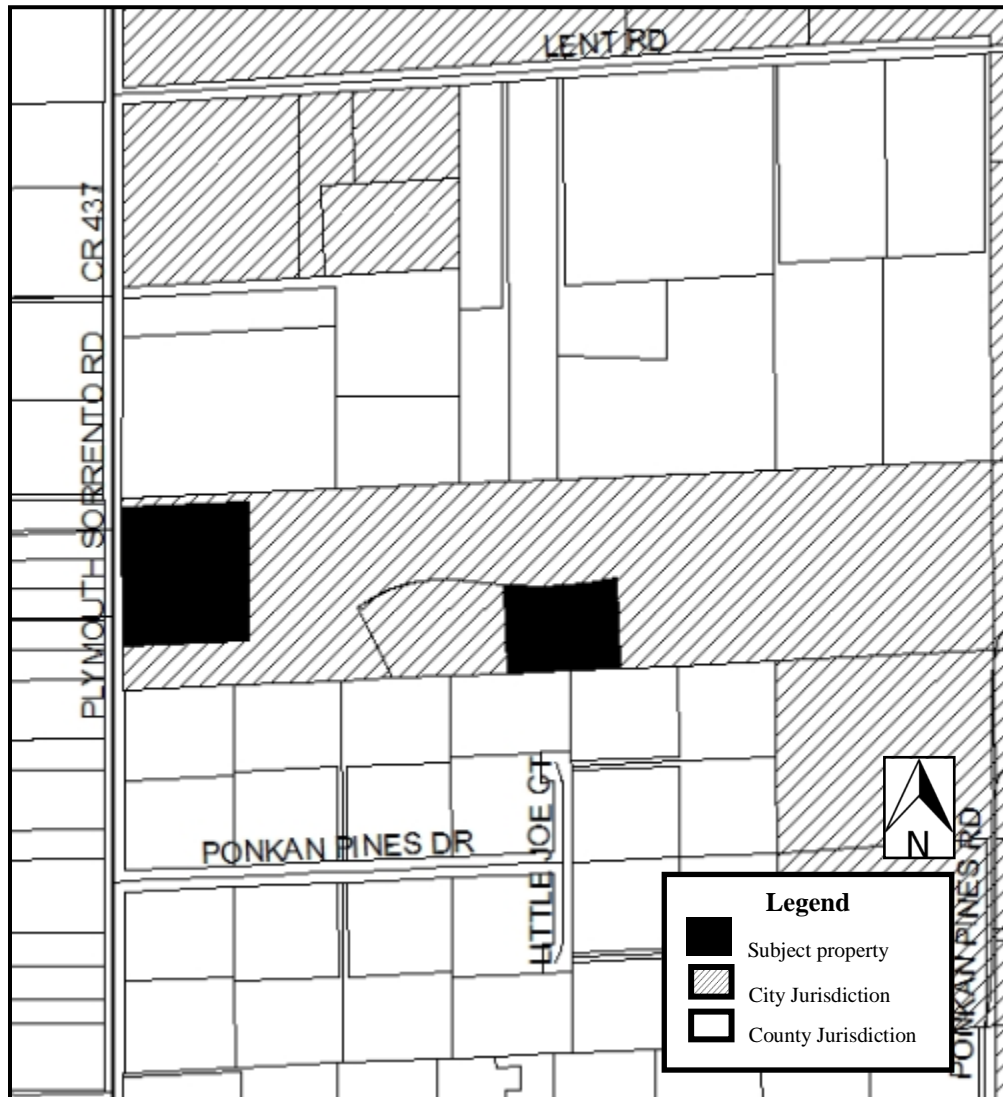
TOTAL ACRES: 6.97 +/-

<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER(S)</b>	<b>ACRES +/-</b>	<b>EXISTING USE(S)</b>	<b>FUTURE LAND USE (COUNTY)</b>
2696	1	CHS Management Corp	3443 Plymouth Sorrento Road and Plymouth Sorrento Road	19-20-28-0000-00-005 19-20-28-0000-00-031	6.97	Single Family Residential; Vacant	Rural

**ANNEXATION**  
**CHS Management Corp**  
**Plymouth Sorrento Road**

**Property Description:** N1/2 OF S1/2 OF SE1/4 OF NE1/4 (LESS E 50 FT FOR R/W) SEC 28-20-28  
**Parcel ID Nos.:** 19-20-28-0000-00-005 and 19-20-28-0000-00-031  
**Total Acres:** 6.97 +/- (combined)

**Vicinity Map**



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)



### Aerial Map



**ORDINANCE NO. 2696**

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

WHEREAS, CHS Management Corp., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at Plymouth Sorrento Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **6.97 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Property Descriptions:

S 460 FT OF N 490 FT OF W 450 FT OF NW1/4 OF SW1/4 OF SEC 19-20-28  
Parcel ID No.: 19-20-28-0000-00-005

BEG 2025.24 FT N & 1315.03 FT E OF SW COR OF SW1/4 RUN N 296.7 FT E 45.04 FT NELY ALONG CURVE 236 FT N 81 DEG E 100.49 FT S 301.56 FT W 380 FT TO POB IN SEC 19-20-28  
Parcel ID No.: 19-20-28-0000-00-031

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

**ORDINANCE NO. 2696**

**PAGE 2**

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 a 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 passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: December 5, 2018

READ SECOND TIME  
AND ADOPTED: December 19, 2018

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Bryan Nelson, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 16, 2018 and November 23, 2018

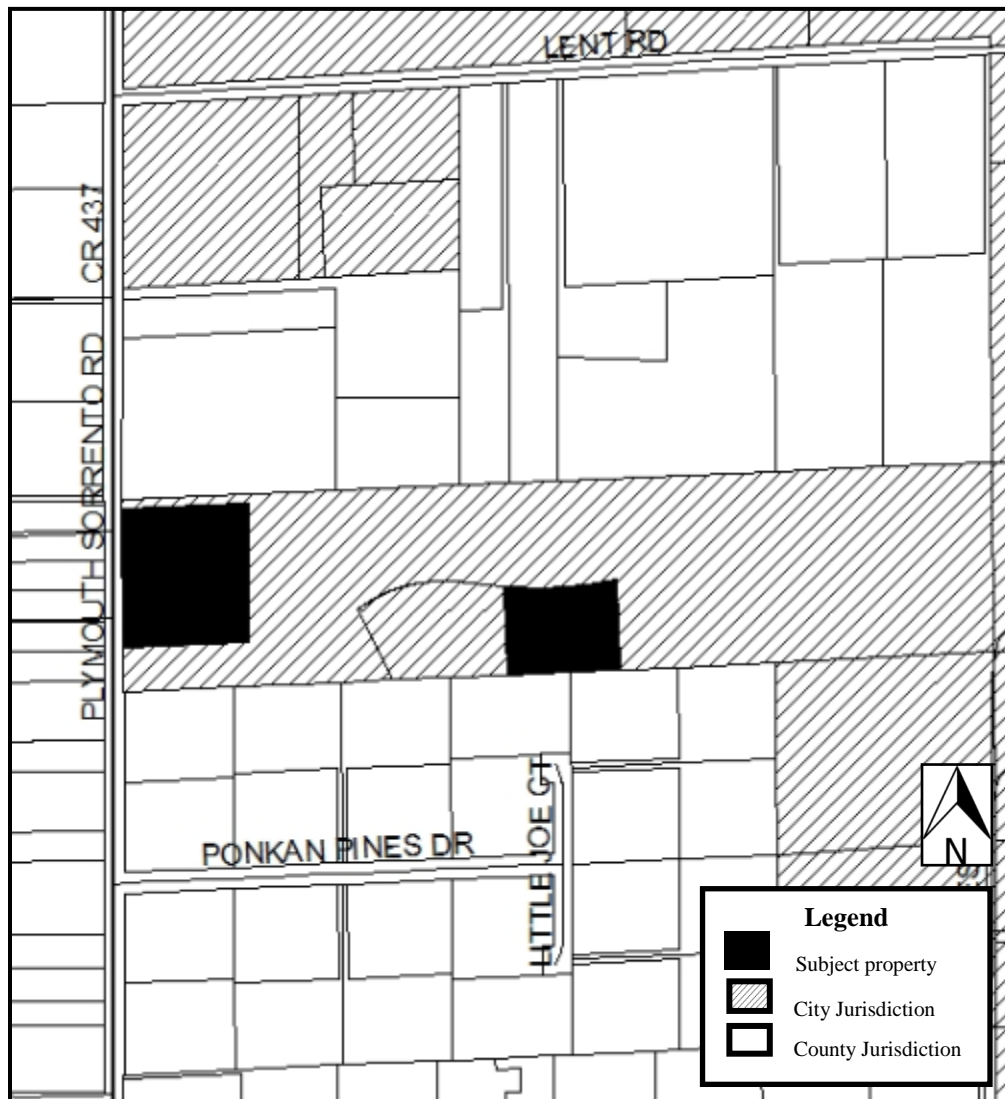
ANNEXATION  
CHS Management Corp  
Plymouth Sorrento Road

Property Description: N1/2 OF S1/2 OF SE1/4 OF NE1/4 (LESS E 50 FT FOR R/W) SEC 28-20-28

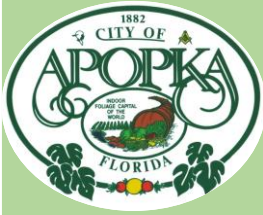
Parcel ID Nos.: 19-20-28-0000-00-005 and 19-20-28-0000-00-031

Total Acres: 6.97 +/-

Vicinity Map



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE.)



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 5, 2018  
 FROM: City Clerk  
 EXHIBITS: Ordinance No 2698

**SUBJECT: ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APOPKA**

**REQUEST: APPROVE ORDINANCE NO. 2698 AT FIRST READING AND CARRY OVER FOR A SECOND READING AND ADOPTION.**

**SUMMARY:**

This new code constitutes a recodification of the general and permanent ordinances adopted by the City of Apopka City Council. Following a legal review by Municode, city staff reviewed sections of the code that they were directly involved. The legal review by Municode brought references of Florida Statutes and Laws within the code of ordinances up to date and in compliance.

The last recodification of the Code of Ordinances was in February 1994. Ordinances adopted after August 15, 2018 that amend or refer to ordinances that have been codified will be posted as NOW ordinances in Municode and a supplement will be done periodically as ordinances are adopted by City Council and codified.

A copy of the recodification is available in the City Clerk’s office.

**FUNDING SOURCE:**

Approved in FY 16-17 Budget and carried forward.

**RECOMMENDATION ACTION:**

Approve the First Reading of Ordinance No. 2698 and hold over for a Second Reading and Adoption.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ORDINANCE NO. 2698**

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APOPKA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AS FOLLOWS:

Section 1. The Code entitled "Code of Ordinances, City of Apopka, Florida" published by Municipal Code Corporation, consisting of chapters 1 through 86, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before August 15, 2018, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 or a term of imprisonment not exceeding 60 days.

Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may

pursue other remedies such as abatement of nuisances, administrative adjudication, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the city council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after August 15, 2018, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately upon adoption.

Passed and adopted this 19th day of December, 2018.

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY FOR USE  
AND RELIANCE BY THE CITY OF APOPKA, FLORIDA:

\_\_\_\_\_  
Cliff Shepard, City Attorney

1<sup>st</sup> Reading: December 5, 2018  
2<sup>nd</sup> Reading and adoption: December 19, 2018

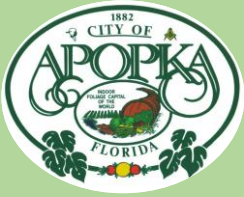
DULY ADVERTISED FOR PUBLIC HEARING: December 7, 2018

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council, held on the 19th day of December, 2018.

