



AGENDA

APOPKA CITY COUNCIL MEETING @ 7:00 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 May 20, 2015

INVOCATION

Reverend Allen Higginbotham

PLEDGE OF ALLEGIANCE

If you wish to appear before the City Council, please submit a Notice of Intent to Speak card to the City Clerk.

PRESENTATIONS

1. John and Patricia Cloran Day Proclamation - Presented to John and Patricia Cloran

CONSENT AGENDA

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

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2416 – THIRD READING & ADOPTION - Moratorium – To establish a moratorium on the issuance of building permit and/or the receipt of preliminary or final development plan submittals for restaurants or food service operations with drive

through lanes or drive-in service, such moratorium to extend until January 7, 2016. [Ordinance No. 2416 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]

2. ORDINANCE NO. 2417 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate, property located at 4664 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-043) (4.85 +/- acres); and Debra Reid Wilbarger, property located at 4646 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-042) (1.33 +/- acres). (Combined acreage 6.18 +/- acres) [Ordinance No. 2417 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]
3. ORDINANCE NO. 2418 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, properties located at 4668 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-049) (1.76 +/- acres); and 4672 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-044) (1.72 +/- acres). (Combined acreage 3.48 +/- acres) [Ordinance No. 2418 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]
4. ORDINANCE NO. 2419 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby and Debra Reid Wilbarger, property located at 4680 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-0000-00-010) (21.36 +/- acres). [Ordinance No. 2419 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]
5. ORDINANCE NO. 2420 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, property located at 4622 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-041) (2.88 +/- acres) [Ordinance No. 2420 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]
6. ORDINANCE NO. 2421 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate and Debra Reid Wilbarger, property located at 4634 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-0000-00-039) (2.50 +/- acres). [Ordinance No. 2421 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]
7. ORDINANCE NO. 2422 – SECOND READING & ADOPTION - ANNEXATION – Daniel Joshua Reid Life Estate and David Dwayne Reid, property located at 4640 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-0000-00-031) (2.50 +/- acres) [Ordinance No. 2422 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]
8. ORDINANCE NO. 2423 – SECOND READING & ADOPTION - ANNEXATION – Debra Reid Wilbarger Life Estate, Diana Nichole Ried-McClure, and Dwana Michelle Reid-McClure, property located at 4528 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-

0000-00-040) (2.49 +/- acres) [Ordinance No. 2423 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]

9. ORDINANCE NO. 2424 – SECOND READING - ANNEXATION – Crossroads Church of Orlando, property located at 320 East Welch Road. (Parcel I.D. # 34-20-28-9550-00-261) (1.85 +/- acres) [Withdrawn by Staff]
10. ORDINANCE NO. 2426 – SECOND READING - ANNEXATION – Donald Lee Boughan, property located at 404 East Welch Road. (Parcel I.D. # 34-20-28-9550-00-232) (1.00 +/- acre) [Withdrawn by Staff]
11. ORDINANCE NO. 2429 – FIRST READING – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Everlasting Covenant Christian Center, Inc. from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071)
12. ORDINANCE NO. 2430 – FIRST READING – CHANGE OF ZONING – Everlasting Covenant Christian Center, Inc. from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071)
13. ORDINANCE NO. 2431 – FIRST READING – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Joseph E. and Jeff P. Ball, from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030)
14. ORDINANCE NO. 2432 – FIRST READING – CHANGE OF ZONING – Joseph E. and Jeff P. Ball, from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030)
15. ORDINANCE NO. 2433 – FIRST READING – CHANGE OF ZONING/MASTER PLAN – Avian Pointe – Apopka Clear Lake Investments, LLC – From “City” Planned Unit Development (PUD) (89.47 AC) and “County” A-2 (ZIP) (5.29 AC) to “City” Planned Unit Development (PUD/R-3), for property located east of S.R. 429, south of Peterson Road, and north of Lust Road. (Parcel ID Nos. 07-21-28-0000-00-002 & 07-21-28-0000-00-023)
16. ORDINANCE NO. 2434 FIRST READING - CHANGE OF ZONING/MASTER PLAN & PRELIMINARY DEVELOPMENT PLAN – Marden Ridge – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E. – from R-3 (Residential) and C-1 (Commercial) to Planned Unit Development (R-3/C-1) for property located Between

S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)

SITE APPROVALS

DEPARTMENT REPORTS AND BIDS

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

MAYOR'S REPORT

OLD BUSINESS

- 1. COUNCIL
- 2. PUBLIC

NEW BUSINESS

- 1. COUNCIL
- 2. PUBLIC

ADJOURNMENT

All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.

Backup material for agenda item:

1. Approve the minutes of the City Council/Planning Commission Workshop held on April 8, 2015 at 6:00 pm.

CITY OF APOPKA

Minutes of a Joint City Council/Planning Commission Workshop held on April 8, 2015, at 6:00 p.m., at the VFW/Apopka Community Center.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
Melvin Birdsong, Planning Commission
James Greene, Planning Commission
Tony Foster, Planning Commission
Bob Ryan, Planning Commission
Pamela Toler, Planning Commission
City Attorney Cliff Shepard
Attorney Andrew Hand

ABSENT: Steve Hooks, Planning Commission
Mallory Walters, Planning Commission

PRESS PRESENT: John Peery - The Apopka Chief
Steve Hudak - The Orlando Sentinel

CALL TO ORDER - Mayor Kilsheimer called the Workshop to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE - Mayor Kilsheimer led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

Clifford Shepard, City Attorney, gave a presentation on Sunshine Law entitled “Let the Sunshine In”, reviewing Public Meetings Law, Chapter 286 of the Florida Statutes. He reviewed public meetings, how they are to be open and noticed, as well as minutes are to be promptly recorded and open to public inspection. He went over major exceptions to what constitutes an open meeting. A public meeting is a meeting of a collegial public body at which official acts are taken or business is discussed. Members of a committee/commission/board are not to discuss among themselves any matters that may come before them in a meeting. Any information should be shared at the open, public meeting. A copy of the Power Point presentation will be filed with the minutes.

Andrew Hand, Esquire, of Shepard, Smith, Cassidy, gave a presentation on Quasi-Judicial Hearings. He reviewed the quasi-judicial hearing procedure. A copy of the Power Point presentation and the procedure will be filed with the minutes.

DISCUSSION

In response to an inquiry of whether a quasi-judicial hearing should be announced as such by the chair, Mr. Shepard advised that this is often designated on the agenda. If it is not identified on the agenda, then he would recommend the chair announce the matter is quasi-judicial. He also advised that any disclosure documents should be provided to the clerk at the meeting.

Another question was posed as to whether a member of the body should go out to the site, to which Mr. Shepard advised if they do visit the site, it should be reported at the meeting.

ADJOURNMENT - There being no further discussion, the workshop adjourned at 7:56 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk

Backup material for agenda item:

2. Approve the minutes from the regular City Council meeting held on April 15, 2015 at 7:00 p.m.

CITY OF APOPKA

Minutes of the regular City Council meeting held on April 15, 2015, at 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION – Commissioner Velazquez introduced Danyiel Hunter-Yarbrough - New Journey Youth Center at the John Bridges Center, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on April 18, 1775, Paul Revere and William Dawes set off on their historic ride to warn the Patriot leaders in Concord that the British troops had been dispatched to seize their arms. They rode through the countryside to Boston, and rallied the minutemen to take up arms and fight against the British with the cry “The British are coming.” Part of the long-rehearsed plan was to place lanterns in the steeple of Boston’s old North Church to alert the minutemen of the British troop movement. The quote was “one if by land, two if by sea”, and on that evening Paul Revere placed two lanterns in the steeple and the militia met the British troops at Concord at about 5:00 a.m. on April 19th. In that confrontation, the “shot heard around the world” was fired and the Battle of Lexington began the American Revolution. He asked everyone to reflect upon the vigilance and gallantry of our American Patriots as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Presentation of check to Herb Besrosiers, Boy Scout Troop #211 – Chief Manley said the City reached out to Boy Scout Troup #211 during the Old Florida Outdoor Festival this year to assist in parking cars. They were offered a dollar for each parked car. He presented Victor Esposito and Christian Lamphere a check in the amount of \$4,097.90.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on March 18, 2015 at 7:00 p.m.
2. Approve the minutes from the regular City Council meeting held on April 1, 2015 at 1:30 p.m.
3. Authorize the purchase of ten vehicles for the Police Department, seven vehicles from Don Reid Ford in the amount of \$166,520.00, and three vehicles from Mullinax Ford in the amount of \$71,767.76.
4. Authorize the purchase of five vehicles for the Public Services Department, from Don Reid

Ford in the amount of \$112,688.00, and three vehicles from Duval Ford in the amount of \$76,001.00.

5. Authorize the purchase of one vehicle for the Fire Department, from Mullinax Ford in the amount of \$30,526.00, and an additional \$1,350.00 for a dealer installed topper cap.
6. Authorize the amendment to the Interlocal Agreement for dispatching services between the Town of Eatonville and the City of Apopka.

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

REGULAR AGENDA

1. Authorize funding for the City of Apopka's Summer Job program, in the amount of \$29,040.00, and an additional \$960.00 for administrative costs.

Mayor Kilsheimer said there has been a desire for the City to allocate funds for a summer jobs program. There was presentation a few weeks ago by the POPS program where they proposed hiring 30 youth for approximately \$65,000. Dr. Jackson, the new Grant Coordinator, was asked to investigate, based on research done by Merry Lovern, on how the City could put together a jobs program. He explained this proposed program is a partnership between the City of Apopka and Career Source Central Florida, which is a regional job agency.

Ike Powell, Director of Strategic Operations, Career Source Central Florida, said they are looking forward to partnering with the City of Apopka and Valencia College to implement the Apopka Youth Works Program. He stated this was a low cost, limited pilot program to be able to serve 32 youth of Apopka, 12 of which will be funded by the City. He said to better prepare youth for the workforce, their program also includes leadership development as well as occupational skills with a meaningful work experience. Students will be earning \$8.25 an hour over a 7 week period working 30 hours per week.

In response to an inquiry by Commissioner Arrowsmith with regards to insurance coverage, Mr. Irby advised employees or volunteers the City takes on are automatically covered under our umbrella of workers compensation.

Suzanne Kidd commended Mayor Kilsheimer and staff for listening to pleas for summer jobs for Apopka youth that have echoed out over many City Council meetings these last few months. She stated that she checked the account number in the budget and the funding was coming from the Mayor's office budget which clearly demonstrates he is listening to the needs of Apopka citizens and actively searching for ways to help where possible.

Ray Shackelford commended Mayor Kilsheimer and staff for exploring the possibility of funding a summer program for our young people. He said by helping young people, they are also helping families. He asked that our young people be kept in mind during the budget process.

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth to approve funding of the City of Apopka's Summer Job Program at a cost of \$30,000. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2386 – SECOND READING - CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21- 28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00- 023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28- 0000-00-073, and 03-21-28-0000-00-119)**

Mayor Kilsheimer announced this was a quasi-judicial process. The City Clerk read the title as follows:

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 - ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Affected parties, staff, and witnesses planning to give testimony were sworn in by the City Clerk.

Commissioner Arrowsmith disclosed he had had discussions concerning this project with Lou Haubner.

David Moon, Planning Manager, said the Sandpiper PUD zoning and master plan incorporate all of the City Council concerns from the first reading and are ready for final action by City Council.

Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor, and Reed Law Firm, representing the applicant, said they have presented a lot of testimony previously and she had nothing additional to add. They are in agreement with staff's recommendation and the decision made by Council on First Reading. She stated they would appreciate the same decision on Second Reading, approving the project with the plan before Council this evening. She said she would be happy to respond to any questions.

Mayor Kilsheimer opened the hearing to anyone wishing to speak in favor of the ordinance.

Crystal Lawrence, President of Wekiva Preserve HOA, said they were in favor of the project, stating all their residents were aware of this proposed plan. She declared they have had a good experience working with the developer and feel this is a good development.

Lou Haubner said while he would love to see 1-5 acre lots, the option being presented is the best option they have and will be good for the area.

David McGee said they were describing a 30-foot buffer and inquired what marked this buffer. He stated he was for the proposal.

Mr. Moon pointed out the buffers on the plan and said it was his understanding from prior meetings this 30-foot buffer will be left in its current natural vegetative state. New trees will be planted in the rear yards of the developed lots in this area.

Mayor Kilsheimer opened the hearing to anyone wishing to speak against the ordinance.

Mary Smothers said she was not speaking for or against the project, but stated they have all worked long and hard. She stated they were in agreement, but not necessarily happy with this and stated she was disappointed in some ways and did not feel like they had gained much.

Jerry Smothers said he has lived in the area his entire life and never envisioned when he bought here that this would be across the street. He declared he did not agree with this PUD. He stated there were only 26 developable acres and there should only be 26 homes.

Ms. Fitzgerald said she would suggest the city is receiving a lot of benefit from this project and it will be good for the city. This will be a gated community and will not be a detriment to the area and they are confident this will be a development all will be proud of. She said they appreciate all of the work the city and staff have put into this and they would appreciate support and approval tonight.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2386, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

Ms. Fitzgerald affirmed the applicant withdraws Ordinance No. 2405.

2. ORDINANCE NO. 2388 – SECOND READING & ADOPTION - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” [Ordinance No. 2388 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2388

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT”, PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A “DESIGNATED GROW AREA OVERLAY DISTRICT” AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICT OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.

David Moon, Planning Manager, said at the first reading on April 1, 2015, City Council agreed to amend the ordinance to add language that could expand the designated grow areas. He advised that since that meeting staff has had the opportunity to further research the impact of the amended language to the City of Apopka and has determined it would have a negative impact upon the City. He presented optional language that would accommodate property owner’s concerns that were raised at the first hearing, as well as the need to protect the interest of the City. He advised the State was still debating the administrative rules and one of the initial rules that have continued for some time is that a grower must have 30 years of continuous experience as a licensed nursery operator in the State of Florida. He affirmed this rule is being challenged and may be amended by the legislature or there may be a law case that will reduce this. He reviewed maps showing potential growers that would qualify outside the designated grow area if this rule is amended. He declared staff recommends deleting the language Council accepted on April 1, 2015 and amend it by adding a definition for a Legacy Grow Site which is a property actively operated as a registered nursery within

a Designated Grow Area for at least five continuous years preceding and measured from the effective date of this ordinance. He said based upon the last meeting and Council's position to consider expanding the grow areas, staff met and felt it would be better to take the Hermit Smith/Hogshead grow area and expand the boundary eastward just to the east side of Binion Road.

Commissioner Ruth said he had requested at the last meeting that the word "morals" be stricken, to which Mr. Moon advised it was not part of the motion, therefore, it had not been removed.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to strike the word "morals" from the ordinance.

Suzanne Kidd said she spoke at the last Council meeting of the need to strike the word "morals" from the second whereas clause in the ordinance. She supported the need for the ordinance, but did not feel the city had a duty to regulate the morals of its citizens.

Gary Blumenstein also spoke agreeing this language should be stricken.

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

Mayor Kilsheimer opened the meeting to a public hearing.

Kenneth Sumner said he owned property on Binion Road and said he appreciated the City changing the boundaries, but the original language included all qualified nurseries in the City of Apopka and this new language excludes those nurseries. He affirmed that he took exception to the proposed 5 years in this proposed language.

Mr. Moon said further research was conducted by staff and that research determined there was potential that the State legislature may change its rules or through law cases that the 30-year rule may no longer apply, deeming it to be discriminatory. He stated 5 years had been discussed by the legislature.

Pedro Bancorp said he was interested in this, but has not been in business the required amount of time. He has been in Apopka his entire life, but there was no way anyone like himself could purchase a section of land in the designated area and startup his own business.

David Moon read a letter from Kerry L. Herndon, President of Kerry's Nursery, Inc. into the record, as Mr. Herndon was unable to attend the meeting. This letter was requesting an amendment with regards to the 1,000 foot distance between a place of cultivation, process, or distribution and a religious facility. A copy of this letter will be filed with the minutes.

Mr. Sumner inquired why they chose to omit POI which has doctor's offices and medical facilities within the zoning, and why it was chosen to omit a dispensary.

Mr. Moon said typically the professional office institutional is a zoning category that is more commonly placed adjacent to residential neighborhoods, whereas industrial and agriculture has more separation. He advised being within a designated area is not a right, and a special exception permit still must be approved by the Planning Commission and if denied, the applicant has the right to appeal to the City Council.

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

Mayor Kilsheimer said the whole purpose of this is to focus and concentrate the cannabis growing facilities in industrial or agriculture areas so that residential and commercial developers know where these areas are located. He said there had been some discussion to carry this ordinance over for a third reading.

Cliff Shepard, City Attorney, advised if Council approves staff's recommendation, this ordinance falls into a unique category. He said the Florida Supreme Court has opined that if you change an ordinance title, then that is a good indication there should be another reading of the ordinance. He affirmed the substance of the ordinance can be changed, as long as the title accurately reflects what the ordinance content is. If moving forward on staff's recommendation, the map will be amended, therefore, as a precaution he would recommend a third reading be held.

Mayor Kilsheimer summarized that Council has voted to remove the word "morals" from the ordinance and staff recommends deleting the language approved at the last meeting, adding the definition for Legacy Growers and also to accommodate Mr. Herndon's concern to either change the distance to 500 feet, or to add language "as accessed by the road" in the appropriate place in order to avoid the conflict with the seminary on US 441.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2388 on Second Reading and hold it over for a Third Reading as proposed. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. ORDINANCE NO. 2413 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From "County" A-1 (ZIP) to "City" AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 274.64 Acres, more or less, and owned by Always Growing Trees, Inc.; Chester S. Peckett Trust; Peckett Family Trust; Christopher Johnson; David and Sue Hill; Donald and Debra Kirkland; DRK Inc.; Earl Gaylon Ward Estate; Franklin and Jacqueline King; J and L Gardenias, Inc.; James and Linda King; Joseph and Donna Cox; Kenneth and Harvey Morris; Patricia Bartlett; Project Orlando LLC; Robert Brantley; Rockwood Groves LLC; Shirley Dobbs; T. O. Mahaffey Jr.; and William M Duval Trust. [Ordinance No. 2413 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2413

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPHER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES AND LINDA KING, JOSEPH AND DONNA COX, KENNETH AND HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO, LLC, ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T.O. MAHAFFEY JR., WILLIAM M. DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to adopt Ordinance No. 2413. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2414 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 23.78 Acres, more or less, and owned by John and Joanne Ault; Beverly Safier; Donald and Donna Thomas; and Phillip and Peggy Dionne. [Ordinance No. 2414 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2414

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO

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

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to adopt Ordinance No. 2414. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2415 – SECOND READING & ADOPTION – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2- 123 entitled – Pass-Through Fees. [Ordinance No. 2415 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2415

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED “PASS-THROUGH FEES;” PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to adopt Ordinance No. 2415. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: Council tabled Ordinance No. 2405 until the April 15, 2015 meeting.]

Ordinance No. 2405 was withdrawn by the applicant.

ORDINANCE NO. 2405

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA (0-2 DU/AC); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, AND EAST OF USTLER ROAD, COMPRISING 58.23 ACRES MORE OR LESS, AND OWNED BY FLORIDA LAND TRUST #111, C/O ZDA AT SANDPIPER, LLC, TRUSTEE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

ORDINANCE NO. 2416

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

David Moon, Planning Manager reported the proposed ordinance is a temporary moratorium on final development, preliminary development applications, and building permits for restaurants with a drive-through. This will allow staff to evaluate site impacts from fast food restaurants and the effectiveness of the City Development Standards presently on this type of development. The quantity of fast food restaurants has been raised

by residents as a concern and the moratorium period occurs during the community-wide visioning process. He associated public safety issues and stated this is temporary, ending on January 7, 2016. The Planning Commission recommended favorably of adopting the ordinance at their April 14, 2015 meeting with a 4/2 vote.

Commissioner Arrowsmith said we operate under the free enterprise system and these businesses have experts study locations that are market driven. He said this was not something he could support.

Commissioner Dean said these were the businesses that bring work for our youth and senior citizens.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid spoke against the moratorium and said it was antibusiness, when we are trying to get businesses to come here. She stated this could cause someone to lose the sale of their property.

Lou Haubner said he was not so sure this was not a property rights issue and agreed it could cost someone the sale of their property.

Ray Shackelford said when he goes to these restaurants he sees young people working and asked what this would do to them.

Suzanne Kidd said she understands the comments made so far, but she also finds it rich that every time a fast food place come up for approval there are comments with regards of not having any more fast food restaurants. She reiterated that we will be embarking on a seven month visioning process for the community and during that time the citizens will have an opportunity to speak on how the City of Apopka should develop moving forward. She stated this moratorium would be in place for 6 months, so even if a business was to submit an application to develop, it will probably take that full period of time to have plans done and submitted, so no one's business should be hugely affected during that time. She declared she was in favor of the moratorium.

Ray Shackelford said he, like all of us, wants to see progress in the City of Apopka. However, at the same time we cannot forget the people and must explore options to keep the jobs on the front burner for our young people and senior citizens.

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

Mayor Kilsheimer said he felt it was a reasonable idea to take a breather on the issue of fast

food restaurants with drive-through service. He stated during his campaign a year ago, the notion that Apopka had so many fast food restaurants was a huge issue he heard from the residents as he knocked on doors. He said one of the things they hear during council meetings as businesses submit applications and they meet the rules, there is no basis to deny it. This breather will provide an opportunity to catch up with the rules and the market place that is emerging in Apopka. The purpose of this moratorium is to provide time to our staff and citizens talk about how they want Apopka to grow in the future.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve Ordinance No. 2416 at First Reading and hold it over for a Second Reading.

Shirley Squires suggested they take the applications and start the process, then deny it if they decide against that development. She stated we should not have a moratorium city.

Motion carried by a 3-2 vote with Mayor Kilsheimer, and Commissioners Velazquez, and Ruth voting aye and Commissioners Arrowsmith and Dean voting nay.

8. RESOLUTION NO. 2015-10 - Amending the budget for fiscal year beginning October 1, 2014 and ending September 30, 2015. The City Clerk read the title as follows.

RESOLUTION NO. 2015-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, PROVIDING FOR A BUDGET AMENDMENT

Glenn Irby said in September 2014 the City Council ratified and adopted the current fiscal year budget. During that month, there were several outstanding purchase orders or construction projects. He explained that when the year turned over and became Fiscal Year 2015, these items were not brought forward. The revenue streams were in place, but the budgets were not put in place. This budget revision sets forth the money that is already there and places it in the proper line items so it can be expended. Staff recommends approval of the Resolution and stated it is how to do budget revisions pursuant to State Statute.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Resolution No. 2015-10. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS – No Site Approvals.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Glenn A. Irby, City Administrator, said the report was in the agenda packet and he would answer any questions.

MAYOR'S REPORT

Mayor Kilsheimer reported in 2009 the City Council created the current Planning Commission by combining the former Planning and Zoning Commission and the former Land Development and Review Board. There were a number of people on these committees that became part of the Planning Commission. The ordinance that was passed at that time stated those individuals were supposed to serve 3 year terms. He said we need to get back on a regular schedule of holding the Planning Commission members to 3 year terms.

1. Removal from Planning Commission - Mallory Walters

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to ratify the removal of Mallory Walters from the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

2. Ratify Appointment to Planning Commission - Melvin Birdsong

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to ratify the reappointment of Melvin Birdsong to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

3. Ratify Appointment to Planning Commission - James Greene

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to ratify the reappointment of James Greene to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

4. Ratify Appointment to Planning Commission - Jeremiah Jaspon

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to ratify the appointment of Jeremiah Jaspon to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

5. Ratify Appointment to Planning Commission - Linda Laurendeau

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to ratify the appointment of Linda Laurendeau to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

OLD BUSINESS

COUNCIL – There was no old business from the Council.

PUBLIC – There was no old business from the Public.

NEW BUSINESS

COUNCIL

Commissioner Velazquez said she had asked David Moon earlier today about the building or paving of roads. He advised her that Jean Jreij was in charge of these projects. She inquired if there was any way the Council could have input, giving Lester Road as an example.

Mayor Kilsheimer said the City has a Capital Improvement Plan that is built into the budget. He stated it was his goal to have a full discussion regarding this prior to approval of the next Fiscal Year Budget.

Commissioner Dean inquired if the Police Department had body cameras for the police officers.

Chief Manley responded in the affirmative. He advised we had purchased 33 body cameras with a grant last year. This required building our own system with a server to be able to capture the data. This is all in place and he explained at this point they are waiting on the policy to put out to the officers on how to use the cameras. He declared there is a task force committee the Police Chiefs put together for the purpose of creating this policy so they are all following the same policy. The cost for a camera is \$500 - \$600 and we have 90 officers. He explained the plan is to do a few at a time to make sure they are working properly.

In response to Mayor Kilsheimer inquiring if we have enough storage for each officer to have a body camera, Donald Kahrs, IT Director, advised we have allocated enough storage for 90 cameras over a 4 year period.

Commissioner Ruth said he did an analysis on Item 3 of the Consent Agenda. He stated he would like to move to have the 1% incentive City pricing for local businesses be changed to 3%, stating that out of the 20 vehicles, Mullinax missed 11 of the 18 vehicles by 2.2% and this could have been money disbursed within the City.

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to direct staff to investigate and prepare a proposal to amend the local preference ordinance to increase the percentage to 3%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC

Suzanne Kidd said she agreed whole heartedly that we need the body cameras for all of our officers. However, she said protocols also need to be established regarding when the cameras are used or when officers have permission to turn them off. She suggested they be required to use them at all times. She stated the State legislature is trying to pass a bill that will place limits on how easy it is for the public to view this data.

Chief Manley advised this will all be covered in the policy. He said some cities have backed off using them, but we are moving forward with them. He declared the officers will be educated prior to their use.

Michael Cooper said he hopes the legislature does pass this bill, as the public does not need to see everything that is going on.

Ray Shackelford said had these videos not been seen in certain incidences, we may have never known the truth. He stated, on another note, it would be nice if the City of Apopka had a splash pad in a centralized location like the one in Winter Garden.

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

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

1. ORDINANCE NO. 2416 – THIRD READING & ADOPTION - Moratorium – To establish a moratorium on the issuance of building permit and/or the receipt of preliminary or final development plan submittals for restaurants or food service operations with drive through lanes or drive-in service, such moratorium to extend until January 7, 2016. [Ordinance No. 2416 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

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

MEETING OF: May 20, 2015
 FROM: Community Development
 EXHIBITS: Ordinance No. 2416

SUBJECT: ORDINANCE NO. 2416 – TO ESTABLISH A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR THE RECEIPT OF PRELIMINARY OR FINAL DEVELOPMENT PLAN SUBMITTALS FOR RESTAURANT OR FOOD SERVICE OPERATIONS WITH DRIVE THROUGH LANE OR DRIVE-IN SERVICE, SUCH MORATORIUM TO EXTEND UNTIL JANUARY 7, 2016.

Request: THIRD READING & ADOPTION OF ORDINANCE NO. 2416 - TO ESTABLISH A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR THE RECEIPT OF PRELIMINARY OR FINAL DEVELOPMENT PLAN SUBMITTALS FOR RESTAURANT OR FOOD SERVICE OPERATIONS WITH DRIVE THROUGH LANE OR DRIVE-IN SERVICE, SUCH MORATORIUM TO EXTEND UNTIL JANUARY 7, 2016.

SUMMARY:

The City of Apopka will soon embark upon a Community-Wide Visioning Process to identify current and long-term preferences for the development and character of neighborhoods and the Apopka community as a whole. Recent trends in the fast-food service industry utilize dual and stacked service lanes for which current development standards and design guidelines did not anticipate additional needs for land area, their associated on-site land use impacts, or potential nuisances to abutting properties. Inadequate site design of fast-food services restaurants and associated drive-through lanes has led to business practices placing employees, some of whom are teenagers, outdoors standing within service lanes or drive aisles to take customer orders, creating potential public health and safety concerns for the employee. In the course of recent evaluation of development plan applications for fast food restaurants with drive through lanes, staff has identified land use impacts incompatible to the size of the business and their potential impacts adjoining and surrounding land uses. Staff has determined that restaurant and/or food service operations devoted to providing food and beverage products to customers in drive through lanes have the potential to negatively impact adjoining land uses due to certain common operational characteristics. The Community-wide Visioning Process may find that residents of some neighborhoods find fast food restaurants with drive through service incompatible with the residential character of the surrounding area, including traffic impacts and noise levels that may degrade the desired environ of such residential areas.

Per Section 1.08.13, Definitions, of the Land Development Code (LDC), a fast food restaurant means: an establishment whose principal business is the sale of food or beverage in a ready-to-consume state for consumption within the building, within a motor vehicle parked on the premises or off the premises as carry out orders. The principal method of operation includes, but is not limited to, the following characteristics: food or beverages are usually served in paper, plastic or other disposable container; there is generally not waiter or waitress service; food and beverages are served at a counter or window to be consumed elsewhere; drive-through service is often available.

FUNDING SOURCE: N/A

DISTRIBUTION:

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

The proposed ordinance is applicable to the entire jurisdictional area of the City. Fast-food restaurants are currently a prohibited use within the Downtown Development District (Sec. 3.03.E.1., LDC,) and restaurants are prohibited in the Neighborhood Commercial (CN) zoning district (Sec. 2.02.11.C, LDC.). Elsewhere, drive-in (drive-through) restaurants within C-1, C-2, and C-3 must be at least 200 feet from residential areas, as measured from the property line.

The proposed ordinance is currently under review by the city attorney’s office. Any significant changes will be forwarded to the City Council prior to the hearing date. If changes are considered minor, they will be presented at the hearing.

PUBLIC HEARING SCHEDULE:

- Planning Commission – April 14, 2014 (5:01 pm)
- City Council – April 15, 2015 – 1st Reading (7:00 pm)
- City Council – May 6, 2015 – 2nd Reading (1:30 pm)
- City Council – May 20, 2015 – 3rd Reading & Adoption (7:00 pm)

DULY ADVERTISED:

- March 27, 2015 – Public Hearing Notice
- May 8, 2015 – Ordinance Heading

RECOMMENDED ACTION:

The **Planning Commission**, at its meeting on April 14, 2015, recommended approval to establish a moratorium on the issuance of building permits and/or the receipt of preliminary or final development plan submittals for restaurant or food service operations with drive through lane(s) or drive-in service, such moratorium to extend until January 7, 2016.

The **City Council**, at its meeting on April 15, 2015, accepted the First Reading of Ordinance No. 2416 and held it over for Second Reading and Adoption on May 6, 2015.

The **City Council**, at its meeting on May 6, 2015, accepted the Second Reading of Ordinance No. 2416 and held it over for Third Reading & Adoption on May 20, 2015.

Adopt Ordinance No. 2416.

ORDINANCE NO. 2416

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

WHEREAS, the City of Apopka intends to conduct a Community-Wide Visioning Process to identify the current and future character of neighborhoods and the development of Apopka as a whole; and

WHEREAS, recent trends in the fast-food service industry utilize dual and stacked service lanes for which current development standards and design guidelines fail to adequately contemplate land area needs, associated on-site land use impacts or potential nuisances to abutting properties;

WHEREAS, inadequate site design of fast-food service restaurants with drive-through lanes or drive-in stations has led to business practices which require employees, some of whom are teenagers, to stand outdoors in service lanes or drive aisles to take customer orders, creating potential public health and safety concerns for the employees;

WHEREAS, in the course of recent evaluations of development plan applications for fast food restaurants with drive-through lanes and drive-in stations, staff identified land use impacts disproportionate to the size of the business and which also impacted adjoining and surrounding land uses; and

WHEREAS, the City Council of the City of Apopka believes that it is reasonable and appropriate to periodically review land use regulations to determine whether they provide appropriate performance standards and/or safeguards to ensure that businesses located within the City are constructed and operated in a manner which does not adversely impact adjoining land uses; and

WHEREAS, the preliminary review by staff determined that drive-through and drive-in restaurant facilities may adversely impact adjoining land uses due to certain common operational characteristics which include:

1. The entry and exit points to accommodate the drive-through service lanes frequently result in curb cut access ways that create traffic hazards for vehicles moving along public roadways.
2. Vehicles utilizing the drive through service lanes frequently stack during peak operating hours to a point where they may create traffic disruptions or blockages on adjacent public thoroughfares.

3. Drivers leaving food service windows are frequently distracted while checking orders or distributing food products and do not display the degree of caution necessary for vehicular operations when entering adjoining public roadways or passing through congested parking areas.
4. The combination of drivers attempting to order and receive food service and delivery lanes in parking areas over which pedestrians are going and coming to access the food service facilities creates an enhanced risk of a pedestrian/vehicular accident.
5. When large orders are received in drive-through lanes customers may be asked to move into vehicle holding areas which create the potential for congestion in parking and vehicle maneuvering areas creating additional accident risks and difficulty exiting adjacent public thoroughfares to access the establishment's parking and service roadways.
6. The signage necessary to direct and control traffic utilizing drive-through service lanes can create visual clutter and can generate confusion for motorists thereby increasing the risks of vehicular accidents.
7. The packaging material used in the distribution of food service products from drive-through and drive-in restaurant facilities correlates with increased trash along public rights-of-way and thoroughfares lying in close proximity to these establishments.

WHEREAS, the City of Apopka through the Citywide Visioning Process may determine that drive-through and drive-in restaurant facilities are incompatible with the residential character of the surrounding area, creating detrimental traffic impacts and elevated noise levels which cause the degradation of those areas;

WHEREAS, the Apopka City Council believes that it is reasonable and appropriate to ask staff to do a comprehensive study on the operational impacts of these types of food service establishments in order to determine what type of development and performance standards should be adopted by the municipality to ensure the safe, efficient and effective business operation of these types of facilities, and

WHEREAS, such study should also determine the appropriate locations and spatial separation for businesses of this type to ensure that they do not unreasonably impact adjoining business operations or nearby residential areas that might share common frontage on public thoroughfares; and

WHEREAS, the Apopka City Council believes that the moratorium period is necessary and appropriate to allow staff sufficient time to complete a study and to prepare appropriate regulations, if necessary, which reflect the results of the study; and

WHEREAS, the City Council believes it is reasonable and appropriate to establish exemptions and vesting rights procedures for property owners who believe they may be unreasonably impacted by this moratorium and will be subject to a hardship that is not appropriate based upon the character of the activity they propose to undertake; and

WHEREAS, the City Council has authority to adopt this Ordinance by virtue of the City’s home rule authority under Section 166.021(4), *Florida Statutes* and its general police power; by virtue of Section 163.3202, *Florida Statutes*, which encourage the use of innovative zoning techniques; and based on the inherent authority conferred by comprehensive planning laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, THAT:

SECTION 1: LEGISLATIVE FINDINGS.

The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Apopka.

SECTION II. COMMISSION TO STUDY.

The City Council of the City of Apopka hereby directs the City Administrator to institute a study on the operational characteristics and impacts of restaurants or food service operations that provide food service delivery in drive-through lanes or drive-in stations. The purpose of the study is to develop a full understanding of the characteristics and impacts of these facilities on adjoining thoroughfares and adjoining land uses. The study shall be undertaken as soon as practical and shall be completed before January 7, 2016 with recommendations for amendments to the City’s Land Development Code and Development Design Guidelines.

SECTION III. TEMPORARY MORATORIUM.

(a) A temporary moratorium is hereby established on all non-exempt activity and actions relating to the acceptance, review, processing, and/or approval of, applications for development, building permits, site plans, development orders or any other land use activity which would allow or permit the construction or development of drive-through or drive-in restaurant facilities.

(b) This moratorium shall be effective until January 7, 2016 following the adoption of this Ordinance but may be extended if the City Council should subsequently adopt a new or amended Ordinance providing an extended time frame under which to complete the study on the characteristics and operational impacts of these drive-through and drive-in facilities.

(c) For the purposes of this Ordinance, a drive-through or drive-in restaurant facility is any commercial establishment which provides its patrons the ability to purchase food or beverages while remaining in a motor vehicle during the time which he or she is accommodated. This Ordinance does not apply to drive-up restaurants that provide curbside-to-go pick up service for parked customers who submit food or drink orders offsite from a telephone, email, or similar telecommunication device.

SECTION IV. EXEMPTIONS.

Exemptions from this Ordinance are the following:

(a) General maintenance, repairs and/or health and safety improvements on lawfully existing structures or accessory structures, so long as any such altered structures shall remain within the footprint of the original structure. Maintenance and/or repairs proposed for health and safety purposes shall be certified by a professional engineer registered in the State of Florida as repairs which are necessary to correct structural deficiencies which pose a health and safety hazard and shall be approved by the City Building Official.

(b) Interior remodeling or decorating of lawfully existing structures or accessory structures.

(c) Exterior repainting of lawfully existing structures and accessory structures.

(d) Applications to replace lawfully existing structures which pose a life, health, and safety hazard, so long as the structure, once replaced, complies with all provisions of the Code of Ordinances of the City of Apopka. Replacement shall be approved and certified by a professional engineer registered in the State of Florida as being necessary to correct structural deficiencies which pose a life, health and safety hazard and shall be approved by the City Building Official.

(e) Any vested improvement as provided under this Ordinance.

SECTION V: ADMINISTRATIVE/QUASI-JUDICIAL REVIEW PROCEDURES.

Owners of real property within the City of Apopka or the authorized agent of such owner may request a determination of vested rights by following the procedures set for in Article VI, Sections 4.06.00-4.06.04 of the Apopka Code of Ordinances.

SECTION VI: EFFECTIVE DATE; REPEAL OR EXPIRATION.

This Ordinance shall become effective immediately upon approval of the City Council and shall stand repealed as of 11:59 p.m. on January 7, 2016, unless repealed sooner or extended by the City Council consistent with the terms of this Ordinance, or upon adoption of amendments to the City's Land Development Code and Development Design Guidelines before the end of the moratorium period, all of which shall be drafted to protect the health, safety, and welfare of the residents of the City of Apopka and be compatible with the City's present efforts to protect and improve the character and quality of life within the City for both present and future residents.

SECTION VII: SCOPE OF COVERAGE.

Unless otherwise stated, this Ordinance shall cover all lands within the jurisdictional boundaries of the City of Apopka, including any lands annexed after the effective date of this Ordinance.

SECTION VIII: SEVERABILITY.

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 IX: CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 20th DAY OF MAY, 2015.

FIRST READING: April 15, 2015

SECOND READING: May 6, 2015

THIRD READING
AND ADOPTION: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

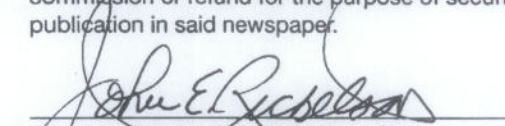
Clifford B. Shepard, City Attorney

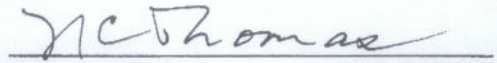
DULY ADVERTISED FOR PUBLIC HEARING: March 27, 2015
May 8, 2015

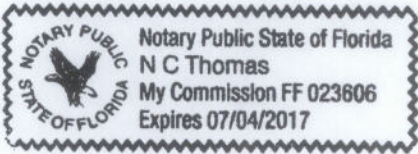
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublic-notices.com

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical* class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.


N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017



PUBLIC NOTICE

**NOTICE OF PUBLIC HEARING
DRIVE-THROUGH RESTAURANT MORATORIUM
CITY OF APOPKA
City Council Chambers
120 East Main Street, Apopka, Florida 32703**

The following ordinance will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2416

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

NOTICE is hereby given that the City of Apopka City Council will consider an ordinance creating a temporary moratorium on all non-exempt activity and actions relating to the acceptance, review, processing, and/or approval of, applications for development, building permits, site plans, development orders or any other land use activity which would allow or permit the construction or development of drive-through or drive-in restaurant facilities located within the corporate limits of the City of Apopka.

The Third Public Hearing will be held in the Apopka City Hall Council Chambers on the following date and time to consider said Amendment:

CITY COUNCIL - THIRD READING WEDNESDAY MAY 20, 2015 7:00 PM

The proposed Ordinance may be inspected by the public at the Apopka City Hall, in the Community Development Department at 120 East Main Street, Apopka, Florida. Telephone number: 407-703-1712.

All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State Law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record include the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

153102

Backup material for agenda item:

2. ORDINANCE NO. 2417 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate, property located at 4664 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-043) (4.85 +/- acres); and Debra Reid Wilbarger, property located at 4646 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-042) (1.33 +/- acres). (Combined acreage 6.18 +/- acres) [Ordinance No. 2417 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: May 20, 2015
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 1a
Ordinance No. 2417
Vicinity Map

SUBJECT: 2015 ANNEXATION - CYCLE NO. 1a

**Request: SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2417 –
DIANA DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER**

SUMMARY:

OWNERS: DIANA DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER

**LOCATIONS: 4646 Plymouth Sorrento Road – 13-20-27-0000-00-042 (1.33 +/- ac)
4664 Plymouth Sorrento Road – 13-20-27-0000-00-043 (4.85 +/- ac)**

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 6.18 +/- acres

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.

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 April 20, 2015.

DULY ADVERTISED:

April 24, 2015 - 1/4 Page Public Hearing Advertisement
May 1, 2015 - 1/4 Page Public Hearing Advertisement
May 8, 2015 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

May 6, 2015 (1:30 pm) - City Council 1st Reading
May 20, 2015 (7:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #1a.

The **City Council**, at its meeting on May 6, 2015, accepted the First Reading of Ordinance No. 2417 and held it over for Second Reading and Adoption on May 20, 2015.

Adopt Ordinance No. 2417.

EXHIBIT "A"
CITY OF APOPKA
2015 ANNEXATION CYCLE #1a

TOTAL ACRES: 41.39 +/-
ANNEXATION ORDINANCE NOS.: 2417-2423

Adopted this 20th day of May, 2015

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2417	1	Diana Donohoe Life Estate Debra Reid Wilbarger	4664 Plymouth Sorrento Road 4646 Plymouth Sorrento Road	13-20-27-0000-00-043 13-20-27-0000-00-042	4.85 <u>1.33</u> 6.18	Manf. Home (3) SFR (3)	Rural Max. 1du/10 acres
2418	2	Diane Reid-Goolsby	4668 Plymouth Sorrento Road 4672 Plymouth Sorrento Road	13-20-27-0000-00-049 13-20-27-0000-00-044	1.76 <u>1.72</u> 3.48	Vacant Land	Rural Max. 1du/10 acres
2419	3	Diane Reid- Goolsby Debra Reid Wilbarger	4680 Plymouth Sorrento Road	13-20-27-0000-00-010	21.36	SFR (2) WAREHOUSE	Rural Max. 1du/10 acres
2420	4	Diane Reid-Goolsby	4622 Plymouth Sorrento Road	13-20-27-0000-00-041	2.88	Church SFR (2)	Rural Max. 1du/10 acres
2421	5	Diana Donohoe Life Estate Debra Reid Wilbarger	4634 Plymouth Sorrento Road	13-20-27-0000-00-039	2.50	Manf. Home	Rural Max. 1du/10 acres
2422	6	Daniel Joshua Reid Life Estate David Dwayne Reid	4640 Plymouth Sorrento Road	13-20-27-0000-00-031	2.50	SFR Manf. Home Warehouse	Rural Max. 1du/10 acres
2423	7	Debra Reid Wilbarger Life Estate Diana Nichole Reid-McClure Dwana Michelle Reid-McClure	4528 Plymouth Sorrento Road	13-20-27-000-00-040	2.49	SFR Manf. Home (2)	Rural Max. 1du/10 acres
				TOTAL ACRES	41.39		

g:\Shared\4020\PLANNING_ZONING\Annexations\2015 Cycle 1 Spreadsheet.wpd

ORDINANCE NO. 2417

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

WHEREAS, Diane Donohoe Life Estate and Debra Reid Wilbarger, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 4664 and 4646 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 6.18 +/- acres, and graphically depicted by the attached Exhibits "A" and "B", 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:

Legal Descriptions:

10851/1784 ERROR IN DESCRIPTION - THE SOUTH 440 FEET OF THE NORTH 905 FEET OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST (LESS THE EAST 480 FEET & LESS THE EAST 60 FEET THEREOF), ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-20-27-0000-00-042

Contains: 1.33 +/- Acres

10851/1784 ERROR IN DESCRIPTION - THE SOUTH 440 FEET OF THE NORTH 905 FEET OF THE WEST 480 FEET OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-20-27-0000-00-043

Contains: 4.85 +/- Acres

Total Acres: 6.18 +/-

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

ORDINANCE NO.: 2417

PAGE 2

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: May 6, 2015

READ SECOND TIME
AND ADOPTED: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2015
May 1, 2015
May 8, 2015

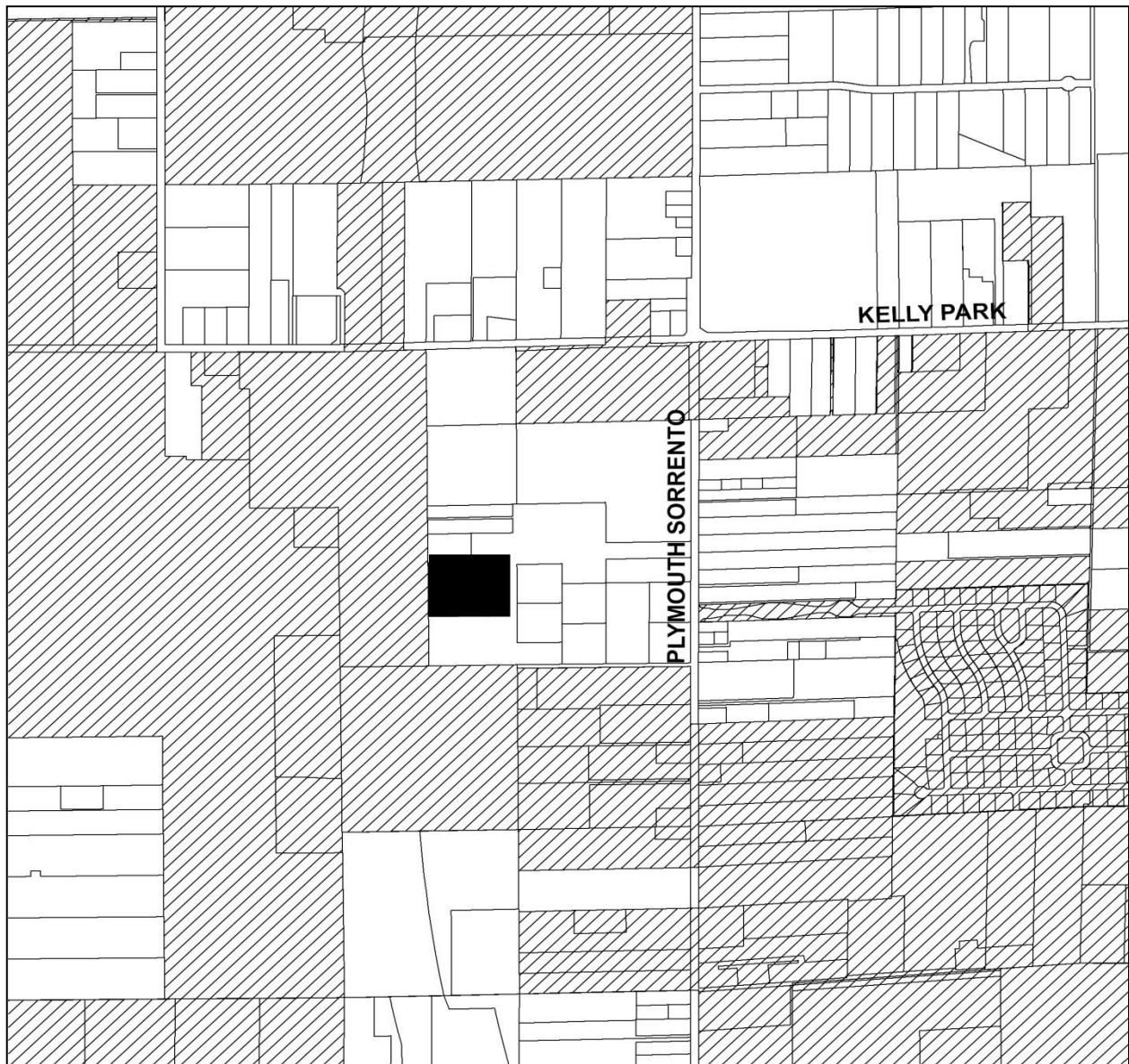


ANNEXATION
DIANE DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER
4646 PLYMOUTH SORRENTO ROAD
4664 PLYMOUTH SORRENTO ROAD

Exhibit "A"
Ord. # 2417
Parcel ID: 13-20-27-0000-00-042
13-20-27-0000-00-043

Total Acres: 6.18 +/-

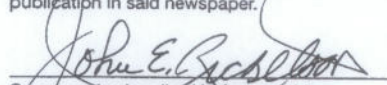
VICINITY MAP

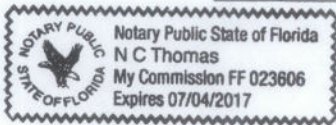


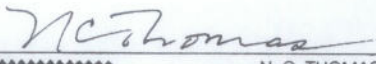
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said APOPKA CHIEF is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical* class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.




N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2417

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

ORDINANCE NO. 2418

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

ORDINANCE NO. 2419

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

ORDINANCE NO. 2420

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

ORDINANCE NO. 2421

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

ORDINANCE NO. 2422

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

ORDINANCE NO. 2423

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

ORDINANCE NO. 2424

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 CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2425

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 MICHAEL D. AND CHRISTINE J. GARRETT MAXWELL, LOCATED AT 374 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2426

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 RONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

153080

Backup material for agenda item:

3. ORDINANCE NO. 2418 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, properties located at 4668 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-049) (1.76 +/- acres); and 4672 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-044) (1.72 +/- acres). (Combined acreage 3.48 +/- acres) [Ordinance No. 2418 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: May 20, 2015
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 1a
Ordinance Nos. 2418
Vicinity Map

SUBJECT: 2015 ANNEXATION - CYCLE NO. 1a

**Request: SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2418 –
DIANE REID-GOOLSBY**

SUMMARY:

OWNER: **DIANE REID-GOOLSBY**

LOCATIONS: 4672 Plymouth Sorrento Road – 13-20-27-0000-00-044 (1.72 +/- ac)
4668 Plymouth Sorrento Road – 13-20-27-0000-00-049 (1.76 +/- ac)

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 3.48 +/- acres

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.

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 April 20, 2015.

DULY ADVERTISED:

April 24, 2015 - 1/4 Page Public Hearing Advertisement
May 1, 2015 - 1/4 Page Public Hearing Advertisement
May 8, 2015 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

May 6, 2015 (1:30 pm) - City Council 1st Reading
May 20, 2015 (7:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #1a.

The **City Council**, at its meeting on May 6, 2015, accepted the First Reading of Ordinance No. 2418 and held it over for Second Reading and Adoption on May 20, 2015.

Adopt Ordinance No. 2418.

EXHIBIT "A"
CITY OF APOPKA
2015 ANNEXATION CYCLE #1a

TOTAL ACRES: 41.39 +/-
ANNEXATION ORDINANCE NOS.: 2417-2423

Adopted this 20th day of May, 2015

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2417	1	Diana Donohoe Life Estate Debra Reid Wilbarger	4664 Plymouth Sorrento Road 4646 Plymouth Sorrento Road	13-20-27-0000-00-043 13-20-27-0000-00-042	4.85 <u>1.33</u> 6.18	Manf. Home (3) SFR (3)	Rural Max. 1du/10 acres
2418	2	Diane Reid-Goolsby	4668 Plymouth Sorrento Road 4672 Plymouth Sorrento Road	13-20-27-0000-00-049 13-20-27-0000-00-044	1.76 <u>1.72</u> 3.48	Vacant Land	Rural Max. 1du/10 acres
2419	3	Diane Reid- Goolsby Debra Reid Wilbarger	4680 Plymouth Sorrento Road	13-20-27-0000-00-010	21.36	SFR (2) WAREHOUSE	Rural Max. 1du/10 acres
2420	4	Diane Reid-Goolsby	4622 Plymouth Sorrento Road	13-20-27-0000-00-041	2.88	Church SFR (2)	Rural Max. 1du/10 acres
2421	5	Diana Donohoe Life Estate Debra Reid Wilbarger	4634 Plymouth Sorrento Road	13-20-27-0000-00-039	2.50	Manf. Home	Rural Max. 1du/10 acres
2422	6	Daniel Joshua Reid Life Estate David Dwayne Reid	4640 Plymouth Sorrento Road	13-20-27-0000-00-031	2.50	SFR Manf. Home Warehouse	Rural Max. 1du/10 acres
2423	7	Debra Reid Wilbarger Life Estate Diana Nichole Reid-McClure Dwana Michelle Reid-McClure	4528 Plymouth Sorrento Road	13-20-27-000-00-040	2.49	SFR Manf. Home (2)	Rural Max. 1du/10 acres
				TOTAL ACRES	41.39		

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ORDINANCE NO. 2418

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

WHEREAS, Diane Reid-Goolsby, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 4668 and 4672 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 3.48 +/- acres, and graphically depicted by the attached Exhibits "A" and "B", 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:

Legal Descriptions:

10851/1697 ERROR IN DESCRIPTION - THE SOUTH 16.25 FEET OF THE NORTH 232.5 FEET OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST (LESS E 30 FT), ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-20-27-0000-00-044

Contains: 1.76 +/- Acres

10851/1697 ERROR IN DESCRIPTION - THE SOUTH 232.5 FEET OF THE NORTH 465 FEET OF THE WEST 330 FEET OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-20-27-0000-00-049

Contains: 1.72 +/- Acres

Total Acres: 3.48 +/-

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: May 6, 2015

READ SECOND TIME
AND ADOPTED: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2015
May 1, 2015
May 8, 2015



ANNEXATION
DIANE REID-GOOLSBY
4668 PLYMOUTH SORRENTO ROAD
4672 PLYMOUTH SORRENTO ROAD

Exhibit "A"
Ord. # 2418
Parcel ID: 13-20-27-0000-00-044
13-20-27-0000-00-049

Total Acres: 3.48 +/-

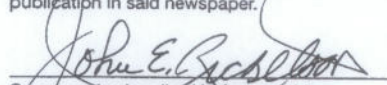
VICINITY MAP

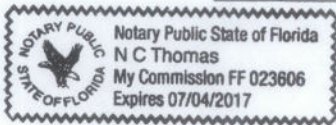


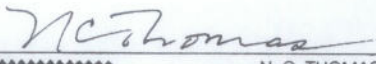
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said APOPKA CHIEF is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.




N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2417

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

ORDINANCE NO. 2418

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

ORDINANCE NO. 2419

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

ORDINANCE NO. 2420

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

ORDINANCE NO. 2421

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

ORDINANCE NO. 2422

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

ORDINANCE NO. 2423

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

ORDINANCE NO. 2424

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 CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2425

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 MICHAEL D. AND CHRISTINE J. GARRETT MAXWELL, LOCATED AT 374 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2426

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 RONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

153080

Backup material for agenda item:

4. ORDINANCE NO. 2419 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby and Debra Reid Wilbarger, property located at 4680 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-0000-00-010) (21.36 +/- acres). [Ordinance No. 2419 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: May 20, 2015
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 1a
Ordinance Nos. 2419
Vicinity Map

SUBJECT: 2015 ANNEXATION - CYCLE NO. 1a

**Request: SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2419 –
DIANE REID-GOOLSBY AND DEBRA REID WILBARGER**

SUMMARY:

OWNERS: **DIANE REID-GOOLSBY AND DEBRA REID WILBARGER**

LOCATION: 4680 Plymouth Sorrento Road – 13-20-27-0000-00-010

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 21.36 +/- acres

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.

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 April 20, 2015.

DULY ADVERTISED:

April 24, 2015 - 1/4 Page Public Hearing Advertisement
May 1, 2015 - 1/4 Page Public Hearing Advertisement
May 8, 2015 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

May 6, 2015 (1:30 pm) - City Council 1st Reading
May 20, 2015 (7:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #1a.

The **City Council**, at its meeting on May 6, 2015, accepted the First Reading of Ordinance No. 2419 and held it over for Second Reading and Adoption on May 20, 2015.

Adopt Ordinance No. 2419.

EXHIBIT "A"
CITY OF AOPKA
2015 ANNEXATION CYCLE #1a

TOTAL ACRES: 41.39 +/-
ANNEXATION ORDINANCE NOS.: 2417-2423

Adopted this 20th day of May, 2015

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2417	1	Diana Donohoe Life Estate Debra Reid Wilbarger	4664 Plymouth Sorrento Road 4646 Plymouth Sorrento Road	13-20-27-0000-00-043 13-20-27-0000-00-042	4.85 <u>1.33</u> 6.18	Manf. Home (3) SFR (3)	Rural Max. 1du/10 acres
2418	2	Diane Reid-Goolsby	4668 Plymouth Sorrento Road 4672 Plymouth Sorrento Road	13-20-27-0000-00-049 13-20-27-0000-00-044	1.76 <u>1.72</u> 3.48	Vacant Land	Rural Max. 1du/10 acres
2419	3	Diane Reid- Goolsby Debra Reid Wilbarger	4680 Plymouth Sorrento Road	13-20-27-0000-00-010	21.36	SFR (2) WAREHOUSE	Rural Max. 1du/10 acres
2420	4	Diane Reid-Goolsby	4622 Plymouth Sorrento Road	13-20-27-0000-00-041	2.88	Church SFR (2)	Rural Max. 1du/10 acres
2421	5	Diana Donohoe Life Estate Debra Reid Wilbarger	4634 Plymouth Sorrento Road	13-20-27-0000-00-039	2.50	Manf. Home	Rural Max. 1du/10 acres
2422	6	Daniel Joshua Reid Life Estate David Dwayne Reid	4640 Plymouth Sorrento Road	13-20-27-0000-00-031	2.50	SFR Manf. Home Warehouse	Rural Max. 1du/10 acres
2423	7	Debra Reid Wilbarger Life Estate Diana Nichole Reid-McClure Dwana Michelle Reid-McClure	4528 Plymouth Sorrento Road	13-20-27-000-00-040	2.49	SFR Manf. Home (2)	Rural Max. 1du/10 acres
				TOTAL ACRES	41.39		

g:\Shared\4020\PLANNING_ZONING\Annexations\2015 Cycle 1 Spreadsheet.wpd

ORDINANCE NO. 2419

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

WHEREAS, Diane Reid-Goolsby and Diane Reid Wilbarger, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 4680 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 property, being situated in Orange County, Florida, totaling 21.36 +/- 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:

Legal Descriptions:

10851/1700 ERROR IN DESCRIPTION - THE NORTH 135 FEET OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ & THE EAST ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ & THE WEST ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ (LESS BEGINNING AT THE SOUTHEAST CORNER THEREOF RUN WEST 330 FEET NORTH 180 FEET WEST 330 FEET NORTH 645 FEET EAST 330 FEET SOUTH 165 FEET EAST 330 FEET SOUTH TO POINT OF BEGINNING & LESS BEGINNING 116.25 FEET SOUTH OF THE NORTHWEST CORNER THEREOF RUN SOUTH 788.75 FEET EAST 600 FEET NORTH 440 FEET WEST 270 FEET NORTH 232.5 FEET EAST 300 FEET NORTH 116.25 FEET WEST 630 FEET TO THE POINT OF BEGINNING & LESS THE NORTH 100 FEET OF THE WEST 630 FEET THEREOF) OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-20-27-0000-00-010

Contains: 21.36 +/- Acres

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: May 6, 2015

READ SECOND TIME
AND ADOPTED: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2015
May 1, 2015
May 8, 2015



ANNEXATION
DIANE REID-GOOLSBY AND DIANE REID WILBARGER
4680 PLYMOUTH SORRENTO ROAD

Exhibit "A"
Ord. # 2419
Parcel ID: 13-20-27-0000-00-010

Total Acres: 21.36 +/-

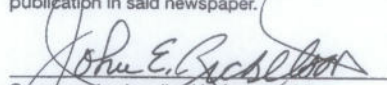
VICINITY MAP

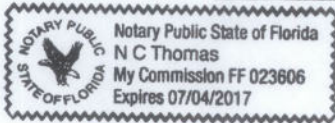


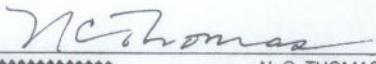
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said APOPKA CHIEF is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.




N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2417

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ORDINANCE NO. 2419

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

ORDINANCE NO. 2420

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ORDINANCE NO. 2423

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ORDINANCE NO. 2424

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Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

153080

Backup material for agenda item:

5. ORDINANCE NO. 2420 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, property located at 4622 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-041) (2.88 +/- acres) [Ordinance No. 2420 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: May 20, 2015
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 1a
Ordinance Nos. 2420
Vicinity Map

SUBJECT: 2015 ANNEXATION - CYCLE NO. 1a

**Request: SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2420 –
DIANE REID-GOOLBSY**

SUMMARY:

OWNER: **DIANE REID-GOOLSBY**

LOCATION: 4622 Plymouth Sorrento Road – 13-20-27-0000-00-041

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 2.88 +/- acres

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.

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 April 20, 2015.

DULY ADVERTISED:

April 24, 2015 - 1/4 Page Public Hearing Advertisement
May 1, 2015 - 1/4 Page Public Hearing Advertisement
May 8, 2015 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

May 6, 2015 (1:30 pm) - City Council 1st Reading
May 20, 2015 (7:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #1a.

The City Council, at its meeting on May 6, 2015, accepted the First Reading of Ordinance No. 2420 and held it over for Second Reading and Adoption on May 20, 2015.

Adopt Ordinance No. 2420.

EXHIBIT "A"
CITY OF AOPKA
2015 ANNEXATION CYCLE #1a

TOTAL ACRES: 41.39 +/-
ANNEXATION ORDINANCE NOS.: 2417-2423

Adopted this 20th day of May, 2015

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2417	1	Diana Donohoe Life Estate Debra Reid Wilbarger	4664 Plymouth Sorrento Road 4646 Plymouth Sorrento Road	13-20-27-0000-00-043 13-20-27-0000-00-042	4.85 <u>1.33</u> 6.18	Manf. Home (3) SFR (3)	Rural Max. 1du/10 acres
2418	2	Diane Reid-Goolsby	4668 Plymouth Sorrento Road 4672 Plymouth Sorrento Road	13-20-27-0000-00-049 13-20-27-0000-00-044	1.76 <u>1.72</u> 3.48	Vacant Land	Rural Max. 1du/10 acres
2419	3	Diane Reid- Goolsby Debra Reid Wilbarger	4680 Plymouth Sorrento Road	13-20-27-0000-00-010	21.36	SFR (2) WAREHOUSE	Rural Max. 1du/10 acres
2420	4	Diane Reid-Goolsby	4622 Plymouth Sorrento Road	13-20-27-0000-00-041	2.88	Church SFR (2)	Rural Max. 1du/10 acres
2421	5	Diana Donohoe Life Estate Debra Reid Wilbarger	4634 Plymouth Sorrento Road	13-20-27-0000-00-039	2.50	Manf. Home	Rural Max. 1du/10 acres
2422	6	Daniel Joshua Reid Life Estate David Dwayne Reid	4640 Plymouth Sorrento Road	13-20-27-0000-00-031	2.50	SFR Manf. Home Warehouse	Rural Max. 1du/10 acres
2423	7	Debra Reid Wilbarger Life Estate Diana Nichole Reid-McClure Dwana Michelle Reid-McClure	4528 Plymouth Sorrento Road	13-20-27-000-00-040	2.49	SFR Manf. Home (2)	Rural Max. 1du/10 acres
				TOTAL ACRES	41.39		

g:\Shared\4020\PLANNING_ZONING\Annexations\2015 Cycle 1 Spreadsheet.wpd

ORDINANCE NO. 2420

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

WHEREAS, Diane Reid-Goolsby, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 4622 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 property, being situated in Orange County, Florida, totaling 2.88 +/- 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:

Legal Description:

10851/1697 ERROR IN DESCRIPTION - THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (LESS THE NORTH 465 FEET THEREOF & LESS THE EAST 30 FEET FOR ROAD RIGHT OF WAY) OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST.

Parcel I.D.: 13-20-27-0000-00-041

Contains: 2.88 +/- Acres

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: May 6, 2015

READ SECOND TIME
AND ADOPTED: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2015
May 1, 2015
May 8, 2015



ANNEXATION
DIANE REID-GOOLSBY
4622 PLYMOUTH SORRENTO ROAD

Exhibit "A"
Ord. # 2420
Parcel ID: 13-20-27-0000-00-041

Total Acres: 2.88 +/-

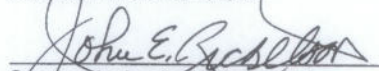
VICINITY MAP

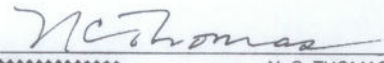


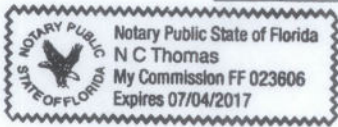
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said APOPKA CHIEF is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical* class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.





N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2417

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

ORDINANCE NO. 2418

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

ORDINANCE NO. 2419

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

ORDINANCE NO. 2420

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

ORDINANCE NO. 2421

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

ORDINANCE NO. 2422

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

ORDINANCE NO. 2423

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

ORDINANCE NO. 2424

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 CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2425

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 MICHAEL D. AND CHRISTINE J. GARRETT MAXWELL, LOCATED AT 374 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2426

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 RONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

Backup material for agenda item:

6. ORDINANCE NO. 2421 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate and Debra Reid Wilbarger, property located at 4634 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-0000-00-039) (2.50 +/- acres). [Ordinance No. 2421 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: May 20, 2015
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 1a
Ordinance Nos. 2421
Vicinity Map

SUBJECT: 2015 ANNEXATION - CYCLE NO. 1a

**Request: SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2421 –
DIANA DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER**

SUMMARY:

OWNERS: **DIANA DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER**

LOCATION: 4634 Plymouth Sorrento Road – 13-20-27-0000-00-039

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 2.50 +/- acres

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.

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 April 20, 2015.

DULY ADVERTISED:

April 24, 2015 - 1/4 Page Public Hearing Advertisement
May 1, 2015 - 1/4 Page Public Hearing Advertisement
May 8, 2015 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

May 6, 2015 (1:30 pm) - City Council 1st Reading
May 20, 2015 (7:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #1a.

The **City Council**, at its meeting on May 6, 2015, accepted the First Reading of Ordinance No. 2421 and held it over for Second Reading and Adoption on May 20, 2015.

Adopt Ordinance No. 2421.

EXHIBIT "A"
CITY OF AOPKA
2015 ANNEXATION CYCLE #1a

TOTAL ACRES: 41.39 +/-
ANNEXATION ORDINANCE NOS.: 2417-2423

Adopted this 20th day of May, 2015

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2417	1	Diana Donohoe Life Estate Debra Reid Wilbarger	4664 Plymouth Sorrento Road 4646 Plymouth Sorrento Road	13-20-27-0000-00-043	4.85	Manf. Home (3) SFR (3)	Rural Max. 1du/10 acres
				13-20-27-0000-00-042	<u>1.33</u> 6.18		
2418	2	Diane Reid-Goolsby	4668 Plymouth Sorrento Road 4672 Plymouth Sorrento Road	13-20-27-0000-00-049	1.76	Vacant Land	Rural Max. 1du/10 acres
				13-20-27-0000-00-044	<u>1.72</u> 3.48		
2419	3	Diane Reid- Goolsby Debra Reid Wilbarger	4680 Plymouth Sorrento Road	13-20-27-0000-00-010	21.36	SFR (2) WAREHOUSE	Rural Max. 1du/10 acres
2420	4	Diane Reid-Goolsby	4622 Plymouth Sorrento Road	13-20-27-0000-00-041	2.88	Church SFR (2)	Rural Max. 1du/10 acres
2421	5	Diana Donohoe Life Estate Debra Reid Wilbarger	4634 Plymouth Sorrento Road	13-20-27-0000-00-039	2.50	Manf. Home	Rural Max. 1du/10 acres
2422	6	Daniel Joshua Reid Life Estate David Dwayne Reid	4640 Plymouth Sorrento Road	13-20-27-0000-00-031	2.50	SFR Manf. Home Warehouse	Rural Max. 1du/10 acres
2423	7	Debra Reid Wilbarger Life Estate Diana Nichole Reid-McClure Dwana Michelle Reid-McClure	4528 Plymouth Sorrento Road	13-20-27-000-00-040	2.49	SFR Manf. Home (2)	Rural Max. 1du/10 acres
TOTAL ACRES					41.39		

g:\Shared\4020\PLANNING_ZONING\Annexations\2015 Cycle 1 Spreadsheet.wpd

ORDINANCE NO. 2421

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

WHEREAS, Diana Donohoe Life Estate and Debra Reid Wilbarger, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 4634 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 property, being situated in Orange County, Florida, totaling 2.50 +/- 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:

Legal Description:

10851/1784 ERROR IN DESCRIPTION - THE WEST ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ (LESS THE EAST 330 FEET & THE NORTH 495 FEET & THE SOUTH 500 FEET THEREOF) OF SEC 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-20-27-0000-00-039

Contains: 2.50 +/- Acres

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. 2421

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: May 6, 2015

READ SECOND TIME
AND ADOPTED: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2015
May 1, 2015
May 8, 2015

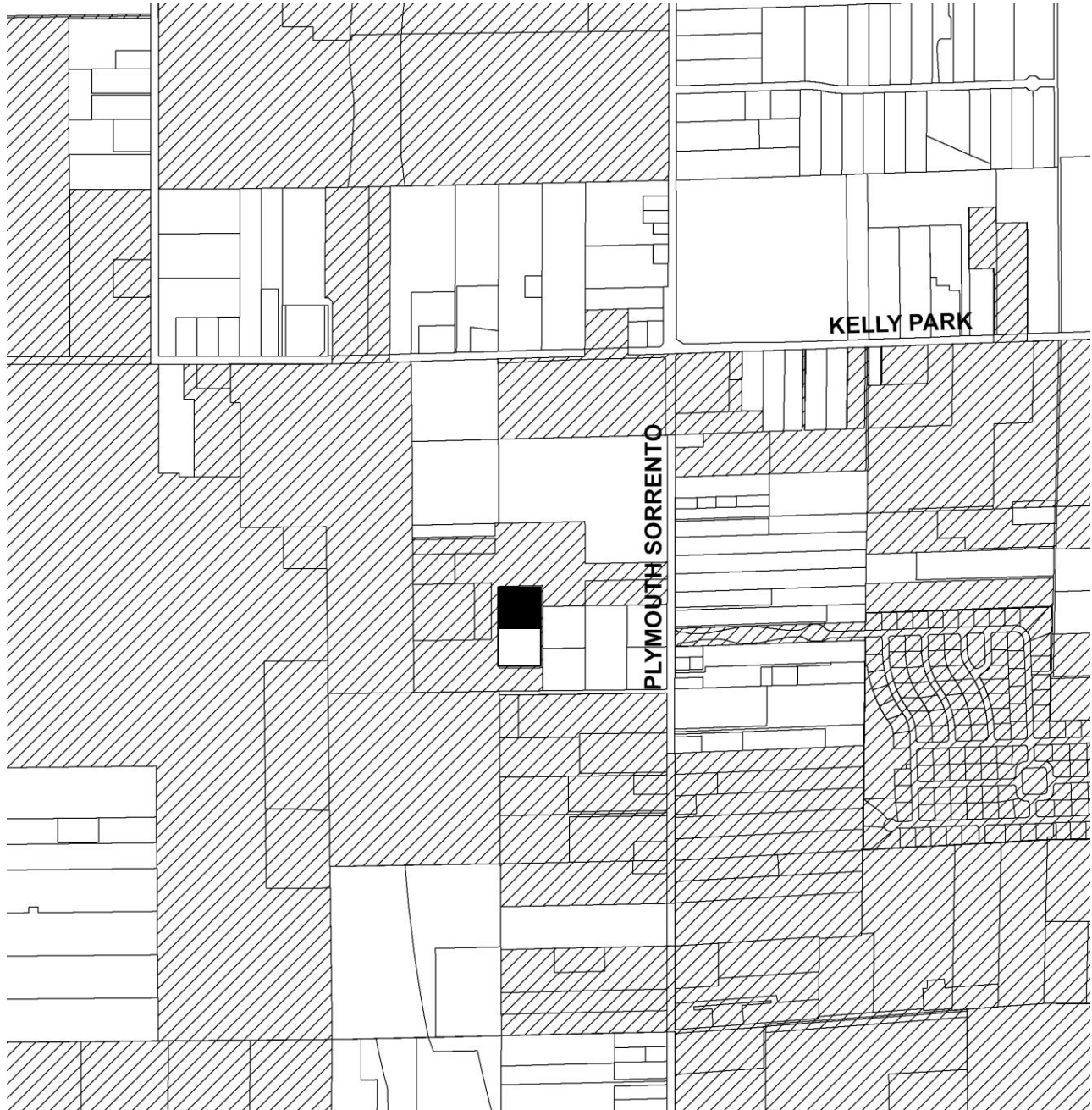


ANNEXATION
DIANA DONOHOE LIFE ESTATE AND DEBRA REID WILBARGER
4634 PLYMOUTH SORRENTO ROAD

Exhibit "A"
Ord. # 2421
Parcel ID: 13-20-27-0000-00-039

Total Acres: 2.50 +/-

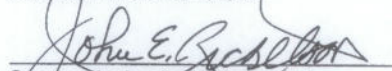
VICINITY MAP

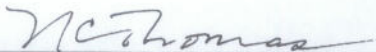


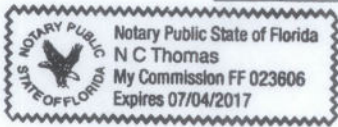
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said APOPKA CHIEF is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.





N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2417

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

ORDINANCE NO. 2418

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

ORDINANCE NO. 2419

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

ORDINANCE NO. 2420

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

ORDINANCE NO. 2421

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

ORDINANCE NO. 2422

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

ORDINANCE NO. 2423

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

ORDINANCE NO. 2424

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 CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2425

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 MICHAEL D. AND CHRISTINE J. GARRETT MAXWELL, LOCATED AT 374 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2426

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 RONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

Backup material for agenda item:

7. ORDINANCE NO. 2422 – SECOND READING & ADOPTION - ANNEXATION – Daniel Joshua Reid Life Estate and David Dwayne Reid, property located at 4640 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-0000-00-031) (2.50 +/- acres) [Ordinance No. 2422 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: May 20, 2015
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 1a
Ordinance Nos. 2422
Vicinity Map

SUBJECT: 2015 ANNEXATION - CYCLE NO. 1a

**Request: SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2422 –
DANIEL JOSHUA REID LIFE ESTATE AND DAVID DWAYNE REID**

SUMMARY:

OWNERS: **DANIEL JOSHUA REID LIFE ESTATE AND DAVID DWAYNE REID**

LOCATION: 4640 Plymouth Sorrento Road – 13-20-27-0000-00-031

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 2.50 +/- acres

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.

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 April 20, 2015.

DULY ADVERTISED:

April 24, 2015 - 1/4 Page Public Hearing Advertisement
May 1, 2015 - 1/4 Page Public Hearing Advertisement
May 8, 2015 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

May 6, 2015 (1:30 pm) - City Council 1st Reading
May 20, 2015 (7:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #1a.

The **City Council**, at its meeting on May 6, 2015, accepted the First Reading of Ordinance No. 2422 and held it over for Second Reading and Adoption on May 20, 2015.

Adopt Ordinance No. 2422.

EXHIBIT "A"
CITY OF APOPKA
2015 ANNEXATION CYCLE #1a

TOTAL ACRES: 41.39 +/-
ANNEXATION ORDINANCE NOS.: 2417-2423

Adopted this 20th day of May, 2015

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2417	1	Diana Donohoe Life Estate Debra Reid Wilbarger	4664 Plymouth Sorrento Road 4646 Plymouth Sorrento Road	13-20-27-0000-00-043	4.85	Manf. Home (3) SFR (3)	Rural Max. 1du/10 acres
				13-20-27-0000-00-042	<u>1.33</u> 6.18		
2418	2	Diane Reid-Goolsby	4668 Plymouth Sorrento Road 4672 Plymouth Sorrento Road	13-20-27-0000-00-049	1.76	Vacant Land	Rural Max. 1du/10 acres
				13-20-27-0000-00-044	<u>1.72</u> 3.48		
2419	3	Diane Reid- Goolsby Debra Reid Wilbarger	4680 Plymouth Sorrento Road	13-20-27-0000-00-010	21.36	SFR (2) WAREHOUSE	Rural Max. 1du/10 acres
2420	4	Diane Reid-Goolsby	4622 Plymouth Sorrento Road	13-20-27-0000-00-041	2.88	Church SFR (2)	Rural Max. 1du/10 acres
2421	5	Diana Donohoe Life Estate Debra Reid Wilbarger	4634 Plymouth Sorrento Road	13-20-27-0000-00-039	2.50	Manf. Home	Rural Max. 1du/10 acres
2422	6	Daniel Joshua Reid Life Estate David Dwayne Reid	4640 Plymouth Sorrento Road	13-20-27-0000-00-031	2.50	SFR Manf. Home Warehouse	Rural Max. 1du/10 acres
2423	7	Debra Reid Wilbarger Life Estate Diana Nichole Reid-McClure Dwana Michelle Reid-McClure	4528 Plymouth Sorrento Road	13-20-27-000-00-040	2.49	SFR Manf. Home (2)	Rural Max. 1du/10 acres
TOTAL ACRES					41.39		

g:\Shared\4020\PLANNING_ZONING\Annexations\2015 Cycle 1 Spreadsheet.wpd

ORDINANCE NO. 2422

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

WHEREAS, Daniel Joshua Reid Life Estate and David Dwayne Reid, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 4640 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 property, being situated in Orange County, Florida, totaling 2.50 +/- 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:

Legal Description:

THE NORTH 320 FEET OF THE SOUTH 500 FEET OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, (LESS THE EAST 330 FEET THEREOF), ORANGE COUNTY, FLORIDA

Parcel I.D.: 13-20-27-0000-00-031
Contains: 2.50 +/- Acres

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

ORDINANCE NO. 2422

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: May 6, 2015

READ SECOND TIME
AND ADOPTED: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2015
May 1, 2015
May 8, 2015

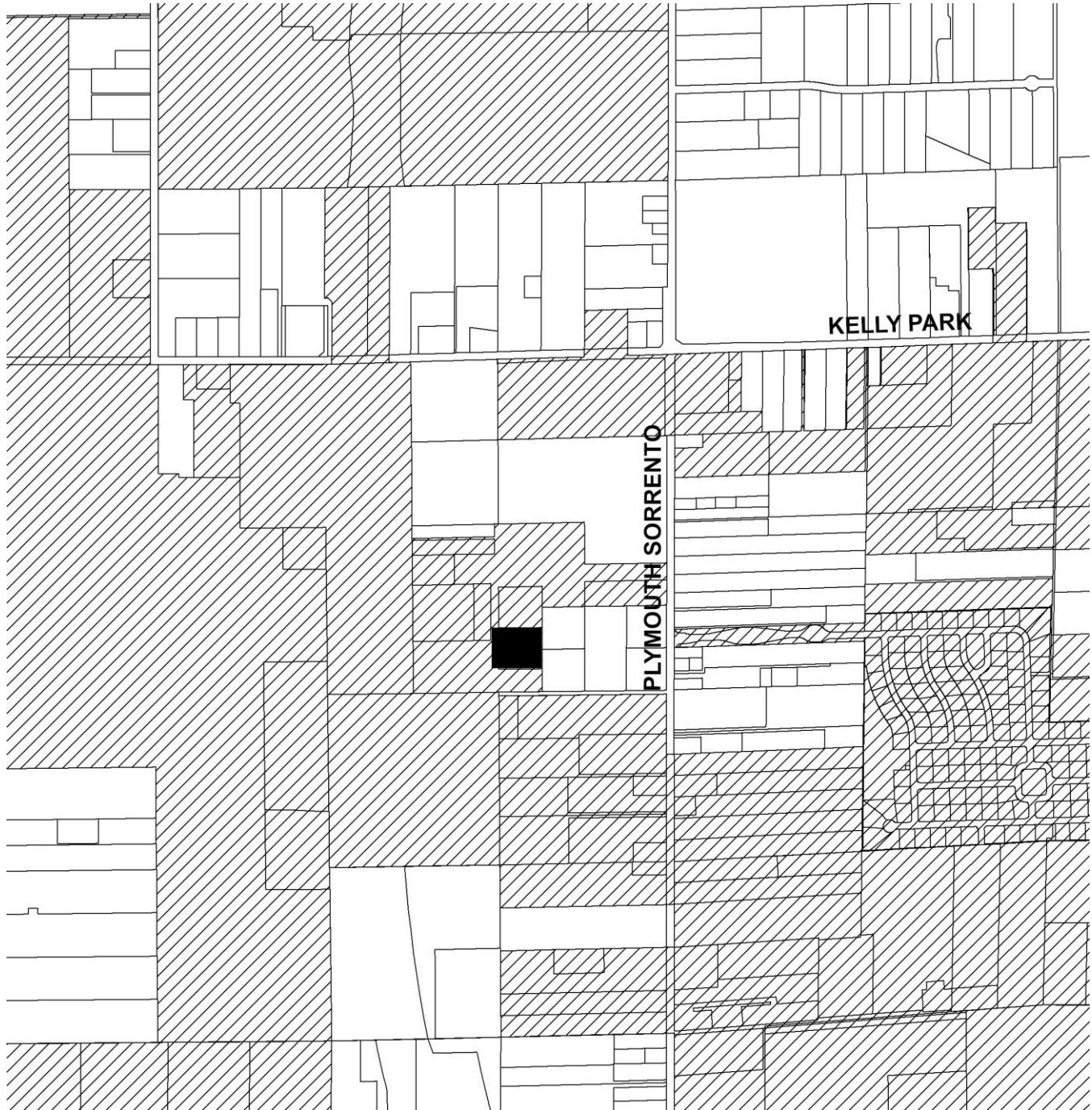


ANNEXATION
DANIEL JOSHUA REID LIFE ESTATE AND DAVID DWAYNE REID
4640 PLYMOUTH SORRENTO ROAD

Exhibit "A"
Ord. # 2422
Parcel ID: 13-20-27-0000-00-031

Total Acres: 2.50 +/-

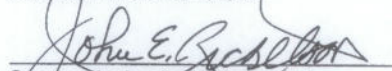
VICINITY MAP

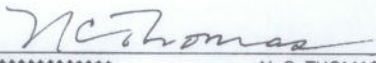


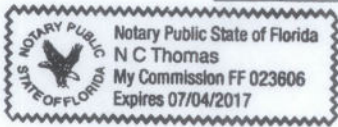
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said APOPKA CHIEF is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.





N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017

PUBLIC NOTICE

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2417

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

ORDINANCE NO. 2418

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

ORDINANCE NO. 2419

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

ORDINANCE NO. 2420

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

ORDINANCE NO. 2421

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

ORDINANCE NO. 2422

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

ORDINANCE NO. 2423

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

ORDINANCE NO. 2424

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 CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2425

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 MICHAEL D. AND CHRISTINE J. GARRETT MAXWELL, LOCATED AT 374 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2426

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 RONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

Backup material for agenda item:

8. ORDINANCE NO. 2423 – SECOND READING & ADOPTION - ANNEXATION – Debra Reid Wilbarger Life Estate, Diana Nichole Ried-McClure, and Dwana Michelle Reid-McClure, property located at 4528 Plymouth Sorrento Road (Parcel I.D. # 13-20-27-0000-00-040) (2.49 +/- acres) [Ordinance No. 2423 meets the requirements for adoption having been advertised in The Apopka Chief on May 8, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: May 20, 2015
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 1a
Ordinance Nos. 2423
Vicinity Map

SUBJECT: 2015 ANNEXATION - CYCLE NO. 1a

**Request: SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2423 –
DEBRA REID WILBARGER, DIANA NICHOLE REID-MCCLURE, AND
DWANA MICHELLE REID-MCCLURE**

SUMMARY:

OWNERS: **DEBRA REID WILBARGER, DIANA NICHOLE REID-MCCLURE, AND
DWANA MICHELLE REID-MCCLURE**

LOCATION: 4528 Plymouth Sorrento Road – 13-20-27-0000-00-040

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 2.49 +/- acres

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.

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 April 20, 2015.

DULY ADVERTISED:

April 24, 2015 - 1/4 Page Public Hearing Advertisement
May 1, 2015 - 1/4 Page Public Hearing Advertisement
May 8, 2015 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

May 6, 2015 (1:30 pm) - City Council 1st Reading
May 20, 2015 (7:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #1a.

The **City Council**, at its meeting on May 6, 2015, accepted the First Reading of Ordinance No. 2423 and held it over for Second Reading and Adoption on May 20, 2015.

Adopt Ordinance No. 2423.

EXHIBIT "A"
CITY OF APOPKA
2015 ANNEXATION CYCLE #1a

TOTAL ACRES: 41.39 +/-
ANNEXATION ORDINANCE NOS.: 2417-2423

Adopted this 20th day of May, 2015

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2417	1	Diana Donohoe Life Estate Debra Reid Wilbarger	4664 Plymouth Sorrento Road 4646 Plymouth Sorrento Road	13-20-27-0000-00-043	4.85	Manf. Home (3) SFR (3)	Rural Max. 1du/10 acres
				13-20-27-0000-00-042	<u>1.33</u> 6.18		
2418	2	Diane Reid-Goolsby	4668 Plymouth Sorrento Road 4672 Plymouth Sorrento Road	13-20-27-0000-00-049	1.76	Vacant Land	Rural Max. 1du/10 acres
				13-20-27-0000-00-044	<u>1.72</u> 3.48		
2419	3	Diane Reid- Goolsby Debra Reid Wilbarger	4680 Plymouth Sorrento Road	13-20-27-0000-00-010	21.36	SFR (2) WAREHOUSE	Rural Max. 1du/10 acres
2420	4	Diane Reid-Goolsby	4622 Plymouth Sorrento Road	13-20-27-0000-00-041	2.88	Church SFR (2)	Rural Max. 1du/10 acres
2421	5	Diana Donohoe Life Estate Debra Reid Wilbarger	4634 Plymouth Sorrento Road	13-20-27-0000-00-039	2.50	Manf. Home	Rural Max. 1du/10 acres
2422	6	Daniel Joshua Reid Life Estate David Dwayne Reid	4640 Plymouth Sorrento Road	13-20-27-0000-00-031	2.50	SFR Manf. Home Warehouse	Rural Max. 1du/10 acres
2423	7	Debra Reid Wilbarger Life Estate Diana Nichole Reid-McClure Dwana Michelle Reid-McClure	4528 Plymouth Sorrento Road	13-20-27-000-00-040	2.49	SFR Manf. Home (2)	Rural Max. 1du/10 acres
TOTAL ACRES					41.39		

g:\Shared\4020\PLANNING_ZONING\Annexations\2015 Cycle 1 Spreadsheet.wpd

ORDINANCE NO. 2423

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

WHEREAS, Debra Reid Wilbarger Life Estate; Diana Nichole Reid-McClure; and Dwana Michelle Ried-McClure, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 4528 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 property, being situated in Orange County, Florida, totaling 2.49 +/- 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:

Legal Description:

THE EAST 330 FEET OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST (LESS THE SOUTH 330 FEET), ORANGE COUNTY, FLORIDA.
Parcel I.D.: 13-20-27-0000-00-040
Contains: 2.49 +/- Acres

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

ORDINANCE NO. 2423

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: May 6, 2015

READ SECOND TIME
AND ADOPTED: May 20, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: April 24, 2015
May 1, 2015
May 8, 2015



ANNEXATION
DEBRA REID WILBARGER LIFE ESTATE; DIANA NICHOLE REID-MCCLURE;
AND DWANA MICHELLE RIED-MCCLURE
4528 PLYMOUTH SORRENTO ROAD

Exhibit "A"
Ord. # 2423
Parcel ID: 13-20-27-0000-00-040

Total Acres: 2.49 +/-

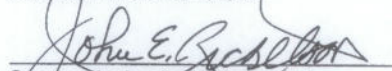
VICINITY MAP

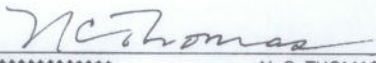


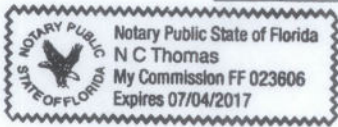
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 8, 2015**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said APOPKA CHIEF is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical class mail matter ("second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sworn and subscribed before me this
8th day of May, 2015, by John E. Ricketson,
who is personally known to me.





N. C. THOMAS
Notary Public, State of Florida
My Commission FF 023606
Expires July 04, 2017

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, May 20, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2417

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

ORDINANCE NO. 2418

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

ORDINANCE NO. 2419

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

ORDINANCE NO. 2420

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

ORDINANCE NO. 2421

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

ORDINANCE NO. 2422

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

ORDINANCE NO. 2423

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

ORDINANCE NO. 2424

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 CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2425

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 MICHAEL D. AND CHRISTINE J. GARRETT MAXWELL, LOCATED AT 374 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2426

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 RONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council
Community Development Department

May 8, 2015
Publish: The Apopka Chief

Backup material for agenda item:

11. ORDINANCE NO. 2429 – FIRST READING – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Everlasting Covenant Christian Center, Inc. from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071)



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: May 20, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2429

SUBJECT: ORDINACNE NO. 2429 - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - EVERLASTING COVENANT CHRISTIAN CENTER, INC.

Request: FIRST READING OF ORDINANCE NO. 2429 - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT – EVERLASTING COVENANT CHRISTIAN CENTER, INC., 1250 PIEDMONT WEKIWA ROAD, FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE; AND HOLD OVER FOR SECOND READING & ADOPTION. (PARCEL ID NO.: 13-21-28-0000-00-071)

SUMMARY

OWNER: Everlasting Covenant Christian Center, Inc.
APPLICANT: Telesis Services, LLC, c/o Greg Banta and Scott Banta
LOCATION: West of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1250 Piedmont Wekiwa Road)
EXISTING USE: Church
CURRENT ZONING: R-1
PROPOSED DEVELOPMENT: Church
PROPOSED ZONING: Planned Unit Development (PUD/PO/I) (Note: this Future Land Use Map amendment request is being processed along with the request to change the Zoning Map designation)
TRACT SIZE: 2.73 +/- acres
1.67 +/- developable (1.06 +/- submerged)
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 8 Units
PROPOSED: 21,823 Sq. Ft.

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
City Administrator Irby
City Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcel was annexed into the City of Apopka on December 16, 1998, through the adoption of Ordinance No. 1209. The proposed Small-Scale Future Land Use Amendment is being requested by the owner. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 2.73 acres, of which 1.67 acres is developable. The property owner intends to use the site for a church.

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

COMPREHENSIVE PLAN COMPLIANCE:

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

SCHOOL CAPACITY REPORT:

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of 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 April 10, 2015.

PUBLIC HEARING SCHEDULE:

May 12, 2015 - Planning Commission (5:01 pm)
May 20, 2015- City Council (7:00 pm) - 1st Reading
June 3, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification
May 22, 2015 – Ordinance Heading Ad
May 29, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment is consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval of the change in Future Land Use from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Everlasting Covenant Christian Center, LLC.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the change in Future Land Use from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Everlasting Covenant Christian Center, LLC.

Accept the First Reading of Ordinance No. 2429 and Hold Over for Second Reading and Adoption on June 3, 2015.

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.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0-5 du/ac)	R-1	Single-Family Residence
East (City)	Residential Low (0-5 du/ac)	R-1A	Single-Family Residence, Vacant Land, Blue Lake
South (City)	Rural Settlement (0-1 du/5 ac)	R-1	Vacant Land
South (County)	Rural (0-1 du/10 ac)	A-1	Stormwater Pond
West (County)	Rural (0-1 du/10 ac)	A-1	Vacant Land, Lake Page

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of agricultural uses and rural county estate residential. The property lies north of S.R. 441 and west of Piedmont Wekiwa Road.

- Wekiva Parkway Interchange Vision Plan Area: No
- 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 Joint Planning area.

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

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

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

Analysis of the character of the Property: The Property fronts Piedmont Wekiwa Road. The vegetative communities present are urban; the soils present are Tavares fine sand; approximately 1.06 +/- acres of the property is submerged in Lake Page, and the terrain has a 0-5 percent slope.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Office (0.30 FAR). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 8 Unit(s) x 2.659 p/h = 21 persons
PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 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 greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan. The subject site has access to Piedmont Wekiwa Road, which is a major collector road.

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 1568 GPD
3. Projected total demand under proposed designation: 3273 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

2. Projected total demand under existing designation: 3632 GPD
3. Projected total demand under proposed designation: 4365 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: 84 GPD/Capita
4. Projected LOS under proposed designation: 44 GPD/Capita
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 21.981 GPD

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

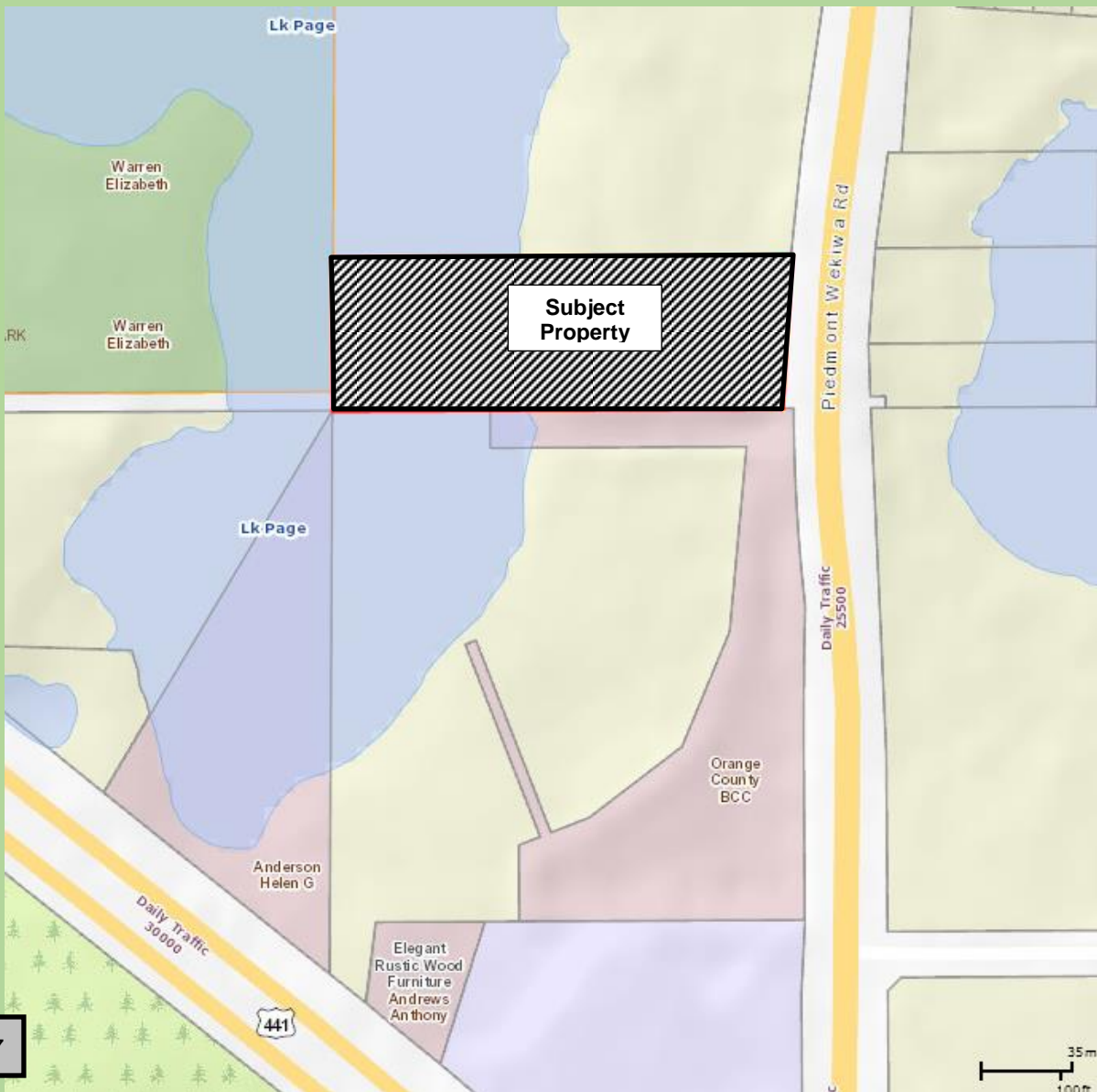
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.063 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

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



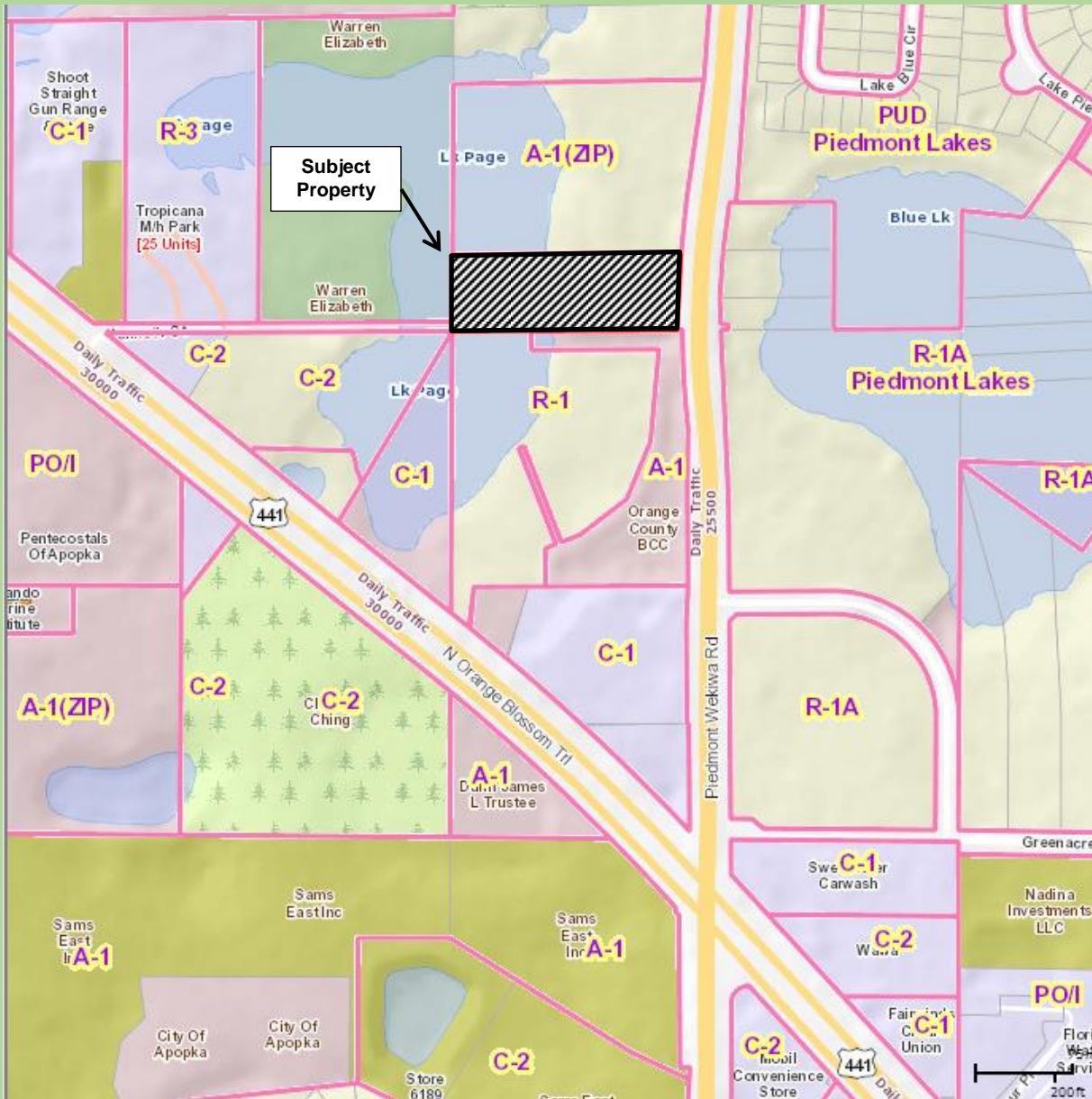
Everlasting Covenant Christian Center, Inc.
2.73 +/- Acres
Existing Maximum Allowable Development: 8 dwelling units
Proposed Maximum Allowable Development: 21,823 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Proposed Zoning Change
From: R-1
To: Planned Unit Development (PUD/PO/I)
Parcel ID #: 13-21-28-0000-00-071

VICINITY MAP



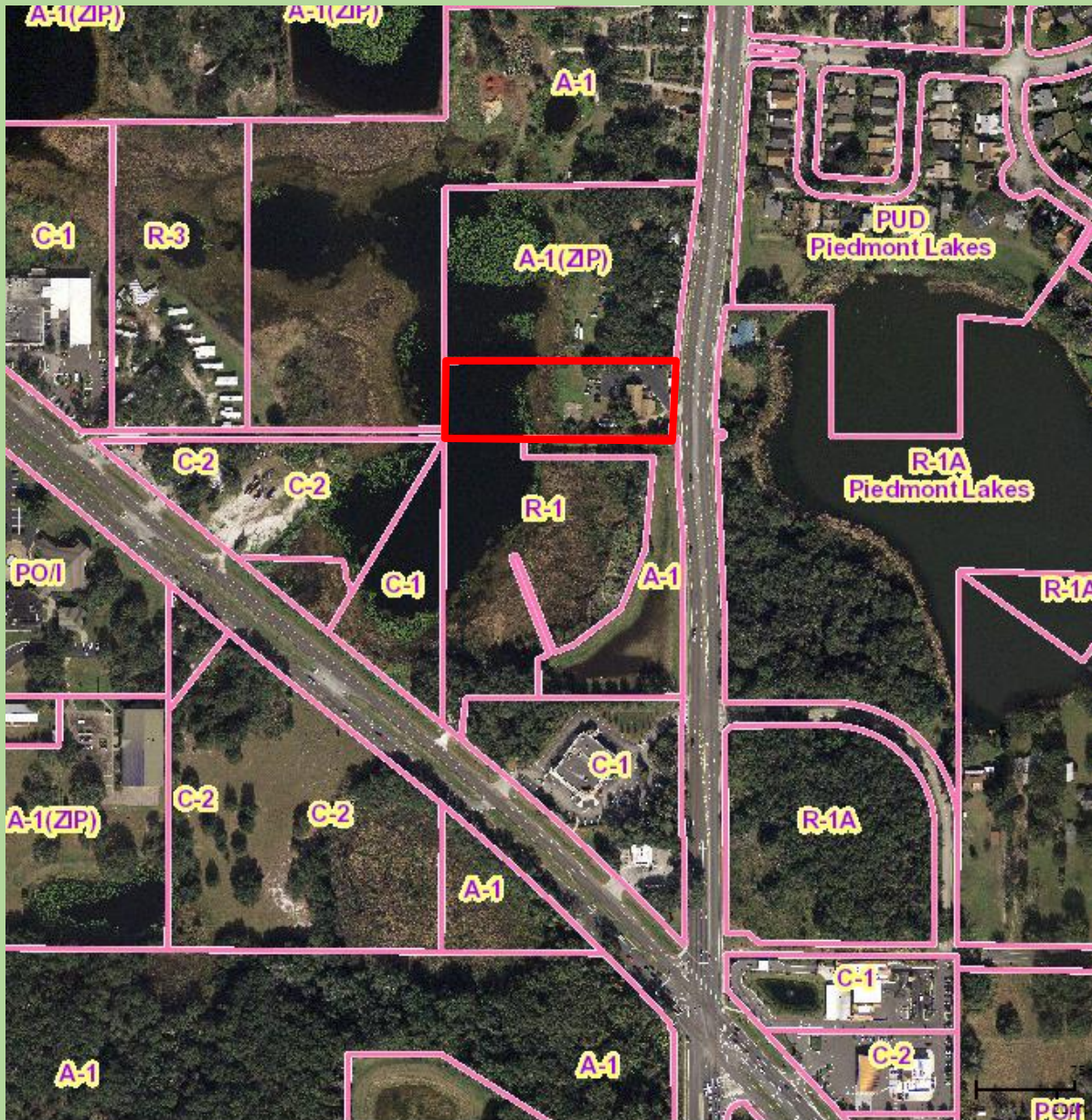


ADJACENT ZONING



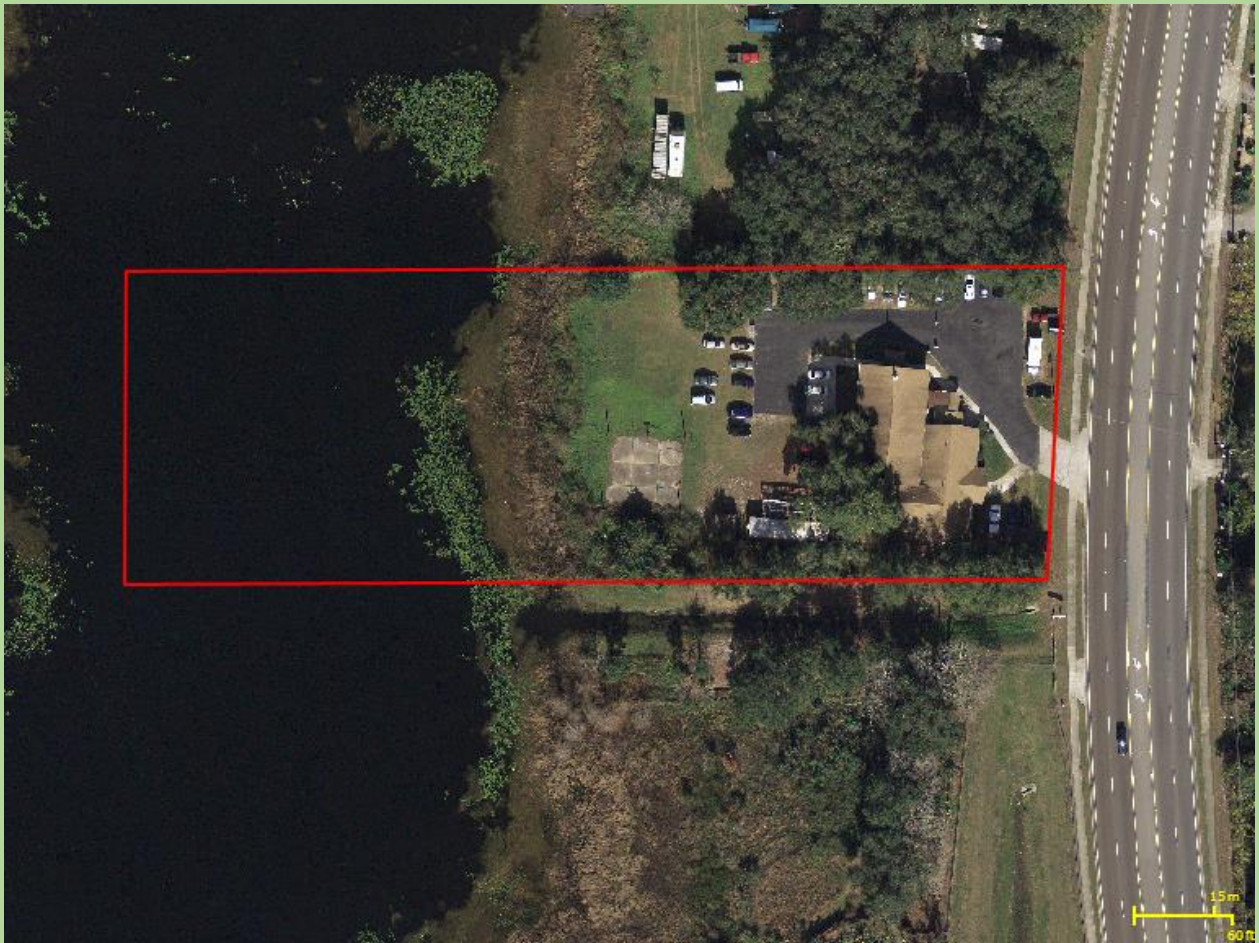


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.3 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CENTER, INC.; 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. 2411 on April 1, 2015; and

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

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

Section I. Purpose and Intent.