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





# CITY OF APOPKA CITY COUNCIL

- \_\_\_ CONSENT AGENDA
- \_\_\_ PUBLIC HEARING
- \_\_\_ SPECIAL REPORTS
- X OTHER: Conveyance of Public Property

MEETING OF: December 5, 2018  
 FROM: Community Development  
 EXHIBIT(S): Resolution No. 2018-25  
 City Deed  
 Right-of-Way Map  
 Taurus Agreement

**SUBJECT: RESOLUTION NO. 2018-25 – DEEDING CITY OWNED PROPERTY ALONG U.S. 441 TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS TO U.S. 441.**

**REQUEST: APPROVE RESOLUTION NO. 2018-25 - DEEDING 0.39 +/- ACRE OF CITY PROPERTY ALONG U.S. 441 TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR NEEDED ROADWAY IMPROVEMENTS TO U.S. 441.**

**SUMMARY:**

The City of Apopka, in partnership with Taurus Investment Holdings, LLC, and the Florida Department of Transportation (FDOT) will begin the construction of roadway improvements to U.S. 441/E Main Street from west of McGee Avenue to east of Sheeler Avenue as a part of the City Center project. These improvements include the following: signalization of the intersection of U.S. 441/E Main Street and McGee Avenue; reconfiguration and signalization of the intersection of U.S. 441/E Main Street and S.R. 436; and the addition of a northbound right turn lane on U.S. 441/E Main Street to McGee Avenue. To construct these improvements and for FDOT to have the ability to maintain the road, this additional property is required for road right-of-way.

A total of 0.39+/- acres from three City owned parcels is needed and be deeded to FDOT.

Parcel I.D. No. 10-21-28-0000-00-065: 325 McGee Avenue (current site of Business Incubator), 0.16 +/- acre (6,925 square feet).

Parcel I.D. No. 10-21-28-0000-00-066: 561 E Main Street (directly east of the Business Incubator site) 0.12 +/- acre (5,174 square feet).

Parcel I.D. No. 10-21-28-8652-03-020: 604 E Main Street (southeast quadrant of U.S. 441/E Main Street) 0.11 +/- acre (4,810 square feet).

The location of the property being conveyed from each parcel is a thin strip along each parcel’s edge adjacent to U.S. 441 E Main Street.

**FUNDING SOURCE: N/A**

**RECOMMENDED ACTION:**

Approve Resolution 2018-25, directing the Mayor to prepare and sign a deed conveying to the Florida Department of Transportation property necessary for roadway construction improvements to U.S. 441 east of McGee Avenue and west of Sheeler Avenue.

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

03-BSD06-09/01

November 15, 2018

This instrument prepared by

Robin D. Derr

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 211.1, 212.1, 213.1

SECTION 7502-105

P.M. NO. 18-D14

STATE ROAD 500

COUNTY ORANGE

### RESOLUTION 2018-25

ON MOTION of Commissioner \_\_\_\_\_, seconded by  
Commissioner \_\_\_\_\_, the following Resolution  
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or  
improve State Road No. 500, Section No. 7502-105, in Orange County, Florida: and

WHEREAS, it is necessary that certain lands now owned by City of Apopka, Florida, be  
acquired by the State of Florida Department of Transportation: and

WHEREAS, said property is not needed for City purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to  
said City to execute and deliver to the State of Florida Department of Transportation a deed, or  
deeds, in favor of the State of Florida Department of Transportation, conveying all rights, title  
and interest that said City has in and to said lands required for transportation purposes and said  
request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the City Council of City of Apopka, Orange  
County, Florida, that the application of the State of Florida Department of Transportation for a  
deed, or deeds, is for transportation purposes which are in the public or community interest and  
for public welfare and the land needed for transportation purposes is not needed for City  
purposes; that a deed, or deeds, in favor of the State of Florida Department of Transportation  
conveying all right, title and interest of the City of Apopka, Florida, in and to said lands should  
be drawn and executed by \_\_\_\_\_, on behalf of this City  
Council, as shown in the attached EXHIBIT A.

PARCEL NO. 211.1, 212.1, 213.1  
SECTION 7502-105  
P.M. NO. 18-D14  
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the City Council of the City of Apopka, Florida, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

City Clerk

\_\_\_\_\_, Florida

03-BSD05-03/07

November 15, 2018

This instrument prepared by

Robin D. Derr

Under the direction of

J. RYAN MAHLER, II, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 211.1, 212.1, 213.1

SECTION 7502-105

P.M. NO. 18-D14

STATE ROAD 500

COUNTY ORANGE

## EXHIBIT A

### CITY DEED

THIS DEED, made this \_\_\_ day of \_\_\_\_\_, 2018 by the CITY OF APOPKA, a Florida Municipal Corporation, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, grantee: (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors, and assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RESERVING UNTO THE GRANTOR the following:

1. The interest of Grantor in the property being conveyed hereby was under easements recorded in Official Records Book 2973, page 1194, Official Records Book 2973, page 1195, and Official Records Book 3979, page 4468, and Grantor actually has utility facilities located on the property as of the date of this conveyance. Grantor shall have the right to continue to operate, maintain, or remove those pre-existing utility facilities in the normal course of business, but shall have no other rights with respect to the property except as may hereafter be granted by Grantee pursuant to a separate arrangement. The exercise of Grantee's rights under this paragraph shall be subject to the rights of Grantee to control those activities as hereinafter set forth.

2. The Grantee shall have the right to control the exercise of Grantor's rights under paragraph 1 above in the following manner:

a. The Grantee may require, for any present or future transportation facility project, that any facilities of the Grantor be located, protected, adjusted, or removed as the Grantee determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The Grantor shall have the right to engage in additional protective measures during the transportation facility project beyond what the Grantee determines is necessary, provided that the cost of any such additional protective measures shall be borne by the Grantor.

b. The Grantor shall operate and maintain the Grantor's facilities located on the real property in accordance with Grantee standards as set forth in the Grantee's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the Grantor's facilities proposed by the Grantor shall be subject to the approval of the Grantee as provided in and under the conditions of the Grantee's

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current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

d. Nothing in this paragraph 2 shall be deemed to grant Grantor rights beyond those granted by paragraphs 1 above.

3. In the event that the Grantee exercises its rights under paragraph 2 hereof and the exercise of those rights creates costs over and above what the Grantor would normally have incurred had the Grantee not exercised those rights, the Grantee will bear the excess costs; provided, however, that nothing in this paragraph 3 shall be construed to require Grantee to bear any costs related to or resulting from Grantor exercising rights beyond or in excess of those described in paragraphs above. Excess costs shall include, but not necessarily be limited to, damage to the Grantor's facilities resulting from failure of Grantee's protective measures where the Grantor has not elected to undertake additional protective measures pursuant to subparagraph 2.a. above. The specific arrangement for Grantee bearing the excess costs shall be by separate agreement.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same together with the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the said grantee forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

CITY OF APOPKA  
A Florida Municipal Corporation

\_\_\_\_\_  
SIGNATURE LINE  
PRINT/TYPE NAME: \_\_\_\_\_

By: \_\_\_\_\_  
Its Mayor, Bryan Nelson

\_\_\_\_\_  
SIGNATURE LINE  
PRINT/TYPE NAME: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Its City Clerk

ADDRESS OF GRANTOR:

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, Mayor of the City of Apopka, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
PRINT/TYPE NAME: \_\_\_\_\_  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: \_\_\_\_\_  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 211.1, 212.1, 213.1  
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**PARCEL NO. 211**

**SECTION 7502-105**

Commence at the Northwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 10, Township 21 South, Range 28 East; Thence run  $S00^{\circ}21'08''W$  along the West line of said Southeast  $\frac{1}{4}$ , a distance of 0.73 feet to a point on the centerline of Survey of U.S. Highway No. 441 (also known as E Main Street and State Road No. 500) as shown on FDOT right of way map section 75120-2506; Thence departing said West line run  $S89^{\circ}44'31''E$  along said centerline, a distance of 152.95 feet; Thence continue along said centerline  $N89^{\circ}57'02''E$ , a distance of 48.66 feet; Thence departing said centerline run  $S00^{\circ}02'58''E$ , a distance of 40.00 feet to a point on the south right of way line of said U.S. Highway No. 441, said point being the Point of Beginning for Parcel "A"; Thence run the following courses and distances along said south right of way line as shown on said FDOT right of way map:  $N89^{\circ}57'02''E$ , a distance of 133.13 feet; Thence run  $S00^{\circ}02'58''E$ , a distance of 5.00 feet to Point "A"; Thence departing said south right of way line run  $S89^{\circ}57'02''W$ , a distance of 103.40 feet; Thence run  $S44^{\circ}57'43''W$ , a distance of 10.01 feet; Thence run  $S89^{\circ}57'02''W$ , a distance of 41.00 feet to a point on the aforesaid south right of way line of said U.S. Highway No. 441; said point being a point on a non-tangent curve concave southeasterly having a radius of 20.00 feet and a chord bearing  $N56^{\circ}37'06''E$ ; Thence run northeasterly along the arc of said curve and said existing south right of way line through a central angle  $66^{\circ}39'54''$ , an arc distance of 23.27 feet to the point of tangency of said curve and the Point of Beginning.

Containing 1,011 square feet, more or less.

**PARCEL NO. 212**

**SECTION 7502-105**

Commence at said Point "A"; Thence run  $N89^{\circ}57'02''E$  along aforesaid south right of way line of said U.S. Highway No. 441, a distance of 10.00 feet to the Point of Beginning for Parcel "B"; Thence run the following courses and distances along said south right of way line of said U.S. Highway No. 441:  $N00^{\circ}02'58''W$ , a distance of 5.00 feet; Thence run  $N89^{\circ}57'02''E$ , a distance of 105.00 feet; Thence run  $S00^{\circ}02'58''E$ , a distance of 5.00 feet; Thence run  $N89^{\circ}57'02''E$ , a distance of 10.00 feet; Thence run  $N00^{\circ}02'58''W$ , a distance of 5.00 feet; Thence run  $N89^{\circ}57'02''E$ , a distance of 95.00 feet; Thence run  $S00^{\circ}02'58''E$ , a distance of 5.00 feet; Thence run  $N89^{\circ}55'45''E$ , a distance of 10.00 feet; Thence run  $S00^{\circ}02'58''E$ , a distance of 10.00 feet; Thence run  $N89^{\circ}57'02''E$ , a distance of 109.01 feet to a point on a curve concave southeasterly having a radius of 25.00 feet and a chord bearing  $S60^{\circ}27'52''W$ ; Thence run southwesterly along the arc of said curve through a central angle  $58^{\circ}58'21''$ , an arc distance of 25.73 feet; Thence departing said south right of way line run

$S88^{\circ}58'47''W$ , a distance of 25.18 feet to a point on a non-tangent curve concave southwesterly having a radius of 42.00 feet and a chord bearing  $N70^{\circ}35'57''W$ ; Thence run northwesterly along the arc of said curve through a central angle  $31^{\circ}59'11''$ , an arc distance of 23.45 feet to the point of compound curvature of a curve concave south having a radius of 1,475.00; Thence run westerly along the arc of said curve through a central angle  $3^{\circ}26'45''$ , an arc distance of 88.71 feet to the point of tangency; Thence run  $S89^{\circ}57'43''W$ , a distance of 98.17 feet; Thence run  $N76^{\circ}32'33''W$ , a distance of 51.92 feet; Thence run  $S89^{\circ}57'02''W$ , a distance of 23.27 feet to the Point of Beginning.

Containing 3,799 square feet, more or less.