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

Section II. Future Land Use Element.

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2411, is amended in its entirety to change the land use from Residential Low (0-5 du/ac) to Office (0.3 FAR), for certain real property generally located west of Piedmont Wekiwa Road, north of US 441, comprising 2.73 acres more or less, (Parcel No. 13-21-28-0000-00-071; as further described in Exhibit "A" attached hereto.

Section III. Applicability and Effect.

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

Section IV. Severability.

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

ORDINANCE NO. 2429

PAGE 2

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

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this _____ day of _____, 2015.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: April 24, 2015
May 22, 2015
May 29, 2015

ORDINANCE NO. 2429

**Everlasting Covenant Christian Center, Inc.
2.73 +/- Acres**

Existing Maximum Allowable Development: 8 dwelling units

Proposed Maximum Allowable Development: 21,823 Sq. Ft.

Proposed Small Scale Future Land Use Change

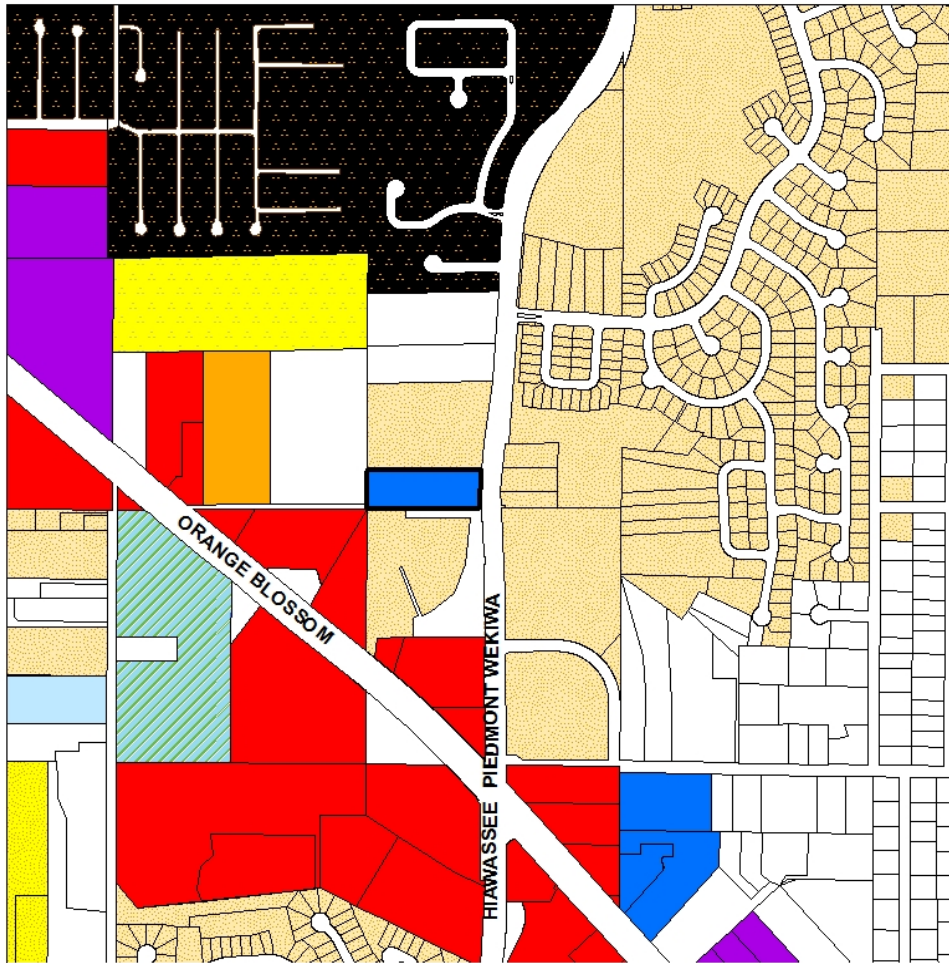
From: Residential Low (0-5 du/ac)

To: Office (0.30 FAR)

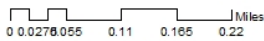
Parcel ID #: 13-21-28-0000-00-071



VICINITY MAP



**City of Apopka
Future Land Use Map**



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

Legend

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



Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: May 20, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2430

SUBJECT: ORDINANCE NO. 2430 - CHANGE OF ZONING - EVERLASTING COVENANT CHRISTIAN CENTER, INC.

Request: FIRSTS READING OF ORDINANCE NO. 2430 - CHANGE OF ZONING – EVERLASTING COVENANT CHRISTIAN CENTER, INC., 1250 PIEDMONT WEKIWA ROAD, FROM R-1 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD/PO/I) (0.30 FAR). (PARCEL ID NO. 13-21-28-0000-00-071); AND HOLD OVER FOR SECOND AND ADOPTION.

SUMMARY

OWNER: Everlasting Covenant Christian Center, Inc.

APPLICANT: Telesis Services, LLC, c/o Greg Banta and Scott Banta

LOCATION: West of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1250 Piedmont Wekiwa Road)

EXISTING USE: Church

FLUM DESIGNATION: Residential Low Density (0 – 5 du/ac); (proposed -- Office)

CURRENT ZONING: R-1

PROPOSED DEVELOPMENT: Church

PROPOSED ZONING: Planned Unit Development (PUD/PO/I) (Note: this Change of Zoning request is being processed along with the request to change the Future Land Use Map designation to Office)

TRACT SIZE: 2.73 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 14 Units
PROPOSED: 21,823 Sq. Ft.

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject parcel was annexed into the City of Apopka on December 16, 1998, through the adoption of Ordinance No. 1209. The proposed change of zoning is being requested by the owner.

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

PUD RECOMMENDATIONS: That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

A. The uses permitted within the PUD district shall be: all such uses permitted within the PO/I (Professional Office/Institutional PO\I (zoning category) except for following PO\I uses shall be prohibited:

1. Hospitals, museums, libraries or cultural institutions;
2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
3. All other uses listed as prohibited within the Professional Office/Institutional zoning district.

A church parsonage will require a special exception approval from the Planning Commission.

B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Final Development Plan submitted in association with the PUD district.

C. If a Final Development Plan associated with the PUD district has not been approved by the City within five years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

1. Permit a single six-month extension for submittal of the required Final Development Plan;
2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
3. Rezone the property to a more appropriate zoning classification.

D. The following development standards shall apply to the development of the Property and for the master site plan:

Building Design Standards:

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

- d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
- e. A main building entrance shall face a public street.

Building Design Guidelines

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

Site Design Standards:

1. The front façade and primary entrance of the building shall be oriented toward the front of the property.
2. Minimum front setback of 15 ft. and a maximum of 25 ft.
3. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
4. Parking is located at the rear or side of any building.

Signage

1. Sign copy on a monument sign shall not exceed 36 sq. ft.
2. No sign shall include changeable sign copy or electronic reader board signage.
3. An office building shall include wall signage.

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

SCHOOL CAPACITY REPORT: Because this Change of Zoning represents a change to a non-residential designation, notification of 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 April 10, 2015.

PUBLIC HEARING SCHEDULE:

May 12, 2015 - Planning Commission (5:01 pm)
May 20, 2015- City Council (7:00 pm) - 1st Reading
June 3, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification
May 22, 2015 – Ordinance Heading Ad
May 29, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Zoning from R-1 to Planned Unit Development (PUD/PO/I) subject to the PUD developments standards for the property owned by Everlasting Covenant Christian Center, LLC.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the change in Zoning from R-1 to Planned Unit Development (PUD/PO/I) for the property owned by Everlasting Covenant Christian Center, LLC.

Accept the First Reading of Ordinance No. 2430 and Hold Over for Second Reading and Adoption on June 3, 2015.

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

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0-5 du/ac)	A-1 (ZIP)	Single-Family Residence
East (City)	Residential Low (0-5 du/ac)	R-1A	Single-Family Residence, Vacant Land, Blue Lake
South (City)	Rural Settlement (0-1 du/5 ac)	R-1	Vacant Land
South (County)	Rural (0-1 du/10 ac)	A-1	Stormwater Pond
West (County)	Rural (0-1 du/10 ac)	A-1	Vacant Land, Lake Page

LAND USE & TRAFFIC COMPATIBILITY:

The property has access to a Minor Arterial roadway (Piedmont Wekiwa Road). A church is a permissible use within the PO/I zoning category. Future land use designations and zoning categories assigned to properties to the north, south, east, and west is predominantly residential. To assure office development occurs compatible with the general residential character to the north and east of the subject property, development standards can guide architecture and building mass of office buildings and limit permissible uses to those that will have a minimal impact on nearby residential areas.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed PO/I zoning is compatible with policies set forth in the Comprehensive Plan.

PO/I DISTRICT REQUIREMENTS:

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

BUFFERYARD REQUIREMENTS:

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

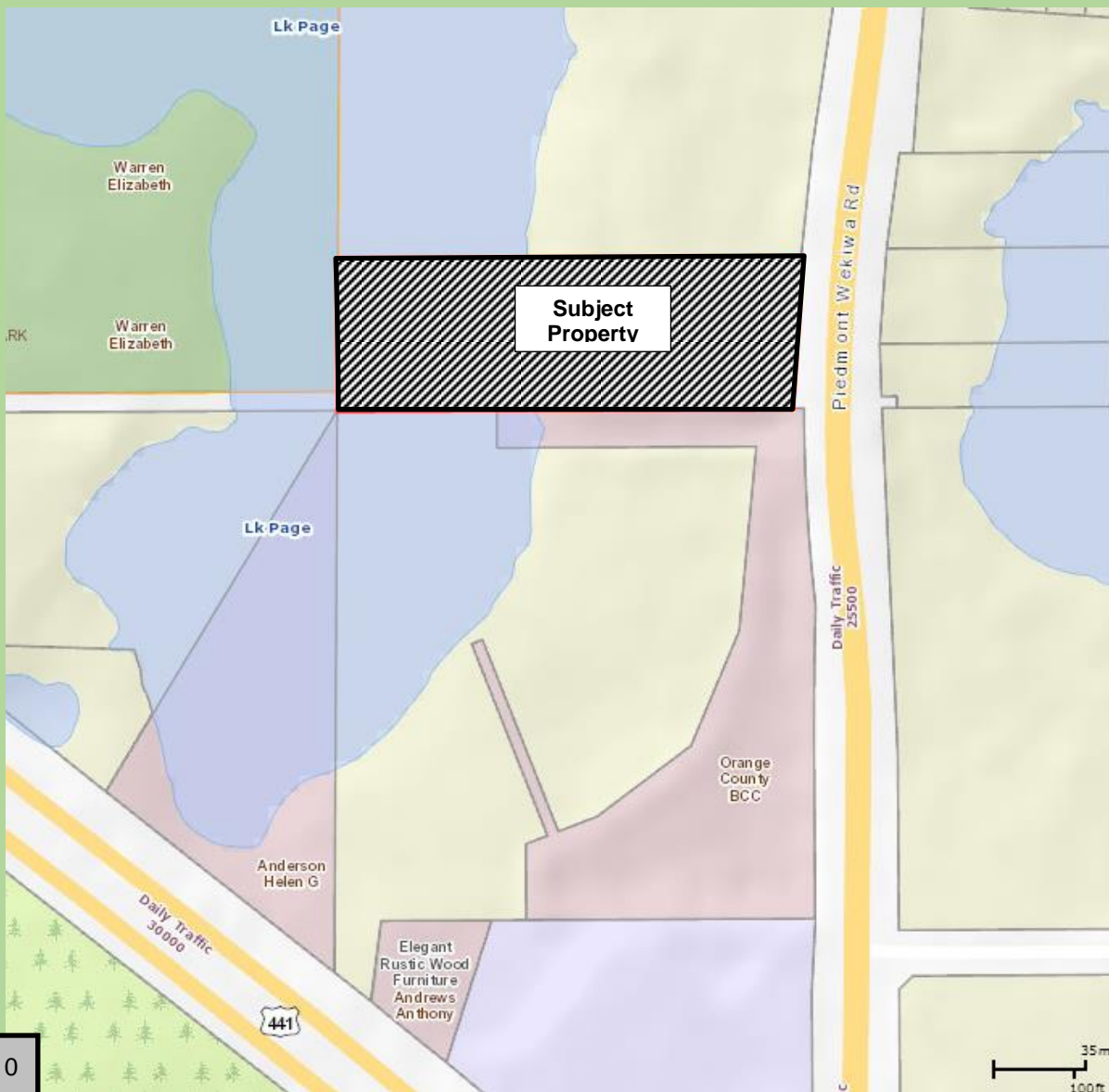
ALLOWABLE USES:

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



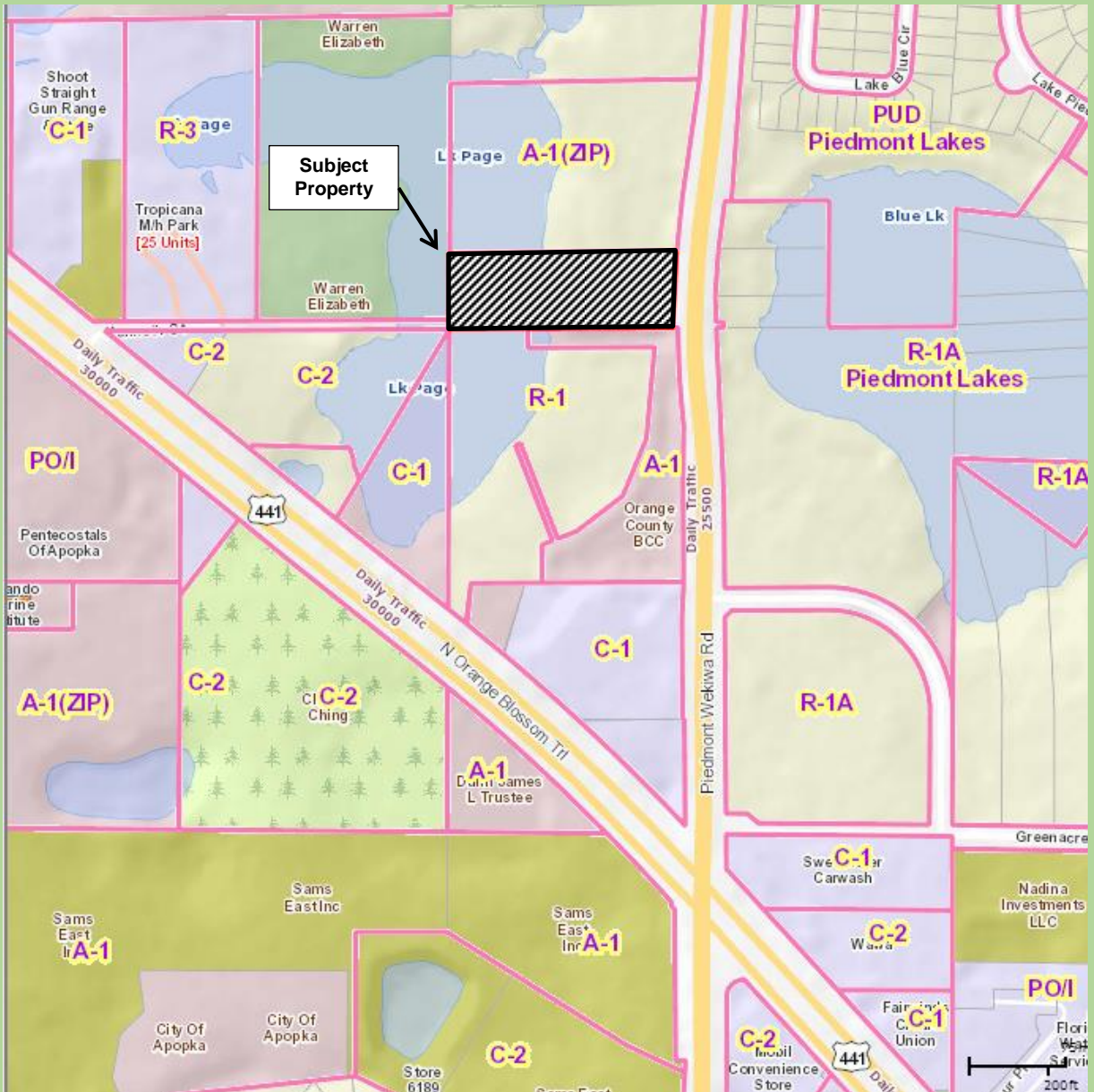
Everlasting Covenant Christian Center, Inc.
2.73 +/- Acres
Existing Maximum Allowable Development: 14 dwelling units
Proposed Maximum Allowable Development: 21,823 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Proposed Zoning Change
From: R-1
To: Planned Unit Development (PUD/PO/I)
Parcel ID #: 13-21-28-0000-00-071

VICINITY MAP



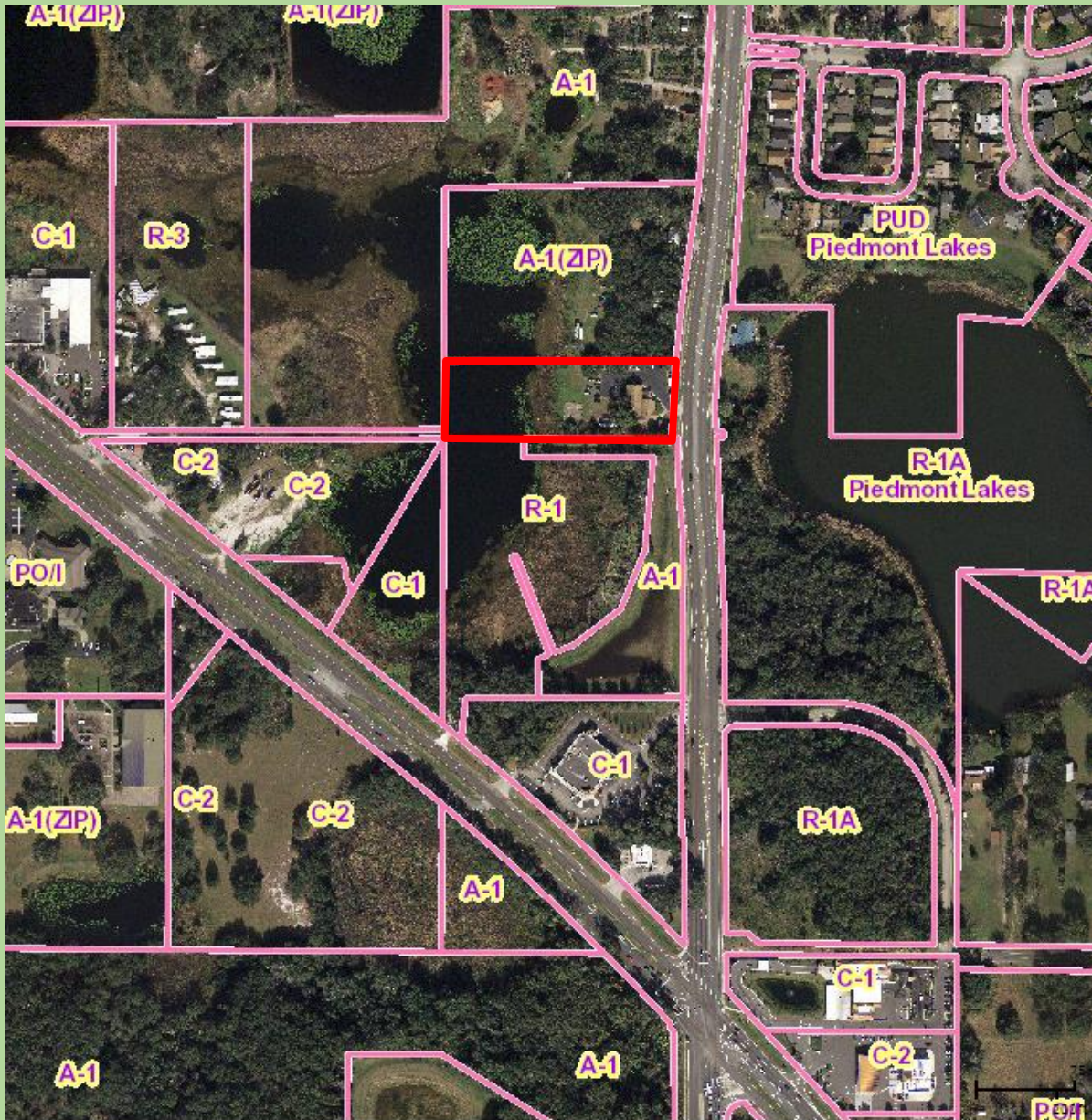


ADJACENT ZONING



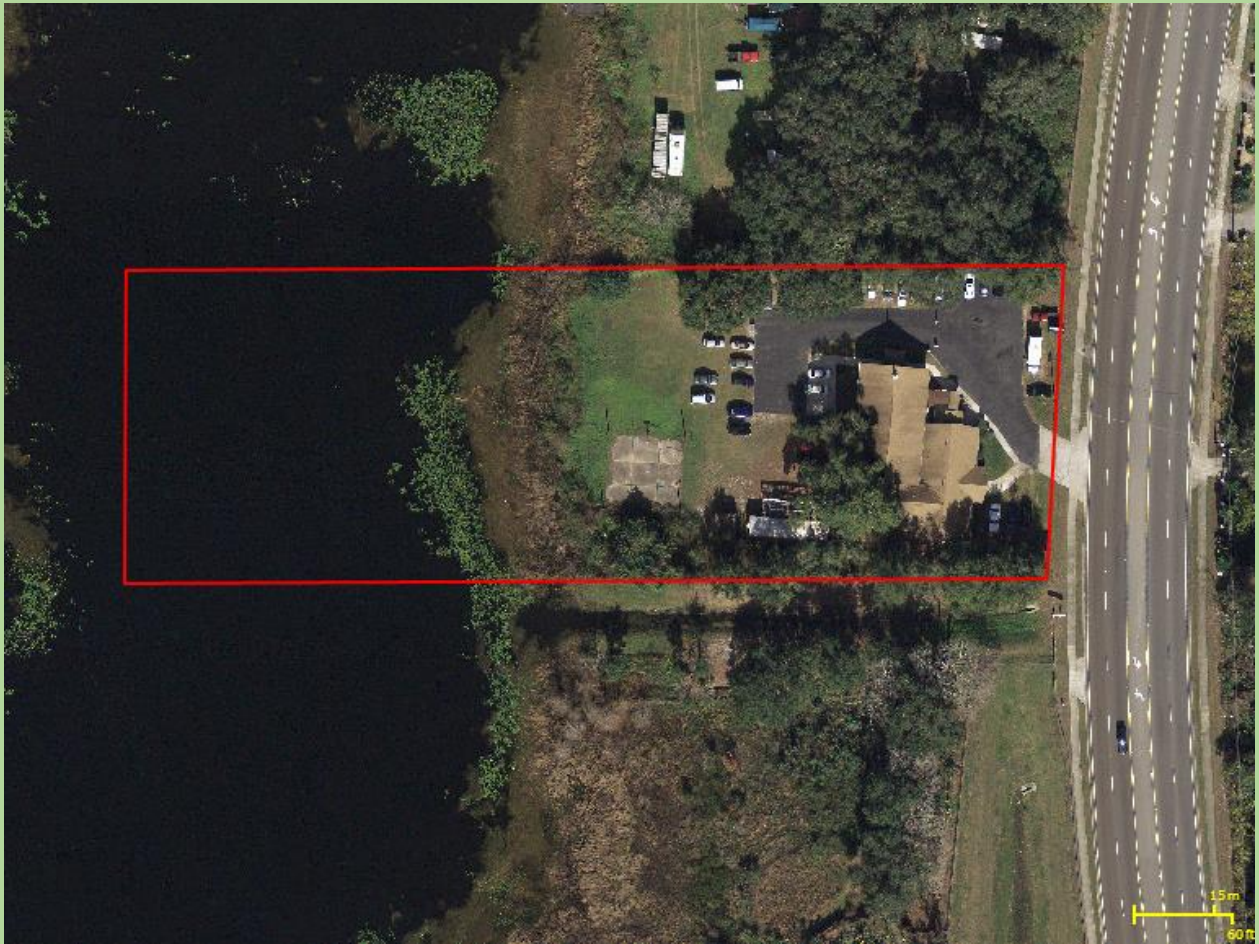


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2430

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

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

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

WHEREAS, the proposed Planned Unit Development (PUD/PO/I) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD/PO/I), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: (1) all such uses permitted within the PO/I zoning category; except for following PO\I uses shall be prohibited:
 - 1. Hospitals, museums, libraries or cultural institutions;
 - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
 - 3. All other uses listed as prohibited within the Professional Office/Institutional zoning district.A church parsonage will require a special exception approval from the Planning Commission.
- B. Unless the City Council finds, based on substantial competent evidence, a proposed alternative development guideline is adequate to protect the public health safety and welfare, development within the PUD district shall conform to the development standards for the PO/I (Professional Office/Institutional) zoning district.
- C. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary or Final Development Plan submitted in association with the PUD district.

- D. If a Final Development Plan associated with the PUD district has not been approved by the City within five years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

1. Permit a single six-month extension for submittal of the required Final Development Plan;
2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
3. Rezone the property to a more appropriate zoning classification.

E. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following development standards shall apply to the development of the Property:

1. Building Design Standards:

New development shall have architectural features and materials that are residential in character.

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

2. Building Design Guidelines

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

3. Site Design Standards:

- a. The front façade and primary entrance of the building shall be oriented toward the front of the property.
- b. Minimum front setback of 15 ft. and a maximum of 25 ft.
- c. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
- d. Parking is located at the rear or side of any building.

4. Signage

- a. Sign copy on a monument sign shall not exceed 36 sq. ft.
- b. No sign shall include changeable sign copy or electronic reader board signage.
- c. An office building shall include wall signage.

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

Legal Description:

THE SOUTH 200 FEET OF THAT PART OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 28 EAST, LYING WEST OF COUNTY ROAD. LESS THAT PORTION TAKEN FOR R/W DESCRIBED IN ORDER OF TAKING RECORDED IN O.R. BOOK 4331, PAGE 4525, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-21-28-0000-00-071

Contains: 2.73 +/- Acres

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

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

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

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

Section VII. That this Ordinance shall take effect upon adoption of Ordinance No. 2429.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

Backup material for agenda item:

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



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: May 20, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2431

SUBJECT: ORDINANCE NO. 2431 - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – JOSEPH E. BALL AND JEFF P. BALL

Request: FIRST READING OF ORDINANCE NO. 2431 - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT – JOSEPH E. BALL AND JEFF P. BALL, 1166 PIEDMONT WEKIWA ROAD, FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR); AND HOLD OVER FOR SECOND READING & ADOPTION. (PARCEL ID NO.: 13-21-28-0000-00-030)

SUMMARY

OWNERS: Joseph E. Ball and Jeff P. Ball
APPLICANT: Telesis Services, LLC, c/o Greg Banta and Scott Banta
LOCATION: West of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1166 Piedmont Wekiwa Road)
EXISTING USE: Single-family residence
CURRENT ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Professional Office
PROPOSED ZONING: Planned Unit Development (PUD/PO/I) (Note: this Future Land Use Map amendment request is being processed along with the request to change the Zoning Map designation)
TRACT SIZE: 6.49 +/- acres
3.72 +/- acres developable (2.77 +/- acres submerged)
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 19 Units
PROPOSED: 48,162 Sq. Ft.

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject parcel was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2011. The proposed Small-Scale Future Land Use Amendment is being requested by the owner. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 6.49 acres, of which 3.72 acres are developable. The property owner intends to use the site for a professional office development.

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

COMPREHENSIVE PLAN COMPLIANCE:

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

SCHOOL CAPACITY REPORT:

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of 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 April 10, 2015.

PUBLIC HEARING SCHEDULE:

May 12, 2015 - Planning Commission (5:01 pm)
May 20, 2015- City Council (7:00 pm) - 1st Reading
June 3, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification
May 22, 2015 – Ordinance Heading Ad
May 29, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** the proposed amendment is consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval of the change in Future Land Use from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Joseph E. Ball and Jeff P. Ball, subject to adoption of zoning regulations that assure compatibility with residential character of areas to the east and north.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the change in Future Land Use from Residential Low (0-5 du/ac) to Office (0.30 FAR) for the property owned by Joseph E. Ball and Jeff P. Ball.

Accept the First Reading of Ordinance No. 2431 and Hold Over for Second Reading and Adoption on June 3, 2015.

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.

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)	Residential Low (0-5 du/ac)	A-1	Single-Family Residence
East (City)	Residential Low (0-5 du/ac)	PUD & R-1A	Single-Family Residences, Vacant Land, Blue Lake
South (City)	Residential Low (0-5 du/ac)	R-1	Church
West (County)	Rural (0-1 du/10 ac)	A-1	Vacant Land, Lake Page

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of professional office. The property lies north of S.R. 441 and west of Piedmont Wekiwa Road.

Wekiva Parkway Interchange Vision Plan Area: No
 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 Joint Planning area.

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

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

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

Analysis of the character of the Property: The Property fronts Piedmont Wekiwa Road. The vegetative communities present are urban; the soils present are Tavares fine sand; approximately 2.77 +/- acres of the property are submerged in Lake Page, and the terrain has a 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Office (0.30 FAR). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 19 Unit(s) x 2.659 p/h = 51 persons
PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 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 greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan. The subject site has access to Piedmont Wekiwa Road, which is a minor arterial road.

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 3724 GPD
3. Projected total demand under proposed designation: 7224 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 8626 GPD
3. Projected total demand under proposed designation: 9632 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: 204 GPD/Capita
4. Projected LOS under proposed designation: 96 GPD/Capita
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 21.981 GPD

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

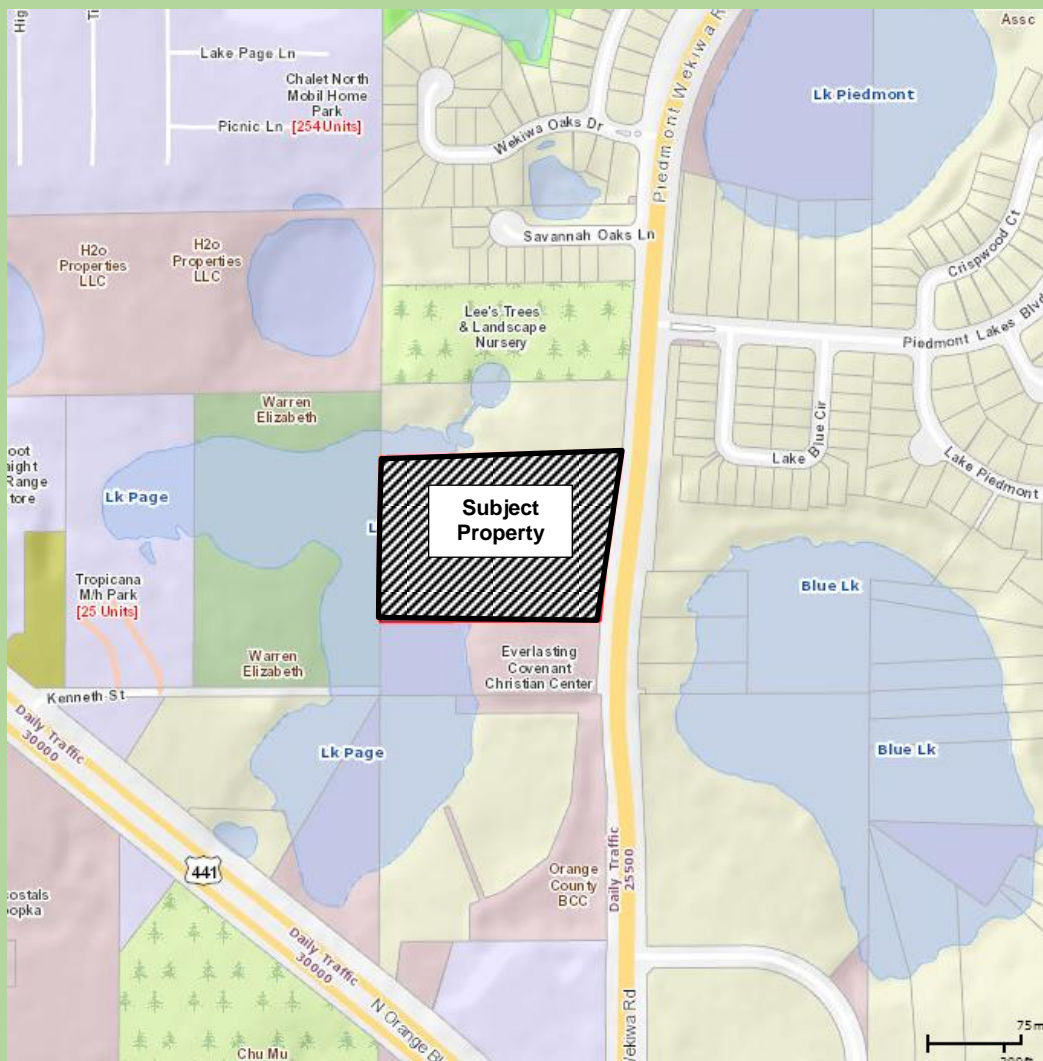
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.153 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

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



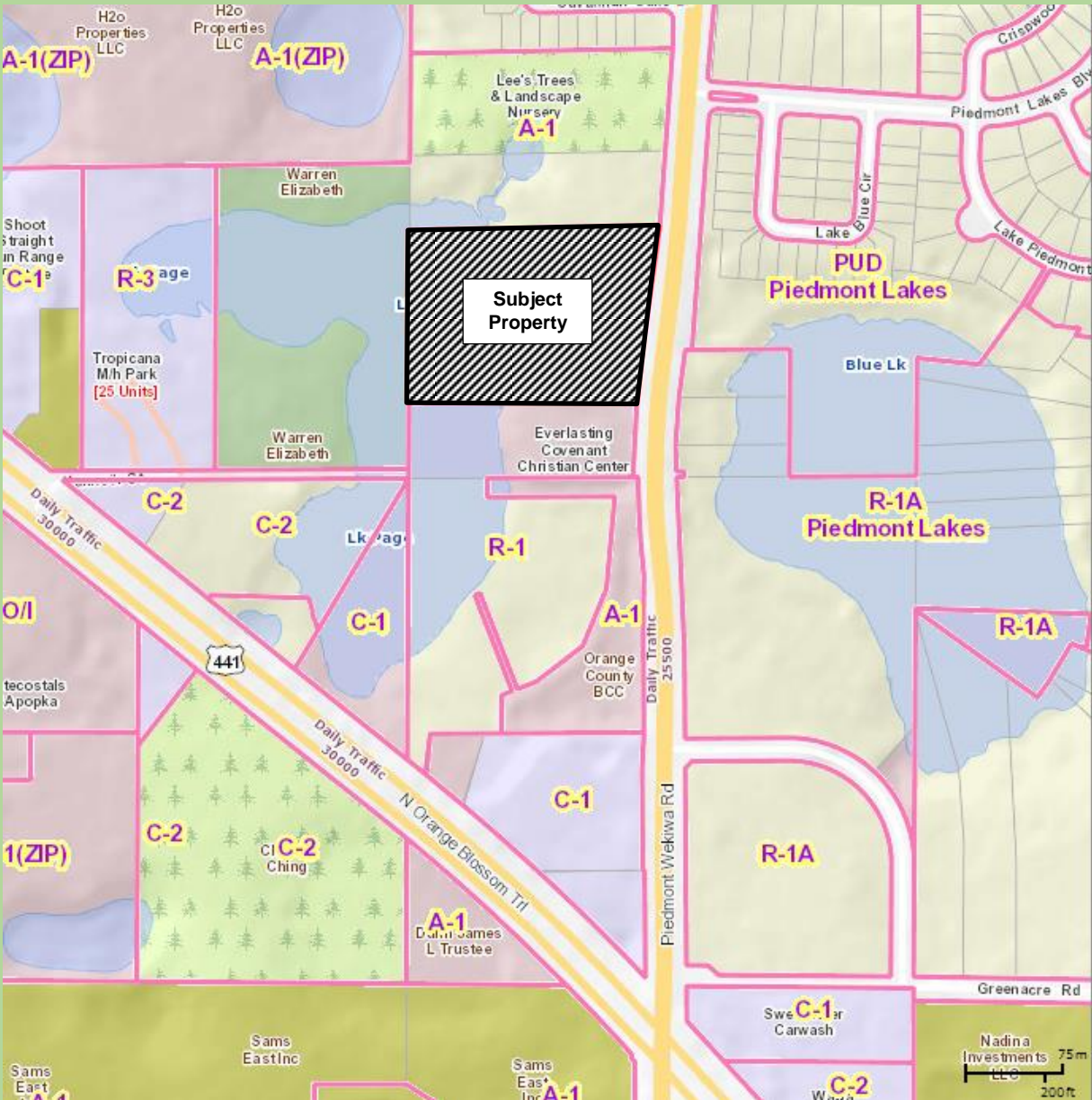
Joseph E. Ball and Jeff P. Ball
6.49 +/- Acres
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Proposed Maximum Allowable Development: 48,162 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Parcel ID #: 13-21-28-0000-00-030

VICINITY MAP



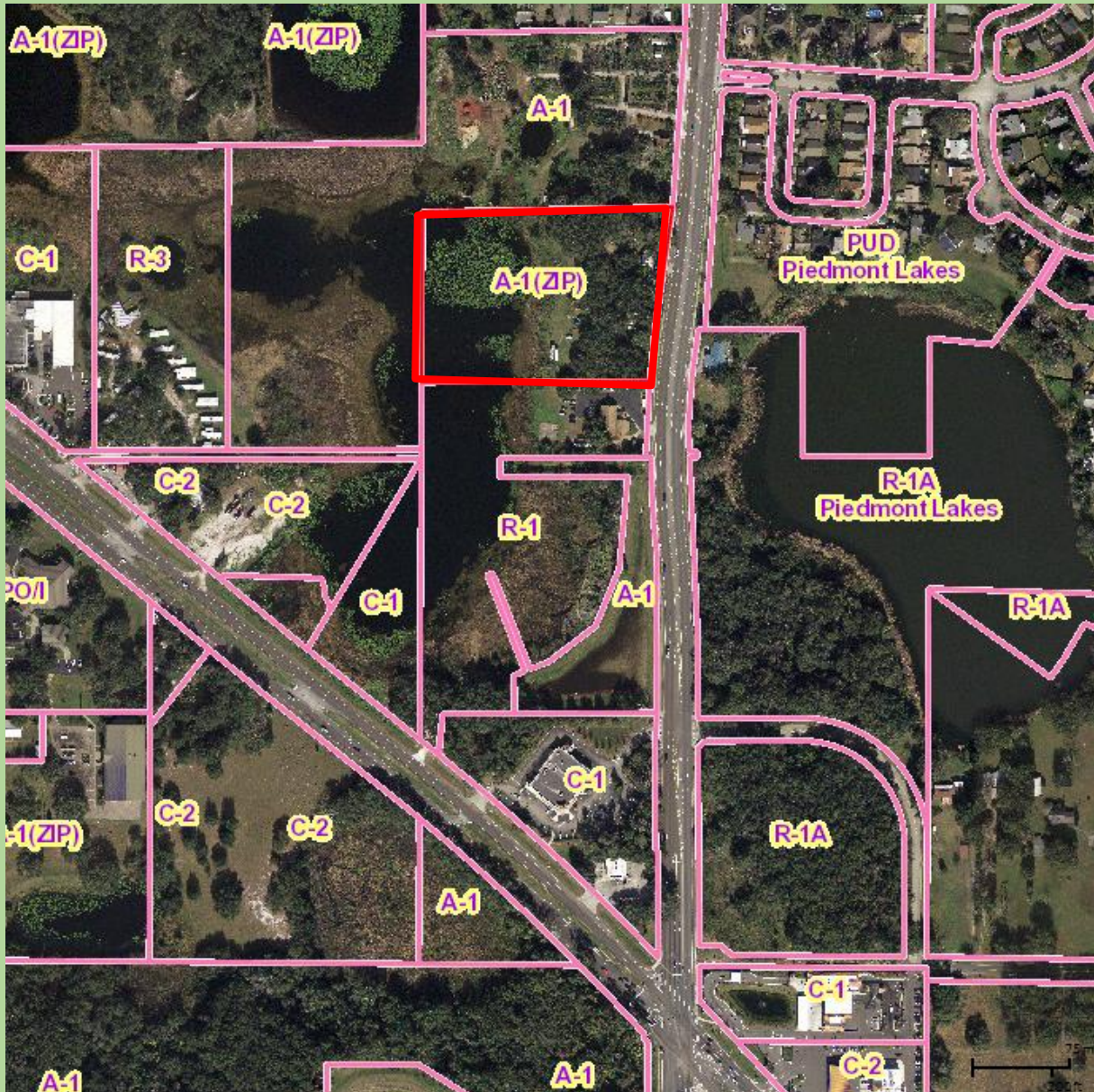


ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.3 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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. 2411 on April 1, 2015; and

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

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

Section I. Purpose and Intent.

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

Section II. Future Land Use Element.

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2411, is amended in its entirety to change the land use from Residential Low (0-5 du/ac) to Office (0.3 FAR), for certain real property generally located west of Piedmont Wekiwa Road, north of US 441, comprising 6.49 acres more or less, (Parcel No. 13-21-28-0000-00-030; as further described in Exhibit "A" attached hereto.

Section III. Applicability and Effect.

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

Section IV. Severability.

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

ORDINANCE NO. 2431
PAGE 2

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

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this _____ day of _____, 2015.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: April 24, 2015
May 22, 2015
May 29, 2015

EXHIBIT "A"

ORDINANCE NO. 2431

Joseph E. Ball and Jeff P. Ball

6.49 +/- Acres

Existing Maximum Allowable Development: 19 dwelling units

Proposed Maximum Allowable Development: 48,162 Sq. Ft.

Proposed Small Scale Future Land Use Change

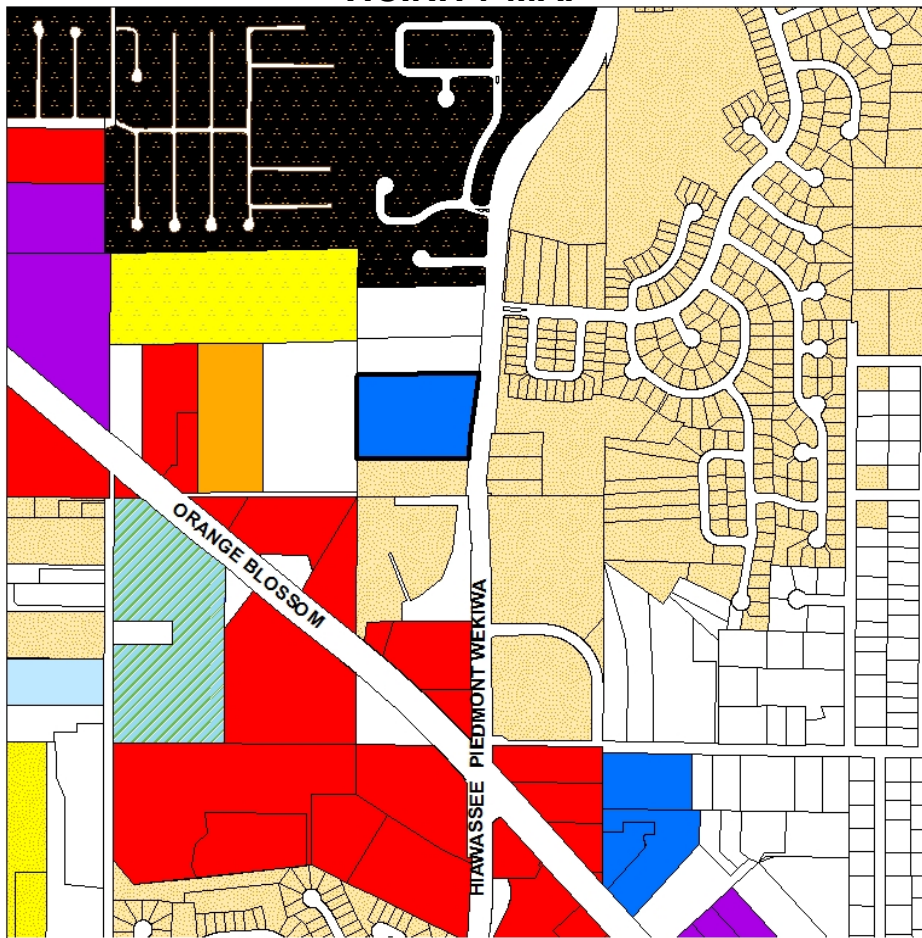
From: Residential Low (0-5 du/ac)

To: Office (0.30 FAR)

Parcel ID #: 13-21-28-0000-00-030



VICINITY MAP



City of Apopka Future Land Use Map



0 0.0276 0.055 0.11 0.165 0.22 Miles

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

Legend

- | | |
|------------------------|--------------------------|
| Subject Property | Res. Medium |
| City Boundary | Res. High |
| UPA Boundary | Mixed Use |
| Future Land Use | Office |
| Agriculture | Commercial |
| Agriculture Estates | Commercial |
| Agriculture Homestead | Industrial |
| Rural Settlement | Industrial |
| Res. Estates | Institutional/Public Use |
| Res. Very Low Suburban | Conservation |
| Res. Low Suburban | Parks/Recreation |
| Res. Low | ANNEX |
| Res. Medium Low | |



Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: May 20, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2432

SUBJECT: ORDINANCE NO. 2432 - CHANGE OF ZONING - JOSEPH E. BALL AND JEFF P. BALL

Request: FIRST READING OF ORDINANCE NO. 2432 - CHANGE OF ZONING – JOSEPH E. BALL AND JEFF P. BALL, 1166 PIEDMONT WEKIWA ROAD, FROM R-1 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD/PO/I) (PROFESSIONAL OFFICE/ INSTITUTIONAL) (PARCEL ID NO. 13-21-28-0000-00-030); AND HOLD OVER FOR SECOND READING AND ADOPTION ON JUNE 3, 2015.

SUMMARY

OWNERS: Joseph E. Ball and Jeff P. Ball
APPLICANT: Telesis Services, LLC, c/o Greg Banta and Scott Banta
LOCATION: West of Piedmont Wekiwa Road, north of U.S. 441, south of East Semoran Boulevard (1166 Piedmont Wekiwa Road)
EXISTING USE: Vacant
CURRENT ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Professional Office
PROPOSED ZONING: Planned Unit Development (PUD/PO/I) (Note: this Change of Zoning request is being processed along with the request to change the Future Land Use Designation from Residential Low (0-5 du/ac) to Office (0.30 FAR))
TRACT SIZE: 6.49 +/- acres
3.72 +/- acres developable (2.77 +/- acres submerged)
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 32 Units
PROPOSED: 48,162 Sq. Ft.

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject parcel was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2011. The proposed Change of Zoning is being requested by the owner.

A request to assign a zoning designation of PUD/PO/I is compatible with the designations assigned to abutting properties. The zoning application covers approximately 6.49 acres, of which 3.72 acres are developable. The property owner intends to use the site for a professional office use.

The subject property is located adjacent to a residential district. Staff recommends the development standards below that would allow for limited professional office development and also preserve the residential character of the surrounding area:

PUD RECOMMENDATIONS: That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

A. The uses permitted within the PUD district shall be: all such uses permitted within the PO/I (Professional Office/Institutional PO\I (zoning category) except for following PO\I uses shall be prohibited:

1. Hospitals, museums, libraries or cultural institutions;
2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
3. All other uses listed as prohibited within the Professional Office/Institutional zoning district.

A church parsonage will require a special exception approval from the Planning Commission.

B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Final Development Plan submitted in association with the PUD district.

C. If a Final Development Plan associated with the PUD district has not been approved by the City within five years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

1. Permit a single six-month extension for submittal of the required Final Development Plan;
2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
3. Rezone the property to a more appropriate zoning classification.

D. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the master site plan:

Site Design Standards

1. The front façade and primary entrance of the building shall be oriented toward Piedmont-Wekiwa Road with the buildings (s) near the street and parking located to the rear or side of the building. Alternatively, the building(s) may be located just outside the required upland buffer to Lake Page with parking located between the building and Piedmont-Wekiwa Road.
2. Minimum front setback of 15 ft. and a maximum of 25 ft. if building oriented to Piedmont-Wekiwa Road.
3. Parking areas shall be screened from the public street by a hedge or a 3-foot decorative stone wall. Additional landscaping or earth-berm shall be provided if the building(s) are oriented to Lake Page.

Building Design Standards

New development shall have architectural features and materials that are residential in character.

- a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
- b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
- c. Windows shall include fenestration detail and/or shutters.
- d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
- e. A main building entrance shall face a public street with designate pedestrian walkway leading to a sidewalk within the public street.

Building Design Guidelines

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

Signage

1. Sign copy on a monument sign shall not exceed 36 sq. ft.
2. No sign shall include changeable sign copy or electronic reader board signage.
3. An office building shall include wall signage.

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

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

SCHOOL CAPACITY REPORT: Because this change of zoning represents a change to a non-residential designation, notification of 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 April 10, 2015.

PUBLIC HEARING SCHEDULE:

May 12, 2015 - Planning Commission (5:01 pm)
May 20, 2015- City Council (7:00 pm) - 1st Reading
June 3, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification
May 22, 2015 – Ordinance Heading Ad
May 29, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from A-1 (ZIP) to Planned Unit Development (PUD/PO/I) with conditions from either development option 1 or 2 for the property owned by Joseph E. Ball and Jeff P. Ball.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the change in Zoning from R-1 to Planned Unit Development (PUD/PO/I) for the property owned by Joseph E. Ball and Jeff P. Ball.

Accept the First Reading of Ordinance No. 2432 and Hold Over for Second Reading and Adoption on June 3, 2015.

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

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Residential Low (0-5 du/ac)	A-1	Single-Family Residence
East (City)	Residential Low (0-5 du/ac)	PUD & R-1A	Single-Family Residence, Vacant Land, Blue Lake
South (City)	Residential Low (0-5 du/ac)	R-1	Church
West (County)	Rural (0-1 du/10 ac)	A-1	Vacant Land, Lake Page

LAND USE & TRAFFIC COMPATIBILITY:

The property has access to a Minor Arterial (Piedmont Wekiwa Road). Future land use designations and zoning categories assigned to properties to the north, south, east, and west is predominantly residential and commercial. To assure office development occurs compatible with the general residential character to the north and east of the subject property, development standards can guide architecture and building mass of office buildings and limit permissible uses to those that will have a minimal impact on nearby residential areas.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed PUD/PO/I zoning is compatible with policies set forth in the Comprehensive Plan.

PO/I DISTRICT REQUIREMENTS:

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

BUFFERYARD REQUIREMENTS:

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

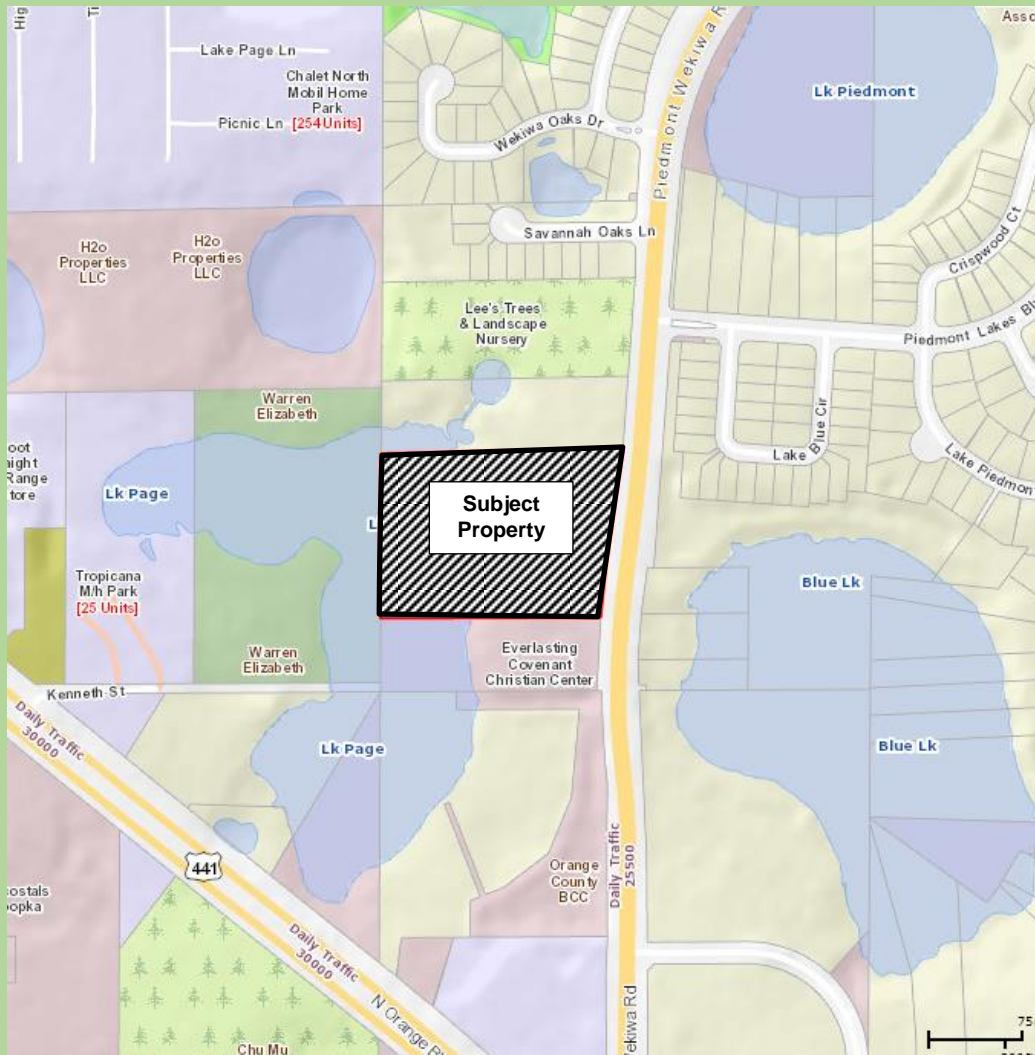
ALLOWABLE USES:

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



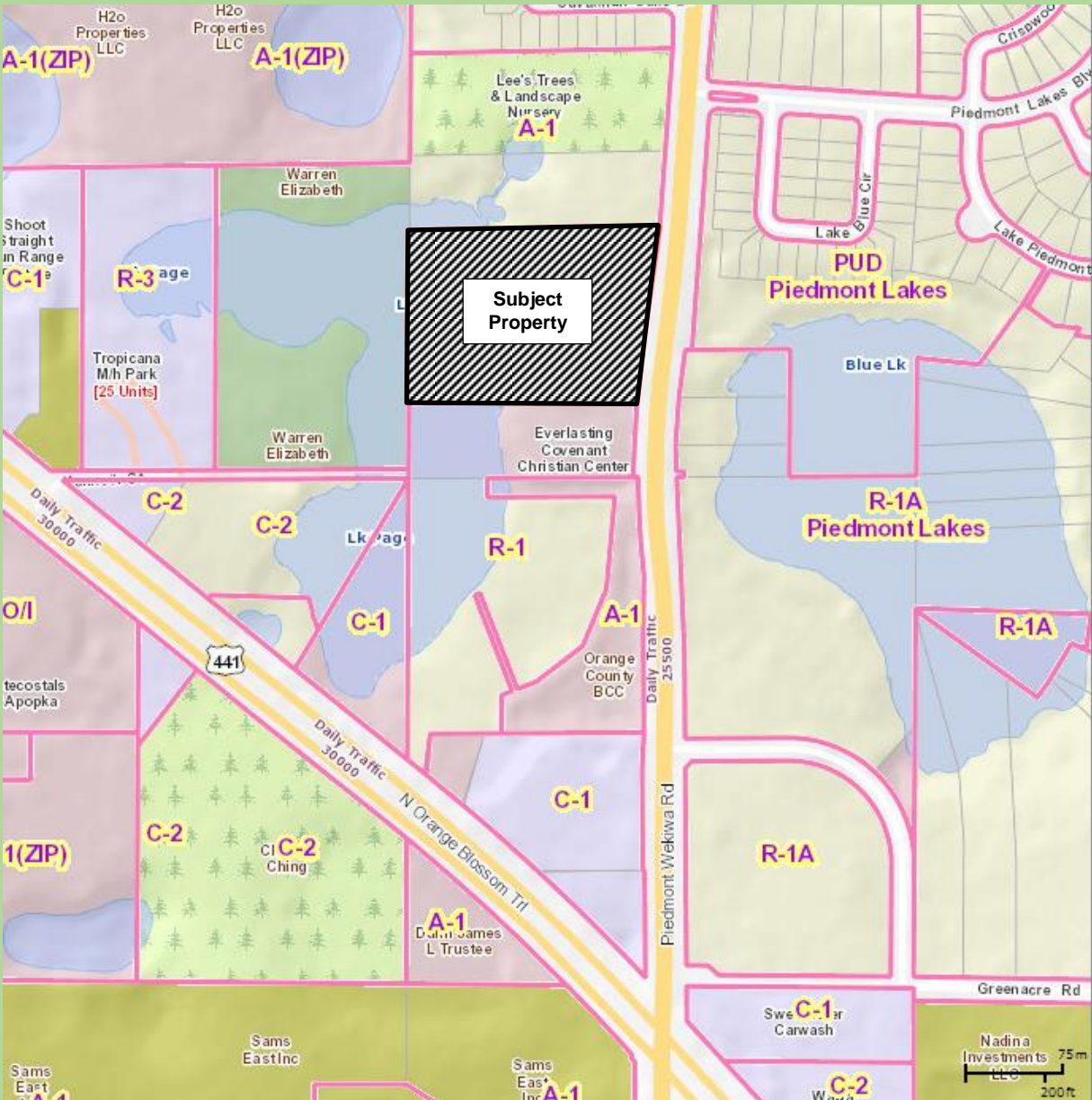
Joseph E. Ball and Jeff P. Ball
6.49 +/- Acres
Existing Maximum Allowable Development: 19 dwelling units
Proposed Maximum Allowable Development: 48,162 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Proposed Zoning Change
From: A-1 (ZIP)
To: Planned Unit Development (PUD/PO/I)
Parcel ID #: 13-21-28-0000-00-030

VICINITY MAP



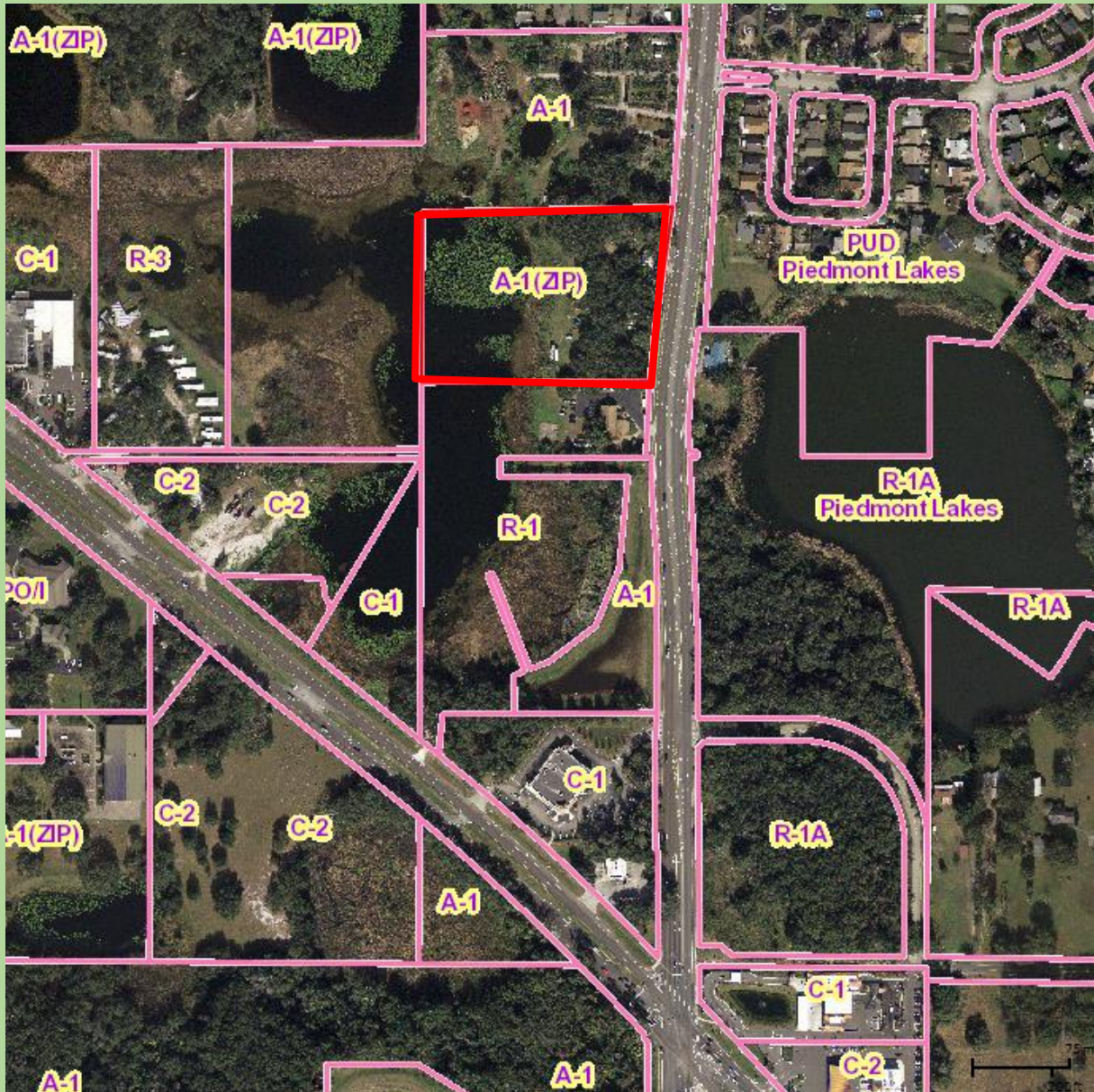


ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2432

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

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

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

WHEREAS, the proposed Planned Unit Development (PUD/PO/I) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD/PO/I), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: (1) all such uses permitted within the PO/I zoning category; except for following PO/I uses shall be prohibited:
 - 1. Hospitals, museums, libraries or cultural institutions;
 - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
 - 3. All other uses listed as prohibited within the Professional Office/Institutional zoning district.

A church parsonage will require a special exception approval from the Planning Commission.

- B. Unless the City Council finds, based on substantial competent evidence, a proposed alternative development guideline is adequate to protect the public health safety and welfare, development within the PUD district shall conform to the development standards for the PO/I (Professional Office/Institutional) zoning district.
- C. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary or Final Development Plan submitted in association with the PUD district.

D. If a Final Development Plan associated with the PUD district has not been approved by the City within five years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

1. Permit a single six-month extension for submittal of the required Final Development Plan;
2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
3. Rezone the property to a more appropriate zoning classification.

E. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the master site plan:

1. Site Design Standards

- a. The front façade and primary entrance of the building shall be oriented toward Piedmont-Wekiwa Road with the buildings (s) near the street and parking located to the rear or side of the building. Alternatively, the building(s) may be located just outside the required upland buffer to Lake Page with parking located between the building and Piedmont-Wekiwa Road.
- b. Minimum front setback of 15 ft. and a maximum of 25 ft. if building is place to the front near Piedmont-Wekiwa Road.
- c. Parking areas shall be screened from the public street by a hedge or a 3-foot decorative stone wall. Additional landscaping or earth-berm shall be provided if the building(s) are oriented to Lake Page.

2. Building Design Standards

New development shall have architectural features and materials that are residential in character.

- a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
- b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
- c. Windows shall include fenestration detail and/or shutters.
- d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
- e. A main building entrance shall face a public street with designate pedestrian walkway leading to a sidewalk within the public street.

3. Building Design Guidelines

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

4. Signage

- a. Sign copy on a monument sign shall not exceed 36 sq. ft.
- b. No sign shall include changeable sign copy or electronic reader board signage.
- c. An office building shall include wall signage.

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

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

Legal Description:

NORTHEAST ¼ OF THE SOUTHWEST ¼ WEST OF COUNTY ROAD (LESS THE NORTH 678 FEET & THE SOUTH 200 FEET) & (LESS COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ RUN NORTH 1344.04 FEET WEST 702.09 FEET NORTH 04 DEGREES EAST 200.6 FEET TO THE POINT OF BEGINNING THENCE WEST 46 FEET NORTH 05 DEGREES EAST 143.27 FEET NORTH 08 DEGREES EAST 317.6 FEET EAST 19 FEET SOUTH 04 DEGREES WEST 458.17 FEET TO THE POINT OF BEGINNING TAKEN FOR RIGHT OF WAY) OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 28 EAST, SITUATED IN ORANGE COUNTY, FLORIDA.

Parcel I.D.: 13-21-28-0000-00-030

Contains: 6.49 +/- Acres

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

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

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

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

Section VII. That this Ordinance shall take effect upon adoption of Ordinance No. 2431.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

Backup material for agenda item:

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



CITY OF APOPKA
CITY COUNCIL

- X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL
X OTHER: Ordinance

DATE: May 20, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses
Ordinance No. 2433
Ex. A Master Plan
Ex. B Development Standards
Ex. C Flex Space Uses
Ex. D Landscape Plan
Ex. E Open Space\Rec Plan
Ex. F Prototype Renderings
Ex. G Draft Development Agr.
and Transportation Agr.
Ex. D of Draft Dev. Agr

SUBJECT: ORDINANCE NO. 2433 - CHANGE OF ZONING/MASTER PLAN - AVIAN POINTE – APOPKA CLEAR LAKE INVESTMENTS, LLC AND LUST GRANT\LONG FAMILY FARMS

Request: FIRST READING OF ORDINANCE NO. 2433 - CHANGE OF ZONING/MASTER PLAN - AVIAN POINTE – APOPKA CLEAR LAKE INVESTMENTS, LLC, AND LUST GRANT\WD LONG FAMILY FARMS LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, NORTH OF LUST ROAD, FROM “CITY” PLANNED UNIT DEVELOPMENT AND “COUNTY” A-2 (ZIP) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-3). (PARCEL ID NUMBERS: 07-21-28-0000-00-002, 07-21-28-0000-00-015, & 07-21-28-0000-00-023); AND HOLD OVER FOR SECOND READING AND ADOPTION.

SUMMARY

OWNERS: Apopka Clear Lake Investments, LLC & Lust Grant\WD Long Family Farms
APPLICANT: Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg
ENGINEER\PLANNER: Tannath Design, Inc.\Holly Swanson
LOCATION: East of S.R. 429, south of Peterson Road, and north of Lust Road
FLUM DESIGNATION: Residential Medium Density (90.7 ac) and Residential Low Density (30.3 ac)
EXISTING USE: Vacant Land
CURRENT ZONING: Planned Unit Development (PUD) (aka Binion Estates) and County A-2 (ZIP)
PROPOSED DEVELOPMENT: Mixed Use Residential and Flex Use
PROPOSED ZONING: Planned Unit Development (PUD/R-3)
TRACT SIZE: 125.27 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 454Units
PROPOSED: 758 Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

Parcel ID No.	Date Annexed	Ordinance No.	Acres +/-
07-21-28-0000-00-002	December 17, 1997	1129	89.47
07-21-28-0000-00-015	August 16, 2000	1365	30.51
07-21-28-0000-00-023	January 7, 2004	1621	5.29

The applicant submitted an application to the City requesting a zoning category of Planned Unit Development for these same two parcels as well as the parcel abutting the northwest corner of the subject property. This third parcel, owned by W.D. Long Family Farms et.al

Development Profile:

Total Residential Units	758 units		Min. Livable Area	
Single Family (70' width; 8,400 sq. ft. min.)	58 units	7.65%	1,700 sq. ft.	
Townhomes	216 units	28.50%	1,350 sq. ft.	
Apartments	484 units	63.85%	1-bedroom:	750 sq. ft.
			2-bedroom:	900 sq. ft.
			3-bedroom:	1,050 sq. ft.
Flex Use				
Public\private school; ALF\Senior housing; 100-bed boutique hotel	6.09 ac			
Community Park	10.36 ac			
Open Space	30%			
Park & Recreation	Each residential phase has its own park and recreation facility plan.			
Building Height				
Apartments	3 stories; 45 ft.			
Townhomes	3 stories; 45 ft.			

SCHOOL CAPACITY REPORT: The applicant has obtained an School Capacity Enhancement Agreement from Orange County Public Schools. School concurrency will be required at the time of the Preliminary Development Plan application. Location served by the following schools: Apopka Elementary; Wolf Lake Middle School; and Apopka High 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 April 10, 2015.

PUBLIC HEARING SCHEDULE:

May 12, 2015 – Planning Commission (5:01 pm)
 May 20, 2015 – City Council (7:00 pm) - 1st Reading
 June 3, 2015 – City Council (1:30 pm) – 2nd Reading

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification

May 22, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of:

- 1) Change in Zoning from “City” Planned Unit Development and “County” A-2 (ZIP) to “City” Planned Unit Development (PUD/R-3) for approximately 125.27 +/- acres for the property owned by Apopka Clear Lake Investments LLC and Lust Grant, subject to the information and findings in the staff report and City approval of a Development Agreement for transportation and other infrastructure improvements;
- 2) Avian Pointe PUD Master Plan.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the change in Zoning from “City” Planned Unit Development and “County” A-2 (ZIP) to “City” Planned Unit Development (PUD/R-3); and the Avian Pointe PUD Master Plan for approximately 125.27 +/- acres for the property owned by Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg, subject to the information and findings in the staff report.

Accept the First Reading of Ordinance No. 2433 and the Avian Pointe PUD Master Plan, and Hold Over for Second Reading and Adoption on June 3, 2015.

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

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0-5 du/ac)	A-1; Mixed-EC	Vacant Land (former Coca-Cola sprayfield property)
East (City)	Residential Low (0-5 du/ac)	R-1A; PUD	Clear Lake Landing subdivision (near construction; Vacant Land/Nursery; Clear Lake
South (City)	Residential Low Suburban (0-3.5 du/ac)	“County” A-1 (ZIP)	Vacant Land
West (County)	“County” Rural (1 du/10 ac/Agricultural)	“County” A-2 & A-1	S.R. 429 Tollway; Vacant Land (Lake Apopka Restoration Area) west of the tollway

LAND USE & TRAFFIC COMPATIBILITY:

A transportation study was prepared by the applicant’s transportation planning and engineering consultant, Luke Transportation. The study has been reviewed and comments provided to the consultant. The study has not been accepted at this time.

As a condition of the PUD zoning and the development agreement, the developer must construct a new road north to Peterson Road prior to completion of the 455 residential units or the flex use district or as set forth within the Development Agreement. The Spine Road must also be completed according to the schedule set forth within the Development Agreement. The Development Agreement will also address an HOA fee for maintenance of any on-street parking within public roads. The Spine Road will be a public road, while all other internal streets will be private. The subject property will serve as a transition between S.R. 429 and single family residential development along Binion Road. However, traffic volumes generated by the development densities proposed by Medium Density Residential will need additional roadway access besides Lust Road. Thus, a second road to the north is necessary to accommodate development and vehicle trips generated by residential densities proposed at the subject site. Therefore, the Development Review recommendation for Medium Density Residential is subject to the applicant demonstrating that a new northern road can be constructed from the northern project boundary to West Orange Avenue.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Planned Unit Development (PUD/R-3) zoning is consistent with the City’s Residential Medium (0-10 du/ac) Future Land Use designation. Development Plans shall not exceed the intensity or density allowed for the adopted Future Land Use Designation.

PUD RECOMMENDATIONS:

PUD development standards appear within the Master Plan sheets. If a development standard is not addressed within the Master Plan, the City’s Land Development Code and Development Design Guidelines shall apply. A preliminary development plan must be submitted to the City for each development phase.

R-3 PERMISSIBLE USES:

Any use permitted in the R-3 zoning district; Multifamily dwellings, including, but not limited to, single family, triplex, quadruplex, townhouses, condominium, and apartment complexes.

Avian Pointe - Apopka Clear Lake Investments LLC
Existing Maximum Allowable Development: 665 SFR
Proposed Maximum Allowable Development: 58 SFR; 218 Townhomes; and 484 Apartment Units
Proposed Change of Zoning
From: “City” Planned Unit Development and “County” A-2 (ZIP)
To: “City” Planned Unit Development (PUD/R-3)
Parcel ID #s: 07-21-28-0000-00-002, 07-21-28-0000-00-015, 07-21-28-0000-00-023
125.27 +/- Acres Combined

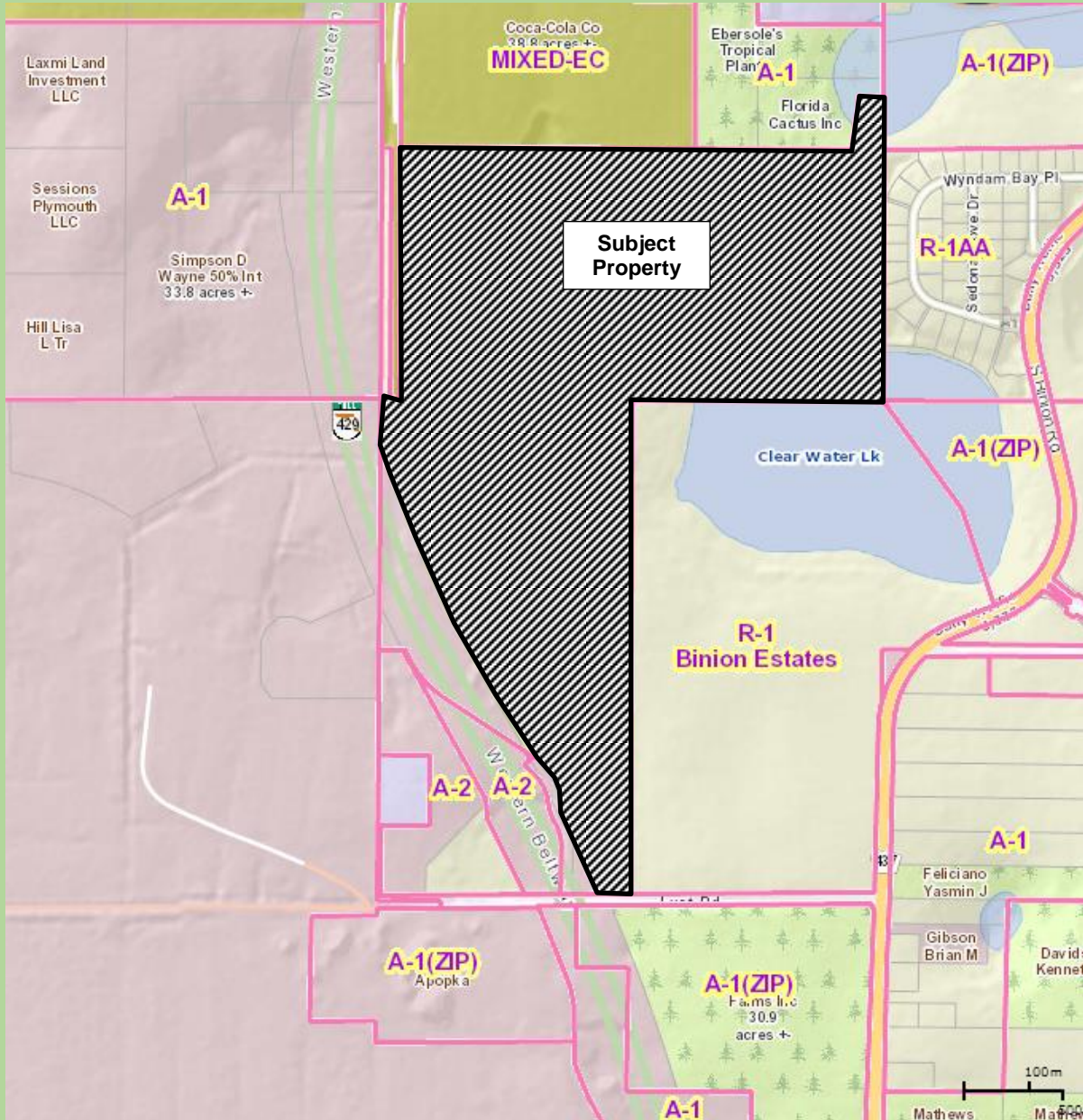


VICINITY MAP





ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “CITY” PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND “COUNTY” A-2 (5.4 +/- ACRES) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; AND FROM “CITY” PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO “CITY” PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the proposed Planned Unit Development (PUD/R-3) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD/R-3), as defined in the Apopka Land Development Code, and with the following Avian Pointe Mixed Use Master Plan, as established in Exhibit “A” and subject to the following zoning provisions:

- A. The uses permitted within the Avian Pointe Mixed Use PUD district shall be: Parcel A, maximum of 58 single family homes; Parcel B-1, 114 townhomes; Parcel B-2, maximum of 484 apartment units; Parcel B-3, maximum of 102 townhomes; Parcel B-4, Shared Recreation Area; Parcel B-5, Flex Zoning District as defined in Exhibit “C”; and associated accessory uses or structures consistent with land use and development standards established for the R-3 zoning category except where otherwise addressed in this ordinance.
- B. Development of the property shall occur consistent with the Avian Pointe Mixed Use Master Plan as set forth in Exhibit “A,” attached hereto and incorporated herein and with the development standards set forth within Exhibit “B,” attached hereto and incorporated herein. If a development standard or zoning regulation is not addressed within Exhibit “B”, development shall comply with the R-3 zoning standards set forth in the Land Development Code. Where any development standard conflicts between the Avian Pointe Mixed Use Master Plan and the Land Development Code, the Master Site Plan shall prevail. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.

- C. If a Preliminary Development Plan associated with the Avian Pointe PUD district has not been approved by the City within five (5) years after approval of these Master Plan provisions, the approval of the Master Site Plan provisions shall expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.

- D. The Avian Pointe PUD Master Plan development standards and guidelines shall apply to the development of the subject property:
 - 1. Development standards and Guidelines are established in Exhibit “B” of this Ordinance.
 - 2. Unless otherwise addressed within the PUD development standards and Master Plan, the R-3 zoning standards will apply to the subject property.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-3), as defined in the Apopka Land Development Code.

Legal Description:

2995 Peterson Road: THE WEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ & THE SOUTHWEST ¼ OF THE NORTHWEST ¼ (LESS THE WEST 100 FEET) OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ & SOUTHWEST ¼ OF THE SOUTHWEST ¼ LYING EAST OF THE RAILROAD R/W (LESS THE SOUTH 750 FEET) & WEST 100 FEET VAC RAILROAD R/W IN NORTHWEST ¼ OF SOUTHWEST ¼ OF SEC & ALL TRIANGULAR PT LYING SOUTHWEST OF A LINE 25 FEET SOUTHEAST OF C/L RAILROAD R/W IN THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SEC 07-21-28 (LESS COM THENCE SOUTHWEST CORNER OF SEC 7 PER HENRICH INC LAND SURVEYORS 11/9/73 & BOUNDARY SURVEY BY PEC FOR SJRWMD 8/1/98; THENCE RUN NORTH 00°23'15" EAST 1559.73 FEET TO POINT OF BEGINNING; THENCE CONTINUE NORTH 00°23'15" EAST 875.65 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 4850 FEET A CENTER ANGLE OF 13°51'26" A CHORD BEARING OF SOUTH 22°13'04" EAST & AN ARC DISTANCE OF 1172.99 FEET; THENCE SOUTH 29°08'48" EAST 656.85 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 597.96 A CENTER ANGLE OF 02°06'24" A CHORD BEARING OF NORTH 55°30'56" WEST & AN ARC DISTANCE OF 21.99 FEET; THENCE NORTH 56°34'09" WEST 488.72 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 548.70 FEET TO A CENTER ANGLE OF 34°20'30" A CHORD BEARING OF NORTH 39°23'54" WEST & AN ARC DISTANCE OF 328.88 FEET; THENCE NORTH 89°22'05" WEST 13.88 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 5156 FEET A CENTER ANGLE OF

03°05'12" A CHORD BEARING OF NORTH 26°14'38" WEST & AN ARC DISTANCE OF 277.76 FEET TO THE POINT OF BEGINNING) & (LESS COMMENCE THENCE SOUTHWEST CORNER OF SEC 7 PER HENRICH INC LAND SURVEYORS 11/9/73 & BOUNDARY SURVEY BY PEC FOR SJRWMD 8/1/98; THENCE RUN NORTH 00°23'15" EAST 1312 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°23'15" EAST 247.73 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 5156 FEET A CENTER ANGLE OF 03°05'12" A CHORD BEARING OF SOUTH 26°14'38: EAST & AN ARC DISTANCE OF 277.76 FEET; THENCE NORTH 89°22'05" WEST 124.49 FEET TO THE POINT OF BEGINNING)

Parcel ID No. 07-21-28-0000-00-002

89.7 acres (+/-) "City" Planned Unit Development to "City" Planned Unit Development

230 S. Binion Road: THE SOUTHEAST ¼ OF THE NORTHWEST ¼ (LESS THE WEST ¼ THEREOF) AND BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ RUN WEST 160 FEET, NORTH 7 DEGREES EAST 277.24 FEET, EAST 124.78 FEET, SOUTH 275 FEET TO THE POINT OF BEGINNING, SAID LAND LYING IN SECTION 7, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.

Parcel ID No. 07-21-28-0000-00-015

30.34 acres (+/-) "City" Planned Unit Development to "City" Planned Unit Development

2771 Lust Road: COMMENCE TO THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 07-21-28 RUN NORTH 30 FEET FOR THE POINT OF BEGINNING NORTH 89° WEST 295.64 FEET NORTH 00° EAST 274.53 FEET TO THE POC RUN NORTHWESTERLY ALONG CURVE CONCAVE TO THE SOUTHWEST 162.67 FEET TO THE PRC; RUN NORTHWESTERLY ALONG CURVE CONCAVE TO NE 95.21 FT TO PRC; RUN NORTHWESTERLY ALONG CURVE CONCAVE TO SOUTHWEST 182.36 FEET NORTH 32° EAST 60 FEET THEN EAST 516.82 FEET TO THE EAST LINE OF THE SOUTHWEST ¼ OF SOUTHWEST ¼ THENCE SOUTH ALONG SEC LINE 720 FEET TO THE POINT OF BEGINNING (LESS COM THE SOUTHWEST CORNER OF SEC 7 PER HENRICH INC LAND SURVEYORS 11/9/73 & BOUNDARY SURVEY BY PEC FOR SJRWMD 8/1/98; RUN NORTH 89°39'46" EAST 1018.42 FEET THENCE NORTH 00°53'03" EAST 30.01 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°53'03" EAST 244.53 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 305 FEET FOR A CENTER ANGLE 08°30'19" A CHORD BEARING OF NORTH 03°22'06" WEST & AN ARC DISTANCE OF 45.28 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 8150 FEET ON A CENTER ANGLE OF 02°14'40" A CHORD BEARING OF SOUTH 25°11'59" EAST & AN ARC DISTANCE OF 319.25 FEET; THENCE SOUTH 89°39'46" WEST 137.04 FEET TO THE POINT OF BEGINNING)

Parcel ID No. 07-21-28-0000-00-023

5.29 acres (+/-) "County" A-2 to "City" Planned Unit Development

Combined total acreage: 125.74 acres (+/-)

Section III. Ordinance Number 1091, Binion Estates PUD, is hereby repealed and replaced by Ordinance Number 2433.

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

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

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

Section VIII. That this Ordinance shall take effect immediately.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

<p>GENERAL NOTES</p> <ol style="list-style-type: none"> PROJECT SHALL COMPLY WITH THE FOLLOWING: <ul style="list-style-type: none"> AMERICANS WITH DISABILITIES ACT CITY OF APOPKA MUNICIPAL & LAND USE CODES, DESIGN GUIDELINES AND STANDARDS. CITY OF APOPKA FIRE DEPARTMENT FLORIDA FIRE MARSHAL FLORIDA DEPARTMENT OF TRANSPORTATION ST. JOHN'S WATER MANAGEMENT DISTRICT ON-SITE ROADS & DRAINAGE SYSTEM, INCLUDING THE RETENTION PONDS, WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER WITH A MUNICIPAL SERVICE TAXING UNIT ESTABLISHED FOR STORMWATER SYSTEM FUNCTIONALITY. ROUTINE MAINTENANCE, INCLUDING MOWING SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ALL STORMWATER PONDS SHALL BE DESIGNED IN ACCORDANCE WITH SJWMD & CITY OF APOPKA STANDARDS. BUFFER, LANDSCAPING, RECREATION AND COMMON AREAS WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PROPERTY OWNER. BUFFERS - WHERE REQUIRED - WILL CONSIST OF LANDSCAPING, BERMS, APPROVED FENCING, EXISTING & NEW CITY-APPROVED TREES. PROJECT INFRASTRUCTURE WILL BE DEVELOPED IN ONE PHASE. UTILITIES SHALL BE PROVIDED BY THE CITY OF APOPKA. PROJECT SHALL COMPLY WITH CITY OF APOPKA DEVELOPMENT REQUIREMENTS PER MUNICIPAL CODE PART III ARTICLE II LAND USE: TYPE, DENSITY AND INTENSITY. STRUCTURES SHALL COMPLY WITH FLORIDA BUILDING CODE, CURRENT ENFORCED EDITION. ROADS AND PARKING AREAS SHALL COMPLY WITH FDOT DESIGN AND ENGINEERING REQUIREMENTS. R.O.W. PAVEMENT WORK MUST UTILIZE TYPE SP-8.5 ASPHALT. MASTER PLAN AS SHOWN IS CONCEPTUAL. ALL FEATURES NOTED HEREIN SHALL BE SUBJECT TO JURISDICTIONAL APPROVALS AND CIVIL ENGINEERING REFINEMENTS IN ACCORD WITH AGENCY REQUIREMENTS. LANDSCAPE & IRRIGATION PLANS SHALL BE DESIGNED IN ACCORDANCE WITH CITY ORDINANCE NO. 2069. A DEVELOPER AGREEMENT SHALL BE REQUIRED FOR OFF-SITE RIGHT OF WAY IMPROVEMENTS FROM THE NORTH ENTRANCE DRIVE TO THE INTERSECTION OF ORANGE AVENUE. 	<p>PROJECT</p> <h1 style="margin: 0;">AVIAN POINTE</h1> <h2 style="margin: 0;">CITY OF APOPKA, FLORIDA</h2> <p style="margin: 0;">(FORMERLY KNOWN AS BINION ESTATES)</p> <h1 style="margin: 0;">PUD ZONING AMENDMENT</h1> <h1 style="margin: 0;">&</h1> <h1 style="margin: 0;">MIXED USE MASTER PLAN</h1> <p style="margin: 10px 0 0 0;">PARCEL I.D. NUMBERS 07-21-28-0000-00-015 07-21-28-0000-00-002 07-21-28-0000-00-023</p> <p style="margin: 0 0 0 100px;">SUBMITTED MAY 30, 2014</p>	<p>VICINITY MAP</p> <p style="text-align: right;">NOT TO SCALE</p>																																													
<p>LEGAL DESCRIPTION</p> <p>PER CIVIL ENGINEER:</p> <p>PARCEL ID NO. LUST GRANT (PARCEL A) 07-21-28-0000-00-015</p> <p>THE SOUTHEAST 1/4 OF NORTHWEST 1/4 (LESS THE WEST 1/4 THEREOF) AND BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; RUN WEST 160 FEET; NORTH 7 DEGREES EAST 277.24 FEET; EAST 124.78 FEET; SOUTH 275 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN SECTION 07, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. CONTAINING 1,321,761 square feet, or 30.34 acres, more or less.</p> <p>PARCEL I.D. NO. APOPKA CLEAR LAKE LLC (PARCEL B) 07-21-28-0000-00-002 07-21-28-0000-00-023</p> <p>The West 1/2 of the Southwest 1/4 of Section 7, Township 21 South, Range 28 East, lying East of State Road 429; the Southwest 1/4 of the Northwest 1/4 of Section 7, Township 21 South, Range 28 East, less the West 100.00 feet thereof, and the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 7, Township 21 South, Range 28 East, all in Orange County, Florida.</p> <p>BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING at the Southeast corner of the Southwest 1/4 of Section 7, Township 21 South, Range 28 East, Orange County, Florida; thence run South 89°39'36" West, along the South line of the Southwest 1/4 of said Section 7, for a distance of 1320.05 feet to a point on the East line of the West 1/2 of the Southwest 1/4 of said Section 7; thence departing said South line, run North 00°22'30" East, along said East line, for a distance of 30.00 feet to a point on the North right of way line of Lust Road, as recorded in Deed Book 509, Page 564 of the Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING; thence run South 89°39'36" West, along the said North right of way line, for a distance of 183.18 feet to a point on the Easterly limited access right of way line of State Road 429, as shown on Orlando-Orange County Expressway Authority Right of Way Map of Project Number 429-201, said point also being on a curve, concave Southwesterly, having a radius of 8150.00 feet, a chord bearing of North 28°36'44" West, and a chord distance of 720.85 feet; thence run Northwesterly along the arc of said curve, and said Easterly limited access right of way line through a central angle of 05°04'10" for an arc distance of 721.09 feet to the point of tangency; thence run North 29°08'49" West, along said Easterly limited access right of way line, for a distance of 768.04 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 4850.00 feet, a chord bearing of North 22°13'22" West, and a chord distance of 1169.35 feet; thence run Northerly along the arc of said curve, and said Easterly limited access right of way line, through a central angle of 13°50'52" for an arc distance of 1172.20 feet to a point on the West line of the Southwest 1/4 of said Section 7; thence departing said curve, and said Easterly limited access right of way line, run North 00°23'17" East, along said West line, for a distance of 193.80 feet to the West 1/4 corner of said Section 7; thence departing said West line, run South 89°49'16" East, along the North line of the Southwest 1/4 of said Section 7, for a distance of 106.00 feet to a point on the Westerly line of the CSX railroad, as recorded in Deed Book 882, Page 129 of the aforesaid Public Records of Orange County, Florida; thence departing said North line, run North 00°11'33" East, along said West line, for a distance of 1313.29 feet to a point on the North line of the Southwest 1/4 of the Northwest 1/4 of said Section 7; thence departing said West line, run South 89°44'02" East, along said North line, for a distance of 1547.79 feet to a point on the East line of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 7; thence departing said North line, run South 00°18'38" West, along said East line, for a distance of 1310.94 feet to a point on the North line of the aforesaid Southwest 1/4 of Section 7; thence departing said East line, run North 89°49'16" West, along said North line, for a distance of 327.05 feet to a point on the aforesaid East line of the West 1/2 of the Southwest 1/4 of Section 7; thence departing said North line, run South 00°22'30" West, along said East line, for a distance of 2586.52 feet to the POINT OF BEGINNING.</p> <p>Containing 4,155,511 square feet, or 95.40 acres, more or less.</p>	<p>SITE MAP</p> <p style="text-align: center;">SCALE: 1" = 500'</p> <p style="text-align: center;">MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL</p>	<p>PROJECT DATA</p> <p>CITY OF APOPKA PROJECT NO.: PENDING</p> <p>PARCEL A</p> <p>PARCEL I.D. NUMBER: 07-21-28-0000-00-015 PARCEL ADDRESS: 230 SOUTH BINION ROAD APOPKA, FL 32703</p> <p>GROSS LAND AREA: 25.7 ACRES GROSS LAKE AREA: 4.7 ACRES TOTAL GROSS AREA: 30.3 ACRES CURRENT LAND USE: LOW-RES. 0-5 D.U./AC FUTURE LAND USE (FLU): LOW-RES. 0-5 D.U./AC (NO CHANGE) CURRENT ZONING: PD R-1 PROPOSED ZONING: PD R-1 (NO CHANGE) REQUIRED LANDSCAPE BUFFER: 50' FM NHWL REQUIRED WETLAND SETBACK: 30% REQUIRED OPEN SPACE: 30% REQUIRED RECREATION: RECREATION AREAS SHALL COMPLY WITH O.C. 38-1253 151 SINGLE FAMILY HOMES 58 SINGLE FAMILY HOMES TYPE V, NON-SPRINKLERED MAX. 2 STORES, 35' MIN. REQD NET LIVING AREA/D.U.: 1,700 SQ FT SCHOOL AGE POPULATION: 24 CHILDREN (ESTIMATED) (PROJECTED AT 0.4X60)</p> <p>REQUIRED PARKING: 2 SPACES/D.U. MINIMUM LOT SIZE: 70' X 120', 8,400 SF MINIMUM SETBACKS: SEE SHEETS ZA.02A & ZA.12</p> <p>PARCEL B</p> <p>PARCEL I.D. NUMBERS: 07-21-28-0000-00-002 07-21-28-0000-00-023 PARCEL ADDRESS: APOPKA, FL 32703 2771 LUST ROAD</p> <p>GROSS LAND AREA: 90.7 ACRES CURRENT LAND USE: LOW-RES. 0-5 D.U./AC FUTURE LAND USE (FLU): MED DENSITY, 0-12 D.U./AC CURRENT ZONING: PD R-1 PROPOSED ZONING: PD MIXED USE REQUIRED LANDSCAPE BUFFER: 25' REQUIRED WETLAND SETBACK: 50' FM NHWL REQUIRED OPEN SPACE: 30% REQUIRED RECREATION: RECREATION AREAS SHALL COMPLY WITH O.C. 38-1253</p> <p>ALLOWABLE D.U.: 454 SINGLE FAMILY HOMES</p> <p>PROPOSED D.U.: PARCEL B-1: 111 TOWNHOMES 1,350 SF MINIMUM LIVING AREA PARCEL B-2: 484 UNITS 750 SF MINIMUM LIVING AREA 40% 1 BR 40% 2 BR 20% 3 BR PARCEL B-3: 102 TOWNHOMES 1,350 SF MINIMUM LIVING AREA</p> <p>REQUIRED PARKING: SEE SHEET ZA.02 BUILDING TYPE: TYPE V, SPRINKLERED BUILDING HEIGHT: MAX. 3 STORES, 45' SCHOOL AGE POPULATION: 281 CHILDREN (ESTIMATED) (PROJECTED AT 0.4X702) REQUIRED SETBACKS: SEE SHEET ZA.02A</p>	<p>PROJECT DIRECTORY</p> <p>OWNER-APPLICANT: LUST GRANT (PARCEL A) 140 LONG FAMILY FARMS LLC 2949 LUST ROAD APOPKA, FL 32703</p> <p>APOPKA CLEAR LAKE INVESTMENTS, LLC (PARCEL B) 811 WEST BAY STREET, STE. 350 TAMPA, FLORIDA 33609</p> <p>OWNER CONTACT: KEN STOLTENBERG PH: 813-321-1984</p> <p>ARCHITECT: HOLLY SWANSON 6205 FLAMINGO DRIVE APOLLO BEACH, FLORIDA 33572 PH: 813-465-1095</p> <p>CIVIL ENGINEER: TAMMATH DESIGN, INC. 2484 ROSE SPRING DRIVE ORLANDO, FLORIDA 32825 PH: 407-862-8878 CONTACT: BRYAN POTTS, P.E.</p> <p>SURVEYOR: ALLEN & COMPANY INC. 16 EAST PLANT STREET WINTER GARDEN, FLORIDA 34787 PH: 407-654-5355 CONTACT: JAMES RICKMAN, PSM</p> <p>TRAFFIC ENGINEER: LUKE TRANSPORTATION ENGINEERING CONSULTANTS 29 EAST PINE STREET ORLANDO, FLORIDA 32828 PH: 407-423-6055 CONTACT: JOE ROVIARO</p>																																												
		<p>SHEET INDEX</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>ZA.00</td><td>COVER SHEET</td></tr> <tr><td>ZA.01</td><td>AERIAL LAND USE PLAN, SOILS & TOPOGRAPHY</td></tr> <tr><td>ZA.02</td><td>MASTER PLAN & DEVELOPMENT SUMMARY</td></tr> <tr><td>ZA.02A</td><td>DEVELOPMENT STANDARDS & GUIDELINES</td></tr> <tr><td>ZA.03</td><td>ENLARGED MASTER PLAN - SHEET 1 OF 2</td></tr> <tr><td>ZA.04</td><td>ENLARGED MASTER PLAN - SHEET 2 OF 2</td></tr> <tr><td>ZA.05</td><td>LANDSCAPE PLAN - SHEET 1 OF 2</td></tr> <tr><td>ZA.06</td><td>LANDSCAPE PLAN - SHEET 2 OF 2</td></tr> <tr><td>ZA.07</td><td>OPEN SPACE & RECREATION PLAN - SHEET 1 OF 2</td></tr> <tr><td>ZA.08</td><td>OPEN SPACE & RECREATION PLAN - SHEET 2 OF 2</td></tr> <tr><td>ZA.09</td><td>PROTOTYPE APARTMENT ELEVATIONS</td></tr> <tr><td>ZA.10</td><td>PROTOTYPE APARTMENT ELEVATIONS</td></tr> <tr><td>ZA.11</td><td>PROTOTYPE TOWNHOUSE ELEVATIONS</td></tr> </table> <p>EXHIBITS: SURVEY - LUST GRANT (PARCEL A) - SHEET 1 OF 1 SURVEY - APOPKA CLEAR LAKE LLC (PARCEL B) - SHEET 1 OF 3 SURVEY - APOPKA CLEAR LAKE LLC (PARCEL B) - SHEET 2 OF 3 SURVEY - APOPKA CLEAR LAKE LLC (PARCEL B) - SHEET 3 OF 3</p>	ZA.00	COVER SHEET	ZA.01	AERIAL LAND USE PLAN, SOILS & TOPOGRAPHY	ZA.02	MASTER PLAN & DEVELOPMENT SUMMARY	ZA.02A	DEVELOPMENT STANDARDS & GUIDELINES	ZA.03	ENLARGED MASTER PLAN - SHEET 1 OF 2	ZA.04	ENLARGED MASTER PLAN - SHEET 2 OF 2	ZA.05	LANDSCAPE PLAN - SHEET 1 OF 2	ZA.06	LANDSCAPE PLAN - SHEET 2 OF 2	ZA.07	OPEN SPACE & RECREATION PLAN - SHEET 1 OF 2	ZA.08	OPEN SPACE & RECREATION PLAN - SHEET 2 OF 2	ZA.09	PROTOTYPE APARTMENT ELEVATIONS	ZA.10	PROTOTYPE APARTMENT ELEVATIONS	ZA.11	PROTOTYPE TOWNHOUSE ELEVATIONS	<p>ISSUE:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr><th>DATE</th><th>REV</th><th>DESCRIPTION</th></tr> </thead> <tbody> <tr><td>3/24/14</td><td></td><td>CITY REVIEW</td></tr> <tr><td>3/25/14</td><td></td><td>CITY SUBMITTAL 1</td></tr> <tr><td>5/30/14</td><td></td><td>CITY SUBMITTAL 2</td></tr> <tr><td>6/12/14</td><td>▲</td><td>REVISION 1</td></tr> <tr><td>4/27/15</td><td>▲</td><td>REVISION 2</td></tr> </tbody> </table> <p>SEAL:</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">ZA.00</p> <p>SHEET NUMBER:</p> <p>PROJECT NUMBER: 14-001 DATE: 4-27-15 DRAWN BY: HG</p>	DATE	REV	DESCRIPTION	3/24/14		CITY REVIEW	3/25/14		CITY SUBMITTAL 1	5/30/14		CITY SUBMITTAL 2	6/12/14	▲	REVISION 1	4/27/15	▲	REVISION 2
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DEVELOPMENT SUMMARY

PARKING SUMMARY

PARCEL	USE	REQUIRED	PROVIDED	# ENCLOSED	OVERFLOW/GUEST
A	SINGLE FAMILY	2 PER UNIT	4 PER UNIT	2 PER UNIT	5
B-1	TOWNHOMES	2 PER UNIT	2 PER UNIT	1 PER UNIT	41
B-2	APARTMENTS*				
	1 BR**	2 PER UNIT	1.5 PER UNIT	0	0
	2 BR	2 PER UNIT	2 PER UNIT	0	0
	3 BR	2 PER UNIT	2 PER UNIT	0	0
B-3	TOWNHOMES	2 PER UNIT	2 PER UNIT	1 PER UNIT	28
B-4	COMMUNITY PARK	N/A	N/A	N/A	42
B-5	FLEX ZONE	PER LDC STANDARDS BY USE			

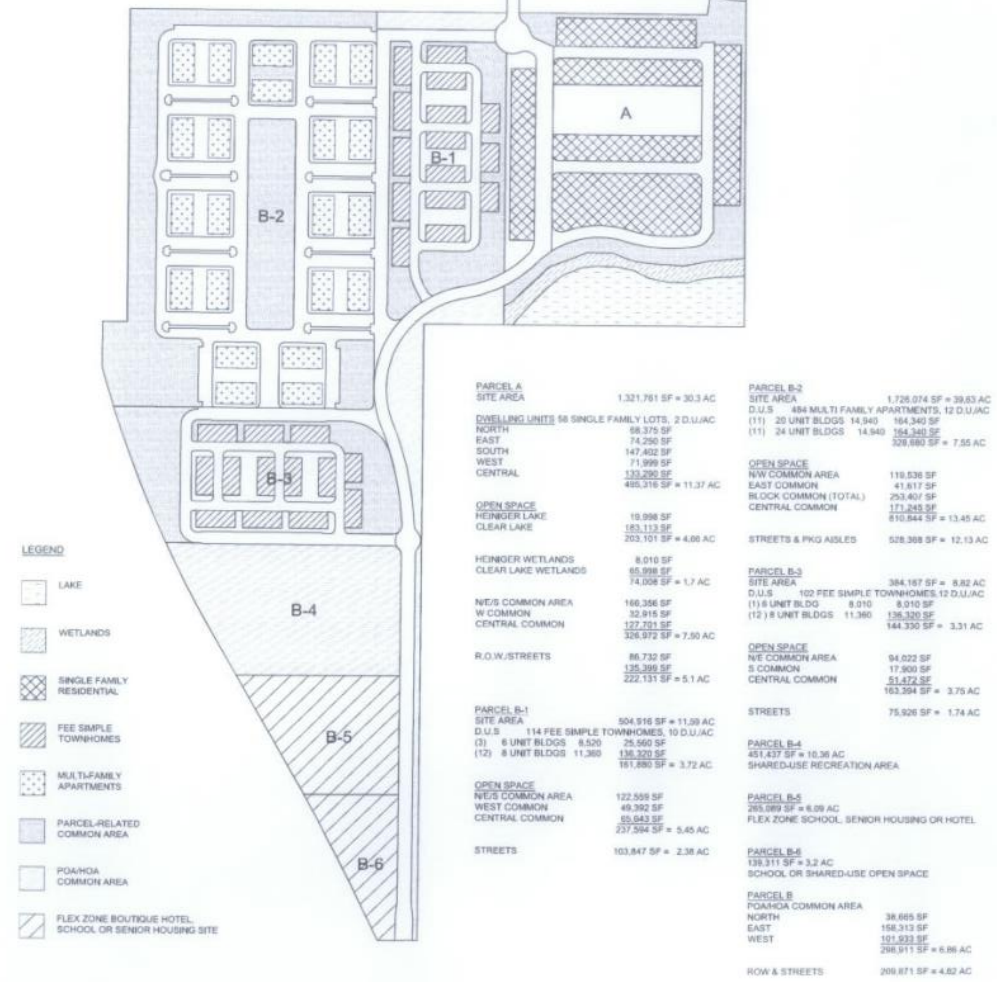
* ADDITIONAL SPACES PENDING PRELIMINARY SITE PLAN DESIGN
** VARIANCE REQUIRED

APARTMENT UNIT SUMMARY

UNIT TYPE	% OF UNITS	# OF UNITS	LIABLE SF/UNIT
1 BR	40%	194	750 SF MIN
2 BR	40%	194	900 SF MIN
3 BR	20%	96	1,050 SF MIN

* NO STUDIO APARTMENTS ALLOWED

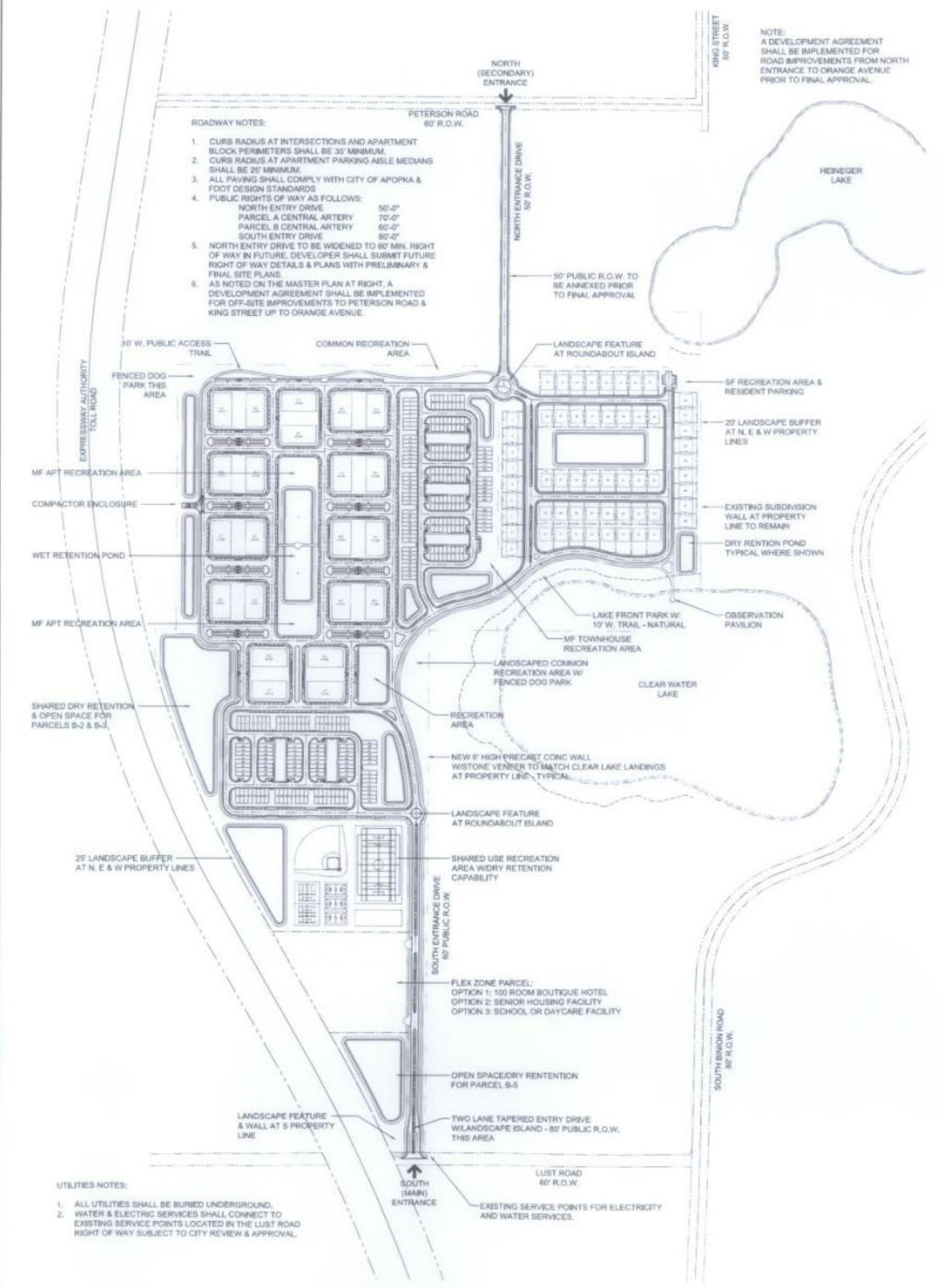
NOTES:
1. PHASING AS INDICATED BY LETTER/NUMBER DESIGNATIONS BELOW.
2. INFRASTRUCTURE SHALL BE IN PLACE PRIOR TO COMMENCEMENT WITH INITIAL DEVELOPMENT PHASE.
3. SEE SHEETS ZA.07 & ZA.08 FOR OPEN SPACE & RECREATION AREA CALCULATIONS.