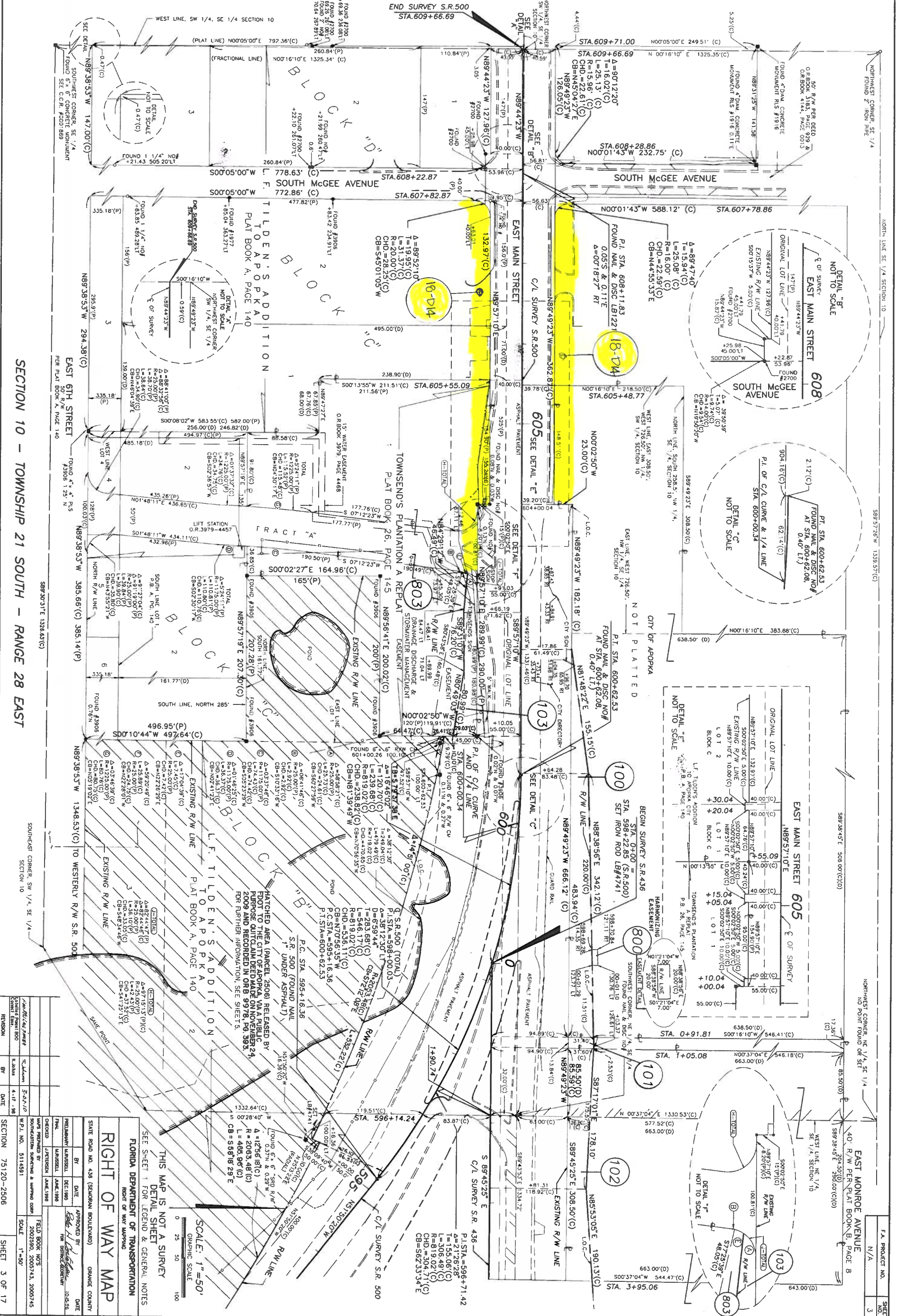
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**PARCEL NO. 213**

**SECTION 7502-105**

Commence at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 10, Township 21 South, Range 28 East; thence run S89°46'33"E along the south line of the Northwest 1/4 of the Southeast 1/4 of said Section 10 a distance of 185.91 feet to a point on the southerly projection of the existing east right of way line of South McGee Avenue, a fifty foot wide right of way per Official Records Book 3183, Page 929 and Official Records Book 4144, Page 0013, all of the Public Records of Orange County, Florida; Thence departing said south line run N00°01'51"W along said southerly projection a distance of 55.97 feet to a point on said existing east right of way line for a Point of Beginning for Parcel "C"; Thence departing said easterly projection run N00°01'51"W along said existing east right of way line a distance of 21.32 feet; thence departing said existing east right of way line run N89°58'09"E, a distance of 11.85 feet; Thence run S63°28'27"E, a distance of 22.36 feet; Thence run N89°57'39"E, a distance of 79.27 feet; Thence run N00°02'21"W, a distance of 10.00 feet; Thence run N89°57'39"E, a distance of 150.94 feet to the point of curvature of a curve concave north having a radius of 7,569.44; Thence run easterly along the arc of said curve through a central angle 00°22'05", an arc distance of 48.61 feet to the end of said curve; Thence run S76°57'31"E, a distance of 69.95 feet to a point on the existing north right of way line of aforesaid State Road No. 500 (U.S. 441), also known as East Main Street, as shown on Florida Department of Transportation Right of Way Map Section 75120-2506; Thence run S00°02'58"E along said existing north right of way line, a distance of 23.00 feet; Thence run N89°49'31"W continuing along said existing north right of way line a distance of 362.87 feet to the point of curvature of a curve concave northeasterly having a radius of 16.00 feet; Thence run northwesterly along the arc of said curve and said existing north right of way line through a central angle 89°47'40" a distance of 25.08 feet to the Point of Beginning;

Containing 12,909 square feet, more or less.



SECTION 10 - TOWNSHIP 21 SOUTH - RANGE 28 EAST

RIGHT OF WAY MAP  
 FLORIDA DEPARTMENT OF TRANSPORTATION  
 RIGHT OF WAY SURVEY

THIS MAP IS NOT A SURVEY  
 DETAIL SHEET  
 SEE SHEET 1 FOR LEGEND & GENERAL NOTES

SCALE: 1" = 50'  
 GRAPHIC SCALE

STATE ROAD NO. 436 (SEMINOLE BOULEVARD) ORANGE COUNTY

DATE: 4-17-98  
 BY: K. K. K.

SECTION 75120-2506 SHEET 3 OF 17

FROM S.R. 500 (U.S. 441) TO SEMINOLE COUNTY LINE





DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "DEVELOPMENT AGREEMENT") is made this 22<sup>nd</sup> day of July, 2016, by and between the CITY OF APOPKA, FLORIDA, a Florida municipal corporation (the "CITY") and TAURUS APOPKA CITY CENTER, LLC, a Florida limited liability company (the "DEVELOPER"), joined by the CITY OF APOPKA COMMUNITY REDEVELOPMENT AGENCY (the "AGENCY") for purposes of memorializing its agreement and consent hereto.

**WITNESSETH:**

**WHEREAS**, CITY is the owner of approximately 34 acres of land located near the intersection of State Road 436 and U.S. Highway 441 as more particularly described on the attached **Exhibit "A"** (the "PROPERTY"); and

**WHEREAS**, adjacent to the PROPERTY, CITY is the owner of the Downtown Regional Stormwater Storage Facility (the "POND") containing 14.71 and 0.329 acres, which POND is more particularly described on the attached **Exhibit "B"**; and

**WHEREAS**, the PROPERTY and POND are located within the CITY's Downtown Development Overlay Zoning District (the "OVERLAY DISTRICT") which contains overlay design standards, permitted uses and prohibited uses, and height limitations among its provisions; and

**WHEREAS**, the CITY desires to integrate the PROPERTY, and POND, and potentially other properties into a common development site for a City Center as described in the map attached hereto and incorporated as **Exhibit "C"** (the "CITY CENTER PROJECT"), and allow the DEVELOPER to develop the PROPERTY in accordance with this Development Agreement and the Master Plan (as hereinafter defined); and

**WHEREAS**, pursuant to Fla. Stat. § 163.380 the CITY issued and advertised a Request for Proposals (the "RFP") for the CITY CENTER PROJECT for (i) a developer to design, permit, and plan the portion of the CITY CENTER PROJECT located on the PROPERTY, (ii) a developer to develop, construct, own and operate the PROPERTY and all development and improvements to be located thereon, (iii) the CITY to grant, bargain and convey the PROPERTY to a developer, and (iv) the CITY to develop and solely fund certain public assembly features and open space constructed on the POND, with planning and construction management assistance from the developer; and

**WHEREAS**, the DEVELOPER submitted to the CITY the only response to the RFP (the "PROPOSAL"); and

**WHEREAS**, the DEVELOPER, as Buyer, and the CITY, as Seller, have executed that certain



Agreement for Sale and Purchase of the PROPERTY dated February 3, 2016, as amended (the "S&P Agreement"), which anticipates the execution of a development agreement, in order to, among other things, set forth the design, phases, terms and conditions for the development of the PROPERTY; and

**WHEREAS**, it is the intention of the parties that this DEVELOPMENT AGREEMENT guide the development of the PROPERTY as a mixed-use project which incorporates the POND as a (i) non-exclusive stormwater pond to serve the PROPERTY, while still serving other properties in the OVERLAY DISTRICT as set forth previously by CITY, and (ii) a public assembly recreational space located on the POND, subject to the terms and conditions of this DEVELOPMENT AGREEMENT and the Master Plan referenced herein below (collectively the "CITY CENTER PROJECT"); and

**WHEREAS**, the CITY confirms that this Development Agreement is consistent with and an exercise of the City's powers under the Municipal Home Rule Powers Act; Article VIII, Section 2(b) of the Constitution of the State of Florida; Chapter 166, Florida Statutes; all CITY Rules; other controlling law; and the City's police powers, and is a non-statutory Development Agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220-163.3243, *Florida Statutes*; and

**WHEREAS**, the CITY and the DEVELOPER desire to enter into this DEVELOPMENT AGREEMENT to memorialize certain promises, agreements, covenants and expectations pertaining to the development of the PROPERTY, and other matters as provided for herein and the AGENCY desires to join this DEVELOPMENT AGREEMENT to memorialize its agreement and consent hereto.

**NOW THEREFORE**, for and in consideration of the above premises, the promises and provisions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the DEVELOPER and the CITY agree as follows:

1. **Recitals**. The above Recitals are true and correct and are incorporated herein as material provisions of this DEVELOPMENT AGREEMENT.

2. **Costs**. The term "Cost" or "Costs" when used as capitalized terms in this DEVELOPMENT AGREEMENT shall mean the actual cost incurred by the DEVELOPER or its affiliated contractor or construction manager, or the CITY, without any mark-up, overhead, management fees or profit added by the DEVELOPER or its affiliated contractor or construction manager, or the CITY. When used without capitalization, the term "cost" or "costs" shall have its ordinary and customary meaning.

3. **Master Plan**. The PROPERTY shall be developed in accordance with this

DEVELOPMENT AGREEMENT, the Master Plan setting forth the general layout, phasing and uses for the PROPERTY, including narrative notes, as set forth on the attached composite Exhibit "D." The Master Plan may be modified in accordance with this DEVELOPMENT AGREEMENT. The area of the Master Plan which encompasses the portion of the South Magee Avenue right-of-way south of U.S. Highway 441 and north of East 6<sup>th</sup> Street shall provide for a reservation of land sufficient to allow 3 lanes of vehicular traffic, with sidewalks and bike paths and any required portions of the Property outside of the then existing public right-of-way (the "441/6<sup>th</sup> Street ROW Area") shall be dedicated by the CITY, at no cost to DEVELOPER, at the time of the platting or approval of the Final Development Plan for the adjacent portions of the Property. The 441/6<sup>th</sup> Street ROW Area shall be excluded from any portion of the PROPERTY purchased by the DEVELOPER and DEVELOPER shall not be obligated to pay anything for such excluded 441/6<sup>th</sup> Street ROW Area and the CITY shall dedicate the 441/6<sup>th</sup> Street ROW Area for the foregoing purpose. The CITY shall also pay the cost associated with all required planning, engineering, and construction for the foregoing public right-of-way, sidewalks and bike paths.