- LEGEND**
- LAKE
 - WETLANDS
 - SINGLE FAMILY RESIDENTIAL
 - FEE SIMPLE TOWNHOMES
 - MULTI-FAMILY APARTMENTS
 - PARCEL-RELATED COMMON AREA
 - POA/HA COMMON AREA
 - FLEX ZONE BOUTIQUE HOTEL, SCHOOL, OR SENIOR HOUSING SITE

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

MASTER PLAN



- ROADWAY NOTES:**
- CURB RADIUS AT INTERSECTIONS AND APARTMENT BLOCK PERIMETERS SHALL BE 30' MINIMUM.
 - CURB RADIUS AT APARTMENT PARKING AISLE MEDIANS SHALL BE 25' MINIMUM.
 - ALL PAVING SHALL COMPLY WITH CITY OF APOPKA & FOOT DESIGN STANDARDS.
 - PUBLIC RIGHTS OF WAY AS FOLLOWS:
NORTH ENTRY DRIVE: 50'-0"
PARCEL A CENTRAL ARTERY: 70'-0"
PARCEL B CENTRAL ARTERY: 60'-0"
SOUTH ENTRY DRIVE: 80'-0"
 - NORTH ENTRY DRIVE TO BE WIDENED TO 60' MIN. RIGHT OF WAY IN FUTURE. DEVELOPER SHALL SUBMIT FUTURE RIGHT OF WAY DETAILS & PLANS WITH PRELIMINARY & FINAL SITE PLANS.
 - AS NOTED ON THE MASTER PLAN AT RIGHT, A DEVELOPMENT AGREEMENT SHALL BE IMPLEMENTED FOR OFF-SITE IMPROVEMENTS TO PETERSON ROAD & KING STREET UP TO ORANGE AVENUE.

- UTILITIES NOTES:**
- ALL UTILITIES SHALL BE BURIED UNDERGROUND.
 - WATER & ELECTRIC SERVICES SHALL CONNECT TO EXISTING SERVICE POINTS LOCATED IN THE LUST ROAD RIGHT OF WAY SUBJECT TO CITY REVIEW & APPROVAL.

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

HOLLY SWANSON
ARCHITECT, AIA
6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572
813-465-1095
FL LICENSE NO. AR92665
CONSULTING ENGINEER



AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)

2771 LUST ROAD
APOPKA, FLORIDA

SCALE: 1" = 300'

DATE	REV.	DESCRIPTION
3/24/14		CITY REVIEW
3/26/14		CITY SUBMITTAL 1
3/30/14		CITY SUBMITTAL 2
6/12/14	1	REVISION 1
4/27/15	2	REVISION 2

SEAL:

SHEET NUMBER:
ZA.02

PROJECT NUMBER: 14-001
DATE: 4-27-15
DRAWN BY: HS

EXHIBIT "B"

Avian Pointe Master Plan Development Standards and Guidelines

Refer to developer agreement for additional project information regarding development standards and guidelines.

COMMUNITY DESIGN

1. Northern and southern entrance feature designs and landscaping will be provided at the preliminary development plan.
2. Postal Service:
 - a. Parcel A: Service shall be via individual mailboxes located in the landscape strip abutting the street. If any on-street parking is proposed within the Spine Road for Parcel A, a mail kiosk may be required at the time of the preliminary development plan.
 - b. Mailboxes shall be uniform in design & color and overseen by the homeowner's association.
 - c. Parcels B-1, B-2 & B3 shall have USPS/ADA approved mail kiosks as shown on the enlarged master plan. These kiosks shall be located on paved areas with sufficient maneuvering clearances and proper grading to accommodate both mail carriers and persons with disabilities. A letter from the Apopka USPS shall be required prior to approval of the preliminary development plan.
3. Public and private roads are called out on the enlarged master plan sheets. A list of potential street names is included in this document set. Final street names shall be submitted with the preliminary development plan.
4. Fenced dog parks: two (2) fenced dog parks are noted on the Master Plan. Delineated dog park plans shall be submitted with the preliminary development plan.
5. A list of potential 'village' or neighborhood names shall be included with the preliminary site plan. Each village will be named 'xxxx' at Avian Pointe.
6. Community signage will be uniform, developed, submitted and approved per City of Apopka signage standards at the preliminary site\subdivision plan.
7. Community street lighting will be uniform, selected, submitted and approved per City of Apopka street lighting standards at the preliminary site plan. Street light and pedestrian light poles shall be of a decorative type consistent with City's Development Design Guidelines.

PARKING

1. Parking standards set forth within Sheet ZA.02 for parking summary table, Master Plan.
2. On street parallel parking spaces shall be a minimum of 9' wide x 22' in length.
3. Head-in, 90° standard parking spaces shall be a minimum of 9' wide x 18' in length.
4. Head-in 90° standard parking spaces at Parcel B-2 parking aisles may be decreased to 9' wide x 16' deep to increase landscaped median per city of Apopka LDC.
5. Head-in 90° ADA parking spaces shall be a minimum of 12' wide x 19' long & meet both Florida building code and Federal ADA standards. A 5' wide accessible aisle shall be required at each ADA parking space. Each space shall be marked with the universal ADA symbol and be provided with appropriate signage in accordance with code requirements.
6. Compact spaces are not allowed.

7. Garage setbacks:

Parcel A: 30' minimum clear driveway depth to right of way sidewalk

Parcels B-1 & B-3: 20' min. clear driveway depth to right of way sidewalk.

8. Front entry garage minimum setback for single family homes is 30' per development design guidelines.
9. Garage setback for townhomes must be sufficient to accommodate a 20' long vehicle without extending over a sidewalk or street or alley.
10. Townhome driveways shall be separated by a landscape area to separate vehicles & define property boundaries.

BUILDING DESIGN/ARCHITECTURE

1. Townhomes : entrance to each unit must access a public sidewalk. Refer to landscape plans for proposed sidewalk locations.
2. Townhomes abutting a street shall have their main entry from that street. This applies to perimeter units on Parcels B-1 and B-3. Internal block units shall have their primary entrance off of the common greenspace with rear access from internal streets or alleys. Refer to enlarged landscape plans for graphic information.
3. Refer to parking notes above for single family home front entry garage requirements.
4. Standards for apartment mix are listed in tabular format on sheet za.02.
5. A minimum of one of the two required parking spaces occur within an enclosed garage space.
6. Single family residences shall have a minimum of two (2) enclosed garage spaces.

RECREATION

1. Parcel A: the edge of Heninger Lake shall be left undisturbed and vegetated. See notes on Sheet ZA.02 and ZA.03
2. Community Park (Parcel B-4): Community park shall be available to residents of all villages (A to B-6) to use, including any guest and/or residents at any hotel or living facility within Parcel B-5. Refer to Sheet enlarged plans for additional information (Sheet ZA.07 and ZA.08).
3. Development Agreement will include schedule for completion of parks and recreation facilities.

LANDSCAPE & BUFFER

1. A 6' high precast concrete wall with ledgestone finish shall be placed within the landscape buffer next to the Clear Lake landings subdivision. All perimeter property separation walls to match.
2. Final recreation plan for each residential village shall be provided at the preliminary development plan.

FIRE DEPARTMENT NOTES

1. All roadways, water line infrastructure and fire hydrants shall be in place before building construction may begin.

3. Fire hydrant shall be marked with a blue road reflector.
4. Fire lanes shall be provided for the multi residential buildings.
5. All multi residential town homes or apartments must be equipped with fire sprinkler systems, and fire alarm systems meeting Florida fire prevention code.
6. Fire department connections (FDC) for sprinkler systems must be remote from the buildings with fire lanes.
7. If the development is gated, the gate shall be equipped with an opti-com type signaling device that is compatible with City of Apopka emergency vehicles. It must also be equipped with a yelp siren activation and gate code requested by the Fire Department.
8. Connector road to the north all the way to W. Orange Avenue shall meet City of Apopka standards to allow safe travel for fire apparatus.

PUBLIC SERVICES DEPARTMENT NOTES

1. Roads, driveways & roundabouts shall follow FDOT standards.
2. Utilities shall be coordinated with and provided by the city of Apopka.
3. Sanitation service shall be coordinated with and provided by the City of Apopka.
4. Single family and townhome sanitation service shall be via individual unit curbside waste bins per city schedule.
5. Apartment sanitation service shall be via roll-off bins located within an enclosed compactor bay on site. Apartment maintenance staff shall be responsible for transportation of trash from the apartment buildings to the compactors and coordinating pick up with the city sanitation department.
6. No trees or shrubs shall be planted within the road right of ways with contain city-maintained potable water, reclaimed water, stormwater or sewer mains.
7. Landscape and irrigation design shall be in accordance with the City of Apopka Ordinance 2069, adopted May 21, 2008 which establishes waterwise landscape and irrigation standards.

BUILDING DESIGN/ARCHITECTURE

1. Village structures shall be complimentary to but distinct from adjacent villages.
 2. Building facades shall be varied in depth with multiple pitched roof heights to provide visual interest. Flat and/or mansard roofs shall not be permitted.
 3. Facade materials shall be varied and may consist of stucco, horizontal siding, stone and/or brick veneer.
 4. Color palettes shall be complimentary to but distinct from adjacent villages. Field colors and trim shall be distinct from one another.
 5. Residential units shall have a useable front porch accessible from the sidewalk. Upper units at the apartments shall also have porches and/or useable outdoor seating areas located along the upper floor verandas.
 6. A community clubhouse and resort style pool shall be located in the single family and townhome villages.
- Community clubhouses and resort style pools shall be located in the apartment village.

- 8. Community clubhouses shall be equipped with restrooms, communal kitchens (indoor and/or outdoor), seating areas and exercise areas.
- 9. Community clubhouses shall be designed to accommodate persons with disabilities as required by the Florida building code and ADA, current enforced editions.
- 10. Access to community clubhouses shall be restricted to village residents and their guests.

BUILDING SETBACKS

1. SINGLE FAMILY RESIDENCES

FRONT YARD:	25' MINIMUM
SIDE YARD:	7.5' MINIMUM
REAR YARD:	20' MINIMUM
FRONT-FACING GARAGE:	30' MINIMUM

NOTES:

- Two story residences shall be set back an additional 2.5' from the side yard property lines.
- Front porches may encroach into the front yard setback no more than 5'.

2. TOWNHOMES

Front yard: 15' minimum, 17' to 20' shown on plan to public sidewalk where facing street

Front yard: 5' minimum to public sidewalk where facing central greenbelt face of bldg to face of bldg: 60' minimum where facing central greenbelt side yard between bldgs:20' minimum

Garage driveway: 20' minimum to public sidewalk\edge of right of way

NOTES:

- Townhomes abutting the single family residential village shall be setback a minimum of 30' from the property line separating the two villages.
- A 6' high precast concrete wall with stone veneer shall be located along that property line. Refer to master plan & landscape plan for location
- Front porches at townhomes may not encroach into the front yard setback.

3. APARTMENTS

Front yard: 12' MINIMUM TO PUBLIC SIDEWALK WHERE FACING STREET

Side yard: NOT APPLICABLE

Face of bldg to face of bldg: 60' MINIMUM, 70' SHOWN ON PLAN WHERE FACING central greenspace.

NOTES:

- Ground floor apartment units facing the street shall have usable front porches and entrances accessible from the public sidewalk.

- Units facing the central greenspace shall have usable porches accessible from common area walkways.
- Front porches at apartments may not encroach into the front yard setback or central greenspace setback.

LOT DIMENSIONS

1. SINGLE FAMILY RESIDENCES

INTERIOR LOTS: 70' X 120' (LIMITED TO 10% OF TOTAL LOTS)
75' X 110'
80' X 100'

CORNER LOTS: 75' X 110' MINIMUM

NOTES:

- Lot widths at internal blocks vary but must maintain minimum standards listed above.
- Lot configuration diagrams are located on Sheet ZA.12

2. TOWNHOMES

INTERIOR LOTS: 20' X 71' MINIMUM
END LOTS: 20'-4" WIDE X 71' DEEP TO ACCOMODATE END

WALL THICKNESS.

NOTES:

- Common areas abutting the townhome lots shall be the responsibility of and maintained by the Village H.O.A.

UNIT SIZES

1. SINGLE FAMILY RESIDENCES

1,700 minimum sf livable area
2 enclosed parking spaces

2. TOWNHOMES

1,350 minimum sf livable area
1 enclosed parking space

3. APARTMENTS

1 BR UNIT: 750 minimum SF livable area
2 BR UNIT: 900 minimum SF livable area

3 BR UNIT: 1,050 minimum SF livable area

NOTES:

- See Sheet ZA.02 for parking table
- A list of luxury apartment features is included in the developer agreement.

ADDITIONAL NOTES

1. All residential units shall comply with fair housing act accessibility standards.
2. A minimum of 5% of the apartment units shall be designed to comply with ADA standards.
3. All single family and townhome units shall have a fair housing act compliant bath or 1/2 bath located on the ground floor of the unit.
4. All residential units shall laundry facilities located within the livable area.
5. Bicycles and or personal items other than outdoor furnishings and plants shall not be stored on porches. Bicycle racks shall be provided at community clubhouses, recreation areas and each apartment block.
6. Single family waste bins shall be stored either within each unit's garage or behind an opaque screen wall or fence located within the sideyard setback
7. Townhome waste bins shall be stored within each unit's garage or behind an opaque screen wall or fence located within the rear yard setback.
8. Apartment buildings shall have common trash rooms located within each building. Property management shall be responsible for transporting trash from each building to the compactor enclosure shown on the plans.

COMMUNITY PARK GUIDELINES

1. Park facilities shall meet ADA accessibility requirements.
2. Restrooms shall be provided for park users.
3. On-street parking is provided for park users. Additional parking pending. Refer to developer agreement for additional information.
4. Bicycle racks shall be provided. Number and location(s) to be determined at preliminary development plan.
5. Drinking fountains shall be provided. Number and locations to be determined at preliminary development plan.
6. Recreation facilities shown on plans are conceptual final facilities to be determined at preliminary development plan.
7. All development residents shall have shared-use access to the community park including flex zone Parcel B-5.

FLEX ZONE PARCEL B-5

1. Refer to Exhibit "C" for permissible uses. Any additional uses within Flex Zon parcel B-5 must be approved through an amendment to the PUD ordinance.
2. Development standards to follow land development code.
3. Refer to adopting PUD zoning ordinance for additional information.

PROPOSED VILLAGE NAMES

- PARCEL A The Lakes at Avian Pointe
- PARCEL B-1 North Mews at Avian Pointe
- PARCEL B-2 The Commons at Avian Pointe
- PARCEL B-3 South Mews at Avian Pointe
- PARCEL B-4 Community park to be determined and submitted with preliminary development plan
- PARCEL B-5 FLEX ZONE To be determined and submitted with preliminary development plan

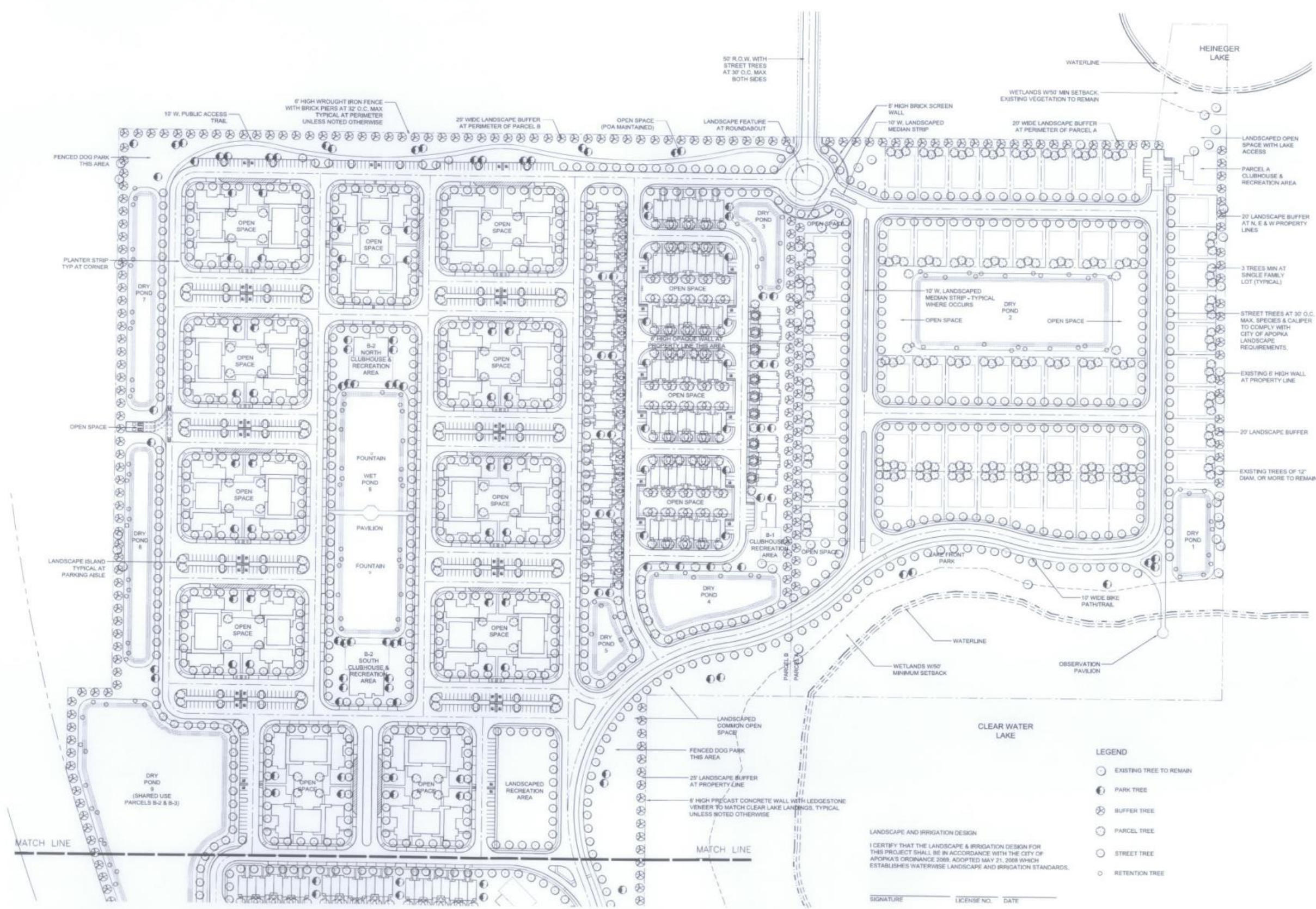
1. Village names listed above are preliminary & subject to change pending preliminary site plan submittal.
2. Street names are preliminary & subject to change pending orange county availability and preliminary site plan submittal.

EXHIBIT “C”

FLEX ZONE PERMITTED USES – PARCEL B-5

Flex Space Permitted Uses. The following land uses are permissible uses within the Flex Zone area (Phase B-5):

- a. Boutique Hotel. The Hotel shall not exceed 100 rooms and all rooms must have entry only through the interior of the hotel building. A restaurant is allowed at the hotel but must be interior to the hotel or connected by a covered walkway. Restaurant facilities must be managed or leased by the hotel owner. The boutique hotel shall demonstrate character and attributes common to the definition of such hotels and shall be furnished in a themed, stylish and/or aspirational manner.
- b. School. A public or private school serving school age children from grades kindergarten (including pre-school) to 12th grade. In the event that the Flex Space Phase is developed as a school use, the Master Association shall enter into a shared use agreement with the owner of the school property to enable the school to utilize a portion of the Recreational Area Phase during normal school hours.
- c. Day care, adult or child.
- d. Assisted Living Facility or Senior Housing.
- e. Residential. The City and the Developer agree that in the event nonresidential development does not occur on the Flex Space area, Developer shall be permitted to convert the flex space to develop up to a maximum of sixty (60) townhome units on the Flex Space area to the extent and limited to a maximum residential density of ten (10) units per acres for the entire area of the Avian Pointe Master Plan assigned a Residential Medium Density Future Land Use Designation and subject to compliance with all school concurrency requirements and the City’s Land Development Code. Conversion of the Flex Space area to residential townhomes shall not occur until after 650 residential units have been constructed within Avian Pointe or five (5) years from the completion of the Spine Road, whichever occurs first. Conversion may include residential apartments above first-floor professional or business office uses consistent with Section (f) below. Residential buildings within parcel B-5 nearest the Spine Road or the northern private road shall be have the front facade oriented to the street with the primary entrance connected to the street sidewalk and to the perimeter of the Parcel. Parking shall be located behind residential buildings screened from S.R. 429 or the PUD roads. Residential buildings nearest the Spine Road shall be limited to two stories and a height of thirty-five (35) feet.
- f. Vertical Mixed Use Buildings. Professional or business office on the first floor and apartments on the upper floors. A maximum of sixty (60) apartment units are allowed. A professional or business office unit shall not exceed 2,500 square feet.
- g. Any residential development within the Flex Use Area must satisfy any applicable school concurrency requirements prior to submittal of a preliminary or final development plan. Additional requirements may appear in the Avian Pointe PUD development agreement.



6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572

813-465-1095

FL LICENSE NO. AR92665

CONSULTING ENGINEER:

ERIC J. HENDRA, P.E.

ENDRA
& associates, inc.

PROJECT INFORMATION:

AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)

2771 LUST ROAD
APOPKA, FLORIDA

SCALE: 1" = 100'

DATE	REV.	DESCRIPTION
3/24/14		CITY REVIEW
3/28/14		CITY SUBMITAL 1
5/30/14		CITY SUBMITAL 2
6/12/14	▲	REVISION 1
4/27/15	▲	REVISION 2

SEAL:

SHEET NUMBER:
ZA.05

PROJECT NUMBER: 14-001
DATE: 4-27-15
DRAWN BY: HS

LANDSCAPE AND IRRIGATION DESIGN

I CERTIFY THAT THE LANDSCAPE & IRRIGATION DESIGN FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2008, ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ LICENSE NO. _____ DATE _____

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

LANDSCAPE PLAN - SHEET 2 OF 2

HOLLY SWANSON
ARCHITECT, AIA

6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572

813-465-1095

FL LICENSE NO. AR82665

CONSULTING ENGINEER:

ERIC J. HENDRA, P.E.



PROJECT INFORMATION:

AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)

2771 LUST ROAD
APOPKA, FLORIDA

SCALE: 1" = 100'

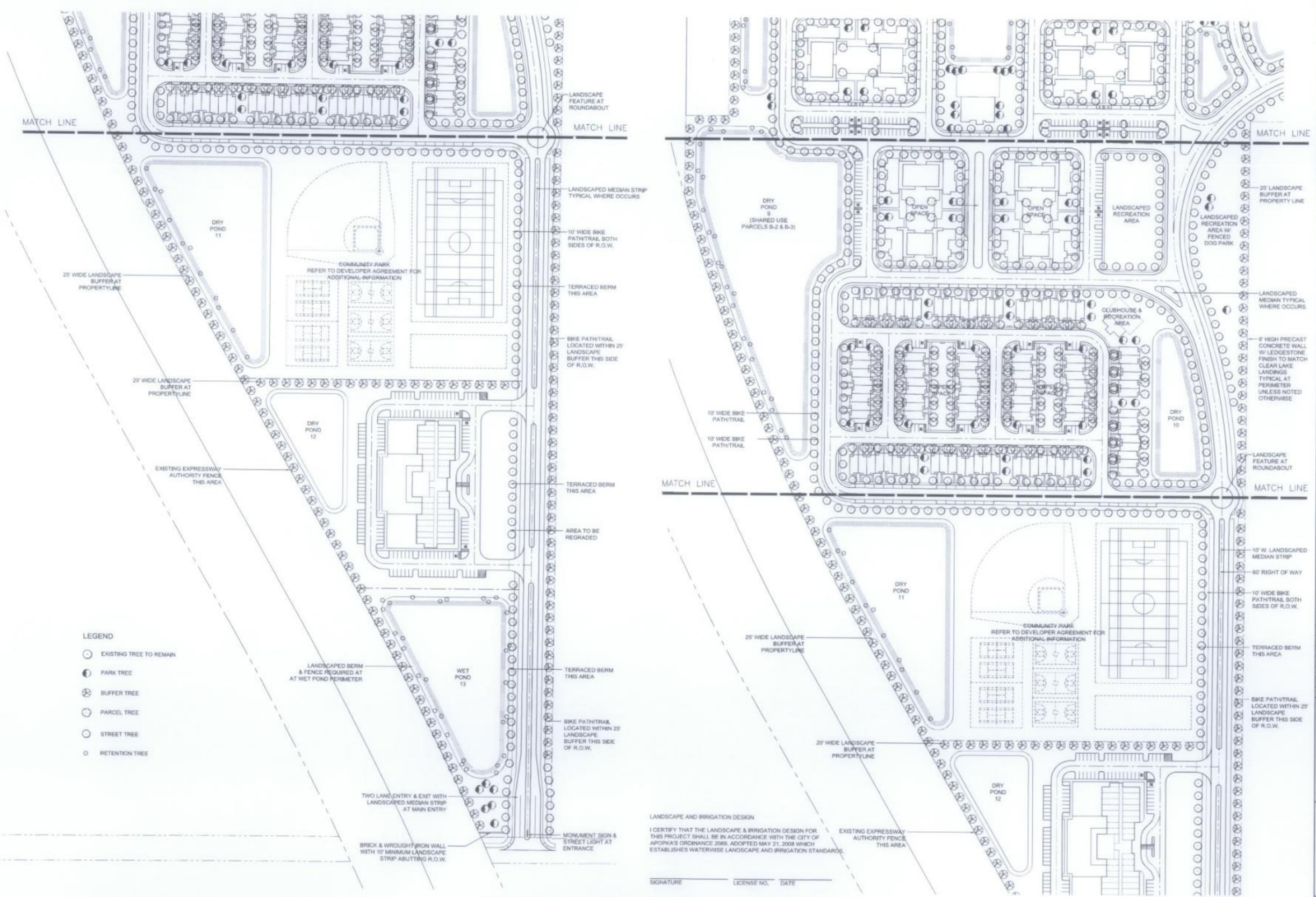
DATE	REV.	DESCRIPTION
3/24/14		CITY REVIEW
3/28/14		CITY SUBMETAL 1
5/30/14		CITY SUBMETAL 2
6/12/14	▲	REVISION 1
4/27/15	▲	REVISION 2

SEAL:

SHEET NUMBER:

ZA.06

PROJECT NUMBER: 14001
DATE: 4-27-15
DRAWN BY: HS



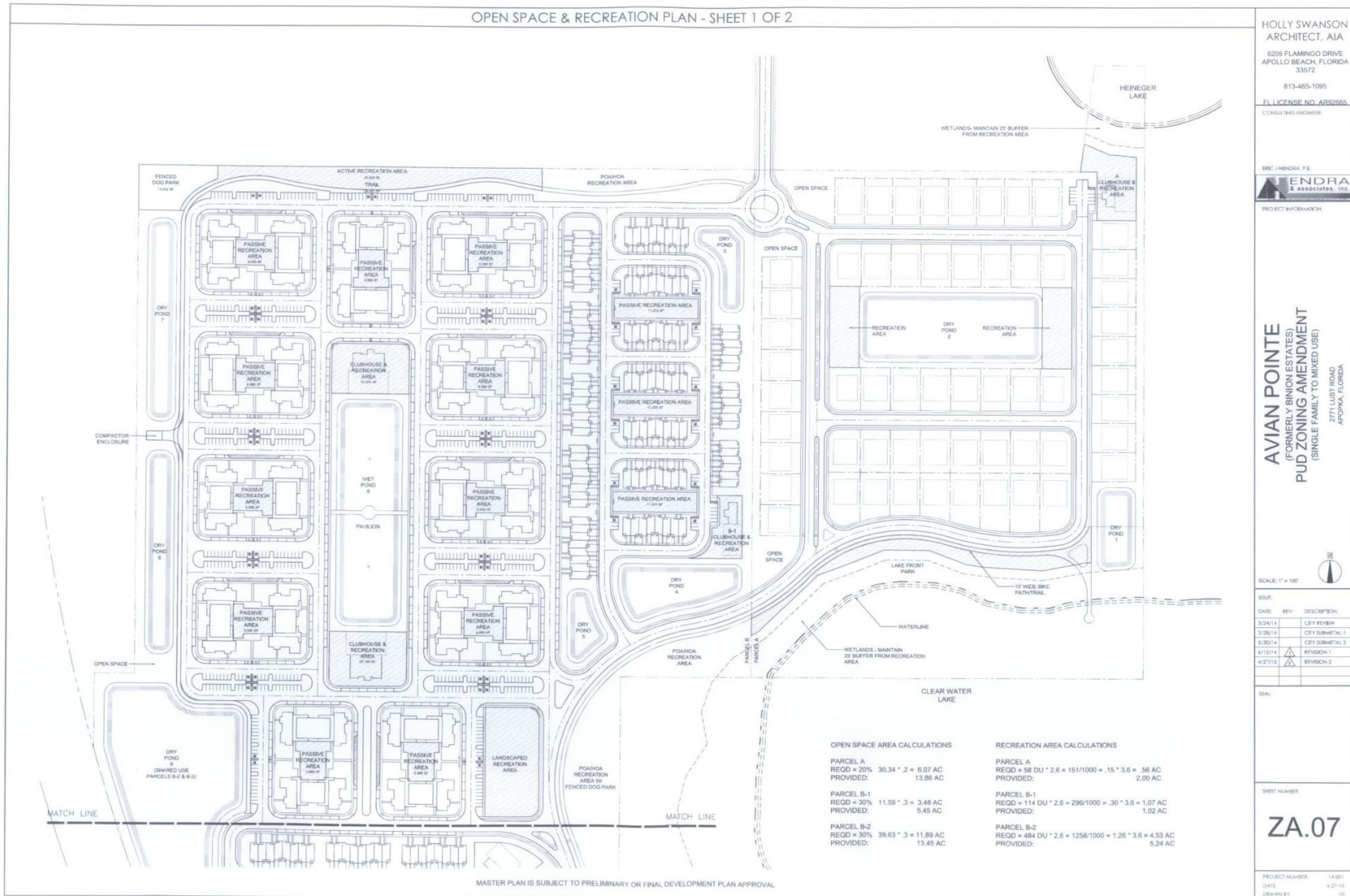
- LEGEND**
- EXISTING TREE TO REMAIN
 - PARK TREE
 - ⊗ BUFFER TREE
 - PARCEL TREE
 - STREET TREE
 - RETENTION TREE

LANDSCAPE AND IRRIGATION DESIGN
I CERTIFY THAT THE LANDSCAPE & IRRIGATION DESIGN FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2009, ADOPTED MAY 31, 2009 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ LICENSE NO. _____ DATE _____

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

OPEN SPACE & RECREATION PLAN - SHEET 1 OF 2



HOLLY SWANSON
ARCHITECT, AIA
6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572
813-465-1095
FL LICENSE NO. AR92665
CONSULTING ENGINEER



AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)
2771 LUST ROAD
APOPKA, FLORIDA

SCALE: 1" = 100'

DATE	REV.	DESCRIPTION
3/24/14		CITY REVIEW
3/28/14		CITY SUBMITAL 1
5/30/14		CITY SUBMITAL 2
6/12/14	△	REVISION 1
4/27/15	△	REVISION 2

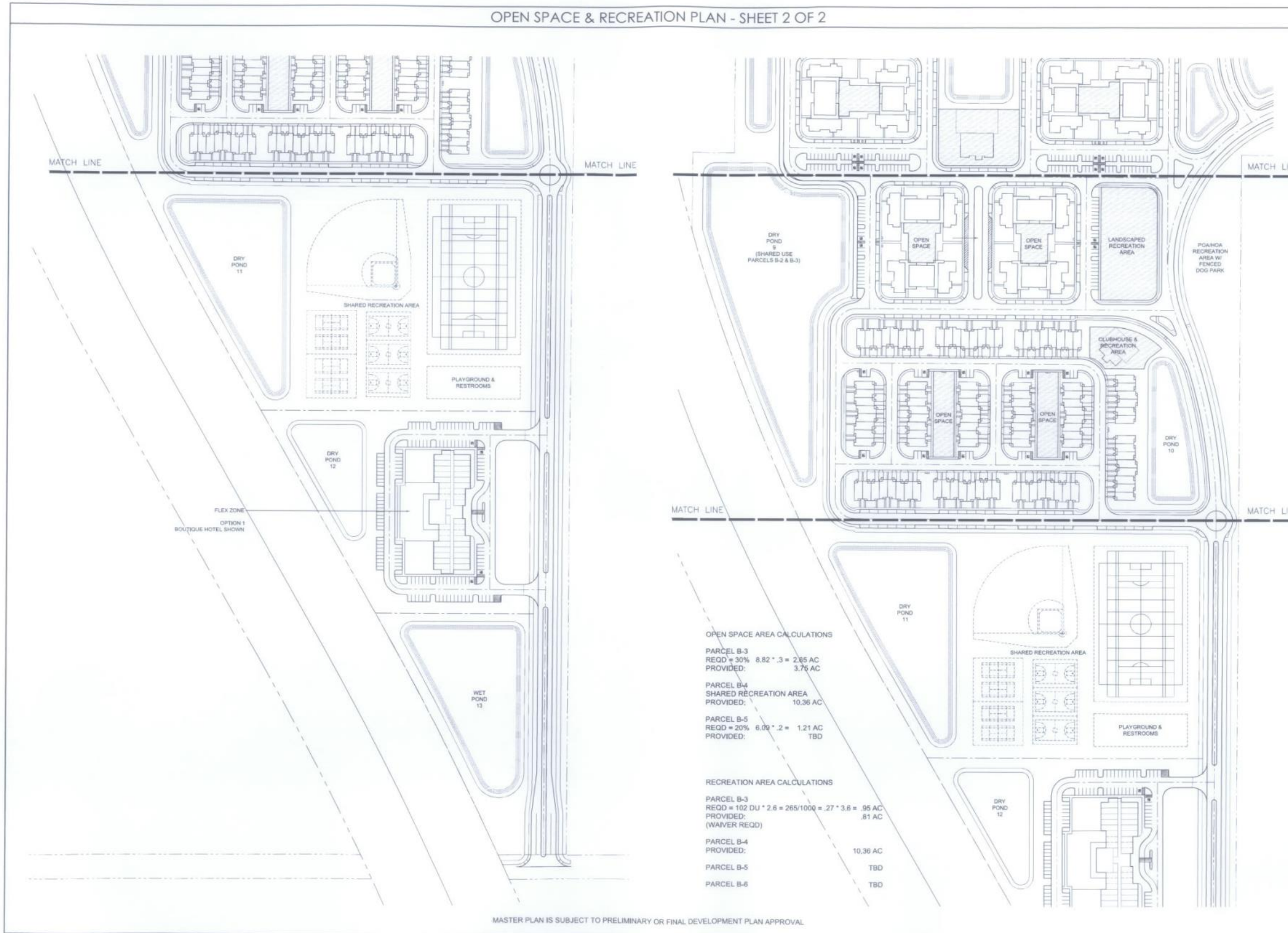
SEAL:

SHEET NUMBER:
ZA.07

PROJECT NUMBER: 14001
DATE: 4-27-15
DRAWN BY: HS

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

OPEN SPACE & RECREATION PLAN - SHEET 2 OF 2



OPEN SPACE AREA CALCULATIONS

PARCEL B-3
 REQD = 30% 8.82 * .3 = 2.65 AC
 PROVIDED: 3.76 AC

PARCEL B-4
 SHARED RECREATION AREA
 PROVIDED: 10.36 AC

PARCEL B-5
 REQD = 20% 6.09 * .2 = 1.21 AC
 PROVIDED: TBD

RECREATION AREA CALCULATIONS

PARCEL B-3
 REQD = 102 DU * 2.6 = 265/1000 = .27 * 3.6 = .95 AC
 PROVIDED: .81 AC
 (WAIVER REQD)

PARCEL B-4
 PROVIDED: 10.36 AC

PARCEL B-5
 PROVIDED: TBD

PARCEL B-6
 PROVIDED: TBD

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

HOLLY SWANSON
 ARCHITECT, AIA
 6205 FLAMINGO DRIVE
 APOLLO BEACH, FLORIDA
 33572
 813-465-1095
 FL LICENSE NO. AR92665
 CONSULTING ENGINEER



PROJECT INFORMATION

AVIAN POINTE
 (FORMERLY BINION ESTATES)
 PUD ZONING AMENDMENT
 (SINGLE FAMILY TO MIXED USE)
 2771 LUST ROAD
 APOPKA, FLORIDA

SCALE: 1" = 100'

DATE	REV.	DESCRIPTION
3/24/14		CITY REVIEW
3/26/14		CITY SUBMITAL 1
5/30/14		CITY SUBMITAL 2
6/12/14	▲	REVISION 1
4/27/15	▲	REVISION 2

SEAL

SHEET NUMBER
ZA.08

PROJECT NUMBER: 14001
 DATE: 4-27-15
 DRAWN BY: HG

PROTOTYPE MULTI-FAMILY APARTMENT BUILDING ELEVATIONS



BLDG 'A2' FRONT ELEVATION



BLDG 'A1' FRONT ELEVATION



BLDG 'A2' REAR ELEVATION



BLDG 'A1' REAR ELEVATION

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & CIVIL ENGINEERING REFINEMENTS.

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & CIVIL ENGINEERING REFINEMENTS.

HOLLY SWANSON
ARCHITECT, AIA
6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572

813-465-1095

FL LICENSE NO AB92665

CONSULTING ENGINEER:

ERIC J HENDRA, P.E.



PROJECT INFORMATION:

AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)
2771 LUST ROAD
APOPKA, FLORIDA

SCALE: 1/16" = 1'-0"

ISSUE:

DATE	REV.	DESCRIPTION
3/24/14		CITY REVIEW
3/28/14		CITY SUBMITTAL 1
5/30/14		CITY SUBMITTAL 2
6/12/14	△	REVISION 1
4/27/15	△	REVISION 2

SEAL:

SHEET NUMBER:

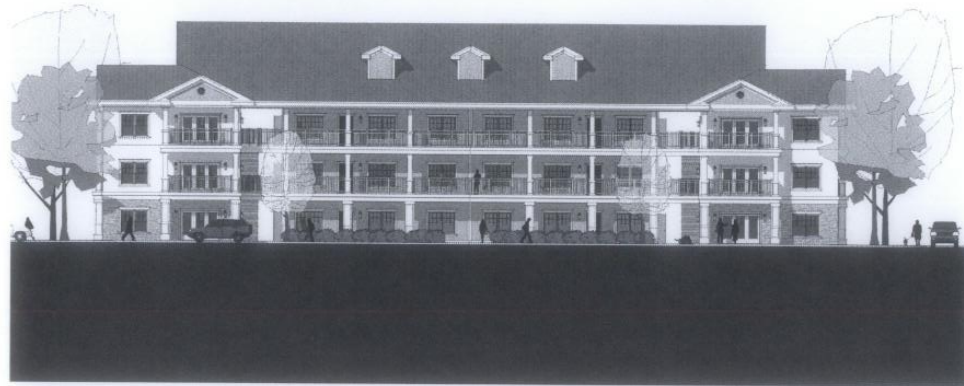
ZA.09

PROJECT NUMBER: 14-001

DATE: 4-27-15

DRAWN BY: HS

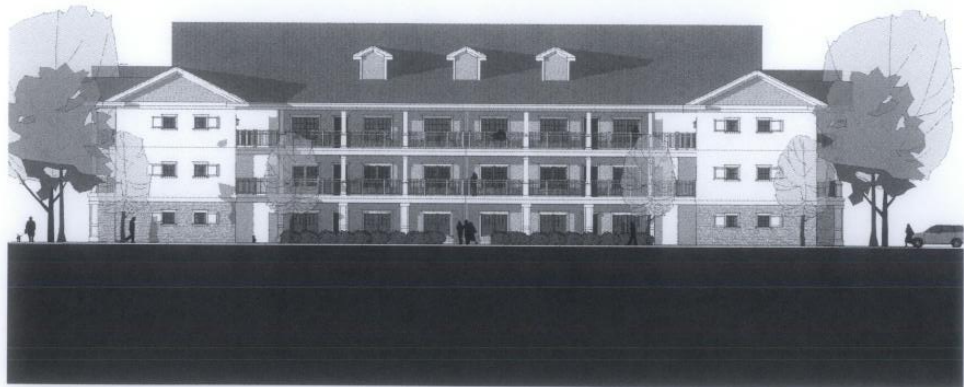
PROTOTYPE MULTI-FAMILY APARTMENT BUILDING ELEVATIONS



BLDG 'B2' FRONT ELEVATION



BLDG 'B1' FRONT ELEVATION



BLDG 'B2' REAR ELEVATION



BLDG 'B1' REAR ELEVATION

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & CIVIL ENGINEERING REFINEMENTS.

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & CIVIL ENGINEERING REFINEMENTS.

HOLLY SWANSON
ARCHITECT, AIA
6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572

813-465-1095

FL LICENSE NO. AR92865

CONSULTING ENGINEER:

ERIC J HENDRA, P.E.



PROJECT INFORMATION:

AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)
2771 LUST ROAD
APOPKA, FLORIDA

SCALE: 1/16" = 1'-0"

ISSUE:

DATE REV. DESCRIPTION:

3/24/14 CITY REVIEW

3/28/14 CITY SUBMITTAL 1

5/30/14 CITY SUBMITTAL 2

6/12/14 REVISION 1

4/27/15 REVISION 2

SEAL:

SHEET NUMBER:

ZA.10

PROJECT NUMBER: 14-001

DATE: 4-27-15

DRAWN BY: HS

PROTOTYPE MULTI-FAMILY TOWNHOUSE ELEVATIONS



8 UNIT FRONT ELEVATION



6 UNIT FRONT ELEVATION



8 UNIT REAR ELEVATION



6 UNIT REAR ELEVATION



IMAGERY
LITTLE HARBOR, RUSKIN FL

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & ENGINEERING REFINEMENTS.

HOLLY SWANSON
ARCHITECT, AIA
6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572

813-465-1095

FL LICENSE NO. AR92665

CONSULTING ENGINEER:

ERIC J HENDRA, P.E.



PROJECT INFORMATION:

AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)
2771 LUST ROAD
APOPKA, FLORIDA

SCALE: 1/16" = 1'-0"

ISSUE:

DATE	REV.	DESCRIPTION:
3/24/14		CITY REVIEW
3/28/14		CITY SUBMITTAL 1
3/30/14		CITY SUBMITTAL 2
6/12/14	△	REVISION 1
4/27/15	△	REVISION 2

SEAL:

SHEET NUMBER:

ZA.11

PROJECT NUMBER: 14-001
DATE: 4-27-15
DRAWN BY: HS

**MASTER DEVELOPMENT AGREEMENT
(AVIAN POINTE)**

This Master Development Agreement (the "Agreement") is made and entered into this ___ day of _____, 2015 (the "Effective Date") by and among City of Apopka, a Florida municipal corporation, whose mailing is 120 East Main Street, Apopka, Florida 32703 (the "City"), Apopka Clear Lake Investments, LLC, a Florida limited liability company, whose mailing address is 511 West Bay Street, Suite 350, Tampa, Florida 33606 ("Developer") and The W.D. Long Family Farms Limited Partnership, a Florida limited partnership, whose mailing address is 2849 Lust Road Apopka, Florida 32703 (hereinafter referred to as "Long").

RECITALS

A. Developer is currently the owner and developer of that certain property located in the City of Apopka, Orange County, Florida legally described in Exhibit "A" attached hereto and made a part hereof (the "Apopka Clear Lake Property");

B. Long is the owner of certain real property adjacent to the Apopka Clear Lake Property bearing Orange County Tax Parcel Identification Number 07-21-28-0000-00-015 (the "Long Property").

C. The Apopka Clear Lake Property and the Long Property are sometimes collectively referred to herein as the "Property".

D. The Property is commonly known as Avian Pointe which is an approved Planned Unit Development (the "PUD") consisting of single family, townhome, apartment, flex space and recreational uses (collectively, the "Project");

E. The City, Developer and Long are sometimes collectively referred to herein as the "Parties".

F. The Parties anticipate that the Project will be constructed in phases with two (2) phases for the townhome portion, two (2) phases for the apartment portion, one (1) single family home phase, one (1) phase for the flex space portion; and certain common areas, including but not limited to recreational areas, which shall also be constructed in phases all as more

particularly described in Exhibit "B" attached hereto and made part hereof (the "Phasing Plan"); and

G. The Parties Developer will establish a Master Association to administer the maintenance of the common elements of the Project, including the recreational areas, in order to ensure the orderly development of the Project as a quality community.

NOW THEREFORE, for and in consideration of the mutual obligations contained herein and the sum of ten dollars (\$10.00) and other good and valuable consideration the sufficiency of which is hereby conclusively acknowledged the parties agree as follows:

AGREEMENT

1. **Recitals.** The Recitals contained above are true and correct and are incorporated in this Agreement as full as if set forth herein verbatim.

2. **Project Phasing.** Developer may construct the Project in phases consistent with the Phasing Plan and the PUD Master Plan, but shall not be required to construct them in the sequence set forth on the Phasing Plan. Phasing must occur consistent with limitations and conditions set forth in the Transportation Improvements Development Agreement and Grant of Easement attached hereto as Exhibit "C" and made part hereof (the "Transportation Agreement"). Phase A of the Phasing Plan represents the single family residential portion of the Project. Phase B-1 represents one townhome phase of the Project. Phase B-2 represents the apartment phases of the Project. Phase B-3 represents one townhome phase of the Project. Phase B-4 represents the recreational area phase of the Project, which may consist of further sub-phases as set forth in this Agreement. Phase B-5 represents the flex space phase of the Project. Phase B-6 represents the open space phase for the flex space phase of the Project.

3. **Master Association.** Prior to the issuance of the first building permit for the initial phase of the Project, Developer shall form the Avian Pointe Master Association (the "Master Association") through the creation of Articles of Incorporation, Bylaws and a Declaration of Covenants, Conditions and Restrictions (the "Governing Documents"). The Governing Documents shall be consistent with this Agreement and the Transportation Agreement and, to the extent of a conflict, this Agreement and the Transportation Agreement shall supersede the Governing Documents. The initial members of the Board of Directors for the Master Association shall be Ken Stoltenberg, Frank Bombeeck and Ben Voss with successors to be appointed based upon the ownership of the Apopka Clear Lake Property. The Long Property will be included as a member of the Master Association, but shall not be required to pay any assessments under the Governing Documents unless and until the Long Property is conveyed to a third party. As Developer sells portions of the Property to third parties, such third parties shall be added as members of the Master Association and the Board of Directors shall be updated to ultimately include a total of five (5) members representing the two (2) townhome phases, two (2) apartment phases and one (1) single family home phase. Each member shall agree on behalf of itself and their respective successors and assigns to comply with the PUD and other City approvals for the Project applicable to any portion of the Property owned by the particular party. The Governing Documents shall specify that an annual budget is established to adequately fund the maintenance of

the park space and Internal Streets (as hereinafter defined). The Governing Documents shall also provide for the establishment of an Architectural Review Committee ("ARC"). Each individual phase of the Project shall be required to submit plans and specifications to the ARC before seeking approval of the same from the City. The City and the Developer agree that the Avian Pointe is intended to be a first-class residential community and the ARC shall establish review criteria consistent with such intent and similar communities within the Central Florida area.

4. **Temporary Density Limitation.** The Parties entered into the Transportation Agreement of even date herewith regarding, among other things, certain transportation improvements to be completed in connection with the Avian Pointe Project. The City and Developer further agree that notwithstanding the approval of the PUD, the density of the Apopka Clear Lake Property shall not exceed five (5) dwelling units per acre or 455 multi-family residential units (meaning townhome and apartment units as used in this Agreement) until such time as the Spine Road (as defined in the Transportation Agreement) is connected to Orange Avenue north of the Project.

5. **Internal Street Network.** With the exception of the Spine Road (as defined in the Transportation Agreement), all internal streets within the Project will be privately owned and maintained (the "Internal Streets"). The Governing Documents of the Master Association shall specify which Internal Streets are maintained by which phase of the Project in a manner that is consistent with the Road Delineation Plan attached hereto as Exhibit "D" and incorporated herein by this reference. No residential community within Avian Pointe, including the Long Property, shall be gated.

6. **Parking and On Site Infrastructure.** Although the Project may be constructed in phases consistent with the Phasing Plan and this Agreement, each individual phase of the Project shall be required to provide sufficient on site infrastructure to satisfy the applicable City Code requirements. Further, each individual phase shall be required to provide the number of parking spaces set forth within the Avian Pointe PUD Zoning Amendment and Mixed Use Master Plan. All on street parking spaces with the exception of Parcel A (the Long Property) shall be considered common areas and accessible to residents and guests of the entire Project.

7. **Shared Use Recreation Area.** The common Recreational Area Phase of the Project is depicted on the Phasing Plan as phase B-4 (the "Shared Use Recreational Area"). The City and Developer agree that the Recreational Area Phase may be constructed in four (4) sub-phases. Such sub-phases shall correspond to the two (2) townhome phases and two (2) apartment phases of the Project. Each sub-phase shall fund its share of the cost of the amenity features with and the Governing Documents of the Master Association shall require that the Master Association shall be ultimately responsible for constructing the amenities which compromise the Recreational Area Phase and shall maintain ownership and control over Phase B-4. The Recreational Area Phase shall be consistent with the amenities appearing on the Master Association Plan for Phase B-4. Recreational facilities may include a pool, playground, dog park, restrooms, storage facility, basketball court(s), racquetball court, tennis court and/or other similar uses with a parking area to include an adequate number of handicapped spaces. A final development for the Shared Recreation Area shall be approved by the Apopka City Council prior to the issuance of the first Preliminary Development Plan approval by the City for Phase B-1, B-2, or B-3. All land east of the Spine Road (as defined in the Transportation Agreement) northward shall be under the control and maintenance of the Master Association, and included as part of the common area recreation area and facilities.

8. **Apartments.** The apartment phases of the Project are characterized as luxury apartments and shall contain the following amenity features: (1) balcony/porch with each unit; (2) resort-style swimming pool; (3) dog park and (4) full washer and dryer within two and three bedroom apartments and a full or stacked washer and dryer available in one-bedroom apartments. Additionally, at least two (2) of the other amenity features set forth on Exhibit "E" attached hereto and incorporated herein by this reference (the "Additional Luxury Apartment Amenity Features") shall be provided. No community laundry or coin laundry room is allowed.

9. **Flex Space Permitted Uses.** The following land uses are permissible uses within the Flex space area (Phase B-5):

a. **Boutique Hotel.** The Hotel shall not exceed 100 rooms and all rooms must have entry only through the interior of the hotel building. A restaurant is allowed at the hotel but must be interior to the hotel or connected by a covered walkway. Restaurant facilities must be managed or leased by the hotel owner. The boutique hotel shall demonstrate character and attributes common to the definition of such hotels and shall be furnished in a themed, stylish and/or aspirational manner.

b. **School.** A public or private school serving school age children from grades kindergarten (including pre-school) to 12th grade. In the event that the Flex Space Phase is developed as a school use, the Master Association shall enter into a shared use agreement with the owner of the school property to enable the school to utilize a portion of the Recreational Area Phase during normal school hours. Such use agreement shall set forth an obligation of the owner of the school property to participate in the maintenance costs of the Shared Recreational Area Phase (Parcel B-4) on a fair share basis to be agreed upon between the parties. The shared use agreement shall ensure the school has use of the Shared Recreation Area during school hours and during organized school activities.

c. **Day care, adult or child.**

d. **Assisted Living Facility or Senior Housing.**

e. **Residential.** The City and the Developer agree that in the event nonresidential development does not occur on the Flex Space area, Developer shall be permitted to convert the flex space to develop up to a maximum of sixty (60) townhome units on the Flex Space area to the extent and limited to a maximum residential density of ten (10) units per acres for the entire area of the Avian Pointe Master Plan assigned a Residential Medium Density Future Land Use Designation and subject to compliance with all school concurrency requirements and the City's Land Development Code. Conversion of the Flex Space area to residential townhomes shall not occur until after 650 residential units have been constructed within Avian Pointe or five (5) years from the completion of the Spine Road, whichever occurs first. Conversion may include residential apartments above first-floor professional or business office uses consistent with Section 9(f) below. Residential buildings within parcel B-5 nearest the Spine Road or the northern private road shall be have the front facade oriented to the street with the primary entrance connected to the street sidewalk and to the perimeter of the Parcel. Parking shall be behind residential buildings screen from S.R. 429 or the PUD roads. Residential buildings nearest the Spine Road shall be limited to two stories and a height of thirty-five (35) feet.

f. Vertical Mixed Use Buildings. Professional or business office on the first floor and apartments on the upper floors. A maximum of sixty (60) apartment units are allowed. A professional or business office unit shall not exceed 2,500 square feet.

G. Any residential development within the Flex Use Area must satisfy any applicable school concurrency requirements prior to submittal of a preliminary or final development plan.

10. **Development Design Review.** Prior to or commensurate with the submittal of the first Preliminary Development Plan for the Project, Developer shall submit a document for review by City staff demonstrating common design themes for utility and equipment located within common areas or private and public roadways, entrance features design, including but not limited to decorative street light poles, street name theme, and park benches\ furniture. Entrance features and landscape plans for the round-about shall be also be submitted for review by City staff. The Master Association shall be responsible for maintaining the landscaping, trees and grass within all medians and rights-of-way along the Spine Road south of the northern Project property line. North of the northern project line, the Master Association shall maintain the landscaping, trees, and grass within the right-of-way northward to Peterson Street for four (4) years after installation or the 700th residential unit is constructed, whichever occurs first. Maintenance shall include mowing grass and maintaining any vegetation or trees planted within the right-of-way or round-about. No residential community within Avian Pointe, including the Long Property, shall be gated.

11. **Covenants Running with the Land/Assignment.** The terms, provisions, covenants, conditions and restrictions set forth in this Agreement and the rights, privileges and benefits and duties, obligations and burdens assigned, granted, imposed and created pursuant to this Agreement shall and are hereby declared to be covenants running with the title to the Property. This Agreement shall legally benefit and bind the Developer and its respective successors and assigns.

12. **Off-Site Real Estate Directory Signage.** As the Avian Pointe Project is currently located in an isolated area until developed, the Developer may locate one (1) temporary real estate directory sign on private property at the intersection of King Street and W. Orange Avenue and at the intersection of Lust Road and Binion Road on a temporary basis and subject to the approval of the property owner. If multiple homebuilders are present within Avian Pointe, they must share this same real estate directory sign. The temporary real estate sign must be removed within four (4) years from the issuance of the first residential certificate of occupancy or upon completion of the 700th unit, whichever occurs first.

13. **Legal Proceedings, Attorneys' Fees.** In the event that either of party shall institute litigation or other legal proceedings against the other to interpret or enforce any term, provision, warranty, covenant or condition set forth in this Agreement, the prevailing party in such litigation or other legal proceedings following all appeals therefrom, if any, shall be entitled to recover from the non-prevailing party in such litigation or other legal proceedings reasonable attorneys', paralegals', and experts' fees and expenses and court costs incidental thereto, including those incurred on any bankruptcy proceeding and/or appeal of a lower court decision.

14. **Notices.**

- a. All notices provided for in this Agreement shall be in writing and delivered personally (including delivery by courier) or by registered or certified mail, return receipt requested, postage prepaid, or via facsimile to the parties, at the addresses and facsimile numbers set forth below, with a copy forwarded to their respective attorneys, at the addresses and facsimile numbers set forth below, or at such other addresses as the parties shall designate to each other in writing:

City: Glenn Irby, City Administrator
120 East Main Street
Apopka, Florida 32703
Telephone: (407) 703-1712

With a copy to: Cliff Shepard, Esq.
Shepard, Smith & Cassidy, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone: (407) 622-1772

Developer: Apopka Clear Lake Investments, LLC
Attention: Ken Stoltenberg
511 West Bay Street, Suite 350
Tampa, Florida 33606
Telephone (813) 321-1984

With a copy to: Thomas R. Sullivan, Esq.
GrayRobinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, Florida 32801
Telephone (407) 244-5664

Long: The W.D. Long Family Farms Limited Partnership
Attention: William D. Long
2849 Lust Road
Apopka, Florida 32703

- b. Any notice, request, demand, instruction or other communication to be given to either party hereunder, shall be in writing and shall be hand-delivered, sent by Federal Express or a comparable overnight mail or delivery service, mailed by U.S. registered or certified mail, return receipt requested, postage prepaid, or transmitted by facsimile or telecopier to the parties and their listed co-recipients, at their respective addresses and/or facsimile numbers set forth herein. Any notice delivered as aforesaid shall be deemed delivered immediately upon mailing, delivery to an appropriate carrier, or receipt or refusal of delivery of said notice, whichever is earliest. The inability to deliver because of change in address of which no notice is given shall be deemed to be a receipt of the notice, demand and request. The party claiming delivery of notice via telecopier or facsimile

shall have the burden of proving notice was in fact sent, which burden can be carried without further evidence if confirmed by the transmitting telecopier or facsimile machine. Any communication sent by facsimile or telecopier shall promptly be followed by a copy delivered by one of the other approved methods. Receipt shall be deemed to have occurred if delivered to an authorized agent or any employee of the addressee or of the addressee's company. A time period in which a response to any notice, demand or request must be given pursuant to the terms of the Agreement, shall commence to run from the date of receipt. Any party may change the address for receiving notices, request, demands, or other communication by not less than three (3) days prior notice in accordance with this Paragraph. Telephone numbers are provided for convenience only.

- c. City and Developer may from time to time notify the other of changes regarding where and to whom notices should be sent by sending notification of such changes pursuant to this Paragraph.

15. Miscellaneous Provisions.

- a. **Entire Agreement.** This Agreement constitutes the complete and entire understanding and agreement between City and Developer concerning or with respect to the topics addressed in this Agreement and supersede any and all prior or contemporaneous covenants, agreements, undertakings, statements, representations or warranties, whether written or oral, of any party hereto concerning or with respect thereto.
- b. **Relationship of the Parties.** This Agreement does not evidence the creation of, nor shall it be construed as creating a partnership or joint venture among City, Developer or Long. Developer and Long cannot create an obligation or responsibility on behalf of City or bind City in any manner. Each Party is acting for its own account, and it has made its own independent decisions to enter into this Agreement and as to whether the same is appropriate or proper for it based upon its own judgment and upon advice from such advisers as it has deemed necessary. Each Party acknowledges that none of the other Parties hereto is acting as a fiduciary for or as an adviser to it in respect of this Agreement or any responsibility or obligation contemplated herein.
- c. **Agency.** Developer, Long and City, and their agents, contractors and subcontractors, shall perform all activities described in this Agreement as independent entities and not as agents of one another.
- d. **Sovereign Immunity.** Nothing contained in this Agreement shall be construed as a waiver of City's right to sovereign immunity for tort claims under and subject to § 768.28, *Florida Statutes*.
- e. **Captions and Paragraph Headings.** Captions and paragraph headings contained in this Agreement are for convenience of reference only and are in no way intended, and shall in no way be deemed, to define, describe, extend or limit the

scope, content or intent of this Agreement or of any particular term, provision or paragraph hereof.

- f. **Modification, Amendment or Termination.** This Agreement may not be changed, modified, amended or terminated except as expressly set forth in a separate writing signed by both of the parties to this Agreement or their respective successors in interest or title.
- g. **Recording in Public Records.** Developer shall ensure that this Agreement in its entirety and the Transportation Agreement in its entirety are recorded among the public records of Orange County, Florida promptly after the execution of the Agreement and Transportation Agreement by all parties.
- h. **Indemnification.** Developer hereby indemnifies and holds City and its elected and appointed officials, employees and agents harmless from and against any and all claims (at law or in equity), disputes, lawsuits, injuries, damages, attorneys' fees and all adverse matters in any way arising out of or relating to the risks assumed by Developer under this Agreement.
- i. **Default.** Failure by a Party to perform any of its obligations hereunder shall constitute default hereunder, entitling the non-defaulting Party to terminate this Agreement or to pursue the remedies of specific performance, injunctive relief or damages as set forth in this Agreement. Prior to termination of this Agreement, the non-defaulting Party exercising such right shall first provide the defaulting Party with written notice specifying such default and the actions needed to cure same, in reasonable detail. Upon receipt of said notice, the defaulting Party shall be provided thirty (30) day opportunity within which to cure such default.
- j. **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 (60) days after the filing thereof, then City shall have the right to terminate immediately this Agreement.
- k. **No Liability or Monetary Remedy.** Notwithstanding anything herein to the contrary, Developer, Long and City, on behalf of themselves, and their respective successors and assigns, hereby agree that no Party shall be liable to the other for any direct, indirect, special, punitive or consequential damages, including but not limited to, damages based on loss of service, revenues, profits or business opportunities, and hereby waive any and all claims and causes of action for the recovery of such direct, indirect, special, punitive or consequential damages.
- l. **Governing Law; Binding Effect.** This Agreement and the construction, interpretation and enforcement thereof shall be construed in accordance with and governed by the laws of the State of Florida and shall be binding upon, inure to

the benefit of and be enforceable by the parties hereto and their respective successors in interest or title.

- m. **Venue.** The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be Orange County, Florida.
- n. **Construction of Agreement.** The fact that any one of the parties to this Agreement shall have drafted or structured or shall be deemed to have drafted or structured this Agreement or any particular term or provision of this Agreement shall not be considered by any court or other tribunal in the construction or interpretation of this Agreement or any particular term or provision of this Agreement, either in favor or to the disadvantage of such party.
- o. **Severability.** If any of the terms, provisions, covenants or conditions set forth in this Agreement or the application thereof to any particular circumstance shall be held by any Court having jurisdiction to be illegal, invalid or unenforceable under applicable law, the remainder of this Agreement shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent otherwise permitted by law.
- p. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be and be taken to be an original, and are collectively but one instrument.
- q. **Time of the Essence.** Time, and timely performance, is of the essence of this Agreement and of the covenants and provisions hereunder. When a date upon which a specified event shall occur or be performed falls upon a weekend or legal holiday, the time allowed for the event or performance to occur shall be extended to 5:00 p.m. on the next succeeding business day. For purposes of this Agreement, a "business day" shall mean any weekday that the banks in the county in which the Property is located are open for business (thereby excluding Saturdays, Sundays and legal holidays).
- r. **Statutory Development Agreement.** This Agreement is not a statutory development agreement pursuant to Chapter 163, Florida Statutes (Florida Local Government Development Agreement Act), and is being entered into by the City pursuant to the City's home rule authority.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Witnesses:

APOPKA CLEAR LAKE INVESTMENTS, LLC,
a Florida limited liability company

Printed Name: _____

By: _____
Name: _____
Title: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
2015, by _____, as _____
of Apopka Clear Lake Investments, LLC, a Florida limited liability company, who is known to
me ____ or who produced _____ as identification on behalf of the company.

Notary Public
State of Florida at Large

My Commission Expires:

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

CITY OF APOPKA

By: _____

ATTEST:

_____, City Clerk

Approved as to Form:

_____, City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, who is known to me __ or produced ____ as identification as _____ of the City of Apopka, Florida, a municipal corporation of the State of Florida, on behalf of the City of Apopka, Florida.

Notary Public
State of Florida at Large

My Commission Expires:

Exhibit "A"

The Property

PARCEL I.D. NUMBERS: 07-21-28-0000-00-002, 07-21-28-0000-00-023

The West ½ of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, lying East of State Road 429; the Southwest ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, less the West 100.00 feet thereof, and the West ½ of the West ½ of the Southeast ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, all in Orange County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at the Southeast corner of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, Orange County, Florida; thence run South 89°39'36" West, along the South line of the Southwest ¼ of said Section 7, for a distance of 1320.05 feet to a point on the East line of the West ½ of the Southwest ¼ of said Section 7; thence departing said South line, run North 00° 22'30" East, along said East line, for a distance of 30.00 feet to a point on the North right of way line of Lust Road, as recorded in Deed book 509, Page 564 of the Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING; thence run South 89°39'36" West, along the said North right of way line, for a distance of 163.18 feet to a point on the Easterly limited access right of way line of State Road 429, as shown on Orlando-Orange County Expressway Authority Right of Way Map of Project Number 429-201, said point also being on a curve, concave Southwesterly, having a radius of 8150.00 feet, a chord bearing of North 26°36'44" West, and a chord distance of 720.85 feet; thence run Northwesterly along the arc of said curve, and said Easterly limited access right of way line through a central angle of 05°04'10" for an arc distance of 721.09 feet to the point of tangency; thence run North 29°08'49" West, along said Easterly limited access right of way line, for a distance of 768.04 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 4850.00 feet, a chord bearing of North 22°13'22" West, and a chord distance of 1169.35 feet; thence run Northerly along the arc of said curve, and said Easterly limited access right of way line, through a central angle of 13°50'52" for an arc distance of 1172.20 feet to a point on the West line of the Southwest ¼ of said Section 7; thence departing said curve, and said Easterly limited access right of way line, run North 00°23'17" East, along said West line, for a distance of 193.80 feet to the West ¼ corner of said Section 7; thence departing said West line, run South 89°49'16" East, along the North line of the Southwest ¼ of said Section 7, for a distance of 100.00 feet to a point on the Westerly line of the CSX railroad, as recorded in Deed Book 882, Page 129 of the aforesaid Public Records of Orange County, Florida; thence departing said North line, run North 00°11'33" East, along said Westerly line, for a distance of 1313.29 feet to a point on the North line of the Southwest ¼ of the Northwest ¼ of said Section 7; thence departing said West line, run South 89°44'02" East, along said North line, for a distance of 1547.79 feet to a point on the East line of the West ¼ of the Southeast ¼ of the Northwest ¼ of said Section 7; thence departing said North line, run South 00°18'38" West, along said East line, for a distance of 1310.94 feet to a point on the North line of the aforesaid Southwest ¼ of Section 7; thence departing said East line, run North 89°49'16" West, along said North line, for a distance of 327.05 feet to a point on the aforesaid East line of the West ½ of the Southwest ¼ of Section 7; thence departing said North line, run South 00°22'30" West, along said East line, for a distance of 2586.52 feet to the POINT OF BEGINNING;

Containing 4,155,511 square feet, or 95.40 acres, more or less.

Exhibit "C"

Transportation Improvements Development Agreement and Grant of Easement

Prepared by and Return to:
Thomas R. Sullivan, Esq.
Gray Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, FL 32801

**TRANSPORTATION IMPROVEMENTS DEVELOPMENT AGREEMENT AND GRANT OF
EASEMENT**

THIS **TRANSPORTATION IMPROVEMENTS DEVELOPMENT AGREEMENT AND GRANT OF EASEMENT** (the "Agreement") is made and entered into as of the ____ day of _____, 2015, by and among **CITY OF APOPKA**, a Florida municipal corporation, whose mailing address is 120 East Main Street, Apopka, Florida 32703 (hereinafter referred to as "**City**"), **APOPKA CLEAR LAKE INVESTMENTS, LLC**, a Florida limited liability company, whose mailing address is 511 West Bay Street, Suite 350, Tampa, Florida 33606 (hereinafter referred to as "**Developer**") and **THE W.D. LONG FAMILY FARMS LIMITED PARTNERSHIP**, a Florida limited partnership, whose mailing address is 2849 Lust Road Apopka, Florida 32703 (hereinafter referred to as "**Long**").

RECITALS

1. Developer is the of owner certain real property bearing Orange County Tax Parcel Identification Numbers 07-21-28-0000-00-002 and 07-21-28-0000-00-023 located in the City of Apopka, Orange County, Florida (collectively, the "**Apopka Clear Lake Property**").
2. Developer is processing certain land use and zoning approvals with the City, including a Planned Unit Development zoning approval (the "**PUD**"), with respect to the Apopka Clear Lake Property and that certain adjacent real property owned by Long bearing Orange County Tax Parcel Identification Number 07-21-28-0000-00-015 (the "**Long Property**").
3. The Apopka Clear Lake Property and the Long Property are sometimes collectively referred to herein as the "**Property**".
4. The Property is approximately 125.62 total acres in size and is generally depicted and described on **Exhibit A** attached hereto and incorporated herein by this reference.

5. Developer is planning to construct a multi-phase residential community featuring townhomes, luxury apartments and flex space on the Apopka Clear Lake Property (the “**Avian Pointe Project**”).
6. The City envisions the development of other properties in the immediate vicinity of the Property.
7. The City has determined that the construction of a two-lane public road with related improvements (the “**Spine Road**”), including but not limited to a bike path and landscaping associated with the Spine Road, generally through the Property as more particularly described herein (collectively, the “**Transportation Improvements**”) are required in order to achieve the appropriate traffic circulation to and from the Avian Pointe Project as well as other projects in the immediate area.
8. Developer agrees to undertake the Transportation Improvements as set forth in this Agreement.
9. To the extent that the City requests that Developer undertake the oversizing of any sewer force main, water main or reclaimed water main in connection with the Avian Pointe Project, City and Developer shall enter a separate agreement with respect to such oversizing and associated impact fee credits related thereto.
10. City and Developer now desire to set forth in writing the terms and conditions regarding the foregoing.

NOW, THEREFORE, in consideration of the mutual covenants, premises and promises hereinafter set forth, the receipt, adequacy and sufficiency of which are hereby acknowledged, the City and the Developer hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct in all respects and are expressly incorporated herein by reference.
2. **Transportation Improvements.**
 - A. Construction plans for the Transportation Improvements must be approved by the City Engineer prior to commencing construction. The design of the Spine Road must comply with the City’s design engineering standards.
 - B. The Transportation Improvements shall be constructed by the Developer in phases, as set forth in **Exhibit B** attached hereto and incorporated herein by this reference (the “**Spine Road Phasing Plan**”).

- C. The Transportation Improvements consist of Segment A, Segment B, Segment C and Segment D as set forth on the Spine Road Phasing Plan, as generally described as follows:

Segment A. Generally a two-lane divided road with an eleven (11) foot wide multi-use trail on the east side of the ROW, and either a five-foot wide sidewalk or an eleven (11) foot wide multi-use trail on the west side of the ROW, and a round-about as illustrated within the Avian Pointe PUD Zoning Agreement and Mixed Use Master Plan. No on-street parking will occur on Segment A. Developer shall be responsible for construction of Segment A. No transportation impact fee credits shall be granted for the construction of Segment A. Final design of Segment A to be determined at the Preliminary Development Plan.

Segment B. Generally a two-lane divided road with a minimum ten foot landscape median. Maintenance of the landscaping, trees, lawn and plants (aka Segment B green area) within the Segment B right-of-way and median shall be initially maintained by the Master Association (as described in the Master Development Agreement). At the time a Final Development Plan is approved for Phase A, the developer of Phase A shall maintain the Segment B green area until said Segment B green area has an established Homeowners Association, who shall assume permanent maintenance responsibility. Developer shall be responsible for construction of Segment B. Developer of Phase B shall be responsible for planting of trees and landscaping within Segment B.

Segment C. If the right-of-way width is designed at fifty (50) feet at the time of the Final Development Plan application, Segment C shall be designed as a two-lane roadway with a five foot wide sidewalk on each side. If a 60-foot or wider is designed at the Final Development Plan, the road shall design shall include a 12-foot wide off-street multi-use trail on one-side of the road and a five-foot side walk on the opposite side. If the City is able to obtain an alternative road alignment for Segment D, Developer will not object to a modification in the road configuration. If width of the road allows at the time of the Final Development Plan, a median shall be included in the design with sod, irrigation and trees.

The Master Association shall be responsible for maintaining all landscaping and trees within Segment C for the three (3) years following the City's acceptance of the right-of-way and road improvements. Thereafter, maintenance shall be performed by the City.

Segment D. Generally, the extension of a twelve (12) inch potable water line along the existing right of way.

- D. The foregoing transportation improvements set forth in Section 2 of this Agreement shall hereinafter be referred collectively be referred to as the “**Spine Road Segments Scope of Work**”.
- E. The Developer shall construct the Transportation Improvements for Segment A as depicted on the Spine Road Phasing Plan in connection with the initial phase of the Avian Pointe Project which shall not exceed 455 total multifamily units approved in the PUD.
- F. In order for Developer to construct in excess of 455 multifamily dwelling units or any approved use on the Flex Use Parcel (B-5), Developer shall (i) acquire the right-of-way necessary to construct Segments B and C as set forth on the Spine Road Phasing Plan; (ii) construct the Transportation Improvements for Segment B and Segment C consistent with the Spine Road Segments Scope of Work and (iv) install the potable water line for Segment D consistent with the Spine Road Segments Scope of Work. A letter of credit or bond must be provided to the City for the cost of the construction of Segments B, C and D. Any Segment which is located outside of the City of Apopka shall be annexed into same before construction of any improvements thereon.
- G. The Transportation Improvements shall be conveyed by the Developer to City in connection with the platting of the Avian Pointe Project. It is anticipated that the plat will be phased.

3. **City Right-of-Way.**

- A. In connection with the City’s issuance of a right-of-way permit to Developer for the purposes of constructing the Transportation Improvements (hereinafter the “**Improvements**”), such permit issuance shall grant to Developer the right to perform the Improvements in all areas where the Improvements are to be located within public right-of-way or on property otherwise owned by the City..
- B. The City and Developer acknowledge that Developer may need to obtain certain approvals from Orange County in order to perform the Improvements. The City agrees to cooperate with Developer in connection with such County approvals.
- C. The City shall have the right, but not the obligation, to inspect the Improvements during construction.

4. **Long Property.**

- A. Long does hereby establish for, grant and convey to Developer, its successors and assigns, a non-exclusive temporary construction easement on, over and across the area on the Long Property which corresponds with Segment B as

depicted on the Spine Road Phasing Plan (the “**Long Construction Easement Area**”). Developer agrees to provide the City and Long with a sketch of description for the Long Construction Easement Area prior to the commencement of any construction activities thereon. The Long Construction Easement Area contains all areas where the Improvements are to be located which are owned by the City and not on property owned by the Developer. The Temporary Construction Easement shall terminate upon the earlier of (i) twenty-four (24) months from the date of this Agreement; or (ii) completion of construction of the Improvements as evidenced by conveyance of the Improvements pursuant to Paragraph 5 below. Long acknowledges that it hereby grants to the Developer the right and license to construct the Improvements, and expressly consents to such construction.

- B. Consistent with Paragraph 5(C) below, the portion of the Spine Road constructed on the Long Property shall be conveyed to the City in connection with the platting of the Avian Pointe Project. The Developer may elect to undertake the construction of the portion of the Spine Road which traverses through the Long Property with the reimbursing Developer upon terms and condition of a separate mutually acceptable agreement between the Developer and Long. In the event that Developer does not so elect, the construction of the portion of the Spine Road which traverses through the Long Property shall be the responsibility of the party which elects to develop the Long Property at the time of such development.

5. **Conveyance of Improvements.**

A. Developer and, as applicable, Long, shall, at its sole cost and expense, convey the Improvements, including Segments A, B and C to the extent the same are under the control by Developer and Long, to the City free and clear of all liens and encumbrances, within ten (10) business days of the issuance of a certificate of completion for the Improvements by the City and any other governmental agency, including the County, with authority over the Improvements.

B. As evidence of such transfer and conveyance, Developer shall convey each component of the Improvements to the City by separate Bill of Sale. Developer shall also grant an access and maintenance easement in favor of the City with respect to the Improvements at the same of such transfer and conveyance.

C. Final acceptance (“**Final Acceptance**”) of each component of the Improvements by the City shall occur upon satisfaction of the following:

- a. Completion of construction of the particular component of the Improvements in accordance with the plans and specifications as approved by the City in the permitting process.

b. Delivery to City of one (1) complete set of record drawings with AutoCAD files and specifications certified by Developer's engineer.

c. Developer's assigning all warranties Developer has obtained from its contractors, suppliers, and/or materialmen with respect to the construction of the Improvements and materials used therein.

Provided all such conditions are met, the City agrees to accept such conveyance without delay, and shall thereafter be responsible for the operation and maintenance of the Improvements so conveyed to the City. As part of such conveyance, Developer agrees to warrant the Improvements so conveyed for a period of one (1) year from the date of acceptance by the City. In the event that the City initiates an annexation of any portion of the Property on which the Improvements are located, Developer agrees to support any such annexation.

5. **Documentation from Developer.** The Developer shall submit to the City from the Developer's project engineer, contractor's affidavits, and certificates from the project engineer.

6. **Development Approvals.** This Agreement shall in no manner constitute a development approval regarding the Property or the Avian Pointe Project. Developer must comply with all applicable provisions of the City's Code and Land Development Code regarding the development of the Property and the Avian Pointe Project.

7. **Deed Restriction.** The Apopka Clear Lake Property is subject to that certain Deed Restriction recorded among the Public Records of Orange County, Florida at Official Records Book 10890, Page 4137 (the "**Deed Restriction**"). Consistent with the terms and conditions thereof, the City and the Developer agree that the Deed Restriction is hereby terminated and of no further force or effect.

8. **Disclaimer of Third Party Beneficiaries.** This Agreement is for the sole benefit of the parties hereto, and no right of action shall accrue upon or by reason hereof, to or for the benefit of any third party. Nothing in this Agreement either express or implied, is intended or shall be construed to confer upon or give any person, corporation or governmental entity, other than the parties hereto, any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof, and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.

9. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

10. **Waiver; Modification.** The failure by any party to insist upon or enforce any of its rights shall not constitute a waiver thereof and nothing shall constitute a waiver of any party's right to insist upon strict compliance with the terms of this Agreement. Any party may waive the

benefit of any provision or condition for its benefit which is contained herein. No oral modification of this Agreement shall be binding upon the parties and any modification must be in writing and signed.

11. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Florida.

12. **Application; Effect.** If any provision of this Agreement or the application thereof to any party, person or circumstance shall be held or deemed to be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other parties, persons, or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

13. **Notices.** Any notices which may be permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and time the same are personally delivered, transmitted electronically (i.e. telecopier device) or within three (3) days after depositing the United State Postal Services, postage prepaid by registered or certified mail, return receipt requested, or within one (1) day after depositing with Federal Express or other overnight delivery service from which a receipt may be obtained, and addressed as follows:

City: Glenn Irby, City Administrator
120 East Main Street
Apopka, Florida 32703
Telephone: (407) 703-1712

Copy to: Cliff Shepard, Esq.
Shepard, Smith & Cassady, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone: (407) 622-1772

Developer: Apopka Clear Lake Investments, LLC
Attention: Ken Stoltenberg
511 West Bay Street, Suite 350
Tampa, Florida 33606
Telephone: (813) 321-1984

Copy to: Thomas R. Sullivan, Esq.
GrayRobinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, Florida 32801
Telephone: (407) 375-7740

Long: The W.D. Long Family Farms Limited Partnership
Attention: William D. Long
2849 Lust Road

14. **Attorney's Fees.** In the event of any dispute hereunder for any action to interpret or enforce this Agreement, any provision hereof or any matter arising herefrom, the prevailing party shall be entitled to recover its reasonable cost, fee, expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal and legal assistant fees, costs and expenses and other professional fees, costs, and expenses, whether suit be brought or not, and whether in settlement, in any declaratory action, at trial or on appeal.

15. **Performance.** Time is of the essence in the performance of this Agreement.

16. **Traffic Capacity.** The City acknowledges that the City has reserved sufficient traffic capacity for the entire Avian Pointe Project. The City further acknowledges that the performance of the Spine Road Improvements as set forth herein satisfies all transportation improvement obligations, including but not limited to operational improvements, necessary for the full build out of the Avian Pointe Project.

17. **Consistency.** To the extent any provisions of this Agreement are inconsistent with, or are more specific than, the PUD, this Agreement controls.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in form and manner sufficient to bind them as of the date indicated hereinabove.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Witnesses:

APOPKA CLEAR LAKE INVESTMENTS, LLC,
a Florida limited liability company

Printed Name: _____

By: _____

Name: _____

Title: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2015,
by _____, as _____ of
Apopka Clear Lake Investments, LLC, a Florida limited liability company, who is known to me ____ or
who produced _____ as identification on behalf of the company.

Notary Public
State of Florida at Large

My Commission Expires:

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

Witnesses:

The W.D. Long Family Farms Limited Partnership,
a Florida limited partnership

Printed Name: _____

By: _____

Name: _____

Title: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2015,
by _____, as _____ of The
W.D. Long Family Farms Limited Partnership, a Florida limited partnership, who is known to me ____ or
who produced _____ as identification on behalf of the limited partnership.

Notary Public
State of Florida at Large

My Commission Expires:

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

CITY OF APOPKA

By: _____

ATTEST:

_____, City Clerk

Approved as to Form:

_____, City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, who is known to me __ or produced __ as identification as _____ of the City of Apopka, Florida, a municipal corporation of the State of Florida, on behalf of the City of Apopka, Florida.

Notary Public
State of Florida at Large

My Commission Expires:

EXHIBIT LIST

- EXHIBIT A Sketch and Description of the Property
- EXHIBIT B Spine Road Phasing Plan

Exhibit "A"

Sketch and Description of the Property

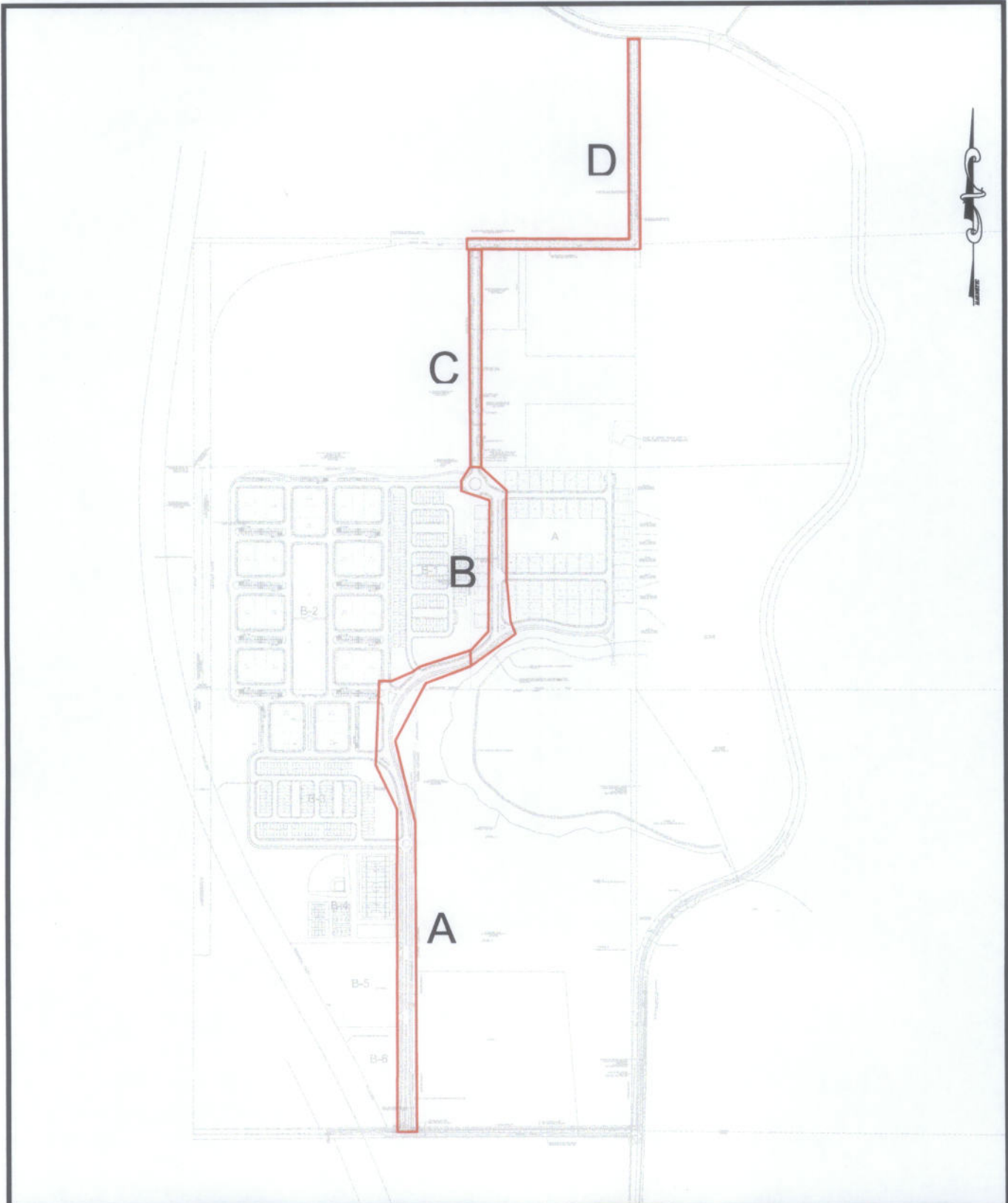
PARCEL I.D. NUMBERS: 07-21-28-0000-00-002, 07-21-28-0000-00-023

The West ½ of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, lying East of State Road 429; the Southwest ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, less the West 100.00 feet thereof, and the West ½ of the West ½ of the Southeast ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, all in Orange County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at the Southeast corner of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, Orange County, Florida; thence run South 89°39'36" West, along the South line of the Southwest ¼ of said Section 7, for a distance of 1320.05 feet to a point on the East line of the West ½ of the Southwest ¼ of said Section 7; thence departing said South line, run North 00° 22'30" East, along said East line, for a distance of 30.00 feet to a point on the North right of way line of Lust Road, as recorded in Deed book 509, Page 564 of the Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING; thence run South 89°39'36" West, along the said North right of way line, for a distance of 163.18 feet to a point on the Easterly limited access right of way line of State Road 429, as shown on Orlando-Orange County Expressway Authority Right of Way Map of Project Number 429-201, said point also being on a curve, concave Southwesterly, having a radius of 8150.00 feet, a chord bearing of North 26°36'44" West, and a chord distance of 720.85 feet; thence run Northwesterly along the arc of said curve, and said Easterly limited access right of way line through a central angle of 05°04'10" for an arc distance of 721.09 feet to the point of tangency; thence run North 29°08'49" West, along said Easterly limited access right of way line, for a distance of 768.04 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 4850.00 feet, a chord bearing of North 22°13'22" West, and a chord distance of 1169.35 feet; thence run Northerly along the arc of said curve, and said Easterly limited access right of way line, through a central angle of 13°50'52" for an arc distance of 1172.20 feet to a point on the West line of the Southwest ¼ of said Section 7; thence departing said curve, and said Easterly limited access right of way line, run North 00°23'17" East, along said West line, for a distance of 193.80 feet to the West ¼ corner of said Section 7; thence departing said West line, run South 89°49'16" East, along the North line of the Southwest ¼ of said Section 7, for a distance of 100.00 feet to a point on the Westerly line of the CSX railroad, as recorded in Deed Book 882, Page 129 of the aforesaid Public Records of Orange County, Florida; thence departing said North line, run North 00°11'33" East, along said Westerly line, for a distance of 1313.29 feet to a point on the North line of the Southwest ¼ of the Northwest ¼ of said Section 7; thence departing said West line, run South 89°44'02" East, along said North line, for a distance of 1547.79 feet to a point on the East line of the West ¼ of the Southeast ¼ of the Northwest ¼ of said Section 7; thence departing said North line, run South 00°18'38" West, along said East line, for a distance of 1310.94 feet to a point on the North line of the aforesaid Southwest ¼ of Section 7; thence departing said East line, run North 89°49'16" West, along said North line, for a distance of 327.05 feet to a point on the aforesaid East line of the West ½ of the Southwest ¼ of Section 7; thence departing said North line, run South 00°22'30" West, along said East line, for a distance of 2586.52 feet to the POINT OF BEGINNING;

Containing 4,155,511 square feet, or 95.40 acres, more or less.



SCALE:	NTS
PROJECT:	050-001
DATE:	03/27/15
DRAWN BY:	SCP

SPINE ROAD PHASING PLAN
AVIAN POINTE
 EAST OF SR 429 AT LUST ROAD
 APOPKA, FLORIDA



Tannath Design, Inc.
 2494 Rose Spring Drive
 Orlando, Florida 32825
 407-982-9878
 407-208-1425 fax
www.tannathdesign.com

EXHIBIT
B

Exhibit "D"

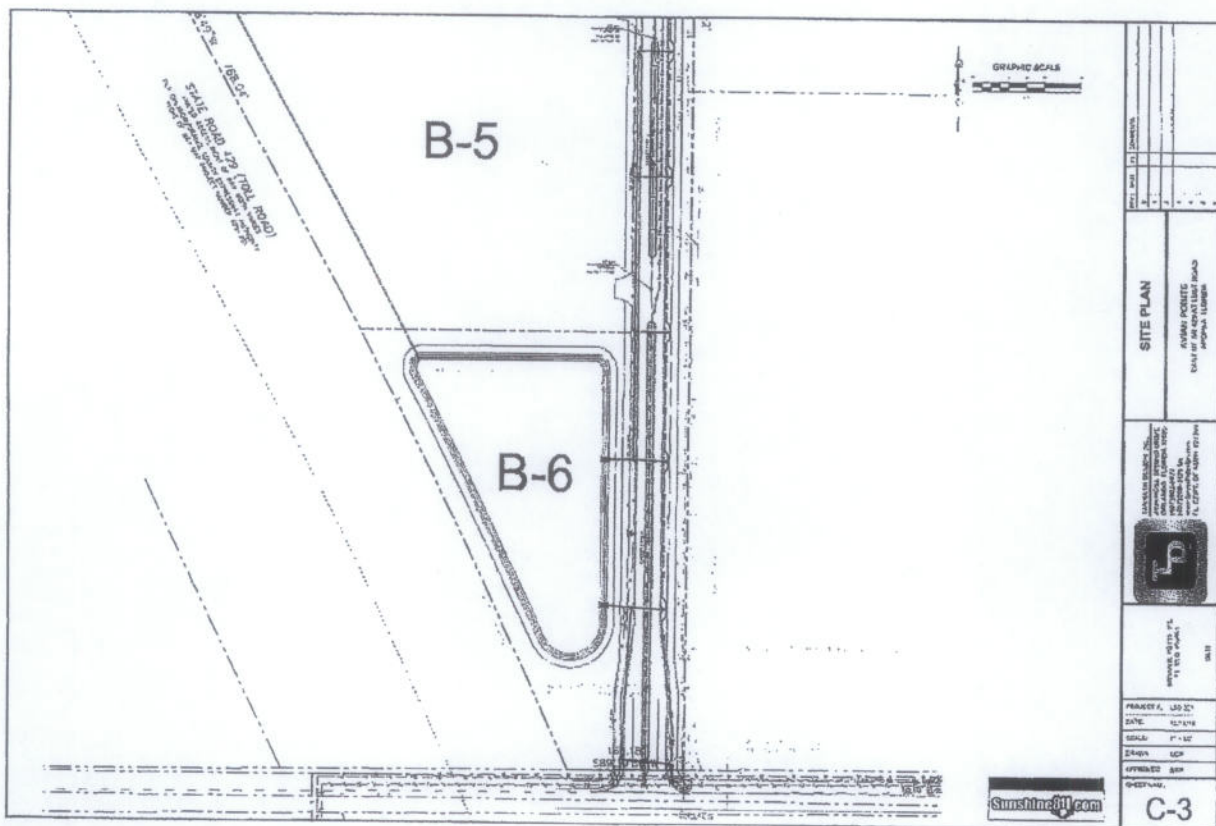
Road Delineation Plan (Internal Streets)

Exhibit "E"
Additional Luxury Apartment Amenity Features

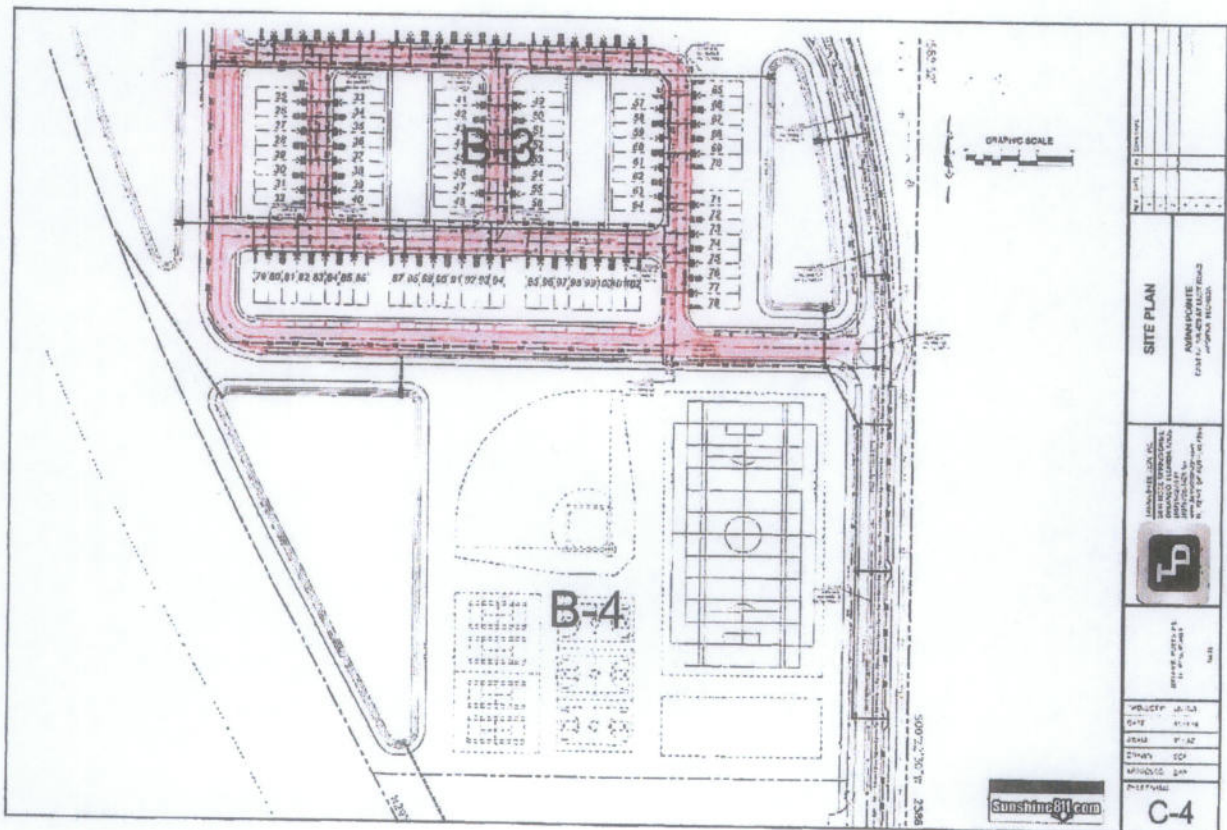
Wireless High Speed Internet Access
Balcony/Porch
Fitness Center
Resort-style swimming pool
Dog Park
Walk-in showers
Energy-efficient appliances
Full-size washer and dryer available in two (2) and three (3) bedroom apartments
Full or stacked washer and dryer available in one-bedroom apartments
Walk-in closets
On-site security
Basketball court, tennis court and/or racquetball court
Bicycle trailers/bicycle racks
Bicycle and storage areas
Granite countertops
Corporate units
9-foot high ceilings
Business center in club house
Enclosed garage or covered parking spaces


Exhibit "D"

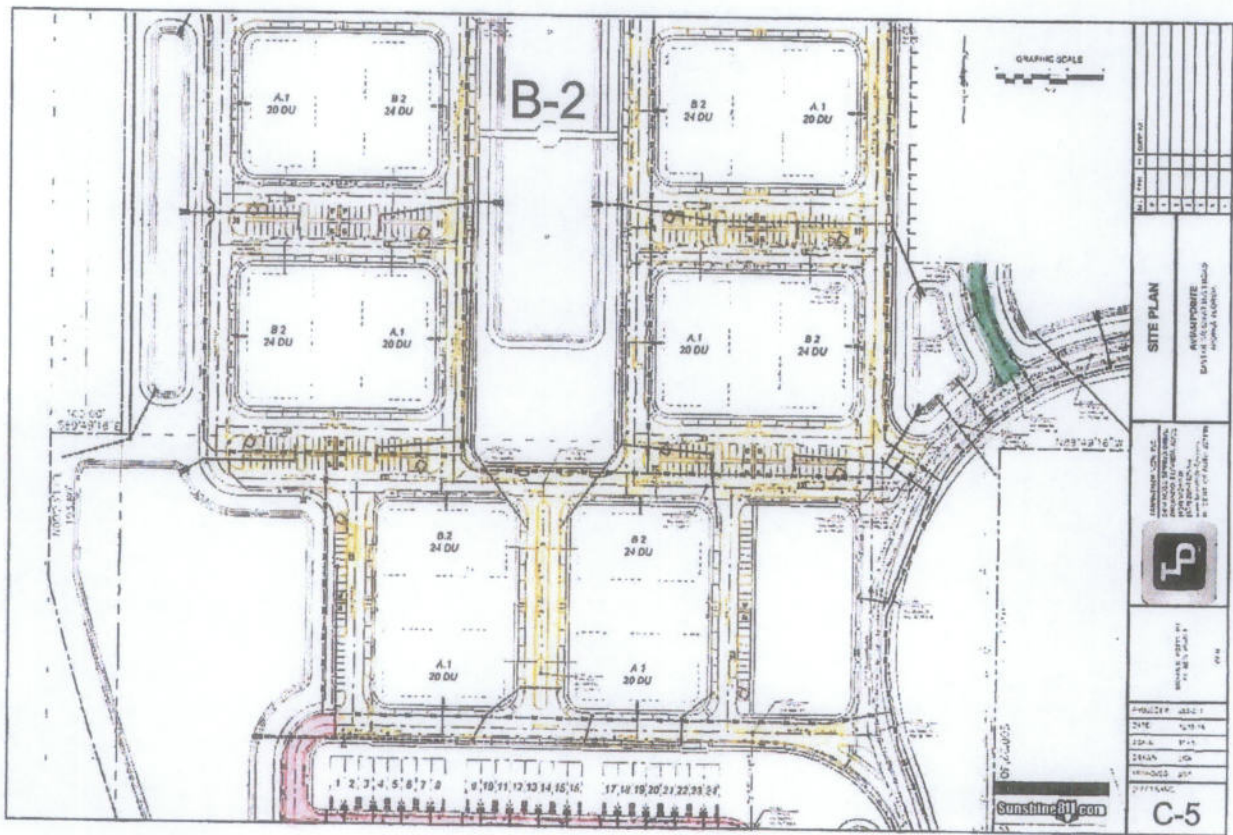
Road Delineation Plan (Internal Streets)