- a. By its acceptance and approval of this DEVELOPMENT AGREEMENT and the Master Plan, the CITY has made a determination that the DEVELOPMENT AGREEMENT and the Master Plan are compatible, consistent and in compliance with the applicable provisions of the CITY Comprehensive Plan (the "Comp Plan"), the CITY Future Land Use Map (the "FLUM"), and applicable provisions of the CITY Land Development Code (the "City Code") Regulations, Ordinances or Resolutions, and any amendments or modification thereto (the "CITY Rules"), and that the development of the PROPERTY pursuant to the Master Plan in accordance herewith, is allowed by the Comp Plan, FLUM and other CITY Rules. The development of the PROPERTY shall be subject to the Comp Plan, FLUM and CITY Rules in effect as of the Effective Date, unless otherwise permitted by law to carry out the rights, interests and intent of this DEVELOPMENT AGREEMENT. Furthermore, the execution of this DEVELOPMENT AGREEMENT shall constitute the CITY'S approval of the Master Plan as a concept plan and a preliminary development plan pursuant to the CITY Rules, with the DEVELOPER required to submit and obtain approval of a final development plan, as provided in the CITY Rules, prior to the development of any specified portion, phase or parcel of the PROPERTY, and which final development plan shall only be required to encompass such specified portion, phase or parcel.
- b. As further described in the Master Plan, the PROPERTY AND POND shall be a mixed-use development with a variety of complimentary and integrated land uses and zoning categories, including (i) those uses allowed in the OVERLAY DISTRICT as provided in Section 3.03.00 of the City Code, (ii) that incorporate and follow the City Center Project Development Standards and Design which are attached hereto and incorporated herein as Exhibit "E", (iii) the additional permitted uses listed on

the attached as **Exhibit "F"**, and (iv) excluding the prohibited uses listed in Section 3.03.00 of the City Code and the additional prohibited uses listed on the attached **Exhibit "G"**.

4. **Property Additions to Master Plan.** The Master Plan may be amended to include, in addition to the PROPERTY, other lands surrounding the PROPERTY (the "Additional Land") the owners of which may opt-in to the Master Plan as provided herein; provided such Additional Lands are opted-in to the Master Plan on or before sixty (60) months after the completion by the CITY of all roadway improvements at S.R. 436 and Magee]. Notwithstanding the foregoing, the DEVELOPER shall only be responsible for the development of the PROPERTY and except for the design of the initial Master Plan shall have no other obligation to any other property owner of such Additional Land. Moreover, without the express written consent of the DEVELOPER no amendment or enlargement of the Master Plan shall occur which adversely affects, impedes or devalues the development, construction, ownership, use, leasing and operation of the improvements on the PROPERTY in accordance herewith. When any owner of Additional Land desires to include and develop such Additional Land as part of the CITY CENTER PROJECT, such landowner shall apply to CITY to amend the Master Plan as provided herein, which amendment or enlargement of the Master Plan shall not adversely affect, impede or devalue the development, construction, ownership, use, leasing and operation of the improvements on the PROPERTY by the DEVELOPER.

5. **Amendment to Master Plan.** The Master Plan may be changed and amended as follows:

- a. The DEVELOPER may apply to the CITY to adjust the size and location of the phases as depicted on the Master Plan and shall have the right to develop, improve, market and/or sell phases or portions of the PROPERTY in a single phase or as many separate phases, phasing plans, parcels or portions and in any order as determined by the DEVELOPER and approved by the CITY. The foregoing may be reflected in applications or requests for final development plans submitted to the CITY. Other than the foregoing, the DEVELOPER and the CITY shall have the right to request an amendment or modification to the Master Plan at any time and if the DEVELOPER and the CITY agree on any such amendment or modification, it shall be reflected in a written amendment to this DEVELOPMENT AGREEMENT.
- b. Upon request and application of any owner of Additional Land who is not the DEVELOPER who requests to be included in the Master Plan, which application shall be (i) at the sole cost of the landowner, (ii) subject to approval at a public hearing of CITY, (iii) only after notice under Section 22, below to DEVELOPER has been provided 60 days prior to any such public hearing, and (iv) whom shall be required to execute its own development agreement with CITY to cover the

subject matter contained herein and whatever additional requirements CITY may impose.

6. **Site Specific Development.**

- a. For each specified portion, phase or parcel of the PROPERTY designated in the Master Plan, a final development plan must be approved by CITY Staff prior to the issuance of the building permit.
- b. In developing any particular phase, portion or parcel of the PROPERTY, the DEVELOPER shall be obligated to construct only the infrastructure and amenities contained within that phase, portion or parcel of the PROPERTY, and shall not be required to construct infrastructure and amenities extending beyond such phase, portion or parcel.
- c. Notwithstanding subsection b. above, each phase, portion or parcel of the PROPERTY in combination with previous phases must be able to exist on its own with respect to necessary access, parking, signage and utilities.
- d. The first phase of the development of the PROPERTY shall include at least one of the required sit-down, stand alone restaurants described in Exhibit "E" to this DEVELOPMENT AGREEMENT.

7. **Payment of Applicable Fees.** The DEVELOPER shall be required to pay any and all impact fees, reservation utility fees (if any), infrastructure and subdivision improvement guarantees, sureties, letters of credit, etc. specifically and directly applicable to uses on the specific phase, portion or parcel of the PROPERTY for which plan approvals and site development and subdivision improvements permits are being issued, and only upon the issuance of such permits and not prior to such issuance. DEVELOPER shall pay impact fees at the time of permit issuance consistent with the CITY Rules and in any case not to exceed the then applicable rates. DEVELOPER shall remain eligible for any applicable credits as provided in the City Code.

8. **Developer Obligations.** In addition to those obligations set forth elsewhere in this DEVELOPMENT AGREEMENT:

- a. The DEVELOPER shall design, obtain all necessary permits for, and manage the construction of:
  - i. the pedestrian walkway, public assembly area and bike way on the bank(s) of the POND, all as shown on the Master Plan, for the use and benefit of the general public (the Costs of which shall be paid

by the CITY); and

- ii. the pedestrian walkway(s) and bike way(s) on the PROPERTY for the use of the general public, both of which shall be integrated with and connected to the POND property, as shown in the Master Plan.
  
- b. The timing, commencement and completion of the design, permitting and construction of the items in Section 7.a. shall be as reasonably determined by DEVELOPER, but no later than twenty-four (24) months after the purchase of the first parcel pursuant to the S&P Agreement.
  
- c. The parking lots shall be constructed and located so as to allow for ease of pedestrian connections to and from such parking lots and the POND property as shown in the Master Plan.
  
- d. The DEVELOPER shall either pay the Costs, or reimburse the CITY or other appropriate party for the Costs, incurred in negotiating and finalizing the S&P Agreement and this DEVELOPMENT AGREEMENT, which payment and reimbursement shall be due at the time of the purchase of the first portion of the PROPERTY under the S&P Agreement.
  
- e. From and after the Effective Date, the DEVELOPER shall perform periodic and routine maintenance of the PROPERTY until the termination of this DEVELOPMENT AGREEMENT or the final closing and sale of any parcel or portion of the PROPERTY to a third party who shall then take over DEVELOPER'S maintenance obligations with respect to such conveyed parcel or portion. Provided, the Highland Manor and all associated parking lots, driveways, walkways, buildings, structures and improvements (collectively the "Highland Manor") shall continue to be maintained by the CITY and not the DEVELOPER.
  
- f. DEVELOPER shall convey at no cost to the CITY any reasonably necessary easements for public utilities and public pedestrian access (as described in the Master Plan) as may be reasonably required by the CITY for any approval and consistent with this DEVELOPMENT AGREEMENT and the Master Plan, which easements shall be in the form mutually agreed upon by the CITY and DEVELOPER.
  
- g. On or before eighteen (18) months from the Effective Date of this agreement, the DEVELOPER shall have acquired the first parcel under the S&P Agreement and commenced construction thereon. On or before thirty-six (36) months after the Effective Date commencement of construction on the first acquired parcel, the DEVELOPER shall have acquired the second parcel under the S&P Agreement and

commenced construction thereon. Within forty-eight (48) months following the completion of the 436/Magee Roadway Improvements (as hereinafter defined) the DEVELOPER shall have acquired and commenced construction on a minimum of fifty percent (50.00%) of the planned improvements within the portion of the PROPERTY bounded by U.S. Highway 441 on the north, 6<sup>th</sup> Street on the south, and South Magee Avenue on the west.

- h. It is the intention of the CITY and the DEVELOPER that the DEVELOPER acquire the PROPERTY with the intention of developing and improving the PROPERTY for lease or further resale or selling portions of the PROPERTY without developing such portions to third parties who intend to develop such portions themselves, all in accordance with the terms, obligations and conditions of the DEVELOPMENT AGREEMENT. There shall be no restrictions on the resale of portions of the PROPERTY in accordance with the foregoing provided a valid final site plan approval has been issued for the portion of the property to be sold.
- i. The DEVELOPER shall order a survey of the PROPERTY on or before ten (10) days after the Effective Date and must submit to the CITY a preliminary subdivision plan for the PROPERTY within sixty (60) days of the DEVELOPER'S receipt of the survey.
- j. Notwithstanding anything contained herein to the contrary, the DEVELOPER shall pay the Costs associated with the portion of the boardwalk and/or sidewalk located immediately behind the restaurants as shown on the Master Plan.

9. **Property Owners Association.** The DEVELOPER shall create, incorporate and fund a property owners association for any and all common elements of any portion of the PROPERTY for maintenance, repair, the replacement of the parking, access, signage, walkways, drainage, bike racks and bike paths, board walks, common elements and public assembly area(s) or parcel(s), all as more particularly set forth in a declaration of covenants, conditions and restrictions (the "Declaration") which must comply with this DEVELOPMENT AGREEMENT, be in recordable form and shall be recorded against the PROPERTY free and clear of any lien, encumbrance, judgment or mortgage of record prior to the issuance of the first development permit for the PROPERTY. Each current or subsequent owner of a parcel within the PROPERTY shall be and is a member of the property owners association. Until such time as DEVELOPER conveys or transfers any common areas, lands, and obligations to the property owners association, DEVELOPER shall remain responsible for the maintenance of such areas.

10. **Potable Water and Sanitary Sewer Lines.**

- a. In connection with its development of the PROPERTY, the DEVELOPER shall cause to be designed, permitted, installed and constructed, potable water and sanitary

sewer lines (collectively the "Water and Sewer Lines"), commencing from the point of connection for such lines at the point nearest to the PROPERTY, all in accordance with the CITY Rules and requirements, of sufficient size and capacity to accommodate the anticipated potable water and sanitary sewer flow requirements for the PROPERTY.

- b. The DEVELOPER has requested a total flow for the PROPERTY at 107,000 gallons per day of usage for water and sewer capacity, which do not require the need to oversize the water or sewer lines for the use of the PROPERTY.
- c. If portions of the PROPERTY are approved for development and require additional capacity, the Developer shall have same installed at its cost, subject to any credits as provided in the City Code and subject to reimbursement on a pro-rata basis for shared use of the additional capacity.
- d. The DEVELOPER shall control all aspects of the construction and installation of the Water and Sewer Lines and shall select and hire any independent contractors to complete the work as it shall determine. All work subject to permitting and inspection by the CITY subject to requirements of the CITY Rules.
- e. DEVELOPER shall be responsible to design, plan and construct and dedicate to the CITY a lift station and related improvements (the "Lift Station") near the intersection of U.S. Highway 441 and East 6th Street.
- f. The foregoing work described in subsections a. through e. shall be paid for by the DEVELOPER (subject to the credit and reimbursement provisions of subsection c. above).
- g. All of the CITY Rules, requirements and specifications concerning utility connections and solid waste collection apply to the PROPERTY and development thereof.
- h. The DEVELOPER may obtain water and sewer capacity through the CITY's established reservation procedures, when applicable; provided, however, the CITY shall provide written notification to the DEVELOPER prior to accepting reservations for or allocating potable water and wastewater capacity to third parties which would result in an insufficient potable water and wastewater capacity being available for the PROPERTY.
- i. There shall be no requirement that reclaimed (reuse) water systems be connected to or used by on the PROPERTY and its improvements and neither the DEVELOPER



nor its successors and assigns shall be required to pay for any such connection and use.

11. **Drainage.**

- a. The POND serves as a nonexclusive retention/detention pond for water attenuation and storage for the surrounding 320.20 acre drainage basin which area is described in attached **Exhibit "H"** (the "Drainage Basin"), which includes all of the PROPERTY.
- b. CITY hereby confirms and agrees that attenuation surface water drainage requirements for the PROPERTY, as it may be improved, developed, used, and occupied, shall be serviced by the POND up to 27.12 acre-feet of flow based on SJRWMD Permit #20922-2, calculated as a proportionate share of the total 234.71 acre-feet of stormwater runoff permitted to reach the POND based on the acreage of the PROPERTY versus the total acreage of the drainage basin (320.1 acres) contributing to the POND.
- c. After five (5) years, the capacity of the POND shall be on a first-come first-served basis and in the event the drainage flow into the POND is at capacity, the DEVELOPER shall be required to engineer and construct on the PROPERTY on-site retention and detention for water quality and attenuation.
- d. The CITY shall keep records of the cubic feet of surface and stormwater attenuation drainage generated by DEVELOPER from the PROPERTY.
- e. Upon approval of any final development plans by CITY for each portion or phase of development within the PROPERTY, the DEVELOPER shall have the right, subject to the requirements of subsections b. and c. above, to transmit, retain and detain, all of the surface and stormwater generated from the PROPERTY into and within the POND.
- f. The POND shall also serve as a central amenity of the CITY CENTER PROJECT and shall be incorporated as a public recreational element and water feature the integration and characteristics of which will be determined by the CITY, is not inconsistent with the water levels and carry capacity of the POND, and incorporates and does not prevent the existing and future drainage flows, surface and stormwater sewer and related ditches or pipes flowing from the entire drainage basin to the POND.

12. **Good Faith.**

- a. The CITY hereby agrees to timely and expeditiously consider, comment on and approve (subject to applicable requirements) any required changes in the allowable use of the PROPERTY, FLUM amendments, Comp Plan amendments, and this Master Plan which affect land use or development standards, rezonings, and special exceptions, as may be required to conform to this DEVELOPMENT AGREEMENT and the Master Plan.
- b. The CITY agrees to timely and expeditiously consider, process, comment on and approve (subject to applicable requirements) any and all submittals, applications, decisions, determinations, preliminary and final development plans, development orders, actions, consents and approvals, including any request by the DEVELOPER for a planned development ordinance if consistent with this DEVELOPMENT AGREEMENT and the Master Plan, which are necessary or reasonably required to allow the DEVELOPER to obtain all necessary approvals, and to construct, improve, and develop the PROPERTY and its phases, in accordance with this DEVELOPMENT AGREEMENT and the Master Plan.
- c. Nothing in this DEVELOPMENT AGREEMENT shall constitute or be deemed to constitute a limitation, restriction or any other type of waiver of DEVELOPER right or ability to seek a rezoning, comprehensive plan amendment, variance, special exception, site plan, preliminary or final development plan, planned development ordinance or any other land use or development approval or development order.

13. **Highland Manor.**

- a. The DEVELOPER shall manage and direct the incorporation, demolition and/or relocation of the historic portion of Highland Manor, including all of its associated parking lots, driveways, walkways, buildings, structures and improvements as applicable in accordance with this Section 12 and other provisions of this DEVELOPMENT AGREEMENT as provided herein:
  - i. If the DEVELOPER incorporates Highland Manor into the CITY CENTER PROJECT, the DEVELOPER shall pay all the costs of incorporation, demolition and/or relocation.
  - ii. If the DEVELOPER elects not to incorporate Highland Manor into the CITY CENTER PROJECT on the PROPERTY, then the DEVELOPER shall provide the notice to the CITY in subsection 12.c., below.
- b. Until the use of Highland Manor must cease pursuant to subsection 12.c., below,

the CITY shall:

- i. continue to maintain, use, and operate Highland Manor for its sole use and profits and revenues; and
  - ii. during such period, the property of Highland Manor shall be maintained by the CITY or its tenant or designee.
- c. The DEVELOPER shall provide the CITY a written notice (the "Relocation Notice") that Highland Manor must be demolished or moved within 12 months of the date the Relocation Notice is received by the CITY (the "Relocation Notice Receipt Date"). Within sixty (60) days of the Relocation Notice Receipt Date, the CITY shall confirm in writing to the DEVELOPER that it intends to move the historic portion of Highland Manor to an alternate location (the "Relocation Site"), as determined by the CITY in its sole discretion.
- d. The CITY shall be obligated to complete the relocation and/or demolition of the Highland Manor within twelve (12) months of the Relocation Notice Receipt Date, but in no event earlier than eighteen (18) months after the Effective Date (the "Relocation Date"). If the Highland Manor has not been either demolished or relocated by the Relocation Date, then: (i) the CITY shall be obligated to pay to the DEVELOPER a daily penalty in the amount of Five Hundred Dollars (\$500.00) for each day beyond the Relocation Date that the Highland Manor is not completely demolished and/or removed from its present location to the Relocation Site, and (ii) the DEVELOPER shall have the right to demolish and/or remove Highland Manor from its present location, and the CITY shall be obligated to reimburse the DEVELOPER for all Costs associated with the DEVELOPER's demolition and/or removal of Highland Manor.
- e. The CITY shall manage and direct the relocation and/or demolition of the Highland Manor pursuant to the Relocation Notice, and the CITY shall be solely responsible for all costs and expenses associated with the planning, managing, directing, engineering, services, work, labor, and materials required to demolish all of the Highland Manor or remove the historic portion of Highland Manor to the Agreed Relocation Site.

14. **Roadway Improvements.** The DEVELOPER shall be responsible for the design, planning, engineering, permitting, and construction of:

- a. the roadway, sidewalk, buffer, traffic signalization, turn lane and related improvements at the intersection of South Magee Avenue and State Road 436,

including a right turn deceleration lane westbound at State Road 436 to South Magee Avenue (the "436/Magee Roadway Improvements"); and

- b. all roadway, sidewalk, buffer, traffic signalization, turn lane and related improvements at the intersection of U.S. Highway 441 and East 6<sup>th</sup> Street (the "441/6<sup>th</sup> Roadway Improvements").

While the DEVELOPER shall have the responsibility for the foregoing, the CITY shall be solely obligated to pay and/or reimburse all Costs incurred by the DEVELOPER or associated with the roadway improvements specified in subsections a. and b. above, and any other required off-site (*i.e.*, off-PROPERTY) improvements. To the extent allowed pursuant to applicable CITY Rules, the CITY shall pay for the foregoing from a funded escrow account to be established in accordance with an agreement between the DEVELOPER and the CITY which shall consist of funds from the net purchase proceeds received by the CITY in connection with the conveyance of the PROPERTY pursuant to the S&P Agreement and any impact fees paid in connection with the development and improvement of the PROPERTY. The CITY may pursue reimbursement or payment of such roadway improvements costs from the Florida Department of Transportation. In addition, the CITY shall be responsible for the design, planning, engineering, permitting, construction and all costs associated with the planned East 6<sup>th</sup> Street improvements west of the intersection of U.S. Highway 441 and East 6<sup>th</sup> Street, which shall be considered a part of the 441/6<sup>th</sup> Roadway Improvements.

15. **City Financial Obligations.** Unless otherwise specifically listed herein this DEVELOPMENT AGREEMENT, nothing else herein shall be construed or interpreted to:

- a. Pledge the full faith and credit of the City or constitute a general obligation or indebtedness of the CITY;
- b. Constitute a pledge or an agreement to pledge the tax revenues (excluding impact fees) of the CITY or mandate ; or
- c. Waive sovereign immunity of the CITY except as specifically limited for tort claims under Section 768.28, *Florida Statutes*.

16. **Bankruptcy.** In the event (a) an order or decree is entered appointing a receiver for Developer or its assets or (b) a petition is filed by Developer for relief under federal bankruptcy laws or any other similar law or statute of the United States, which action is not dismissed, vacated or discharged within sixty days after the filing thereof, then DEVELOPER shall be declared to be in material breach of this DEVELOPMENT AGREEMENT and City shall have the right to terminate immediately this Agreement and accelerate, making immediately due and payable, all sums levied against the PROPERTY at the time of the occurrence of an event described in (a) or (b) above. The occurrence of an event described in (a) or (b) above shall not afford any person

the right to refuse, discontinue or defer payment of said sums or to challenge their validity.

17. **Breach.** In the event of a breach, default, or violation of one or more of the provisions of this DEVELOPMENT AGREEMENT by either the DEVELOPER or the CITY, the violating party shall be given thirty (30) days to cure such violation upon receipt of written notice of the violation from a non-violating party. In the event such violation is not cured within said period, the CITY or the DEVELOPER, as the case may be, shall have the right to pursue the remedies in Section 18, below; provided, however, if the defaulting party's violation cannot reasonably be cured within the applicable cure period, then the cure period shall not be deemed to have lapsed and such party shall be allowed additional time as is reasonably necessary to cure the violation so long as: (i) the defaulting party commences to cure the violation within the applicable cure period, and (ii) the defaulting party diligently pursues a course of action that will cure the violation and bring the defaulting party back into compliance with this DEVELOPMENT AGREEMENT.