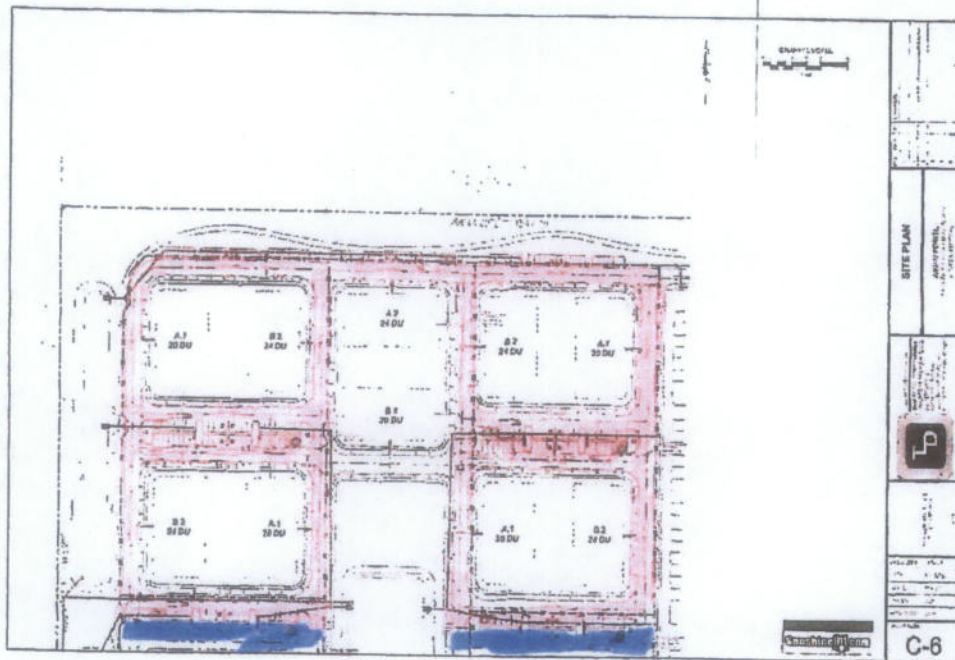


<p>SITE PLAN</p> <p>AVANTI POINTE PLAN OF AN APARTMENT ROAD</p>	
<p>PROJECT NO.</p> <p>11111111</p>	<p>DATE</p> <p>11/11/11</p>
<p>PROJECT NAME</p> <p>AVANTI POINTE</p>	<p>PROJECT LOCATION</p> <p>11111111</p>
<p>OWNER</p> <p>11111111</p>	<p>DESIGNER</p> <p>11111111</p>
<p>SCALE</p> <p>AS SHOWN</p>	<p>DATE</p> <p>11/11/11</p>
<p>PROJECT NO.</p> <p>11111111</p>	<p>DATE</p> <p>11/11/11</p>
<p>PROJECT NAME</p> <p>AVANTI POINTE</p>	<p>PROJECT LOCATION</p> <p>11111111</p>
<p>OWNER</p> <p>11111111</p>	<p>DESIGNER</p> <p>11111111</p>
<p>SCALE</p> <p>AS SHOWN</p>	<p>DATE</p> <p>11/11/11</p>
<p>PROJECT NO.</p> <p>11111111</p>	<p>DATE</p> <p>11/11/11</p>
<p>PROJECT NAME</p> <p>AVANTI POINTE</p>	<p>PROJECT LOCATION</p> <p>11111111</p>
<p>OWNER</p> <p>11111111</p>	<p>DESIGNER</p> <p>11111111</p>
<p>SCALE</p> <p>AS SHOWN</p>	<p>DATE</p> <p>11/11/11</p>

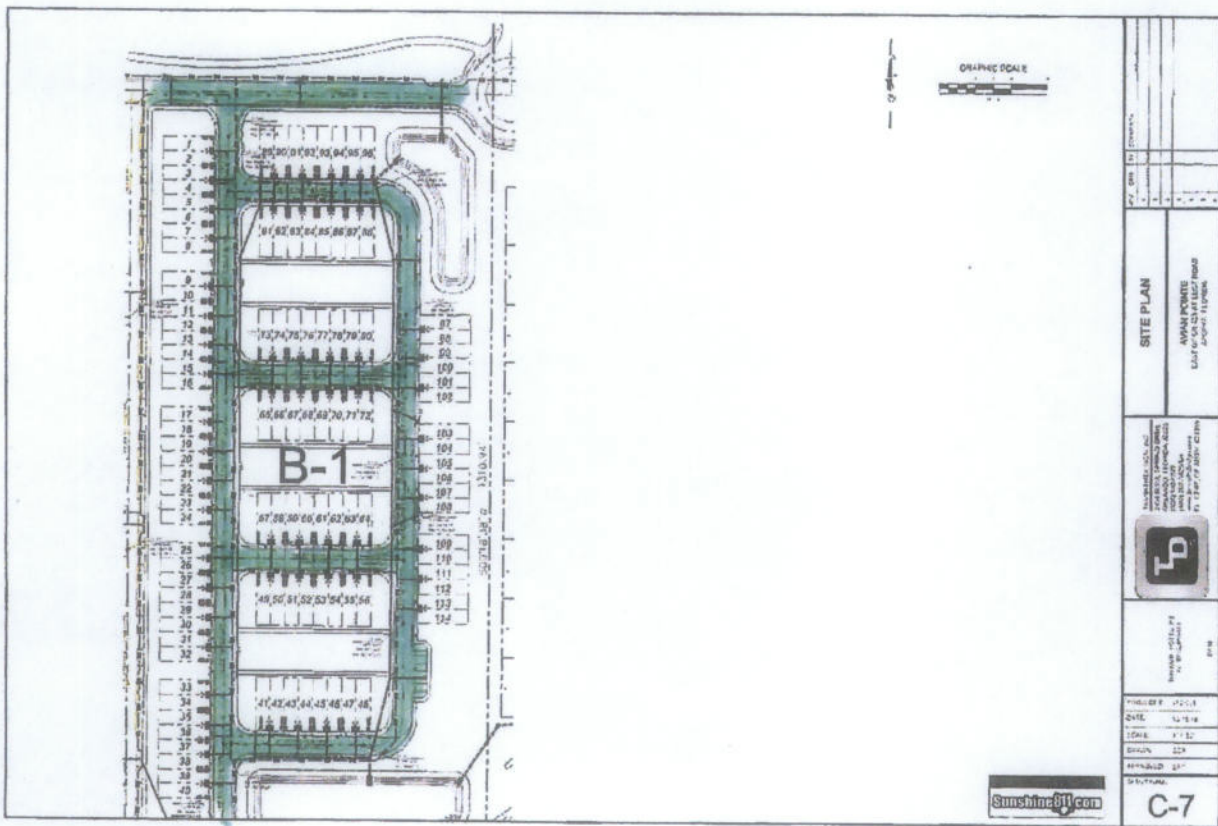


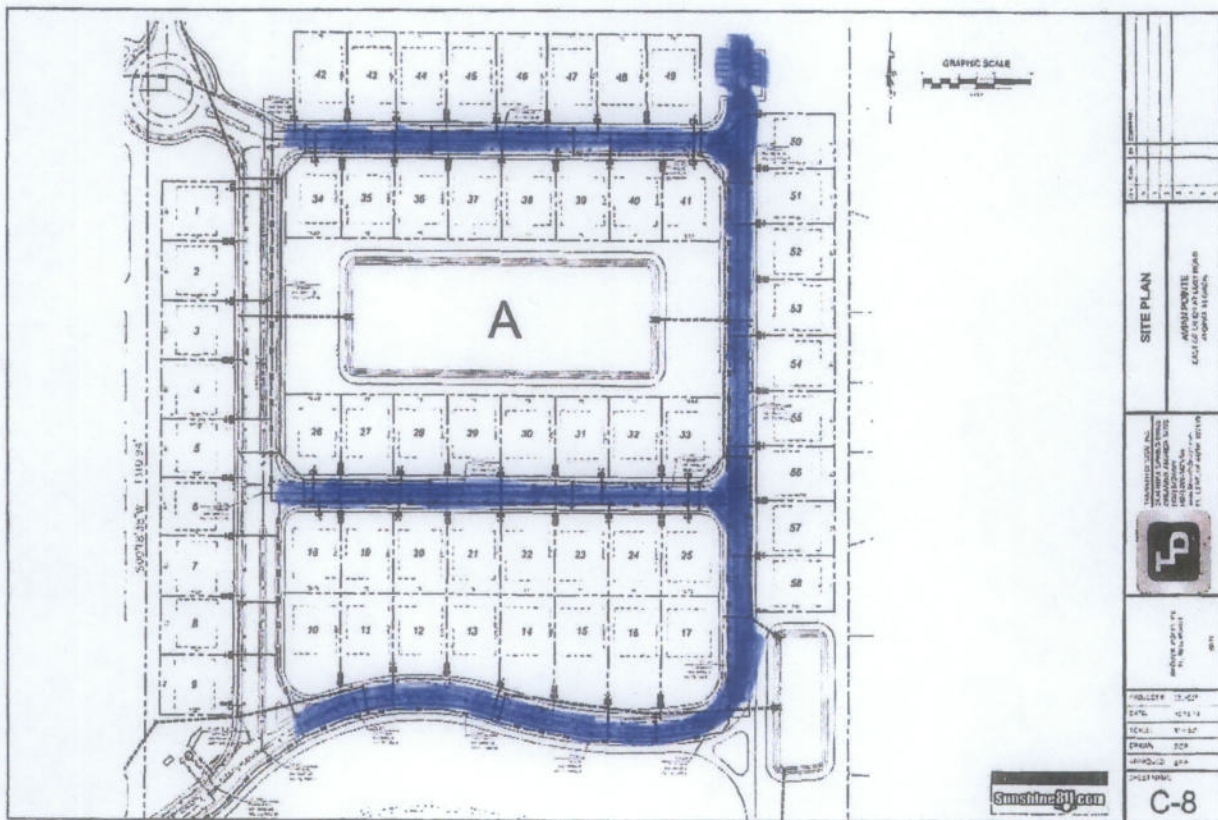
SITE PLAN ADMINISTRATION PLAN FOR THE DEVELOPMENT OF THE PROJECT	
PREPARED BY 	DATE 01/14
CHECKED BY 	DATE 01/14
APPROVED BY 	DATE
PROJECT NO. 	SHEET NO. C-4





Note: Whichever apartment phase develops first will be responsible for building the central retention pond.





Backup material for agenda item:

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



CITY OF APOPKA
CITY COUNCIL

- X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL
X OTHER: Ordinance

DATE: May 20, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Support Maps
Master/Landscape Plans
Dev. Design Standards
Architectural Renderings
Color Photo
Ordinance No. 2434

SUBJECT: ORDINANCE NO. 2434 - CHANGE OF ZONING/MASTER PLAN - MARDEN RIDGE APARTMENTS, PHASE 1B OWNED BY MMI DEVELOPMENT, INC. - FROM R-3 (RESIDENTIAL) & C-1 (COMMERCIAL) TO PLANNED UNIT DEVELOPMENT (PUD/R-3/C-1)

Request: FIRST READING OF ORDINANCE NO. 2434 - CHANGE OF ZONING/MASTER PLAN - MARDEN RIDGE APARTMENTS, PHASE 1B, OWNED BY MMI DEVELOPMENT, INC. FROM R-3 (RESIDENTIAL) & C-1 (COMMERCIAL) TO PLANNED UNIT DEVELOPMENT (PUD/R-3/C-1); APPROVAL OF THE MASTER PLAN; AND HOLD OVER FOR SECOND READING & ADOPTION (PARCEL ID NUMBER: 17-21-28-0000-00-029)

SUMMARY

OWNERS: Emerson Point Associates, LLLP
APPLICANT: MMI Development, Inc., c/o Michael E. Wright, Esq.
ENGINEER: GAI Consultants, Inc., c/o Anthony Call, P.E.
LOCATION: Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway (S.R. 414)
EXISTING USE: Planted Pine
FLUM DESIGNATION: Commercial (6.43 acres); Residential High Density (0 - 15 un\ac) (18.05 ac)
CURRENT ZONING: R-3 and C-1
PROPOSED DEVELOPMENT: Apartment (272 units/5 buildings- density 15 du/ac) and Retail Commercial
PROPOSED ZONING: Planned Unit Development (PUD/R-3/C-1)
TRACT SIZE: Apartments: 18.05 +/- Acres,
Retail Commercial: 6.43 +/- Acres
42.17 +/- Total Acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 536 Res. Units (35.74 ac)
PROPOSED: 272 Res. Units (Phase 1B) on 18.05 ac

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The Marden Ridge Master Plan contains a total of 42.17 acres, of which 35.74 acres is currently assigned an R-3 zoning category and 6.43 acres is assigned a C-1 commercial zoning category. The developer proposes to construct 272 residential apartments (15 du/ac) on 18.05 acres of the 35.74 residential acres. Development of the remaining 17.69 acres of residential land will occur at a later date through a separate Preliminary Development Plan application, as will development of the 6.43 acres of land assigned the C-1 commercial zoning category. The request to assign a zoning designation of PUD/R-1/C-1 is compatible with the designations assigned to abutting properties. An outline of the proposed development profile for the Phase 1B apartments is as follows:

Development Profile:

Apartment Units:	272
Units by # of Bedrooms	
One Bedroom:	56
Two Bedroom:	176
Three Bedroom:	40
Maximum Building Height:	60 feet
Maximum No. of Stories:	4
Parking Spaces	
Standard Spaces:	522
A.D.A. Accessible Spaces:	11
Total Spaces:	544
Park and Open Space	
Open Space:	30.1 %
Park Area:	2.98 ac

Development Standards are provided in the exhibits. Sheet C2.10 of the Master Site Plan shall be consistent with the Exhibit.

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1975. The proposed Change of Zoning is being requested by the property owner. Phase 1B of the Marden Ridge Master Plan\ Preliminary Development Plan comprises the apartment complex (18.05 acres); Phase 1A is the mass grading plan. The commercial phase and the northern residential phase will be approved under a separate preliminary development plan. An amendment to the Master Site Plan for the future residential and commercial will not be necessary.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential High Land Use designation and the City’s proposed Planned Unit Development (PUD/R-3/C-1) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Located served by the following schools: Wheatley Elementary School, Wolf Lake Middle School, and Apopka High School.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on April 22, 2015.

PUBLIC HEARING SCHEDULE:

May 12, 2015 - Planning Commission (5:01 pm)
May 20, 2015- City Council (7:00 pm) - 1st Reading
June 3, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification
May 22, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from R-3 and C-1 to Planned Unit Development (PUD/R-3/C-1) and approval of the Marden Ridge Apartments – Phase 1B Master Site Plan/Preliminary Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the change in zoning from R-3 and C-1 to Planned Unit Development (PUD/R-3/C-1) and approval of the Marden Ridge Apartments – Phase 1B Master Site Plan/Preliminary Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

Accept the First Reading of Ordinance No. 2434, the Phase 1B Master Site Plan\ Preliminary Development Plan and Hold Over for Second Reading and Adoption on June 3, 2015.

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)	Commercial	C-1	Vacant Land; Ocoee Apopka Road
East (City)	Residential Medium (0-10 du\ac)	R-3	Vacant Land
East (County)	Low-Medium Density (0-10 un\ac)	R-2, R-3	Marden Garden apartments, Vacant Land
South (City)	Mixed Use	Mixed-EC	S.R. 414\vacant land\Emerson Park
West (City)	Industrial\Residential Medium Density	R-3 I-1	S.R. 451\Warehouse\vacant land

**LAND USE & TRAFFIC
COMPATIBILITY:**

The property has access to a local roadway (Marden Road) and Ocoee Apopka Road (CR 437A). The subject property is already assigned a Future Land Use Designation of Commercial and Residential High Density, and C-1 commercial and R-3 residential. The proposed PUD zoning is requested to allow four story apartments with a maximum height of sixty (60) feet.

**COMPREHENSIVE
PLAN COMPLIANCE:**

The proposed Planned Unit Development (PUD/R-3) zoning is consistent with the City’s Residential Medium (0-10 du/ac) Future Land Use designation. Development Plans shall not exceed the intensity or density allowed for the adopted Future Land Use Designation.

**PUD
RECOMMENDATIONS:**

The PUD recommendation is to assign a zoning classification of Planned Unit Development (PUD) for the described subject property with the following Master Plan provisions is subject to the following zoning provisions:

The PUD recommendation is to assign a zoning classification of Planned Unit Development (PUD) for the described subject property with the following Master Plan provisions is subject to the following zoning provisions:

A. The uses permitted within the PUD district shall be:

1. The Commercial area (future phase; 6.43 acres) delineated within the Marden Ridge Apartments-Phase 1B Master Plan/Preliminary Development Plan shall comply with the C-1 Commercial zoning standards. Outdoor storage and display shall not be allowed.
2. Apartment residential area within Phase 1B and the northern future residential phase, as delineated within the Marden Ridge Apartments Master Plan (Sheet C.3) shall comply with the R-3 Residential zoning district uses and development standards set forth in the Land Development Code unless otherwise provided in Section B below. The R-3 zoning

standards shall apply to the development of the subject property unless as otherwise addressed within the PUD ordinance.

B. Development Standards:

1. Maximum height of residential apartment buildings is sixty (60) feet.
2. Development standards for the apartment buildings within Phase 1b shall comply with Marden Ridge Apartments Phase 1B Master Plan\ Preliminary Development Plan and the Development Standards set forth in C2.10.
3. Development and site design shall comply with the Land Development Code unless otherwise addressed within Marden Ridge Apartments Phase 1B Master Plan\ Preliminary Development Plan.
4. Development within the Future Commercial Phase and the northern Residential Phase shall be processed as a Preliminary Development Plan and\ or a Final Development Plan.

C. The Marden Ridge Apartments Master Plan Site\ Preliminary Development Plan 1B is hereby approved and is part of the PUD zoning ordinance.

R-3 PERMISSIBLE USES:

Any use permitted in the R-3 zoning district; Multifamily dwellings, including, but not limited to, single family, triplex, quadruplex, townhouses, condominium, and apartment complexes.

C-1 DISTRICT REQUIREMENTS:

Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width:	100 ft.
Front Setback:	10 ft.
Side Setback:	10 ft.
Rear Setback:	30 ft.
Corner Setback:	25 ft.
Max. Building Height:	35 ft.
FAR:	0.25

BUFFERYARD REQUIREMENTS:

Areas adjacent to all road rights of way shall provide a minimum ten (10) foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six foot-high masonry wall within a ten foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five (5) foot landscaped bufferyard.

C-1 PERMISSABLE

USES:

Any nonresidential permitted use in the PO/I or CN districts. Retail establishments. Banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building. Churches and schools. Day nurseries, kindergartens and other child care centers. Drive-in restaurants, with property lines no closer than 200 feet from any residential districts or uses. Florist shops, the products of which are displayed and sold wholly within an enclosed building. Hotels, motels, bed and breakfast facilities. Personal service establishments such as barbershops, beauty parlors, professional and other offices, parking garages and lots, laundry and dry cleaning pickup station, self-service coin-operated laundry and dry cleaning establishments, shoe shine and repair, tailoring, travel services, watch and clock repair and locksmiths, etc. Post offices. Restaurants. Theaters, enclosed in structures. Clubs and lodges. Funeral parlors, when the sole use of the facility shall be for funeral rites. Animal clinics for the treatment of small animals, excluding farm animals, but including those animals no larger than a dog, commonly kept as pets in a residence, provided the care, treatment or housing of such animals shall not be allowed on the outside. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based upon the community development director's recommendation.



Marden Ridge Apartments
MMI Development, Inc. c/o Michael E. Wright, Esq.
Increase in apartment building height from 35 feet to 60 feet.
Retail Commercial: 6.43 +/- Acres
Apartments: 18.05 +/- Acres (272 Units)
42.17 +/- Total Acres
Parcel ID #: 17-21-28-0000-00-029

VICINITY MAP



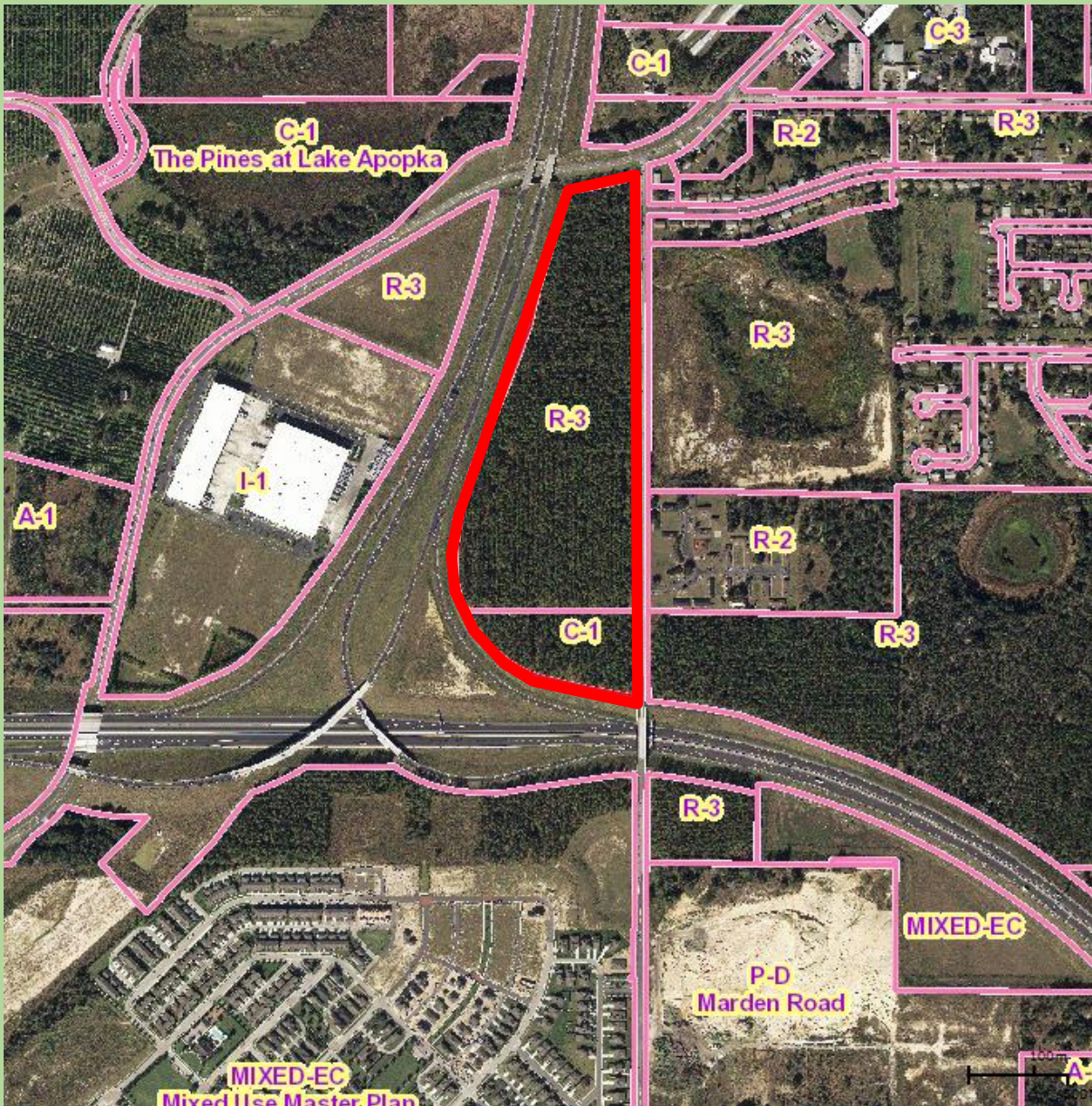


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2434

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

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

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

WHEREAS, the proposed Planned Unit Development (PUD/R-3/C-1) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD/R-3 and C-1), as defined in the Apopka Land Development Code and delineated within the Marden Ridge Apartments – Phase 1B Master Site Plan (Exhibit “A”), and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: R-3 within 34.14 +/- acres and C-1 commercial of 6.43 +/- acres.
- B. Development of the property shall occur consistent with the Master Site Plan set forth in Exhibit “A” and Development standards set forth within Exhibit “B.” If a development standard or zoning regulation is not addressed within Exhibit “B”, development shall comply with the R-3 and C-1 zoning standards set forth in the Land Development Code for the areas of the Master Site Designated for those zoning categories. Where any development standard conflicts between the Marden Ridge Phase 1B Master Site Plan and the Land Development Code, the Master Site Plan shall preside. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan\PDP provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Final Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or

3. Rezone the property to a more appropriate zoning classification.

D. The following PUD development standards shall apply to the development of the subject property:

1. Development standards are established within the PUD/PDP Master Site Plan.
2. Maximum building height of a residential apartment building is sixty (60) feet.
3. Unless otherwise addressed within the PUD Master Site Plan development standards, the R-3 and C-1 zoning standards will apply to the subject property where such zoning categories are designated within the Master Site Plan.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-3/C-1), as defined in the Apopka Land Development Code.

Legal Description:

A parcel of land lying in Sections 17 and 20, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Emerson Park as recorded in Plat Book 68, Pages 1 through 17, of the Public Records of Orange County, Florida, also being a point on the Westerly right of way line of Marden Road; thence run N 00015'45"E along said Westerly right of way line for a distance of 867.57 feet to the Point of Beginning; thence departing said Westerly right of way line run the following courses and distances; N 79021'18" W for a distance of 250.77 feet; thence run N 76,57'36"W for a distance of 271.66 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 750.00 feet; thence from a tangent bearing of N 69'25'55" W run Northwesterly along said curve through a central angle of 26,46'44" for an arc distance of 350.53 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 725.00 feet; thence from a tangent bearing of N 38002'17" W run Northwesterly along said curve through a central angle of 27*58'31" for an arc distance of 353.99 feet to a point on a non-tangent curve concave Easterly and having a radius of 1500.00 feet; thence from a tangent bearing of N 01,44'32" W run Northerly along said curve through a central angle of 20.26'35" for an arc distance of 535.20 feet to a point of tangency; thence run N 18042'03"E for a distance of 159.98 feet to a point on the Easterly right of way line of County Road 429 (Western Beltway) per Order of Taking recorded in Official Records Book 5442, page 3947, of the Public Records of Orange County, Florida, also being a point on a non-tangent curve concave Northwesterly and having a radius of 7829.44 feet; thence from a tangent bearing of N 24o29'43" E run Northeasterly along said Easterly right of way line and said curve through a central angle of 5*02'40" for an arc distance of 689.30 feet; thence continuing along said Easterly right of way line run N 13007'16"E for a distance of 205.68 feet to a point on a non-tangent curve concave Northwesterly and having a radius of 7809.44 feet; thence from a tangent bearing of N 17"57'03" E run Northeasterly along said curve through a central angle of 3.51'29" for an arc distance of 525.85 feet to a point on the Southerly right of way line of County Road 437-A (Ocoee Apopka Road) per Official Records Book 5442, page 3947, of

afore said Public Records of Orange County, Florida; thence departing aforesaid Easterly right of way line run N 80,33'42" E along said Southerly right of way line for a distance of 196.20 feet; thence continuing along said Southerly right of way line run N 75,23'21" E for a distance of 182.73 feet to a point on aforesaid Westerly right of way line of Marden Road; thence departing said Southerly right of way line run S 00*08'34"W for a distance of 2270.18 feet; thence continuing along said Westerly right of way line run S 00*15'45"W for a distance of 452.54 feet to afore said Point of Beginning.

Parcel ID No.: 17-21-28-0000-00-029

Combined Acreage 42.17 +/- Acres

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

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

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

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

Section VII. That this Ordinance shall take effect immediately.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

MARDEN RIDGE APARTMENTS - PHASE 1B

MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN

PARCEL ID #17-21-28-0000-00-29

Prepared By:



gai consultants
 EB 9951
 618 EAST SOUTH STREET
 SUITE 700
 ORLANDO, FLORIDA 32801
 PHONE: (407) 423-8398

LEGAL DESCRIPTION:

(PER ORB 9799 PG 5971)

A PARCEL OF LAND LYING IN SECTIONS 17 AND 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF EMERSON PARK AS RECORDED IN PLAT BOOK 68, PAGES 1 THROUGH 17, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD; THENCE RUN N 00°15'45" E ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 867.57 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE RUN THE FOLLOWING COURSES AND DISTANCES; N 79°21'18" W FOR A DISTANCE OF 250.77 FEET; THENCE RUN N 76°57'36" W FOR A DISTANCE OF 271.66 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 750.00 FEET; THENCE FROM A TANGENT BEARING OF N 69°25'55" W RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°46'44" FOR AN ARC DISTANCE OF 350.53 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 725.00 FEET; THENCE FROM A TANGENT BEARING OF N 38°02'17" W RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°58'31" FOR AN ARC DISTANCE OF 353.99 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1500.00 FEET; THENCE FROM A TANGENT BEARING OF N 01°44'32" W RUN NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°26'35" FOR AN ARC DISTANCE OF 535.20 FEET TO A POINT OF TANGENCY; THENCE RUN N 18°42'03" E FOR A DISTANCE OF 159.98 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 429 (WESTERN BELTWAY) PER ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5442, PAGE 3947, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 7829.44 FEET; THENCE FROM A TANGENT BEARING OF N 24°29'43" E RUN NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 5°02'40" FOR AN ARC DISTANCE OF 689.30 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE RUN N 13°07'16" E FOR A DISTANCE OF 205.68 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 7809.44 FEET; THENCE FROM A TANGENT BEARING OF N 17°57'03" E RUN NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°51'29" FOR AN ARC DISTANCE OF 525.85 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 437-A (OCCOEE APOPKA ROAD) PER OFFICIAL RECORDS BOOK 5442, PAGE 3947, OF AFORESAID PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING AFORESAID EASTERLY RIGHT OF WAY LINE RUN N 80°33'42" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 196.20 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE RUN N 75°23'21" E FOR A DISTANCE OF 182.73 FEET TO A POINT ON AFORESAID WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE RUN S 00°08'34" W FOR A DISTANCE OF 2270.18 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE RUN S 00°15'45" W FOR A DISTANCE OF 452.54 FEET TO AFORESAID POINT OF BEGINNING.

42.17 ACRES, MORE OR LESS.

Legal Description prepared by: On the Mark Surveying, LLC
 LB 7931

Prepared For:

EMERSON POINT ASSOCIATES, LLLP
 1350 North Orange Avenue, Suite 250
 Winter Park, FL 32789
 (407) 385-0664



CITY OF APOPKA, FLORIDA

LOCATION MAP

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
C0.00	COVER SHEET
C1.00	EXISTING CONDITIONS
C1.10	EXISTING SITE DATA
C1.20	GENERAL NOTES
C1.21	GENERAL NOTES
C1.30	PHASING PLAN
C2.00	SWPPP
C2.10	PDP DESIGN STANDARDS
C3.00	MASTER SITE PLAN
C3.10	SITE PLAN (SOUTH)
C3.20	SITE PLAN (NORTH)
C3.30	MARDEN ROAD IMPROVEMENT PLAN
C3.40	SIGNAGE & STRIPING PLAN
C3.50	TRACT DESIGNATION PLAN
C4.00	TYPICAL SECTIONS
C5.00	MASTER GRADING PLAN
C5.10	GRADING AND DRAINAGE PLAN (SOUTH)
C5.20	GRADING AND DRAINAGE PLAN (NORTH)
C5.30	DRY POND 1 CROSSECTION
C6.00	MASTER UTILITY PLAN
C7.00	DEVELOPMENT DESIGN STANDARD DETAILS
C7.10	UTILITY DETAILS
C7.20	UTILITY DETAILS
C7.30	DRAINAGE DETAILS
C7.40	LIFT STATION DETAILS
C7.50	LIFT STATION DETAILS
C7.60	ARCHITECTURAL BUILDING ELEVATIONS
C7.70	ARCHITECTURAL BUILDING ELEVATIONS
LA-1	LANDSCAPE PLAN
LA-2	LANDSCAPE PLAN

CITY OF APOPKA OFFICIALS

MAYOR: JOE KILSHEIMER
COMMISSIONER: J. WILLIAM ARROWSMITH
COMMISSIONER: BILLIE L. DEAN
COMMISSIONER: DIANE VELAZQUEZ
COMMISSIONER: SAM RUTH

UTILITY SERVICE PROVIDERS

WATER/SEWER/REUSE City of Apopka 748 E. Cleveland Street Apopka, FL 32703 (407) 703-1731	ELECTRIC Duke Energy 452 E. Crown Point Road Winter Garden, Florida 34787 (407) 905-3302	TELEPHONE Century Link P.O. Box 770339 Winter Garden, Florida 34777 (407) 814-5373	CABLE Bright House 844 Maguire Road Ocoee, Florida 34761 (407) 291-2500	NATURAL GAS Lake Apopka Natural Gas 676 W. Montrose Street Clermont, FL 32701 (352) 394-3480
-------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------

CONTACT LIST

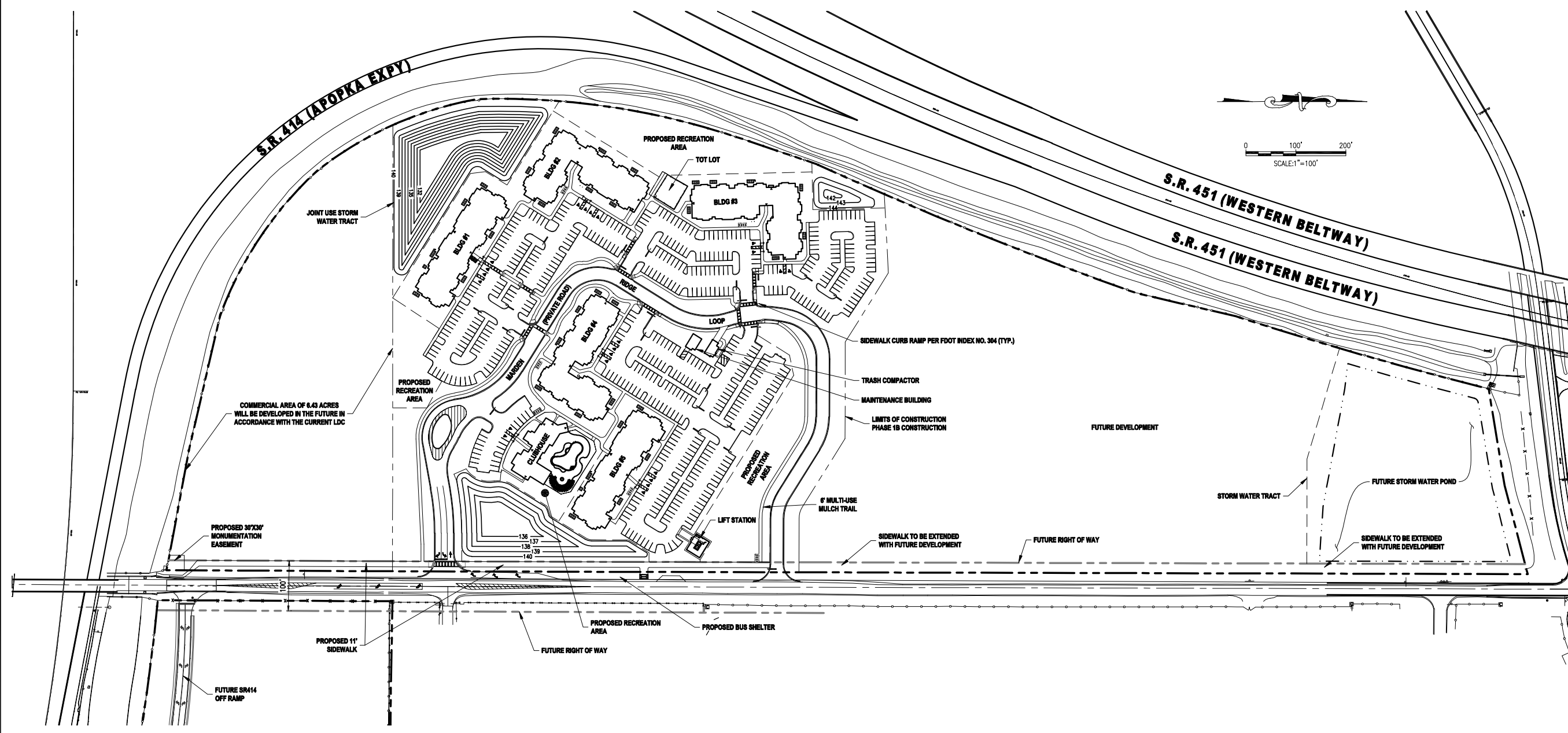
OWNER/APPLICANT EMERSON POINT ASSOCIATES, LLLP 1350 North Orange Avenue, Suite 250 Winter Park, FL 32789 (407) 385-0664 Attn: Tommy Ciserano	CIVIL ENGINEER GAI Consultants, Inc. 618 East South Street Suite 700 Orlando, Florida 32801 (407) 423-8398 Attn: Anthony S. Call, P.E.	SURVEYOR On The Mark Surveying, LLC 143 Meadow Blvd. Sanford, FL 32771 (321) 626-6376 Attn: Corey A. Hopkins, PSM	LANDSCAPE ARCHITECT Bellomo-Herbert 618 East South Street Suite 600 Orlando, Florida 32801 (407) 423-8398 ATTN: Frank Bellomo	ARCHITECT Forum Architecture & Interior Design, Inc. 745 Orienta Avenue, Suite 1121 Altamonte Springs, FL 32701 (407) 830-1400 ATTN: Andrew Roark	GEOTECHNICAL ENGINEER Andreyev Engineering, Inc. 1170 West Minneola Avenue Clermont, FL 34711 (352) 241-0508 ATTN: Ed Miguens, P.E.
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LEGEND:

	AC PAD
	BIKE RACKS
	TRACT LINE
	CROSSWALK

NOTE:
PLEASE SEE SHEET C2.10 DESIGN STANDARDS, TO INCLUDE SITE DATA TABLES AND NOTES.



NO.	DATE	BY	CHKD	APPD	DESCRIPTION
5	4/21/15	AP/MJC	ASC		ISSUED FOR PLANNING AND ZONING
4	4/03/15	AP/MJC	ASC		REUSE PER CITY OF APOPKA COMMENTS
3	3/20/15	AP/MJC	ASC		REUSE PER CITY OF APOPKA COMMENTS
2	3/03/15	AP/MJC	JLI	ASC	REUSE PER CITY OF APOPKA COMMENTS
1	10/14	AP/MJC	JLI	ASC	PRELIMINARY COMMENTS

SCALE: 1" = 100'
 DATE: 03-18-2015
 DRAWN: AP/MJC
 CHECKED: ASC
 APPROVED: ASC

MASTER SITE PLAN
MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

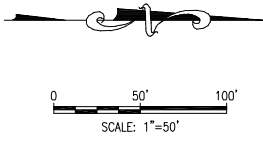
SEAL

ANTHONY S. CALL, P.E.
 No. 67370

gai consultants
 EB 9951
 618 SOUTH ST. SUITE 700
 ORLANDO, FLORIDA 32801
 PHONE: (407) 423-8398

PROJECT NO./DASH NO.
 A120273.03

SHEET
C3.00



S.R. 414 (APOPKA EXPY)

COMMERCIAL AREA OF 6.43 ACRES
WILL BE DEVELOPED IN THE FUTURE IN
ACCORDANCE WITH THE CURRENT LDC

JOINT USE STORM
WATER TRACT

BICYCLE
RACKS
(TYP.)

RECREATION
AREA

DRY POND #1
POND TRACT #1

POND TRACT #3

DRY POND #3
142
143
144

MAINTENANCE
BUILDING

DUMPSTER

DRY POND #2
POND TRACT #2

LIFT
STATION

MARDEN ROAD

MARDEN ROAD

PROPOSED 30'X30'
MONUMENTATION
EASEMENT

PROPOSED 11' SIDEWALK TO CONNECT
TO EXISTING 5' SIDEWALK AT BRIDGE.
EXISTING SIDEWALK WILL NEED TO BE
FIELD VERIFIED AND LOCATED PRIOR
TO CONSTRUCTION.

SEE SHEET C3.30 FOR MARDEN RD IMPROVEMENTS

ISSUED FOR PLANNING AND ZONING		REVISIONS	
NO.	DATE	BY	DESCRIPTION
5	4/21/15	AP/MJC	ASC
4	4/03/15	AP/MJC	ASC
3	3/29/15	AP/MJC	ASC
2	3/03/15	AP/MJC	ASC
1	10/14	AP/MJC	ASC
		DATE	BY
		DATE	BY
		DATE	BY
		DATE	BY

SCALE: 1"=50'
DATE: 03-18-2015
DRAWING: AP/MJC
CHECKED: ASC
APPROVED: ASC

MATCHLINE SEE SHT. C3.20 FOR CONTINUATION

SITE PLAN (SOUTH)

**MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA**

ANTHONY S. CALL, P.E.
No. 67370

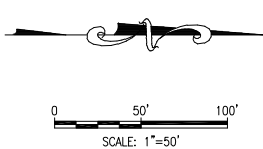
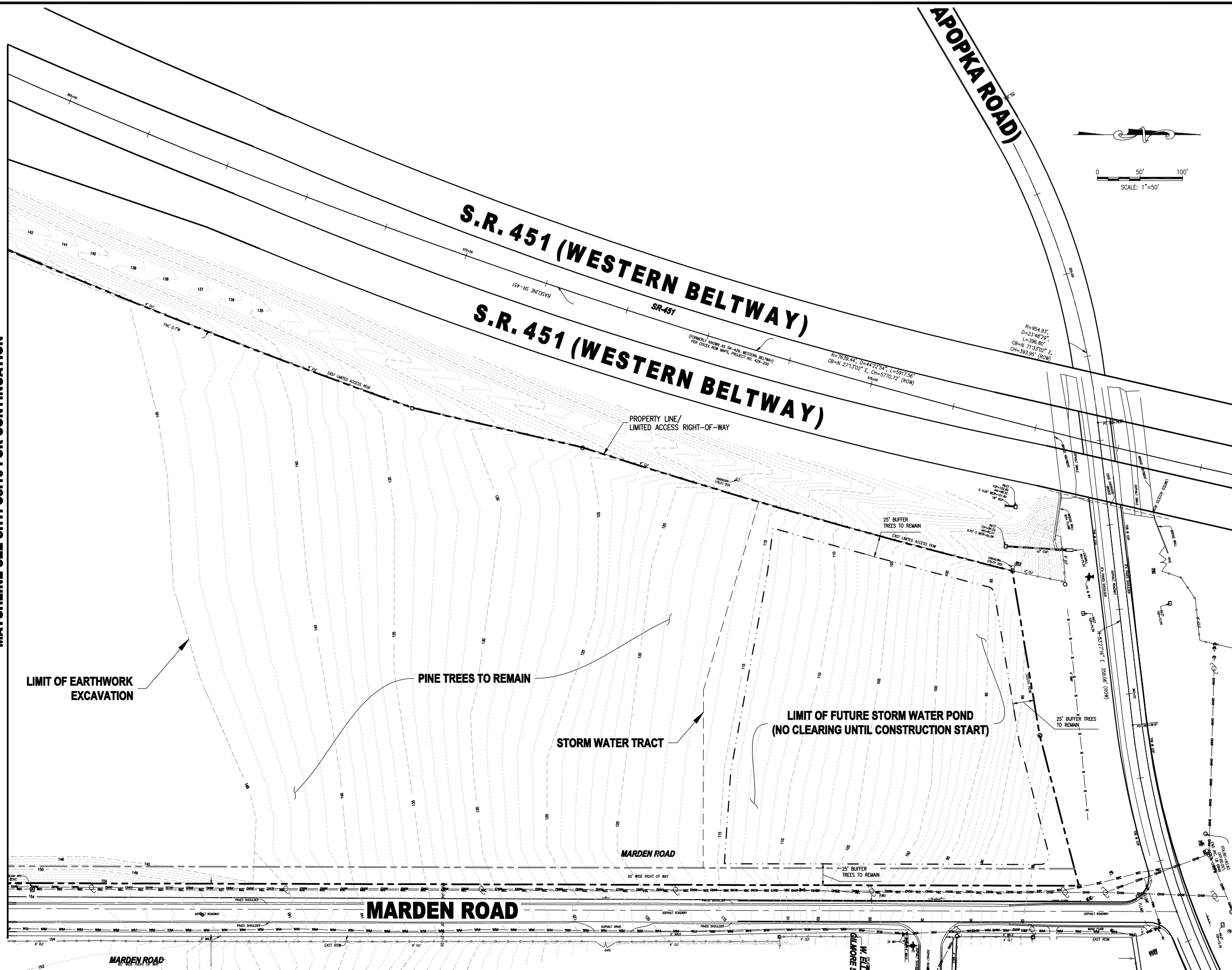
gai consultants
EB 9951
618 SOUTH ST. SUITE 700
ORLANDO, FLORIDA 32801
PHONE: (407) 423-8398

PROJECT NO./DASH NO.
A120273.03

SHEET
C3.10

12\A120273.03 - Emerson-Wright\CAD\Civil\PLAN SET - Preliminary Development Plans\A120273.03.SP.dwg Apr 21, 2015 - 4:53pm

MATCHLINE SEE SHT. C3.10 FOR CONTINUATION



ISSUED FOR PLANNING AND ZONING		REVISIONS		
NO.	DATE	BY	DESCRIPTION	
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4	4/03/15	AP/MJC	ASC	REUSE PER CITY OF APOKA COMMENTS
3	3/20/15	AP/MJC	ASC	REUSE PER CITY OF APOKA COMMENTS
2	3/03/15	AP/MJC	JJ	REUSE PER CITY OF APOKA COMMENTS
1	10/14	AP/MJC	JJ	REUSE PER CITY OF APOKA COMMENTS
		DATE	BY	DESCRIPTION

SCALE: 1"=50'

DATE: 03-18-2015

DRAWN: AP/MJC

CHECKED: ASC

APPROVED: ASC

SITE PLAN (NORTH)

**MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOKA, FLORIDA**

ANTHONY S. CALL, P.E.
No. 67370

gai consultants
EB 9951
618 SOUTH ST. SUITE 700
ORLANDO, FLORIDA 32801
PHONE: (407) 423-8398

PROJECT NO./DASH NO.
A120273.03

SHEET
C3.20

LANDSCAPE REQUIREMENTS

SITE AREA
791,964 SF. 1 TREE/8,000 SF.

REQUIRED = 99 TREES
PROVIDED = 99 TREES

272 UNITS 1 TREE/UNIT

REQUIRED = 272 TREES
PROVIDED = 272 TREES

NORTH BUFFER- PHASE II
NO BUFFER REQUIRED

EAST BUFFER-10' BUFFER
154 L.F. 1540 SF.

50 L.F. LESS ACCESS DRIVE
REQUIRED - 28- CANOPY TREES
CONTINUOUS HEDGE

PROVIDED - 28- CANOPY TREES
CONTINUOUS HEDGE

WEST BUFFER-10' BUFFER
1020' L.F. 10,200 SF.

REQUIRED - 40 CANOPY TREES
CONTINUOUS HEDGE

PROVIDED - 40 CANOPY TREES
CONTINUOUS HEDGE

SOUTH BUFFER
NO BUFFER REQUIRED

INTERIOR LANDSCAPE REQUIREMENT

VUA = 23,132 SF. (10% OF VUA REQUIRED)

REQUIRED - 2,313 SF.

PROVIDED - 3,330 SF.

PARKING SPACES = 531 1/TREE/20 SPACES

REQUIRED - 27 TREES

PROVIDED - 10 TREES

BUILDING LANDSCAPE REQUIREMENT

BUILDING LENGTH 256 L.F.

LANDSCAPE AREA (50% OF BLDG L.F. X 4')

REQUIRED - 512 SF.

PROVIDED - 1000 SF.

TREES (1 TREE/200 SF.)