18. **Remedies / Limitations of Action.**

- a. The DEVELOPER and the CITY each agree the sole remedy for breach of this DEVELOPMENT AGREEMENT shall be to specifically enforce the terms and conditions hereof. This provision shall not limit any other rights or remedies the parties have under the S&P Agreement.
- b. The DEVELOPER and the CITY each waive any and all claims or causes of action for monetary damages such party has or may have currently or in the future as to any claim related to, resulting from or stemming from this DEVELOPMENT AGREEMENT.
- c. Neither party shall be entitled to damages based on lost profits, lost revenues, direct, indirect or consequential damages.
- d. Notwithstanding anything to the contrary herein this DEVELOPMENT AGREEMENT, in the event of a breach, default, or violation of one or more of the provisions herein by the DEVELOPER or the CITY, the violating party shall be given thirty (30) days to cure such violation upon receipt of written notice of the violation from a non-violating party.
- e. Additional Rights of the CITY with Respect to DEVELOPER's Breach After Conveyance of the PROPERTY. If DEVELOPER acquires the PROPERTY or any portion thereof from CITY before obtaining all necessary permits to commence vertical construction thereon, and thereafter DEVELOPER materially breaches any of the terms of this DEVELOPMENT AGREEMENT and fails to cure same within the time period specified herein, then CITY, upon written demand (CITY's Notice) to

DEVELOPER, shall have the additional rights below:

1. To require DEVELOPER to re-convey the acquired PROPERTY or any portions thereof: (i) for which such necessary permits have not been obtained, (ii) on which vertical construction or development have not been commenced (or the remaining undeveloped and unsold portion(s) thereof, as the case may be) to the CITY in accordance with the following terms and conditions:
  - i. The date on which the re-conveyance closing will take place shall be mutually agreed to by CITY and DEVELOPER, but in no event later than sixty (60) days following the DEVELOPER's receipt of CITY's Notice.
  - ii. The re-conveyance price to be paid by CITY to DEVELOPER shall be the lesser of: (i) the amount the CITY was paid by DEVELOPER for the PROPERTY or any portion thereof (per square foot) to be re-conveyed, or (ii) the amount the CITY was paid by DEVELOPER for the PROPERTY or any portion thereof (per square foot) to be re-conveyed, less the amount of any liens or mortgages thereon. If the amount of any outstanding lien(s) or mortgage(s) exceed the amount the CITY was paid by DEVELOPER for the PROPERTY or any portion thereof (per square foot) to be re-conveyed to CITY, the balance of such lien(s) or mortgage(s) shall be paid by DEVELOPER prior to or at closing on the re-conveyance.
  - iii. Re-conveyance shall be by special warranty deed, free and clear of any liens or encumbrances other than (a) those matters of record which exist on the date of closing of the DEVELOPER's acquisition of the PROPERTY, (b) customary easements or service agreements entered into between DEVELOPER and the providers of utility services, including but not limited to electric, water, sewer, and telecommunications services, and (c) such other matters which do not impair the marketability of title to the property.
  - iv. DEVELOPER shall, at no expense to the CITY, convey all studies, reports, test and audit results, engineering work, surveys, design and construction plans and working drawings, and all other materials pertaining to development of the PROPERTY.
  - v. The CITY may demand payment from DEVELOPER to remove any

construction liens encumbering the PROPERTY.

2.

The rights and remedies under Section 18(e) of this DEVELOPMENT AGREEMENT are entirely optional and shall be exercised by CITY only in its sole discretion without any obligation to do so. The CITY shall be obligated, within ten (10) days following the written request of the DEVELOPER, to provide an executed estoppel certificate or letter, in a form reasonably required by any lender or non-affiliated third party purchaser, confirming whether there currently exists any uncured violations by the DEVELOPER hereunder and whether the CITY's reconveyance rights have been triggered with respect to the PROPERTY or any specified portion thereof.

19. **Authority.** Each party represents and warrants to the other parties that it has all necessary power and authority to enter into and consummate the terms and conditions of this DEVELOPMENT AGREEMENT, that all acts, approvals, procedures, and similar matters required in order to authorize this DEVELOPMENT AGREEMENT have been taken, obtained, or followed, as the case may be, and that, upon the execution of this DEVELOPMENT AGREEMENT by all parties, this DEVELOPMENT AGREEMENT shall be valid and binding upon the parties hereto and their successors in interest and assigns.

20. **Effective Date.** This DEVELOPMENT AGREEMENT shall become effective on the date last signed by any of the parties (the "Effective Date") and shall expire on the thirtieth (30<sup>th</sup>) anniversary of the Effective Date.

21. **Validity.** If any portion of this DEVELOPMENT AGREEMENT is determined by final order or judgment by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the DEVELOPMENT AGREEMENT shall continue in full force and effect.

22. **Notices.** Any notices required or permitted under this DEVELOPMENT AGREEMENT, and copies thereof, shall be addressed to the CITY and the DEVELOPER at the following addresses, or at such other addresses designated in writing by the party to receive notice.

CITY: HONORABLE Joe Kilsheimer, or his successor  
Mayor for the City of Apopka  
120 East Main Street  
Post Office Drawer 1229  
Apopka, Florida 32704-1229  
Facsimile: 407-703-1705; Email: [girby@apopka.net](mailto:girby@apopka.net)

With a copy to: CITY ADMINISTRATOR  
CITY CLERK  
120 East Main Street  
Post Office Drawer 1229  
Apopka, Florida 32704-1229

CITY LEGAL COUNSEL  
Clifford B. Shepard, Esq.  
Shepard, Smith and Cassady, P.A.  
2300 Maitland Center Parkway  
Suite 100  
Maitland, Florida 32751  
Facsimile: 407-622-1884; E-mail: [cshepard@shepardfirm.com](mailto:cshepard@shepardfirm.com)

DEVELOPER: DEVELOPER Apopka City Center, LLC, a Florida limited liability company; Attn: Jeffrey K. McFadden  
610 North Wymore Road, Suite 200  
Maitland, Florida 32751  
Facsimile: 407-539-6181; Email: [jmcfadden@tiholdings.com](mailto:jmcfadden@tiholdings.com)

With a copy to: Keating & Schlitt, P.A., Attn: John Kingman Keating  
250 East Colonial Drive, Suite 300  
Orlando, Florida 32801  
Facsimile: 407-425-6345; Email: [jkk@keatlaw.com](mailto:jkk@keatlaw.com)

Notices shall be either: (i) personally delivered (including delivery by Federal Express or other overnight courier service) to the addresses set forth above, in which case they shall be deemed delivered on the date of delivery; (ii) sent by certified mail, return receipt requested, in which case they shall be deemed delivered on the date shown on the receipt unless delivery is refused or intentionally delayed by the addressee, in which event they shall be deemed delivered on the date of deposit in the U.S. Mail; or (iii) transmitted via facsimile or email using the facsimile numbers or email addresses provided above, if any (or such other number or address as the receiving party may have designated in writing), in which case the delivery shall be deemed to have occurred on the day of transmission, provided the day of transmission is a normal business day, or on the first normal business day after the transmission. In the event a dispute arises concerning whether a facsimile or email transmission was made and on what date, said facsimile or email transmission must be verified by a print-out generated by the transmitting machine or email address.

23. **Entire Agreement.** This DEVELOPMENT AGREEMENT embodies the entire understanding of the parties with respect to the matters specifically enumerated herein, and all



negotiations, representations, warranties and agreements made between the parties are merged herein. The making, execution and delivery of this DEVELOPMENT AGREEMENT by all parties has been induced by no representations, statements, warranties or agreements that are not expressed herein. There are no further or other agreements or understandings; written or oral, in effect between or among the parties related to the subject matter hereof.

24. **Assignment.** Neither this DEVELOPMENT AGREEMENT nor any of the parties' rights and obligations hereunder shall be assignable or assigned by any party hereto without prior written consent of the other party; provided however, that the DEVELOPER may assign this DEVELOPMENT AGREEMENT to any affiliated or related entity or any entity obtaining DEVELOPER rights herein through a merger or acquisition. The rights granted to DEVELOPER under this DEVELOPMENT AGREEMENT relate specifically to the PROPERTY and are not permitted to be transferred to any other property.

25. **Binding Effect and Successors.** This DEVELOPMENT AGREEMENT shall run with the Property and the rights and the obligations under this DEVELOPMENT AGREEMENT shall benefit, burden, and bind the successors, heirs and assigns of all parties to this DEVELOPMENT AGREEMENT. In the event of the assignment of this DEVELOPMENT AGREEMENT, or the conveyance or transfer of the PROPERTY, the DEVELOPER shall be and remain liable for performance of the obligations under this DEVELOPMENT AGREEMENT until such time as a written release is obtained from the CITY.

26. **Amendment.** Except as otherwise provided herein, this DEVELOPMENT AGREEMENT may be amended, modified or cancelled by mutual consent of the parties hereto as represented by a written document executed by the CITY and the DEVELOPER.

27. **Governing Law, Venue and Jurisdiction.** This DEVELOPMENT AGREEMENT shall be governed by and construed in accordance with the laws of the State of Florida. Exclusive venue in any action to construe or enforce the provisions of this DEVELOPMENT AGREEMENT shall be in the Circuit Court in and for Orange County, Florida, and both parties consent to and acquiesce to the jurisdiction of the State Courts for the State of Florida for any and all claims or dispute concerning any legal or equitable action arising out of, stemming from or relating to this DEVELOPMENT AGREEMENT, any approval, action or event emanating therefrom in the present or the future and for any declaratory action under Chapter 86, Florida Statutes (2015).

28. **Time.** Time is hereby declared to be of the essence in the performance of the duties and obligations of the respective parties to this DEVELOPMENT AGREEMENT; provided however, that the computation of time for DEVELOPER'S obligations herein shall be tolled for any delays caused by acts of God, strikes, local and national emergency, material shortage, transportation delays, moratoriums, condemnations and other events beyond DEVELOPER'S control.

29. **Captions.** The captions or paragraph headings of this DEVELOPMENT AGREEMENT are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this DEVELOPMENT AGREEMENT.


30. **Recording.** Within fourteen (14) days after the execution of this DEVELOPMENT AGREEMENT by the parties, the CITY shall record this DEVELOPMENT AGREEMENT among the Public Records of Orange County, Florida, with the cost thereof to be borne by the DEVELOPER; provided, however, that any delay in recording shall not affect the validity of this DEVELOPMENT AGREEMENT.

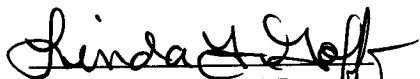
31. **Independent Parties.** CITY and DEVELOPER are not partners and this DEVELOPMENT AGREEMENT is not a joint venture and nothing in this DEVELOPMENT AGREEMENT shall be construed to authorize the CITY or DEVELOPER to represent or bind the any other party to matters not expressly authorized or provided in this DEVELOPMENT AGREEMENT.

32. **No Third-Party Beneficiaries.** Nothing in this DEVELOPMENT AGREEMENT, express or implied, is intended to or will be construed to confer on any person, other than the parties of this DEVELOPMENT AGREEMENT, any right, remedy, or claim with respect to this DEVELOPMENT AGREEMENT.

**IN WITNESS WHEREOF**, the CITY Commission of the CITY of Apopka, Florida, a Florida municipal corporation, and DEVELOPER, Apopka City Center, LLC, a Florida limited liability company, have caused this DEVELOPMENT AGREEMENT to be executed as of the date set forth adjacent to their signatures below, and the AGENCY, the City of Apopka Community Redevelopment Agency, hereby joins in and consents to this DEVELOPMENT AGREEMENT.

**WITNESSES:**

  
WITNESS SIGNATURE  
Mary Loren  
WITNESS NAME PRINTED

  
WITNESS SIGNATURE  
Linda E. Goff  
WITNESS NAME PRINTED

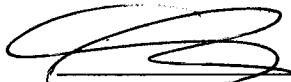
CITY  
CITY OF APOPKA

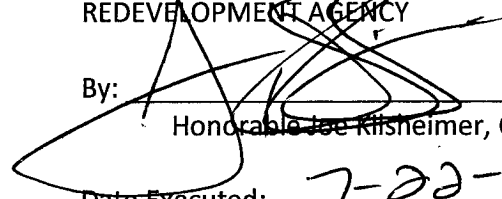
By:   
Honorable Joe Kilsheimer, Mayor


Date Executed: 1-22-2016

**AGENCY**

THE CITY OF APOPKA COMMUNITY  
REDEVELOPMENT AGENCY

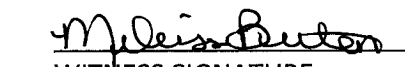

  
\_\_\_\_\_  
WITNESS SIGNATURE  
Merry Lovern  
\_\_\_\_\_  
WITNESS NAME PRINTED

By:   
\_\_\_\_\_  
Honorable Joe Kilsheimer, Chairman  
Date Executed: 7-22-2016

  
\_\_\_\_\_  
WITNESS SIGNATURE  
Linda F. Goff  
\_\_\_\_\_  
WITNESS NAME PRINTED

**WITNESSES:**

**DEVELOPER**  
TAURUS APOPKA CITY CENTER, LLC, a  
Florida limited liability company

  
\_\_\_\_\_  
WITNESS SIGNATURE  
Melissa Burton  
\_\_\_\_\_  
WITNESS NAME PRINTED  
  
\_\_\_\_\_  
WITNESS SIGNATURE  
Leigh A. Brower  
\_\_\_\_\_  
WITNESS NAME PRINTED

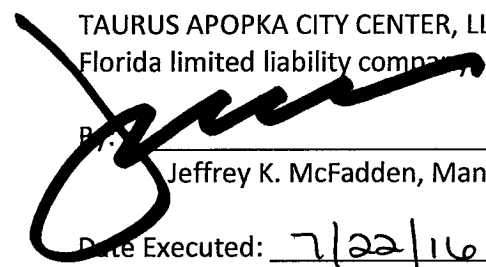
By:   
\_\_\_\_\_  
Jeffrey K. McFadden, Manager  
Date Executed: 7/22/16

EXHIBIT "A" - LEGAL DESCRIPTION OF PROPERTY**Note: Has not been adjusted to account for increase in Pond acreage**

No.	Parcel ID	Property Address	City	State	Zip	Estimated Acreage
1	10-21-28-0000-00-063	611 E Main St	Apopka	FL	32703	6.42
2	10-21-28-8652-03-020	604 E Main St	Apopka	FL	32703	11.41
3	10-21-28-8652-01-041	806 E 6th	Apopka	FL	32703	0.33
4	10-21-28-0000-00-065	325 S MCGEE AVE	Apopka	FL	32703	1.12
5	10-21-28-0000-00-066	805 E 6TH ST	Apopka	FL	32703	1.44
6	10-21-28-8652-04-020	506 S MCGEE AVE	Apopka	FL	32703	0.82
7	10-21-28-8652-04-032	508 S MCGEE AVE	Apopka	FL	32703	0.34
8	15-21-28-0000-00-001	461 E 7th ST	Apopka	FL	32703	10.01
9	15-21-28-6756-00-191	none	Apopka	FL	32703	2.81
						34.70

- BEG 726.5 FT E OF SW COR OF NW1/4 OF SE1/4 RUN E 506 FT N 638.5 FT W 506 FT S 638.5 FT TO POB IN SEC 10-21-28 (LESS S 63 FT FOR RD & LESS PT ON S TAKEN FOR R/W PER 5515/2383 CI 98-2740)
- L F TILDENS ADDITION TO APOPKA A/140 BEG 256 FT N OF SW COR OF LOT 2 RUN N 173.88 FT NELY ALONG CURVE 31.34 FT E 207.08 FT S 211.38 FT W 71 FT N 17.18 FT W 156 FT TO POB BEING PT OF LOTS 1 & 2 BLK C & A PARCEL OF LAND MEASURING 160 FT E & W BY 95 FT N & S IN SW COR OF LOT 3 BLK C & THAT PART OF SE1/4 DESC AS BEG 71 FT E OF NW COR LOT 1 BLK C OF TILDENS ADD TO APOPKA A/140 RUN E 154.9 FT S 15 FT E 290 FT S 120 FT W 200 FT S 165 FT E 207.28 FT S 496.95 FT W 520.11 FT N 98 FT E 160 FT N 500.34 FT E 156 FT S 17.89 FT E 70.89 FT N 211.21 FT TO POB (LESS LIFT STATION SITE) & (LESS PT TAKEN ON N FOR R/W PER OR 5753/4449 CI98- 2847) IN SEC 10-21-28 SEE 1448/209 3736/2490 5185/1607 5193/309 & 3003 5246/775 5283/488 & 491 5326/1235
- L F TILDENS ADDITION TO APOPKA A/140 LOT 4 LYING S OF STATE RD BLK A
- E 243 FT OF W 418 FT OF S 258 1/2 FT OF NW1/4 OF SE1/4 (LESS RD ON W PER 3138/402 & LESS S 40 FT FOR RD) SEC 10-21-28
- E 308.5 FT OF W 726.5 FT OF S 258.5 FT OF NW1/4 OF SE1/4 SEC 10-21-28 (LESS RD ON S)
- L F TILDENS ADDITION TO APOPKA A/140 THE S 127.58 FT OF LOT 2 & N 117 FT OF LOT 3 BLK D
- L F TILDENS ADDITION TO APOPKA A/140 THE S 100 FT OF N 217 FT OF LOT 3 BLK D
- BEG SE COR OF SW 1/4 OF SEC 10-21-28 TH S 531.25 FT TH W 252.04 FT TO THE ELY R/W OF ALABAMA AVE TH N01-46-38W 111.31 FT ALONG SAID R/W TH N 420.41 FT TH N89-54-29W 3.51 FT TH N00-13-28E 21.67 FT TH S89-10-03E 90.22 FT TH N00-12-03E 120.69 FT N89-35-35W 89.22 FT TO E R/W LINE OF ALABAMA AVE TH N00-13-26E 294.46 FT TH S89-43-12E 252.57 FT TH N00-30-00W 21.42 FT TH N90E 147 FT S00-30-00E 13.74 FT TH 90E 299.39 FT TH S 442.99 FT TH N90W 442.53 FT TO POB
- COMM NE CORNER OF NW 1/4 OF SEC 15-21-28 TH S 531.25 FT TO POB TH S 141 FT TH S90E 160.95 FT TH S 30 FT TO A NON-TAN INTERSECTION WITH A CURVE CONC TO E WITH A RADIUS OF 85.62 FT AND A CENT ANGLE OF 72-23-29 AND A CHORD BEARING S08-42-07W 101.13 FT TH S26-27-43W 33.32 FT TH S56-26-00E 150 FT TH S33-34-00W 140 FT TH N56-26-00W 294.89 FT TO POC CONC NE W/RADIUS OF 407.15 FT AND A CENT ANGLE OF 55-50-42 AND A DIST OF 396.84 FT TH N01-46-38W 3.69 FT TH N90E 252.04 FT TO POB

EXHIBIT "B" – POND LEGAL DESCRIPTION**Note: Has not been adjusted to account for increase in Pond acreage**

Parcel 110-R-part  
Parcel 194-part, Parcel 195

Road Section 7502-105  
Road Section 75120-2502

A portion of land lying in the Southeast  $\frac{1}{4}$  of Section 10, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of Lot 3, Block "B", L.F. Tilden's Addition to Apopka City, as recorded in Plat Book "A", Page 140, Public Records of Orange County, Florida, also being a point of intersection of the existing Right-of-Way line of State Road 500, U.S. Highway 441 as shown on the Florida Department of Transportation Right-of-Way Map for State Road 436, Section No. 75120-2506, Sheet 3 of 17, Dated June 1996; thence North  $00^{\circ}10'44''$  East, 497.64 feet along the West line of said Block "B" and the East line of Lot 2, Townsend's Plantation as recorded in Plat Book 26, Page 145, Public Records of Orange County, Florida, also being the existing Right-of-Way line of said State Road 500, U.S. Highway 441 to a point of intersection on the Easterly line of said Lot 2, also being a point of intersection of said existing Right-of-Way line of State Road 500, U.S. Highway 441; thence along said Lot 2 Easterly lot line and said existing Right-of-Way line of State Road 500, U.S. Highway 441 the following four (4) courses and distances; South  $89^{\circ}57'19''$  West, 207.30 feet; thence North  $00^{\circ}02'27''$  West, 164.96 feet; thence North  $89^{\circ}56'41''$  East, 200.02 feet; thence North  $00^{\circ}02'50''$  West, 80.66 feet to a point of intersection of said East line of Lot 2, the existing Right-of-Way line of said State Road 500, U.S. Highway 441, with a point on a non-tangent curve concave Southerly, having a radius of 2,053.48 feet, a central angle of  $14^{\circ}51'20''$  and a chord bearing and distance of South  $72^{\circ}12'18''$  East, 530.93 feet; thence along said existing Right-of-Way line the following four (4) courses and distances; along the arc of said curve 532.42 feet; thence North  $25^{\circ}13'22''$  East, 10.00 feet to a point on a non-tangent curve concave Southerly, having a radius of 2,063.48 feet, a central angle of  $12^{\circ}56'18''$  and a chord bearing and distance of South  $58^{\circ}18'29''$  East, 464.98 feet; thence along the arc of said curve 465.97 feet to the point of tangency; thence South  $51^{\circ}50'20''$  East, 243.37 feet to the West Right-of-Way line of an Unnamed Street being between Blocks "A" and "B", also being the East line of said Lot 4, Block "B", said Plat Book "A", Page 140; thence South  $00^{\circ}59'38''$  West, 202.14 feet along said line to the Southeast corner of said Lot 4, Block "B"; thence along the South line of said Lot 4, also being the North Right-of-Way line of East 6th Street said Plat Book "A", Page 140, North  $89^{\circ}38'53''$  West, 1,087.40 feet to the POINT OF BEGINNING.

Containing: 617,295 square feet or 14.171 acres more or less.

Being a portion of the lands described and recorded in Official Records Book 1914, Pages 332 to 333. Together with a portion of the lands described and recorded in Official Records Book 281, Pages 55 to 57 of the Public Records of Orange County, Florida.

AND

A portion of land lying in the Southeast  $\frac{1}{4}$  of Section 10, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of Lot 4, Block "A", L.F. Tilden's Addition to Apopka City, as recorded in Plat Book "A", Page 140, Public Records of Orange County, Florida, said point being the intersection of the North Right of Way line of East 6th Street as recorded in said Plat Book "A", Page 140, and the East Right of Way line of said Unnamed Street being between Blocks "A" and "B", also being the West line of said Lot 4, Block "A" of said Plat Book "A", Page 140; thence North  $00^{\circ}59'38''$  East, 136.23 feet along said line to a point of intersection of said East Right-of-Way line with the existing Right-of-Way line of State Road 500, U.S. Highway 441 as shown on the Florida Department of Transportation Right-of-Way Map for State Road 436, Section No. 75120-2506; thence along said existing Right-of-Way line the following three (3) courses and distances; South  $51^{\circ}50'20''$  East, 79.67 feet; thence South  $62^{\circ}02'34''$  East, 152.41 feet; thence South  $51^{\circ}50'20''$  East, 27.34 feet to a point of intersection with the North Right-of-Way line of said East 6th Street also being the South line of said Lot 4 and Lot 5, Block "A" said Plat Book "A", Page 140; thence North  $89^{\circ}38'53''$  West, 221.13 feet along said line to the POINT OF BEGINNING.

Containing: 14,355 square feet or 0.329 acres, more or less.

Being the lands described in Final Judgment dated November 18th, 1970, Civil Action No. 70-1115 of the Public Records of Orange County, Florida.