REQUIRED - 2 TREES

PROVIDED - 2 TREES

LANDSCAPE AND IRRIGATION DESIGN
I VERIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008, WHICH ESTABLISHES WATER-WISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ REG. NO. _____ DATE _____

EXISTING PINE TREES TO REMAIN WITHIN 10' BUFFER

10' BUFFER

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ISSUED FOR PLANNING AND ZONING		ASC	ASC
5	4/27/15	AP/MJC	NGC
REUSE PER CITY OF APOPKA COMMENTS		ASC	ASC
4	4/03/15	AP/MJC	NGC
REUSE PER CITY OF APOPKA COMMENTS		ASC	ASC
3	3/20/15	AP/MJC	NGC
REUSE PER CITY OF APOPKA COMMENTS		ASC	ASC
2	3/03/15	AP/MJC	JLI
REUSE PER CITY OF APOPKA COMMENTS		ASC	ASC
1	10/14	AP/MJC	JLI
NO.	DATE	OWN	CHGD
		APPD	

SCALE:	1"=50'
DATE:	03-18-2015
DRAWN:	AP/MJC
CHECKED:	ASC
APPROVED:	ASC

LANDSCAPE PLAN (SOUTH)
MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

SEAL

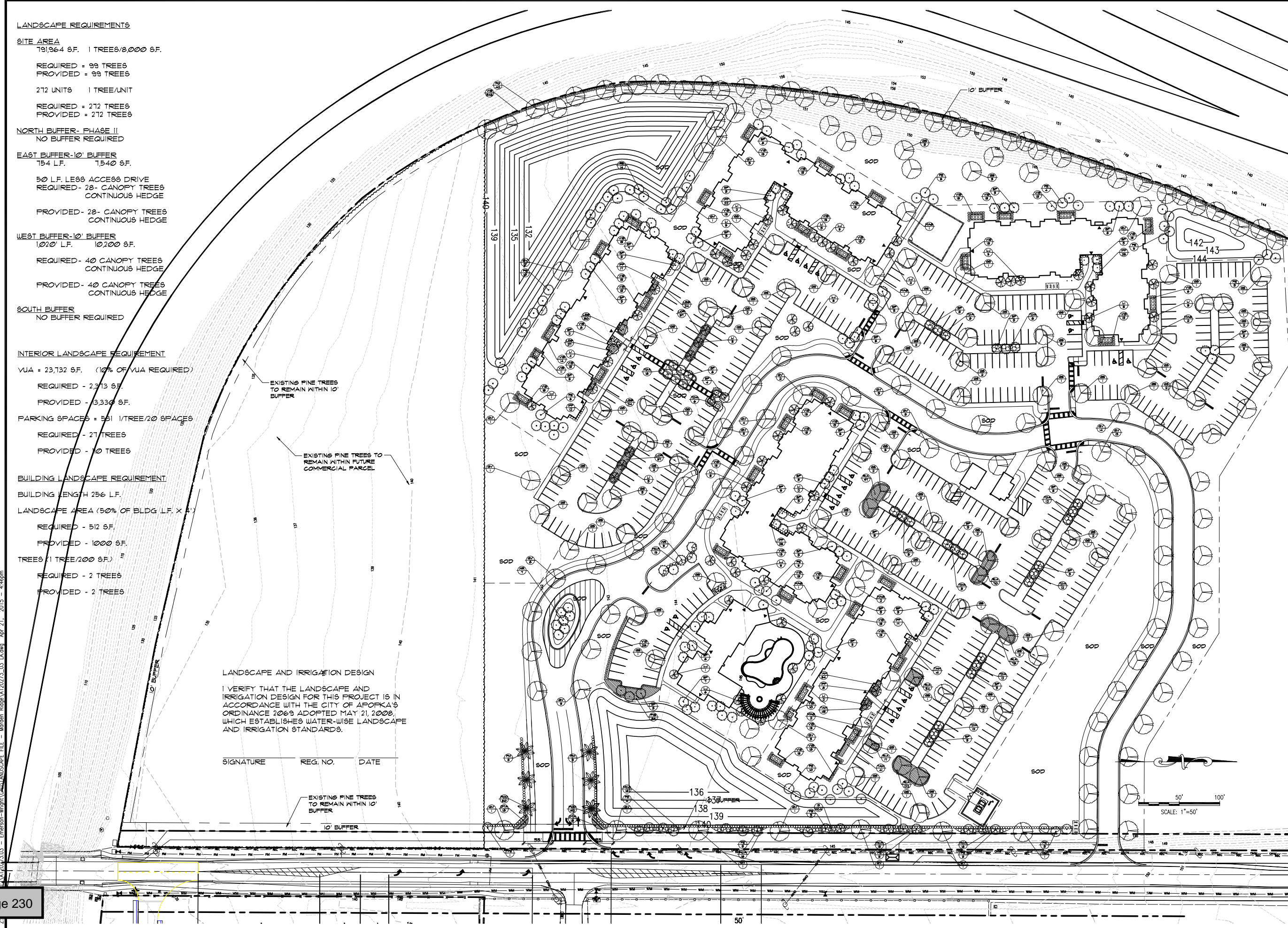
RUTH PERRY, RLA
No. LA0001530

gai consultants
EB 9951
618 SOUTH ST. SUITE 700
ORLANDO, FLORIDA 32801
PHONE: (407) 423-8398

PROJECT NO./DASH NO.
A120273.03

SHEET
LA.01

REVISIONS



TREES & PALMS						
KEY	QTY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE	SPACING	REMARKS
LI	33	Lagerstromia indica	Crape Myrtle	10'-12' Ht x 5' Sprd	A.S.	25 Gal, Full Canopy, Multi-Stem
LJ	28	Ligustrum japonicum	Tree Ligustrum	10' x 10'	A.S.	Specimen, Full and Even Canopy, Multi-trunk
MAG	9	Magnolia 'Little Gem'	Magnolia	10' Ht x 5' Sprd	A.S.	Full to Base, Matched
PM	6	Phoenix 'Medjool'	Medjool Date Palm	12' C.T.	A.S.	Specimen, Matched Heights
QV	72	Quercus virginiana	Live Oak	14' Ht. x 8' Sprd.	A.S.	3 1/2" Cal., 65 Gal., Full Canopy
QS	93	Quercus shumardii	Shumard Red Oak	10'-11' Ht x 3'-4' Sprd	A.S.	30 Gal., 2" Cal.
PO	40	Platanus occidentalis	Sycamore	9'-10' Ht	A.S.	15 Gal., 1.75" Cal.
SP	126	Sabal palmetto	Sabal Palm	12' - 18' C.T.	A.S.	Sizes on Plan
WR	12	Washingtonia robusta	Washington Palm		A.S.	Sizes on Plan
PE	80	Pinus elliottii	Slash Pine	8'-10' Ht x 3.5'-4' Sprd	A.S.	30 Gal, 2-3" Cal

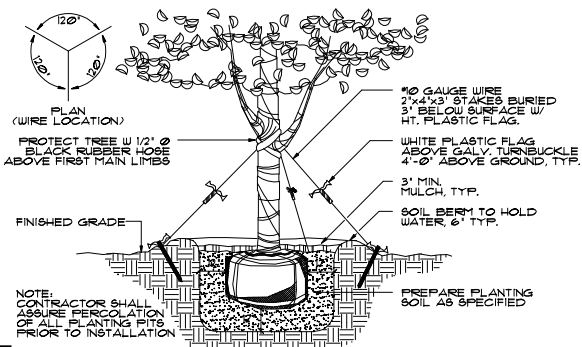
SHRUBS & GROUND COVERS						
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS
DTA	36	Dianella 'Variegata'	Blueberry Flax Lilly	15"-18" O.A.	30" O.C.	1 Gal, Full, install in monument planter
IPF	126	Illicium parviflorum	Yellow Anise	16"-24" Ht	30" O.C.	3 Gallon, Full
LEG	105	Liriope 'Emerald Goddess'	Liriope	6 PPP	24" O.C.	1 Gallon, Full
LOR	114	Loropetalum 'Flum Delight'	Dwf Loropetalum	15"-18" x 15"-18"	30" O.C.	3 Gallon, Full
MCA	78	Muhlenbergia capillaris	Muhly Grass	15"-18" Height	4' O.C.	3 Gallon, Full
PIB	89	Plumbago 'Imperial Blue'	Plumbago	18" x 24" x 18"-24"	36" O.C.	3 Gallon, Full
POD	242	Podocarpus spp.	Podocarpus	36"-40" x 15"-18"	36" O.C.	7 Gallon, Full
RIA	418	Rhaphiolepis indica	Indian Hawthorn	15"-18" x 15"-18"	30" O.C.	3 Gallon, Full
TAM	181	Trachelospermum asiaticum 'Texas Longleaf'	Texas Longleaf Jasmine	10"-12" Sprd.	18" O.C.	1 Gallon, Full
TDA	102	Tripsacum dactyloides	Fakahatchee Grass	18"-24" Height	5' O.C.	3 Gallon, Full
VIB	805	Viburnum suspensum	Viburnum	18"-24" x 15"-18"	36" O.C.	3 Gallon, Full

SOD AND MULCH			
BAHIA		Argentine Bahia	Contractor to verify amount.
SOD		St. Augustine 'Floratum'	Contractor to verify amount.
MULCH		Mini Pine Bark Nuggets	3" Min. Deep

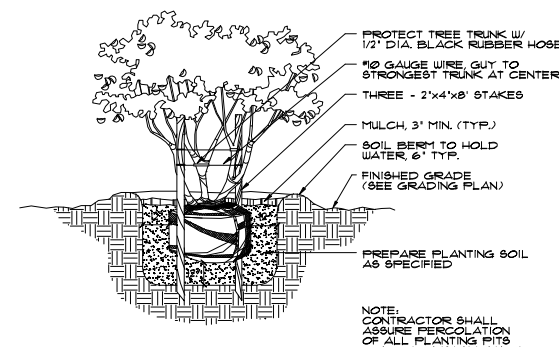
NOTE:
LANDSCAPING AND IRRIGATION PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH LDC ARTICLE V, WATER-WISE ORDINANCE NO. 2069.
IRRIGATION PLANS WILL BE PROVIDED AS PART OF THE FINAL DEVELOPMENT PLAN. THE IRRIGATION SYSTEMS WILL BE DESIGNED WITH POP-UP TYPE DEVICES ONLY; RISES ARE NOT ALLOWED. A NOTE IN LARGE FONT: "IRRIGATION RISERS ARE NOT ALLOWED." WILL BE ADDED TO THE IRRIGATION PLAN.

LANDSCAPE NOTES

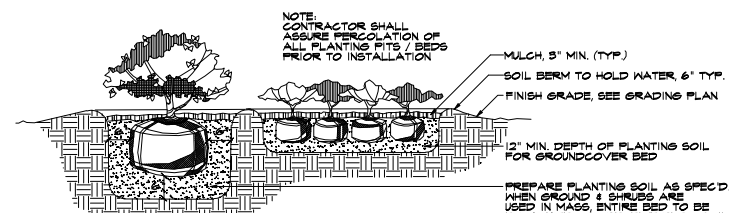
- In the event of variation between the quantities shown on the plant list and the plans, the plans shall control. Verifying sod quantity take-offs are the responsibility of the landscape contractor.
- No plant material substitutions shall be permitted or will be accepted without the written consent of the Landscape Architect.
- All plantings shall be backfilled with the best of the on-site soil.
- The landscape contractor is responsible for the immediate repair, at his/her own expense, to any on-site utilities damaged by these landscape construction operations.
- It is the responsibility of the landscape contractor to prevent plants from falling or being blown over. The landscape contractor shall straighten, repair, and/or replace any plants damaged by a failure to properly stake or guy any trees on-site, at his/her own expense. The landscape contractor shall not be responsible for any trees blown over or damaged by winds in excess of 50 miles per hour.
- Unless otherwise stated on these plans, the landscape contractor shall only be responsible for fine grading of the planting and sodding areas. Fine grading is described as the final .10 of grade to be achieved.
- The landscape contractor shall assure that this work does not interrupt existing or projected drainage patterns.
- All sod must be placed with staggered joints, tightly butted, with no gaps or overlapping pieces. All sod shall be rolled.
- All planting beds shall be top dressed with 3" of mulch, see plant list for type.
- The landscape contractor shall remove excess waste material from the project site on a daily basis.
- Maintenance shall be the responsibility of the landscape contractor until such time as final acceptance of the project has been granted by the Landscape Architect. Maintenance shall include watering, mulching, weeding, pruning, replacement of dead and dying plants, cutting sod and any other operation necessary for the proper care of these plants.
- The landscape contractor shall not be responsible to honor any warranty for the loss of any trees, shrubs, ground covers, or sod caused by flooding, fire, freezing temperatures, winds over 50 miles per hour, lightning or any other natural disaster. The landscape contractor is also not responsible for any damage caused by vandalism or negligence on the part of the owner.
- All plant material shall be Florida Number 1 or better in quality as described in Florida Grades and Standards for Nursery Plants, Florida Department of Agriculture.



1 LARGE TREE DETAIL
LA.02 N.T.S.



2 MULTI TRUNK TREE DETAIL
LA.02 N.T.S.



3 SHRUB AND GROUND COVER DETAIL
LA.02 N.T.S.

LANDSCAPE AND IRRIGATION DESIGN

I VERIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2009 ADOPTED MAY 21, 2008, WHICH ESTABLISHES WATER-WISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ REG. NO. _____ DATE _____

ISSUED FOR PLANNING AND ZONING		REVISED PER CITY OF APOPKA COMMENTS		REVISED PER CITY OF APOPKA COMMENTS		REVISED PER CITY OF APOPKA COMMENTS		POP COMMENTS		REVISIONS	
NO.	DATE	BY	CHKD	NO.	DATE	BY	CHKD	NO.	DATE	BY	CHKD
5	4/27/15	AP/MJC	ASC	4	4/03/15	AP/MJC	ASC	3	3/20/15	AP/MJC	ASC
4	4/03/15	AP/MJC	ASC	3	3/20/15	AP/MJC	ASC	2	3/03/15	AP/MJC	ASC
3	3/20/15	AP/MJC	ASC	2	3/03/15	AP/MJC	ASC	1	10/14	AP/MJC	ASC
2	3/03/15	AP/MJC	ASC	1	10/14	AP/MJC	ASC				

SCALE: 1"=50'
DATE: 03-18-2015
DRAWN: AP/MJC
CHECKED: ASC
APPROVED: ASC

LANDSCAPE PLAN (SOUTH)
MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

RUTH PERRY, RLA
No. LA0001530



618 SOUTH ST. SUITE 700
ORLANDO, FLORIDA 32801
PHONE: (407) 423-8398

PROJECT NO./DASH NO.
A120273.03

SHEET
LA.02

EXHIBIT “B”
Marden Ridge Apartments Master Site Plan Development Standards

A. DEVELOPMENT STANDARDS (SHEET C2.10)

SIGNAGE: All signage shall comply with City of Apopka codes, and FDOT MUTCD.

LIGHTING: Lighting shall comply with City of Apopka codes. Illumination plan required at final development plan.

STORMWATER: Stormwater management system will be designed to comply with City of Apopka code and the requirements of the St. Johns River Water Management District and approved with the final development plans.

WATER AND SEWER: Sewer and water to be provided via private onsite system connected to the City of Apopka utilities water main, sewer force main and reclaim water main within the Marden Road right of way. Lift station will be owned and maintained by the City of Apopka. The lift station tract will be deeded to the city.

RECREATIONAL FACILITIES:

1. All recreational facilities will be owned and maintained by the owner of the apartment complex owner.
2. Lock boxes for emergency access shall be provided for pool building/patio and office building.
3. Final details for court type and layout, tot lot, picnic and other equipment will be provided for city approval on the final development plans.
4. Final pool sizing and design shall be provided at the time of final development plans.
5. A letter from the Fl. Dept. of Health (or appropriate agency) must be submitted to community development department at time of final dev. plan to affirm the minimum size of the pool.
6. Recreational program to include, at minimum, the following: bark park, tot lot, picnic and gathering areas, BBQ locations and other equipment. Final recreation equipment details to beill be provided with Final Development Plan.

ACCESS & TRAFFIC GENERATION: Access to the public road system will be via Marden Road. The maximum projected traffic generation for this project is 287 pm peak hour trips per the site trip generation manual, 7th edition, for land use 220 - apartments.

PEDESTRIAN ACCESS: Sidewalks to be 5' wide unless otherwise noted on plans.

AMENITIES: To assure that quality residential development is constructed, the following amenities are proposed and will be included with the project:

1. Clubhouse will include wireless high speed internet, business center, fitness center, kitchen area with sings, refrigerator and microwave and resort-style swimming pool with outdoor fireplace.
2. Apartment units will include energy-efficient appliances, full size washer and dryer available in 2 and 3 bedroom apartments, full or stacked washer and dryer available in 1 bedroom apartments, walk-in

EXHIBIT “B”
Marden Ridge Apartments Master Site Plan Development Standards
Page 2 of 3

closets, bicycle trails, bicycle racks, bicycle and storage areas, granite counter tops, 9-foot ceilings. No coin laundry center allowed.

3. Security surveillance to be provided at Final Development Plan at entrance way per City of Apopka.

PARKING AREAS: In accordance with City of Apopka regulations, 20% of parking spaces shall have pervious parking surface at time of final development plan.

DEVELOPMENT DESIGN STANDARD:

1. Architectural design and color of multi-family buildings will be internally compatible.
2. All service and storage areas must be screened from public view.
3. All equipment (including roof top) and utility boxes must be fully screened (including the back of the building).

MONUMENT SIGN: At time of final development, monument and sign easement shall be dedicated to the City of Apopka entry feature detail will be provided with final development plan.

MULTI-USE TRAIL: Maintenance authority and ownership of multi-use trail to be determined at the Final Development Plan.

LAND AREA FOR CONSTRUCTION:

1. 6.64 acres commercial (clear, mass grade, vertical constr. - including 0.21 acres ROW dedication) 35.53 acres of r-3 (clear, mass grade, construct joint use pond, vertical construction - including 1.04 acres for row dedication)
2. Note that existing Marden Road right of way is 60'. Future right of way dedication is shown in this set of plans and will include 20' on either side making the future right of way 100'. The traffic study shows a proposed future row dedication of 25' which is incorrect.
3. “Future” residential and commercial phases, as designated within Exhibit “A” , proceed to a preliminary development plan or final development without need to amend this PUD ordinance. Development within the “Future” residential and commercial phases shall occur consistent with the Land Development Code. Apartment buildings in the “Future” phase shall be limited to a height of sixty (60) feet and four stories.

PHASING INTENT OF THE PROJECT:

The project will be constructed in multiple phases, consisting of Phase 1A - mass grading plans and Phase 1B, the preliminary development plans herein. Anything beyond phase 1B site development will be identified as future development. Mass Grading plans must be approved by the City.

Construction dates are to be determined, due to the construction schedule of the SR 414 interchange. The apartments are to be completed within 90 days of interchange construction.

Future construction will follow at a later date.

EXHIBIT “B”
Marden Ridge Apartments Master Site Plan Development Standards
Page 3 of 3

APARTMENT UNIT MIX:

1. One bedroom units -- maximum 20% of the total residential apartments
2. Three bedroom units – minimum 10 % of the total residential apartments
3. Proposed apartment unit mix is provided in the table below but may be revised if unit mix complies with the one- and three-bedroom standards above.

PROPOSED UNITS: MULTIFAMILY RESIDENTIAL APARTMENTS						
Unit Mix Phase 1B	Building Number	Building Height	# Of 3 Bedroom Units	# of 2 Bedroom Units	# of 1 Bedroom Units	Total
TYPE I	1, 5	58'	8 X 2	28 X 2	16 X 2	52 X 2
TYPE II	2, 3, 4	58'	8 X 3	40 X 3	8 X 3	56 X 3
TOTALS:			56	176	40	272

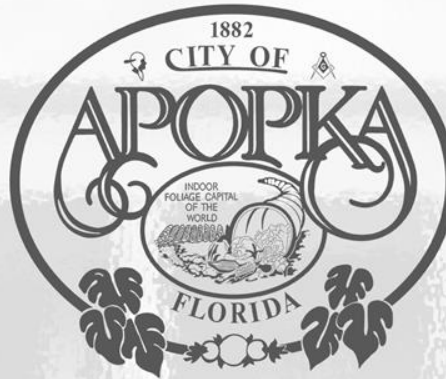






Backup material for agenda item:

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



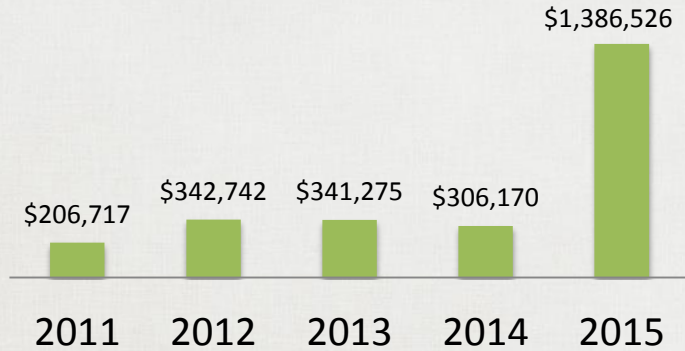
Administrative Report

May 20, 2015

To: Mayor and City Council
From: Glenn Irby, City Administrator

Finance - April

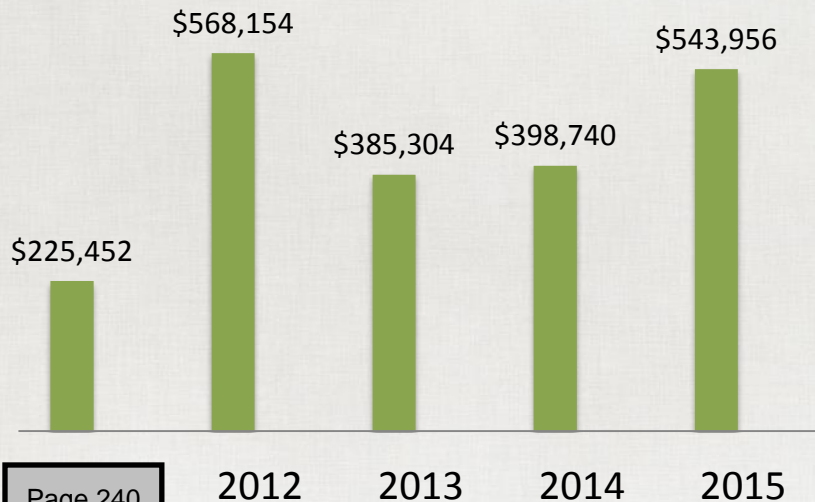
Sewer Impact



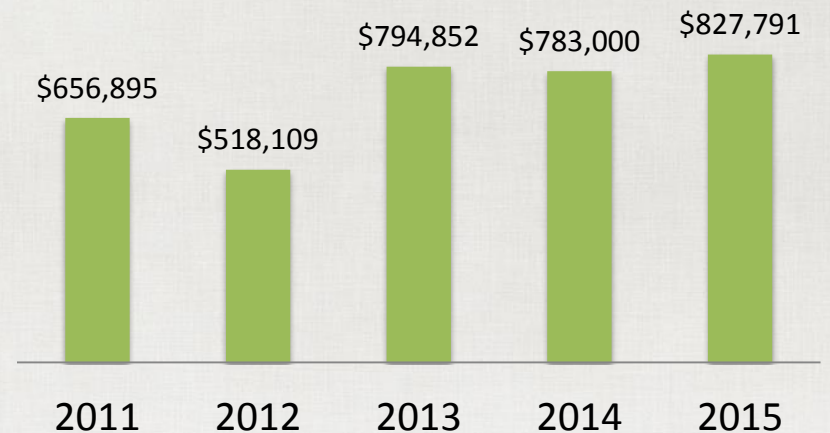
Water Impact



Transportation Impact

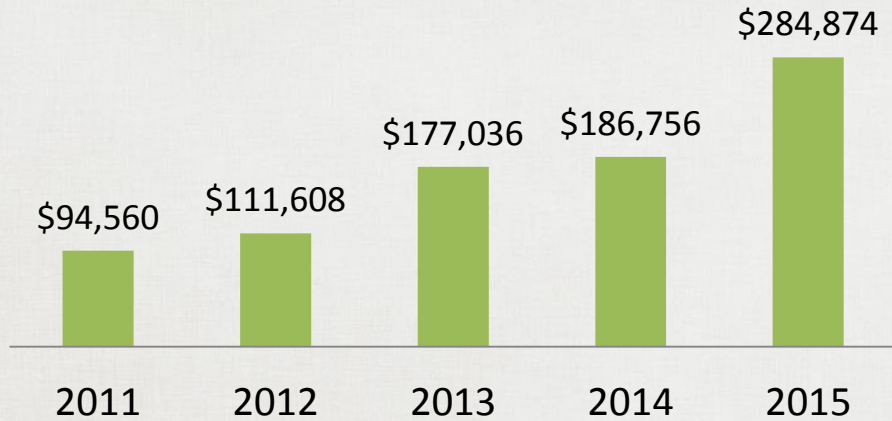


School Impact

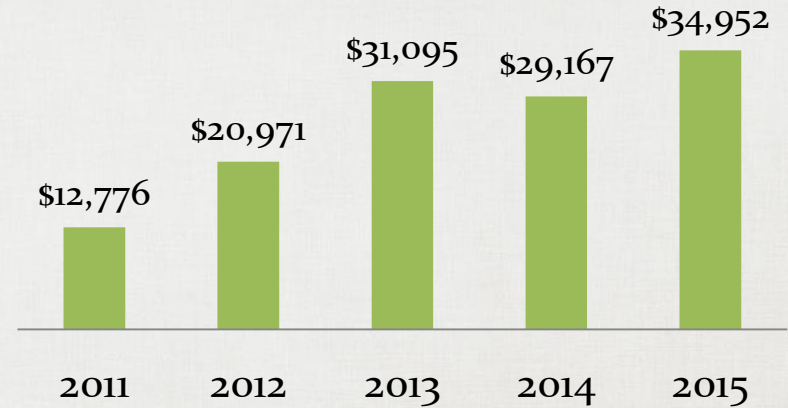


Finance - April

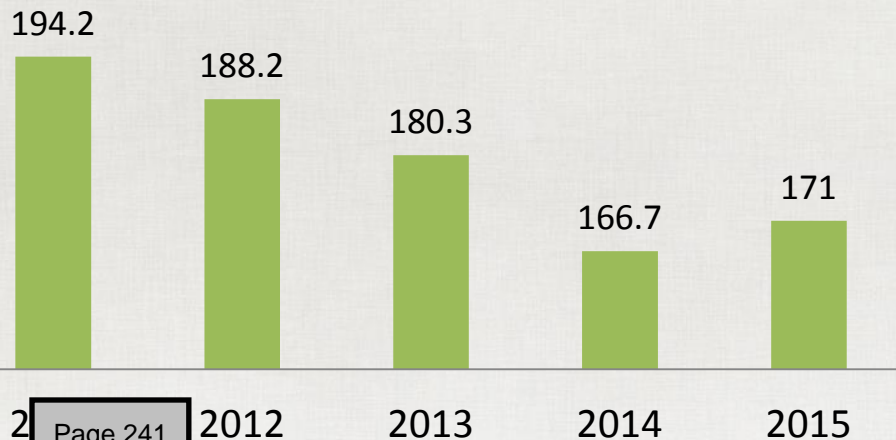
Reuse Impact



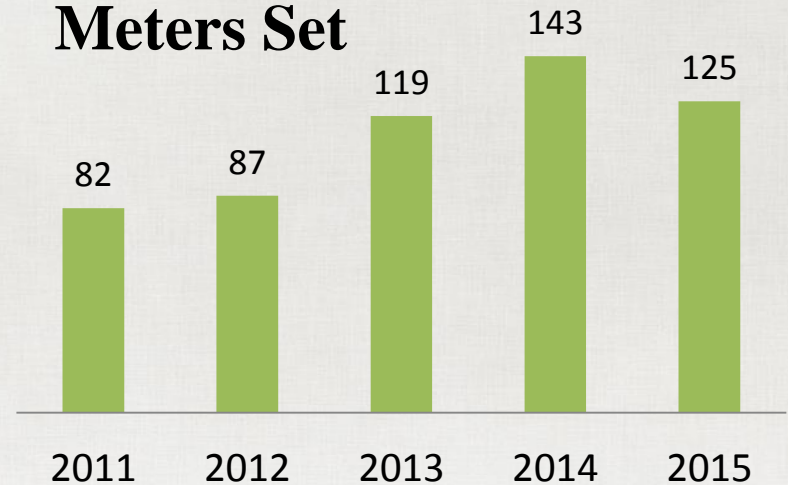
Recreation Impact



Average Potable Water Billed

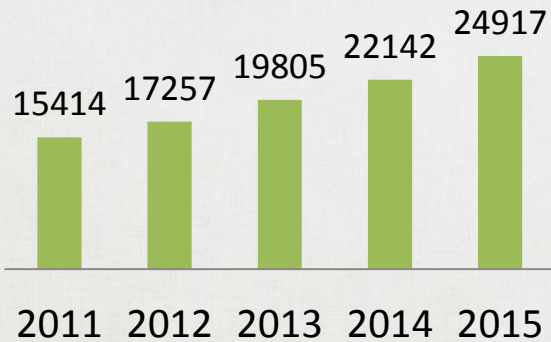


New Potable Meters Set

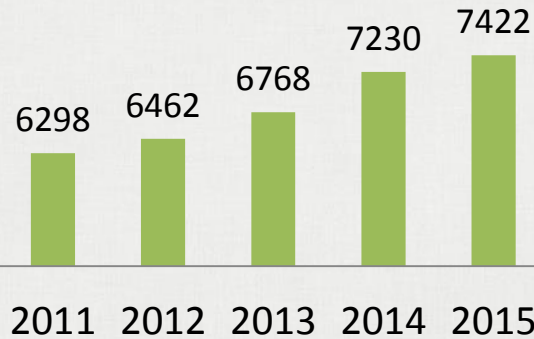


Finance / Utility Billing - April

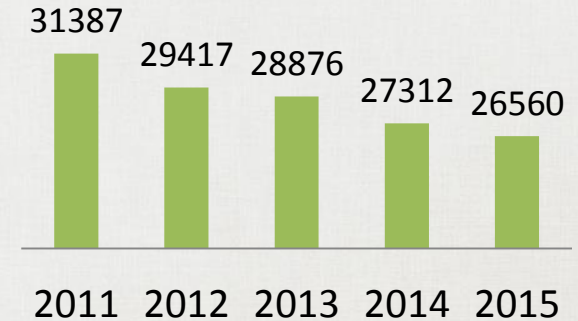
Web



Office Window



Mailed



Drop Box



ACH

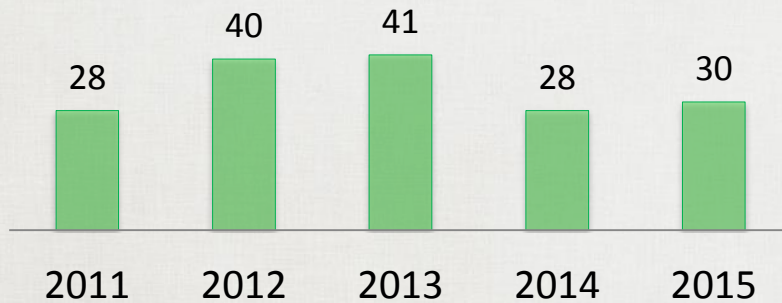


Drive-Up Window



Community Development - April

Arbor Permits



Arbor Revenues



Tree Bank Revenues



Community Development / Building - April

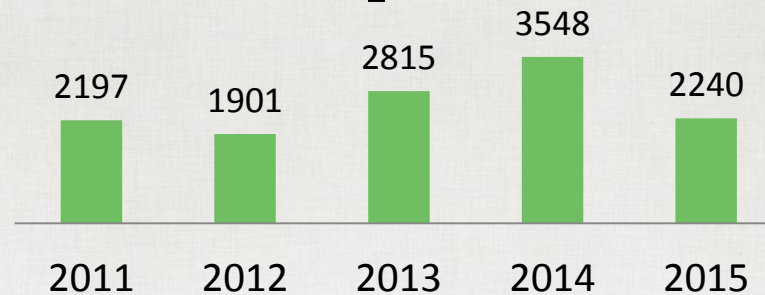
Automated Phone System Requests



Internet Inspection Requests



Office Inspection Requests



Community Development / Building - April

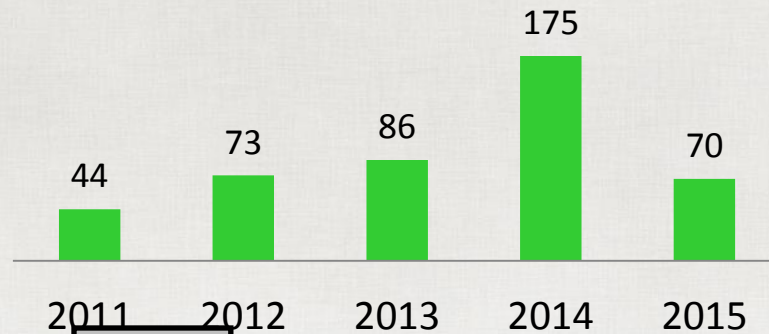
Permits Issued



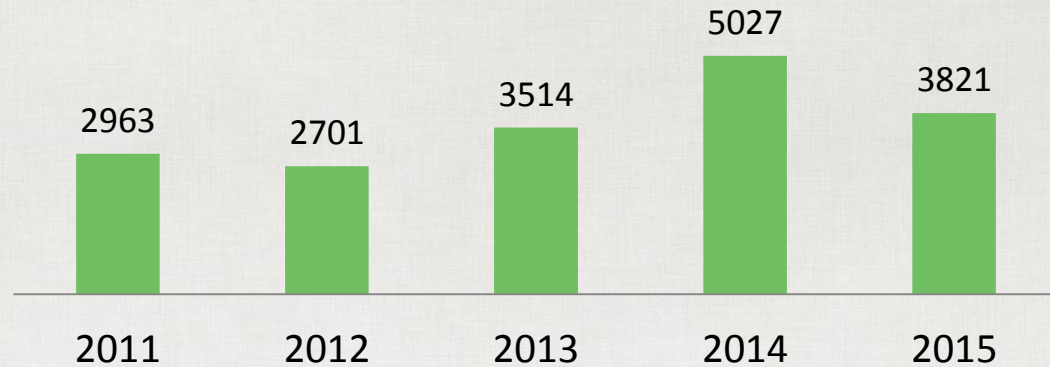
Value of Construction



Certificates of Occupancy Issued



Inspections Performed



Public Services / Water Plants - April

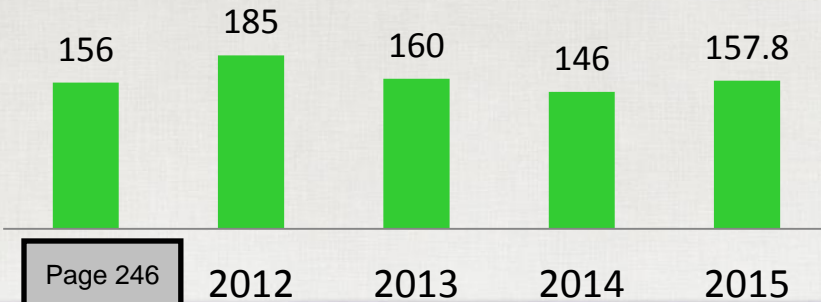
Water Plant – Average Daily Flow



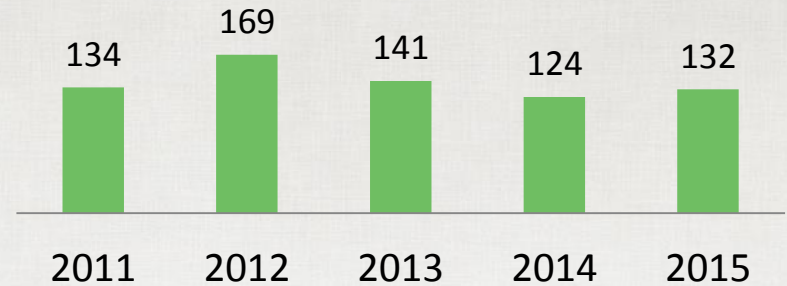
Wastewater Plant Average Daily Flow



Reclaimed Gallons Produced

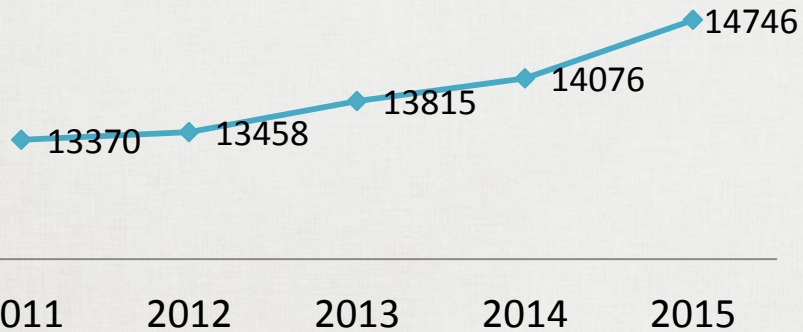


Reclaimed Gallons Used

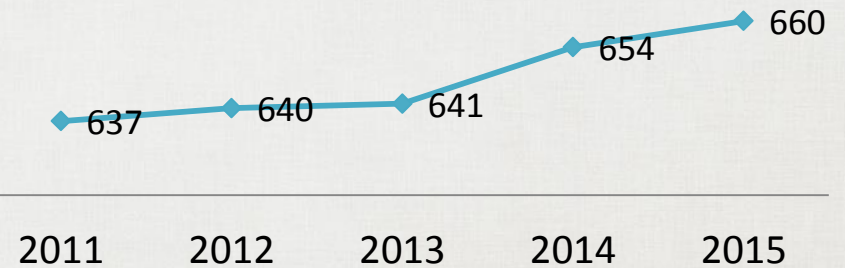


Public Services / Sanitation - April

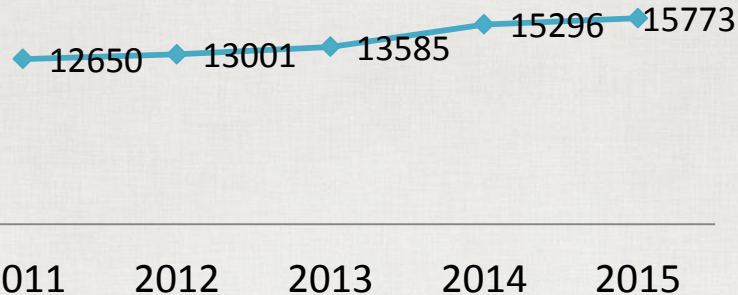
Residential Customers



Commercial Customers



Recycling Customers

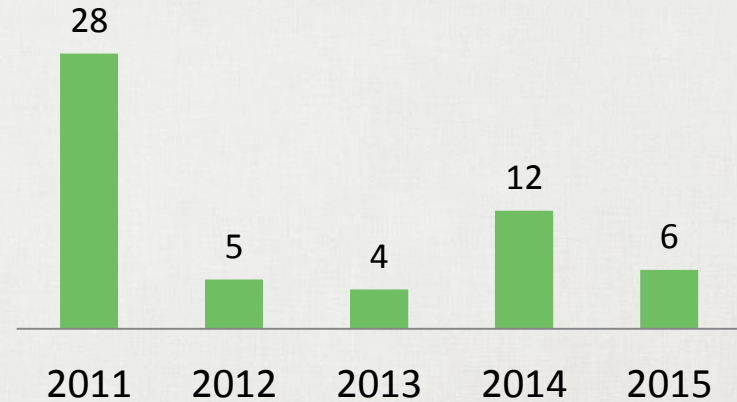


Public Services / Water Conservation - April

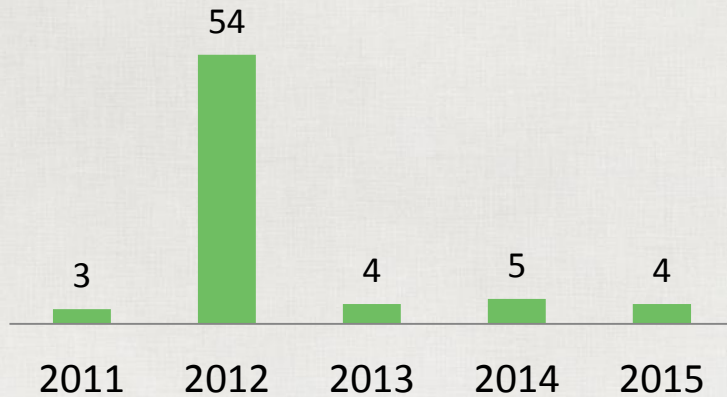
System Evaluations



Rain Sensors Issued



Program Rebates

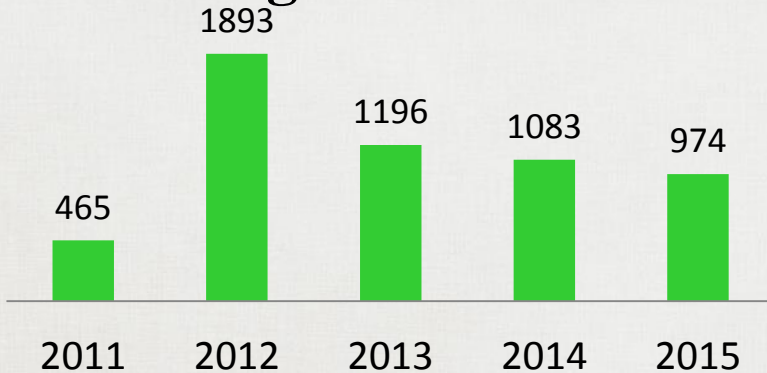


Rebate Value



Public Services / Recreation - April

Program Events



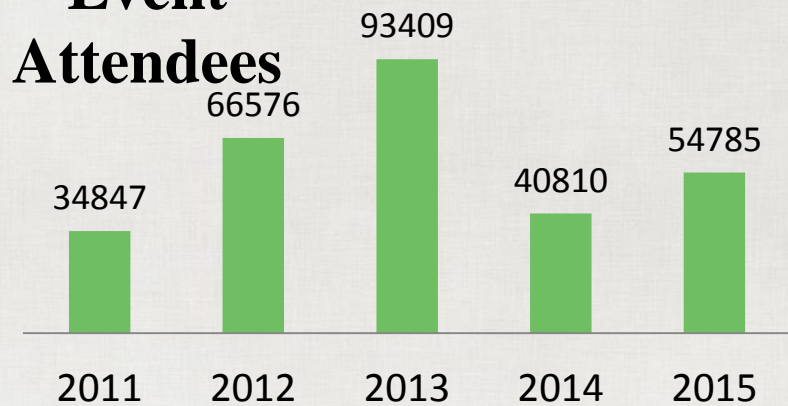
Senior Programs



Facility Rentals

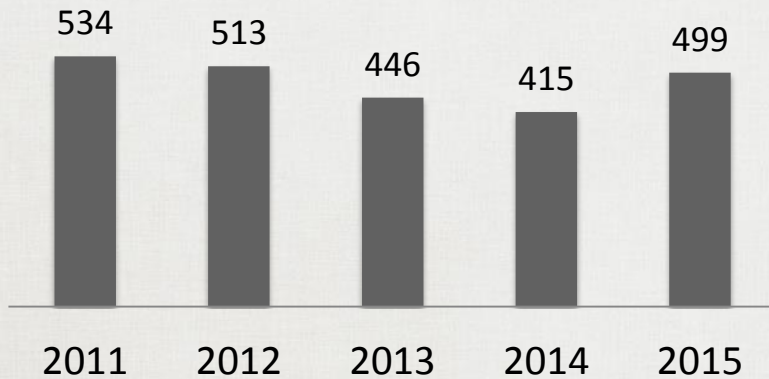


Event Attendees

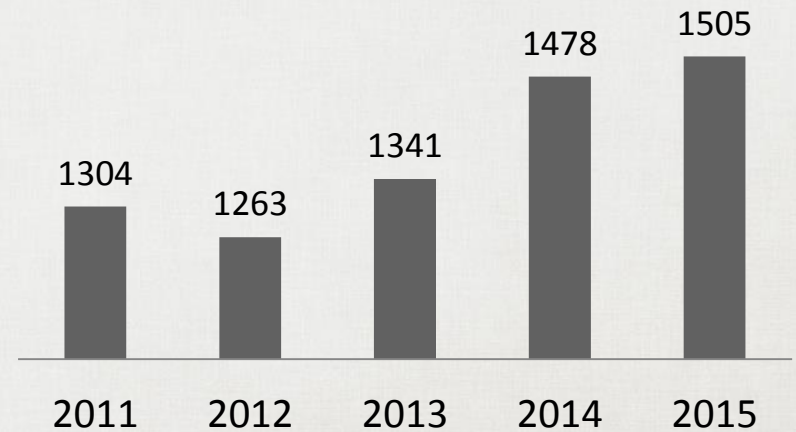


Fire - April

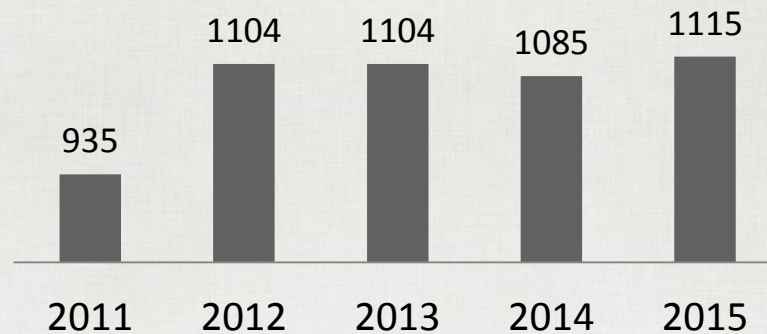
NFIRS Calls For Service



EMS Calls For Service

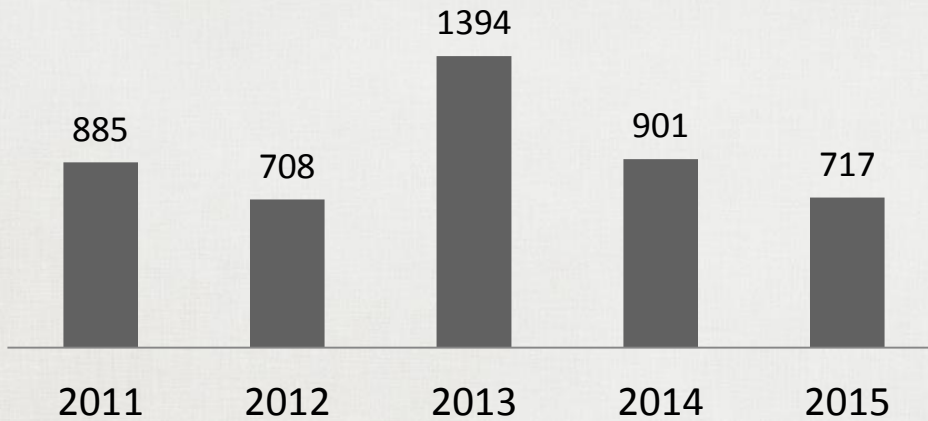


Annual Inspections

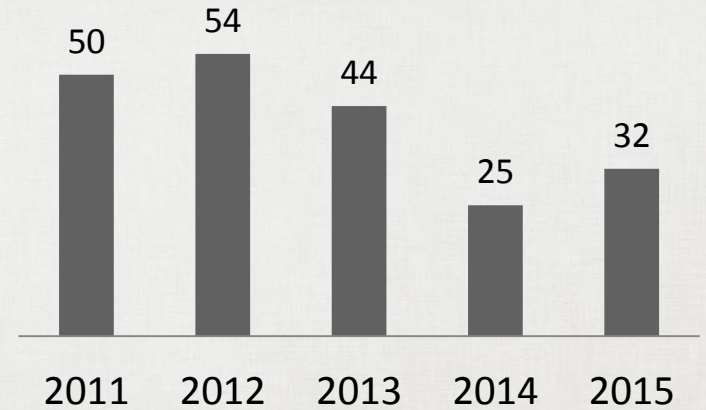


Police - April

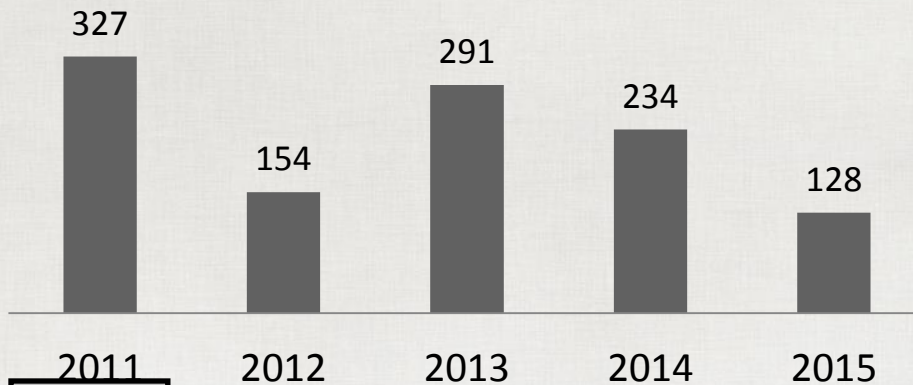
Uniform Traffic Citations



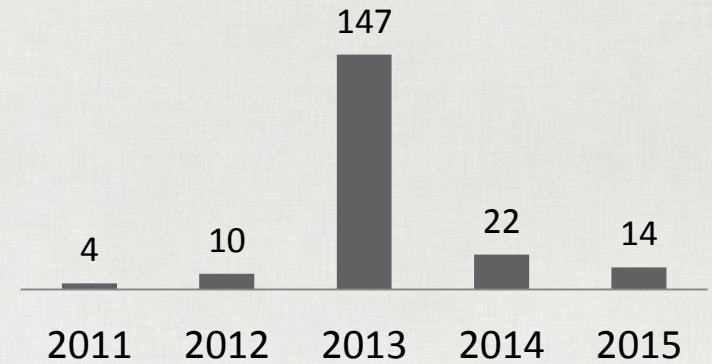
DUI Arrests



Warning Citations

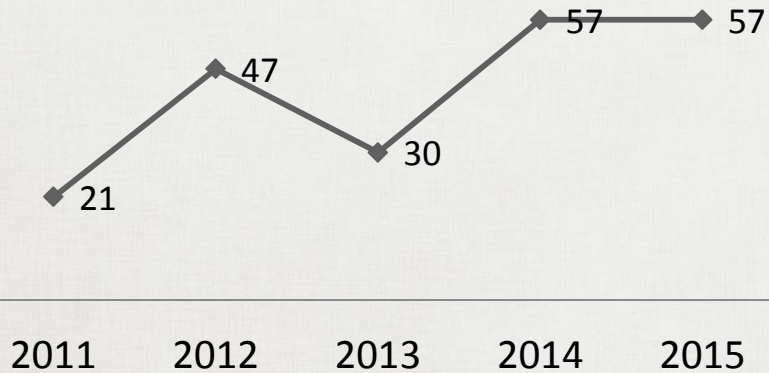


Parking Citations

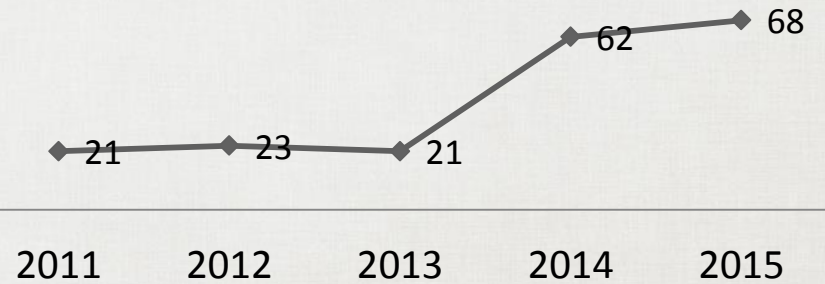


Police / Code Enforcement - April

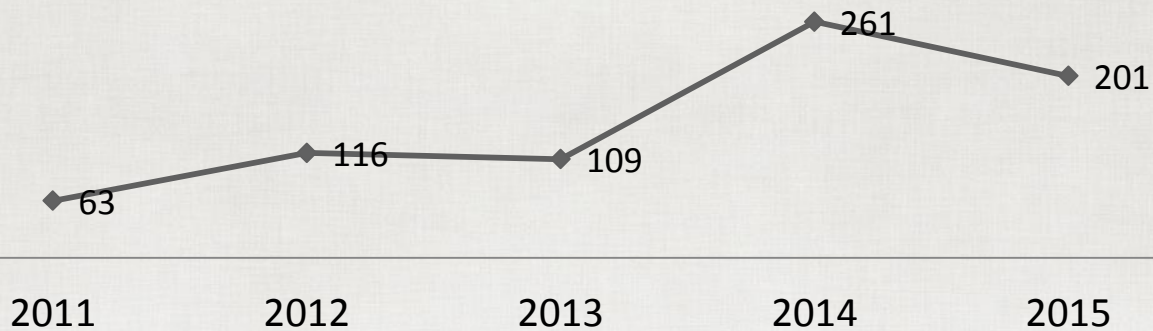
Unkempt Cases



Disabled Vehicle Cases



Total Code Enforcement Cases

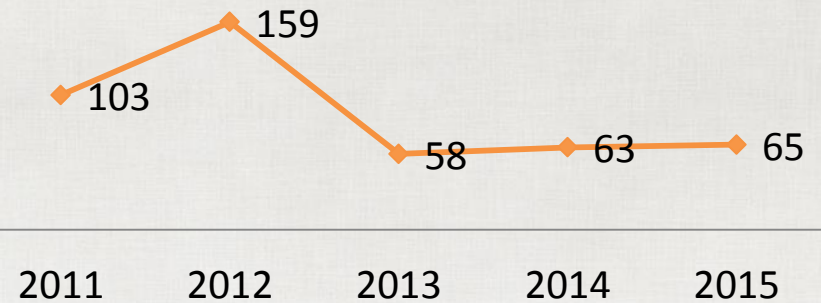


Community Development - April

New Business Tax



Business Tax Renewals

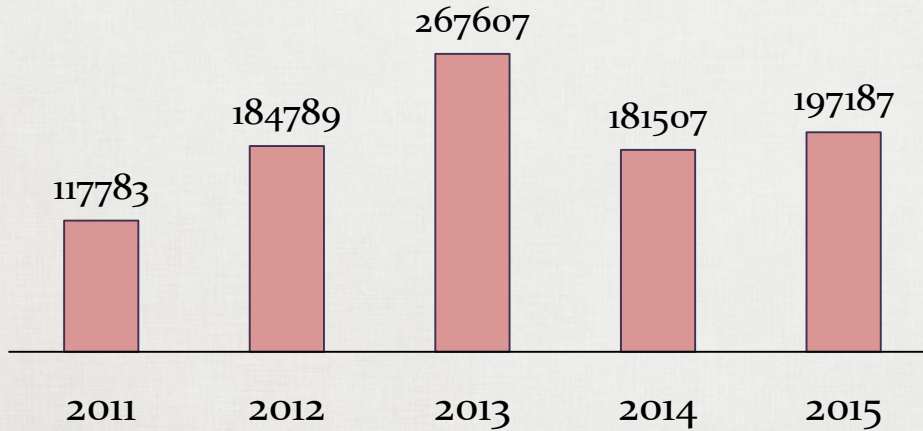


A.S.K. Apopka Service Kiosk January - April

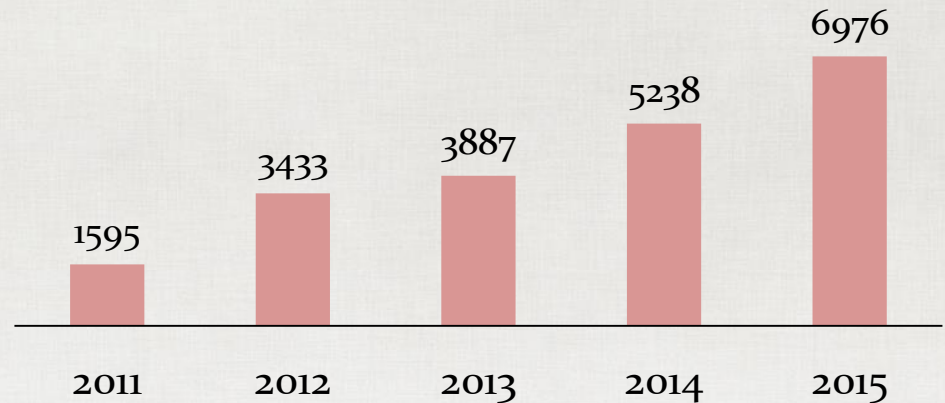


Information Technology - April

Homepage Visits



Building Webpage Visits



Thank You

For questions, call (407) 703-1750