**EXHIBIT "C" – MAP OF THE CITY CENTER PROJECT**

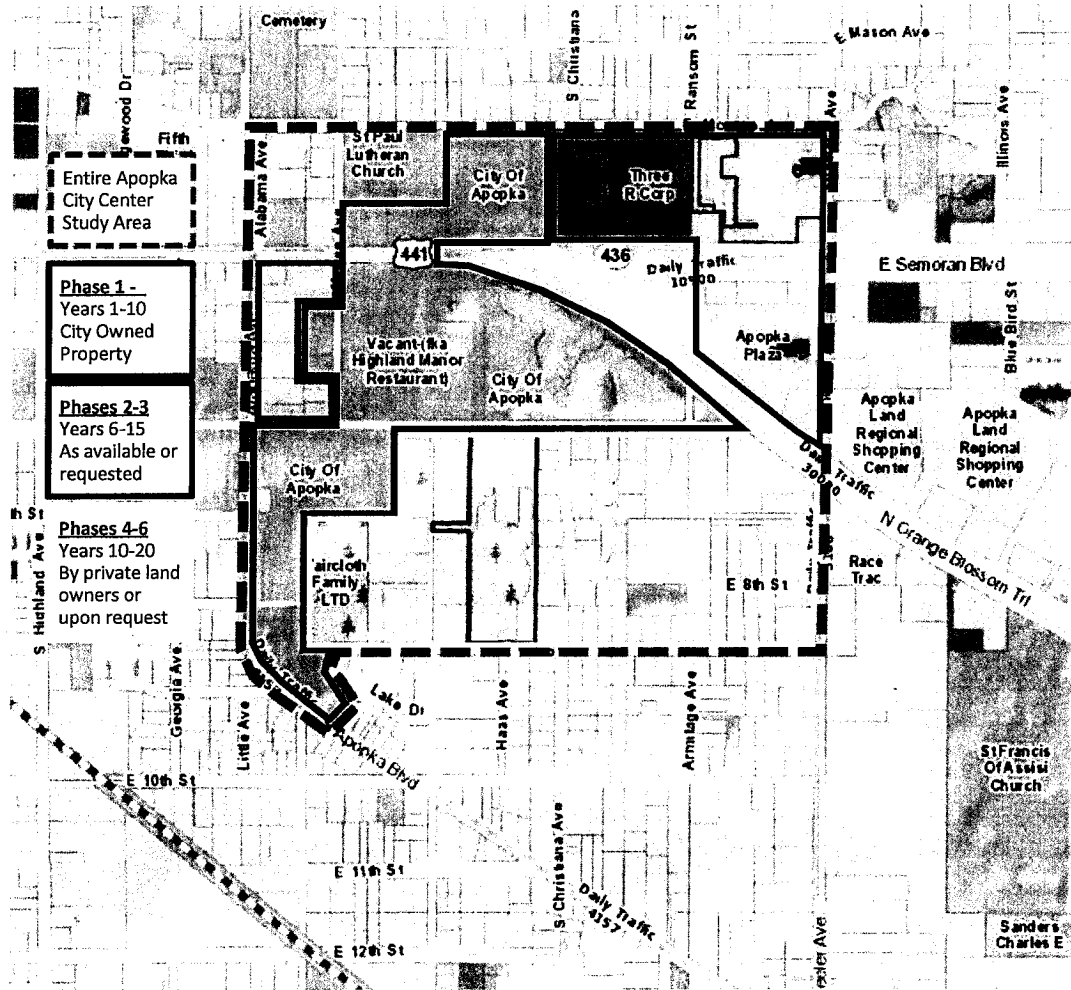
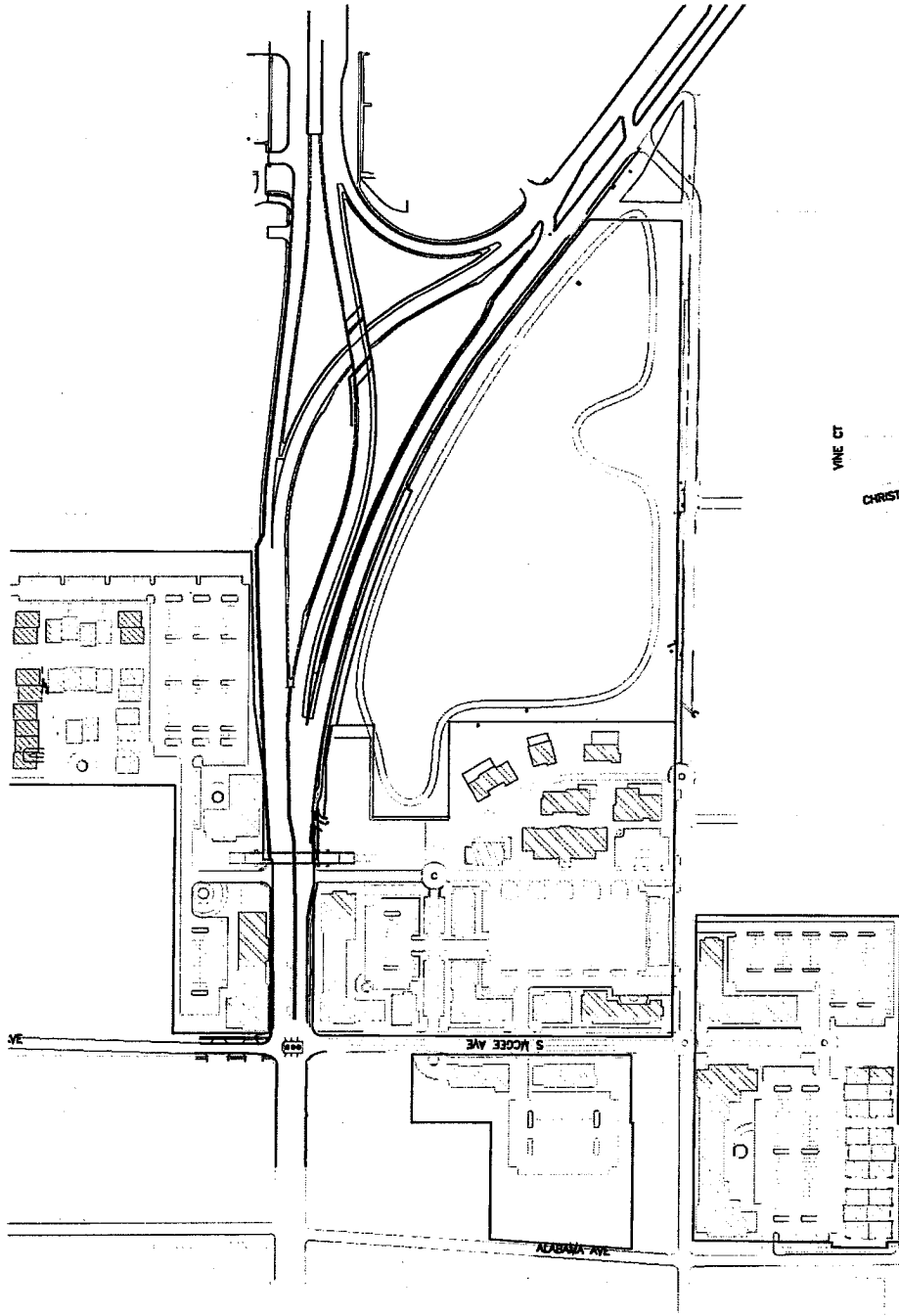


EXHIBIT "D" – Master Plan



01 APOKA MASTER DEVELOPMENT PLAN- ENLARGED  
1" = 200'

EXHIBIT "E"

## CITY CENTER PROJECT

## DEVELOPMENT STANDARDS AND DESIGN CONDITIONS

1	Architectural and Development Design Manual shall be submitted to and approved by the City prior to the submittal of the first building permit, and shall embrace Florida Vernacular architectural theme unless otherwise approved by the City Council. The manual shall address parking garages, Project area entrance\gateway features, dumpster pad and trash enclosure screening, drive-through facilities, trash receptacles, outdoor lighting stanchions, public plaza and gathering places, public art, and appurtenances such as benches, outdoor railings, and trash dispensers. The City's architectural design consultant shall review all exterior architectural renderings and make a determination of consistency with the Architectural Design Manual with an appeals reviewed by City Council. The design manual shall also address building mass and orientation.
2	Restaurants – A minimum of 30,000 square feet of floor area shall be occupied by restaurant business. A minimum of two (2) restaurants shall provide full table service, sit-down dining in a stand-alone building with a minimum floor area of 6,500 square feet (exclusive of outdoor seating) and shall offer at least lunch and dinner time fare. All restaurants shall provide covered outdoor seating unless otherwise determined by the Community Development Director that the location is not suitable for outdoor seating.
3	All restaurants with a drive-through must have in-store dining facilities. No more than three restaurants may have drive-through facilities. Only one drive-through lane allowed per restaurant (Tandem service station may occur within the drive-through lane). All drive-through service stations and windows shall be screened from Main Street and 6 <sup>th</sup> Street. No restaurants with drive-throughs may be of the fast food variety that does not typically prepare food to order. Examples include but are not limited to McDonalds, Burger King, Wendy's, Popeye's, KFC, Chic-Fil-A, Taço Bell, etcetera.
4	Drive-through facilities at banks or financial institutions shall not exceed two service stations.
5	Parking Plan. A parking plan and study shall be provided prior to construction of more than 20,000 square feet of non-residential development. The parking plan shall demonstrate that sufficient on-site and on-street parking is available within 500 feet of the project boundary for Project employees and patrons.
6	No more than 20,000 square feet of office space shall be constructed until a full table service, sit down restaurant (6,500 sq. ft min.) is also under construction.
7	Building Mass: Any single-story commercial retail building shall not exceed 65,000 square feet floor area.
8	North of Sixth Street and south of Main Street: Residential development is not allowed on the first floor of buildings.



9	All residential apartments or townhomes shall be developed as luxury or up-scale rental or condominium dwellings and shall include the following features: ability to access Wireless High Speed Internet Access in the units, balcony or porch, walk-in showers, energy-efficient appliances, full-size washer and dryer machines, walk-in closets, and minimum 9-foot high ceilings; and the complex shall include bicycle storage areas. No laundry center allowed. Enclosed garage or covered parking spaces are encouraged.
10	Any hotel be interior room access only and shall have a minimum of 70 keyed bedrooms and shall at minimum provide a lobby, customer lounge, business center, and a meeting room.
11	Office: A minimum of 25,000 square feet and a maximum of 100,000 square feet of office space is allowed within the Project.
12	Building Orientation. All buildings located near Main Street or streets internal to the project shall be oriented with the front of the building facing the street.

EXHIBIT "F" – PERMITTED USES

1. Residential Multi-Family (non-subsidized, market rent)
2. Assisted Living Facilities
3. Professional Office/Institutional
4. Commercial Neighborhood
5. Retail Commercial
6. General Commercial, including but not limited to:
  - a. medical
  - b. entertainment
  - c. hotel
  - d. restaurant and bar facilities
7. Parks and Recreation
8. Mixed-Use
9. Planned Unit Development

EXHIBIT "G" – NON-PERMITTED USES

1. Dollar Store(s),
2. Tattoo parlors;
3. Any state or governmental office;
4. Plasma offices;
5. Adult motel, Adult Performance Establishment, Adult Theater, Adult booths, Adult bookstore, adult video store, Adult Entertainment, Adult Entertainment Establishment(s) Establishment as defined in the City Code, Sec 10-98, as amended, or as defined in the Orange County Code, as amended, or any business that displays, sells or provides Adult Material or Adult Model services as defined in Sec 10-98 of the City Code;
6. Billboards or Outdoor Display advertising boards or pole mounted structures;
7. Cell towers (except roof-mounted);
8. Recycling, refuse or garbage facilities or substations (excluding individual trash receptacles);
9. Outdoor storage of equipment;
10. Automotive sales or service;
11. Automotive parts sales;
12. Gas stations;
13. Religious Facilities or Churches;
14. Rental Car Storage, except for 10 spaces may be designated for use at a satellite office at the hotel.
15. Fast food restaurants (defined as those that do not typically prepare food to order). Examples include but are not limited to McDonalds, Burger King, Wendy's, Popeye's, KFC, Chic-Fil-A, Taco Bell, etcetera.

EXHIBIT "H" – DRAINAGE BASIN

